

**Monday  
20 March 2017**

**Volume 623  
No. 127**



**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Monday 20 March 2017**

---



# House of Commons

Monday 20 March 2017

*The House met at half-past Two o'clock*

## PRAYERS

[MR SPEAKER *in the Chair*]

## Speaker's Statement

**Mr Speaker:** I know that the whole House will want to join me in offering many happy returns to Dame Vera Lynn on her 100th birthday. Dame Vera is a national treasure, but I ask colleagues not to burst into song.

## Oral Answers to Questions

### EDUCATION

*The Secretary of State was asked—*

#### School Funding: Chelmsford

1. **Sir Simon Burns** (Chelmsford) (Con): If she will make an assessment of the potential effect of the proposed new national funding formula on schools in Chelmsford.

[909319]

**The Secretary of State for Education (Justine Greening):** For Chelmsford, a shift to fairer funding would mean an overall increase in schools funding of 1.9%. We want schools and local areas to receive a consistent and fair share of the schools budget so that they can give every child the opportunity to reach their full potential. These are important reforms, and we must make sure we get them right. We want to hear a wide range of views through our consultation, which closes later this week.

**Sir Simon Burns:** Does my right hon. Friend accept that it is to be warmly welcomed that 31 out of 35 schools in Chelmsford will get increased funding as a result of the fairer funding programme? Of the four schools that will have modest decreases in funding, two are grammar schools, the funding of which will decrease owing to their relatively low number of pupils. Can anything be done to rectify that problem for two centres of academic excellence?

**Justine Greening:** My right hon. Friend is right that Chelmsford schools overwhelmingly gain from the shift to fairer funding. Our approach essentially sees money follow the child, with extra money for those pupils with extra needs. In our "Schools that work for everyone" consultation we set out our desire to see grammars take more young people from disadvantaged and lower family income backgrounds. If they do so, selective schools will also be able to benefit financially from that approach.

**Mr Speaker:** The terms of the Secretary of State's initial reply to the right hon. Member for Chelmsford (Sir Simon Burns), perfectly properly, went somewhat beyond Chelmsford. I make no criticism of that at all, but it simply widens the field to colleagues who do not represent Chelmsford.

**Ms Harriet Harman** (Camberwell and Peckham) (Lab): Thanks to increased investment and the work of teachers, other teaching staff, supportive parents and the local community, standards in our schools in Southwark have massively increased, but our schools are not overfunded. Surely it cannot be right that, per pupil, we will see a cut of £1,000 per year as a result of this so-called fair funding formula. It is not fair. Whatever levelling up the Secretary of State needs to do in other parts of the country, she should please go ahead and do so, but do not cut schools funding for the poorest children.

**Justine Greening:** Our approach will operate consistently for young people and children, wherever they are growing up. We cannot have an accountability system with similar expectations for all schools that ends up funding children differently. I simply reflect to the right hon. and learned Lady that, even after the changes we are making to introduce a fair and consistent funding formula for the first time, London's schools, because of the many challenges and factors they face, will still receive 30% more than other schools on average.

**Heidi Allen** (South Cambridgeshire) (Con): I understand that the Secretary of State has an incredibly hard job to do and that money does not grow on trees. When she reviews the consultation findings, however, I urge her to look at the core funding a school needs even to be able to open its doors, because I fear that deprivation has been overweighted in the formula.

**Justine Greening:** One thing we have seen as a result of launching the second phase consultation is the first properly informed debate on how we should be funding schools and what the relative balance of investment should be for different children with different challenges. The consultation finishes later this week, and I thank the House and colleagues for their engagement with it. We will respond to the points that people have made in due course.

**Stephen Timms** (East Ham) (Lab): Vera Lynn was a pupil at Brampton Primary School in my constituency and, along with every other school in my constituency, its budget is going to be cut under the Secretary of State's proposals. Ministers often tell us that the schools budget as a whole is not being cut. Should not that guarantee apply to individual schools such as Brampton Primary School as well as to the system as a whole?

**Justine Greening:** I pay tribute to Dame Vera Lynn, who has been an iconic and amazing figure. She is a fantastic female role model for many young girls and women growing up in our country.

We need to make sure that, for the first time, our country sees consistent funding for all children, wherever they are growing up. We have seen significant rises in the overall schools budget over the years. Indeed, this

Government have not only protected the overall schools budget in line with inflation but have made sure that the cash amount per pupil is protected, too. That is important, but we now have to make sure that we fund children in our schools fairly, wherever they are.

**Kevin Foster** (Torbay) (Con): Torbay's schools have done a great job in teaching pupils despite being among some of the most historically underfunded. Although the figure for Torbay goes up by 2.3% overall, the proposed formula hits the grammar schools quite badly, so will the Secretary of State assure me that we are still seeking a solution for those schools?

**Justine Greening:** My hon. Friend raises an important point. As I have said, it is important that we reflect the fact that our funding needs to follow children who have additional needs. In particular, we know there is an attainment gap for children from lower-income and more disadvantaged areas and families. We also know that many children will start both primary and secondary school already behind, so we need to give an uplift for those pupils to enable their teachers to help them to catch up. These are important parts of the formula but, as he set out, we need to look carefully at other aspects of it, and we will do so.

**Mike Kane** (Wythenshawe and Sale East) (Lab): I have to say to the right hon. Member for Chelmsford (Sir Simon Burns) that he is not seeing the wood for the trees. The Minister for School Standards recently wrote to the *Chelmsford Weekly News* about the uplift of 1.9%, which the Secretary of State mentioned, but there is a denial of the wider picture that £66 million is being withdrawn from funding in Essex overall. Will she explain how Chelmsford County High School for Girls, which is estimated to lose £300,000, will make its cuts?

**Justine Greening:** I think I have answered the question from my right hon. Friend the Member for Chelmsford (Sir Simon Burns), but the bottom line is that the only budget that would go up under Labour is debt interest, which would lead to fewer teachers and less investment in education, not more.

### Maintenance Loans

2. **Mr Jim Cunningham** (Coventry South) (Lab): What discussions she has had with the Chancellor of the Exchequer on the timetable for the introduction of maintenance loans for students undertaking (a) technical qualifications and (b) distance learning. [909320]

7. **Liz McInnes** (Heywood and Middleton) (Lab): What discussions she has had with the Chancellor of the Exchequer on the timetable for the introduction of maintenance loans for students undertaking (a) technical qualifications and (b) distance learning. [909325]

**The Minister for Apprenticeships and Skills (Robert Halfon):** It is essential that we support learners while they study if we are to grow the number of skilled workers that the economy needs. The Government will introduce maintenance loans for learners studying higher-level technical qualifications at level 4 at national colleges and the new institutes of technology from the 2019-20 academic year. Maintenance loans will be available for

the first time for both full-time and part-time higher education distance learners in the same year, subject to satisfactory controls being in place.

**Mr Cunningham:** Does the Minister agree with the Open University that the decision to delay maintenance loans for distance learners will adversely affect disabled students, for whom distance learning is the best option, and those from poorer backgrounds, who need maintenance loans to support them while they study?

**Robert Halfon:** I thank the hon. Gentleman for his question. I am very supportive of distance learners and the incredible work of the Open University. We want to offer these maintenance loans, but we want to get this right; we have a duty to ensure that we are providing the right value for money for the public and that the right controls are in place.

**Liz McInnes:** The Chancellor, in his Budget statement, declared a commitment to lifelong learning, yet maintenance loans have been capped as being for those of less than 60 years of age. Given this Government's apparent determination to raise the retirement age and their appalling treatment of the WASPI—Women Against State Pension Inequality Campaign—women, does the Minister agree with me, and probably with Dame Vera Lynn, that life most definitely does not end at 60?

**Robert Halfon:** It is this Government who have introduced advanced learner loans; we are going to have maintenance loans for students going to institutes of technology or national colleges, and for future distance learners; and we have just announced an extra £500 million to support further education. This Government are actually backing skills and giving people the funding they need.

**James Gray** (North Wiltshire) (Con): Britain's record in engineering and technical training at the moment is deplorable, with our being 16th among OECD countries, so I very much welcome the Minister's announcement earlier about maintenance grants. Does he agree that the private sector has a role to play? In particular, will he welcome Sir James Dyson's recent announcement that he intends to open a new technical and engineering college at Hullavington in my constituency, with it being at least partly paid for by giving the students salaries?

**Robert Halfon:** I could not have put it better myself; my hon. Friend is exactly right, and I congratulate Dyson. What is happening with that company and elsewhere in the country, with the investment the Government are putting into skills—the £500 million extra announced last week, and the £40 million for pilots in lifelong learning and studying—show that we are investing. We are putting our money where our mouth is and building a skills and apprenticeship nation.

**Gordon Marsden** (Blackpool South) (Lab): The Budget timetable, which saves the Treasury £400 million—we did not hear that from the Minister—is now a double whammy for learners. It delays until 2019 and jeopardises Lord Sainsbury's technical skills agenda, and it hits disabled and disadvantaged and distance learners, as the Open University warned the Department for Education it would. With a 30% drop in part-time learning since

2011, why is the Department planning to cut support for distance learners even further, as the Office for Budget Responsibility revealed in section A.22 of its Budget document?

**Robert Halfon:** I am amazed by the hon. Gentleman's question. I thought he would rise to celebrate the £500 million extra we are spending on further education, the £2.5 billion we will be spending on apprenticeships by 2020, or the £40 million on pilots for lifelong learning. By 2020, there will be more funding for adult education than at any time in England's history. We have a record of which we can be proud; it is time the hon. Gentleman supported us.

### Mental Wellbeing

3. **Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): What steps her Department is taking to encourage the development of resilience in children through curricular and extracurricular activities to promote mental wellbeing.

[909321]

**The Minister for Vulnerable Children and Families (Edward Timpson):** Good mental health and wellbeing are a priority for the Department, which is why we have funded guidance and lesson plans to support schools in teaching pupils about emotional wellbeing. Our recent plans to make relationships education and relationships and sex education statutory supports that agenda. Pupils can also develop soft skills, including resilience, through activities such as the National Citizen Service and the cadet expansion programme.

**Dr Johnson:** Young people's mental health is a growing concern. As with physical health, we must look at prevention as well as treatment. Will my hon. Friend the Minister meet me to discuss what more the Department for Education can do to encourage our schools to build resilience in children?

**Edward Timpson:** My hon. Friend is absolutely right that prevention is vital. We are currently inviting bids to run a trial to provide sound evidence about what works to promote good mental health in schools. Prevention will also be an important focus of the mental health Green Paper that we intend to publish later in the year. I will of course meet my hon. Friend to discuss her question, and I am sure that, once the Green Paper has been published, we'll meet again.

**John Woodcock** (Barrow and Furness) (Lab/Co-op): Is the Minister aware of the crisis in child mental healthcare in Cumbria? Does he agree that greater investment to equip teachers to help with preventive measures in the classroom is essential if we are to make children's lives better in the longer term and not store up huge problems for the future?

**Edward Timpson:** I agree with the hon. Gentleman that we need to link schools with mental health services better. One piece of work that is currently under way is on creating single points of contact in schools. We are working with child and adolescent mental health services so that not only can children be referred more quickly to the services they need, but teachers can be trained to

spot the signs and deal with them effectively within the school environment. Nevertheless, there is, of course, a lot more work to do.

**Mrs Anne Main** (St Albans) (Con): Parents who have children with autism have told me that they have great difficulty accessing curricular and extracurricular activities. What more can be done to link up CAMHS and schools to ensure that there is a crossover of information so that these conditions can be managed better?

**Edward Timpson:** As I said in the answer I just gave to the hon. Member for Barrow and Furness (John Woodcock), we are working with NHS England and CAMHS to make sure that they can better support and work alongside schools through a single point of contact, so that they can not only spread knowledge and good practice but make quicker referrals to the more specialist services when necessary. There is a strong commitment from the Government in this area, supported by the Prime Minister, and we intend to make good progress.

**Bill Esterson** (Sefton Central) (Lab): The Minister may be aware of a recent report in *The Lancet* stating that as many as 35,000 children are born every year with pre-natal exposure to alcohol, which has a significant impact on schools. What are his plans to ensure that school staff have the necessary training to understand the behavioural and educational needs of those children?

**Edward Timpson:** I am well aware of the effects of foetal alcohol syndrome. I saw them for myself as I was growing up in some of the foster children whom we looked after. I know it is a cause that the hon. Gentleman has been strongly advocating. Changes to teacher training and to teachers' standards has meant that much greater emphasis is placed on ensuring that teachers are skilled in special educational needs, of which foetal alcohol syndrome is part, but of course it is what happens on the ground that is important, and we will continue to do what we can to ensure that that practice improves.

### Priority School Building Programme 2

4. **Robert Neill** (Bromley and Chislehurst) (Con): What assessment she has made of the progress of the priority school building programme 2. [909322]

**The Minister for School Standards (Mr Nick Gibb):** The £4.4 billion priority school building programme is rebuilding and refurbishing those schools in the very worst condition. There are two phases covering 537 schools. Phase 2, which runs to 2021, sought bids from schools by the deadline of 21 July 2014, and is designed to improve the fabric of specific buildings in 277 schools.

**Robert Neill:** The Marjorie McClure school in Chislehurst is a special school that deals with young people with some of the most profound and complex disabilities. It is a magnificent school, but every year it has to turn applicants away because it simply does not have the size to cope with the numbers, and neither do the other two special schools in the borough. The school was delighted to be successful in its application, which was announced in 2015, but the first visit from anyone from the Education Funding Agency to the school was only in February of

this year. Will the Minister see what can be done to expedite this particularly special and unique set of circumstances?

**Mr Gibb:** I pay tribute to my hon. Friend for the way in which he has fought for improvements to the Marjorie McClure school, which was visited by my hon. Friend the Minister for Vulnerable Children and Families. It was successful in its bid, and it is already in the feasibility phase. The Education Funding Agency has started to identify the options available to address the condition of the building, so that we can say that we do know where and we do know when.

**Graham Jones (Hyndburn) (Lab):** Headteacher Steve Campbell, who runs The Hollins, a fantastic state school with great results in my constituency, has had problems trying to provide better sports facilities. He was supposed to have Better Schools for the Future funding in 2010, but that was pulled. It now seems that there is no hope of the children in this outstanding school getting decent sports facilities. Why is that?

**Mr Gibb:** There is £420 million available under the healthy schools capital programme. That is all part of £23 billion that we are spending between now and 2020-21 to maintain, rebuild and replace buildings in the worst condition. None of that would be possible if we did not have the strong economy that we have today and that we did not have when the hon. Gentleman's party was in power.

**Robert Jenrick (Newark) (Con):** I thank the Government for the new fund that has been made available for capital projects on special schools, £2.5 million of which is coming to Nottinghamshire to help rebuild the Newark Orchard school in my constituency. Will the Government go to greater efforts to publicise that fund so that colleagues and constituents across the country who are worried about special schools in poor condition know that it is there for them?

**Mr Gibb:** I am grateful to my hon. Friend for his question. This is a £250 million package that was recently announced, and it is part of a capital spending commitment by this Government to ensure that we have the right fabric of schools in our system. Again, that was possible only by our having a strong economy.

**John Pugh (Southport) (LD):** Has the removal and treatment of asbestos been prioritised within that programme? Many buildings of the '60s and '70s are riddled with asbestos, and we do not know the exact extent yet.

**Mr Gibb:** The hon. Gentleman is right. In March 2015, we published a comprehensive review into how asbestos is managed in schools. In February, the Department for Education published revised guidance on how to manage asbestos in schools, and it is our aim, over time, to eliminate asbestos in schools as schools are replaced or refurbished. In the meantime, schools need to ensure that asbestos-containing materials are undamaged and not in locations where they are vulnerable to damage.

## Apprenticeship Programmes

5. **Amanda Milling (Cannock Chase) (Con):** What steps her Department is taking to encourage small businesses to participate in apprenticeship programmes. [909323]

**The Minister for Apprenticeships and Skills (Robert Halfon):** We have a wealth of advice and guidance for employers and small businesses through the "Employing an apprentice" and "Recruit an apprentice" pages of gov.uk. There is information for employers on all aspects of apprenticeship recruitment. This requires training organisations to post vacancies to be viewed by and applied for by candidates using the find an apprenticeship service.

**Amanda Milling:** Although they are keen to take on apprentices, I have small businesses in Cannock Chase that are finding it difficult to identify candidates. What are the Government doing to make it easier for small businesses to connect with local colleges and potential apprentices?

**Robert Halfon:** I thank my hon. Friend for her question and for her championship of apprenticeships in her constituency. We are doing a lot: we are spending millions to incentivise small businesses and providers to take on apprentices; we have a huge communication programme—43,000 small businesses have recently been contacted by the Skills Funding Agency's "Get In. Go Far" programme—and we have a network of 500 apprenticeship ambassadors. We are doing all we can. It is worth noting that roughly 200,000 small businesses have apprentices.

**Ms Gisela Stuart (Birmingham, Edgbaston) (Lab):** The new register of apprenticeship training providers published last week excludes a significant number of successful training providers, including four in Birmingham, two in Coventry and one in Solihull. Is the Minister not aware that if he goes ahead with that decision, he will essentially be destroying technical education for 16-year-olds in the west midlands?

**Robert Halfon:** It is worth noting that 75.7% of those that applied to get on the register have been successful. One hundred and seventy further education colleges got on to the register, as did 178 providers of apprenticeship training in Birmingham. No existing apprentices in the colleges will be affected.

**Mr Philip Hollobone (Kettering) (Con):** What message can I give small businesses in Kettering about the incentives given to apprenticeship training providers to link up with small businesses rather than larger ones?

**Robert Halfon:** The good news is that the taxpayer is spending millions of pounds to incentivise small businesses and providers to have apprenticeships. In addition, we have the huge communications programme that I highlighted earlier.

**Jack Dromey (Birmingham, Erdington) (Lab):** Employers have "high expectations", the college has "good standards", and young people are "ambassadors" for apprenticeships. That is the verdict of Ofsted on Birmingham Metropolitan

College, yet it is one of four colleges in Birmingham—13 in the west midlands—that have been denied access to the apprenticeship levy and will have to cease providing apprenticeships. Does the Minister begin to understand the outrage over this inexplicable decision? Will he meet Birmingham's MPs, so that we can make further representations to him?

**Robert Halfon:** I am happy to meet MPs from Birmingham and any other area. The crucial aim behind the decision is to improve quality. Getting on the register is a competitive procurement process—everyone had to fulfil the same criteria. It is important to note that, from tomorrow, those that did not get on the register can reapply, so they may yet succeed.

### Selective Secondary Education

6. **John Glen** (Salisbury) (Con): What steps she is taking to support and expand selective secondary education. [909324]

15. **Neil Parish** (Tiverton and Honiton) (Con): What steps her Department is taking to support the expansion of grammar schools. [909334]

**The Secretary of State for Education (Justine Greening):** Under our national funding proposals, more money will follow students, particularly to schools that are educating pupils who are disadvantaged and from lower-income families. On the roll of one of the schools my hon. Friend the Member for Salisbury (John Glen) has highlighted, 25% of the young people are on free school meals, whereas the proportion in the other school is less than 1%. That accounts for the majority of the difference.

**John Glen:** May I draw my right hon. Friend's attention to the grammar schools in my constituency, which face a cut of 3% in their funding under the proposed formula, despite a school up the road getting an increase of 11%? Will she examine how, within the absolutely necessary Treasury constraints, such inexplicable outcomes can be avoided? We must be sure that selective schools understand that the Government are fully on their side.

**Justine Greening:** As my hon. Friend points out, I do not get to write my own cheques and I have to live within my departmental budget. We are looking carefully at how to get the fair funding approach right. I agree that we have to make sure that similar children facing similar challenges and with similar needs are consistently funded, wherever in the UK they live, and of course we want to support successful schools.

**Neil Parish:** Colyton Grammar School in my constituency has a great headteacher, wonderful staff and pupils with huge levels of attainment. The school would very much like to expand. How can the Secretary of State help it to expand more than it can at the moment?

**Justine Greening:** To build on my previous point, the consultation, "Schools that work for everyone", also covered our proposals to allow expanding existing selective schools to be able to offer more choice to parents and our proposals to increase the number of school places at good and outstanding schools. We will make available dedicated funding of up to £50 million a year to support those schools to expand.

**Lucy Powell** (Manchester Central) (Lab/Co-op): When will the Secretary of State publish her much briefed White Paper, given that purdah begins on Thursday? Will that White Paper contain requirements on existing grammar schools to increase the number of free school meal children? Will she clarify to the House why the words "selection" or "grammar" did not pass her lips in her 30-minute opening speech on education in the Budget debate?

**Justine Greening:** The hon. Lady tries to get me to pre-empt my White Paper, which will come out in the coming weeks. I am pleased that Labour Front Benchers are finally engaging in the fact that there is a real chance to ensure that we have an approach to selection that works in the 21st century and for our education system as it is today.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Is the Secretary of State aware that today is International Happiness Day? If she wants to make a lot of people in this country happy, she will renounce this dedication to grammar schools and free schools, and invest in the education of all children up and down the country.

**Justine Greening:** I am delighted that the hon. Gentleman has alerted me to the fact that it is International Happiness Day, but he is completely at odds with his Front Bench. We have no idea what Labour's approach to selection is. We will be publishing our White Paper in response to our consultation, but I suspect that the Labour party will remain a policy-free zone.

**James Berry** (Kingston and Surbiton) (Con): In the Budget, £320 million was announced for new schools, some of which may be grammar schools. Will my right hon. Friend confirm that new schools are desperately needed and that, although some may be grammar schools, that does not affect the revenue funding that this House has discussed in many questions today?

**Justine Greening:** Indeed, and my hon. Friend is absolutely right. We have to plan ahead. We know that we need to create more good school places for the children coming through our education system. Some school places will be in response to choices at a local level for selective schools, but others will be non-selective school places and places for meeting the needs of local communities.

**Carol Monaghan** (Glasgow North West) (SNP): Under the academies scheme, the teaching profession in England has experienced a sustained attack on its terms and conditions, including salary awards below nationally agreed pay scales. Can the Secretary of State guarantee unequivocally that no teachers in proposed new selective schools will be paid below nationally agreed rates?

**Justine Greening:** We need to ensure that schools have more freedoms to be able to run themselves in a way that means they can deliver strong educational outcomes. I notice that the hon. Lady clearly does not want to talk about the fact that standards in Scotland are going backwards in science, maths and reading.

**Angela Rayner** (Ashton-under-Lyne) (Lab): It is a pleasure to debate with the Secretary of State again, a few weeks after we both appeared on "Question Time"; but now it is answer time. The Prime Minister promised

last week to expand selective education with 70,000 new free school places funded by £320 million in the Budget. Given that free school places cost more than £21,000 each to create, £320 million is not enough for 17,000 places, let alone 70,000. I set the Education Secretary a simple maths question last week, but she did not answer, so it is time for a resit. Just how many places will be created, and at what cost?

**Justine Greening:** I would have hoped that the hon. Lady welcomed the fact that we announced £500 million extra for school capital, and that is not just for ensuring that we have more places for children who need them. Part of that is £200 million to improve the existing school estate. She asks about the numbers. She seems to have misunderstood that the numbers relate to the amount that is being spent during this Parliament. Of course, there will be further investment in the next Parliament, which I would hope that she welcomed.

### Pupils from Disadvantaged Backgrounds

8. **Matt Warman** (Boston and Skegness) (Con): What steps the Government is taking to increase access to educational opportunities for pupils from disadvantaged backgrounds. [909326]

**The Minister for Vulnerable Children and Families (Edward Timpson):** As I told the House last month, increasing educational opportunity for disadvantaged pupils underpins our commitment to make sure we have a country that works for everyone. Through the pupil premium, worth £2.5 billion this year, we are narrowing the gap between disadvantaged pupils and their peers. In 2016-17, £4.2 million of this funding was allocated to schools in Boston and Skegness.

**Matt Warman:** I recently hosted Boston and Skegness's first constituency schools conference, bringing together governors and teachers, and I thank the Secretary of State for her personal involvement in helping with that. However, what I heard at that conference was that, while teachers and governors welcome the extra £4.6 million that is proposed to come to Lincolnshire, they believe we could hear after the consultation closes that the money will be better distributed, so that secondary schools, in particular, will see Lincolnshire's unique needs addressed. Can the Minister confirm that the consultation will address that?

**Edward Timpson:** I am sure that the Secretary of State has heard my hon. Friend's plea, and I am sure that he heard what she said in relation to that matter. However, another change the Government have brought in that will help disadvantaged children, and which should not be forgotten, is around progression measures and making sure the progress of every child counts towards a school's measured performance. I am sure that will help all pupils in my hon. Friend's area, as well as across the country.

24. [909343] **Karin Smyth** (Bristol South) (Lab): My constituency sends the least children to university. Bristol University's Bristol scholars scheme, which is

aimed at widening access, has taken a third of its pupils from private schools. Does the Minister agree that that makes an entire mockery of the scheme?

**Mr Speaker:** I fought the hon. Lady's constituency, but, unfortunately for me, and probably beneficially for her, the constituency fought back.

**Edward Timpson:** We of course welcome initiatives, such as the one the hon. Lady has described, to widen participation in higher education. In 2017-18, universities intend to spend more than £833 million on measures to improve access and student success through their access agreements for students from disadvantaged backgrounds—up significantly from £404 million in 2009.

21. [909340] **Steve Double** (St Austell and Newquay) (Con): Some of our most deprived communities are found in rural and coastal areas. What account is the Department taking of the particular challenges schools face in rural and coastal areas such as those in Cornwall?

**Edward Timpson:** My hon. Friend will know that part of the consultation is looking at that aspect of our school geography, and the sparsity factor seeks to address it. However, we also have the new opportunity areas, which are looking at parts of the country, including coastal towns, where schools face particular challenges, and we can try to home in on those and spread good practice.

**Steve McCabe** (Birmingham, Selly Oak) (Lab): How on earth does cutting the funding to 35 schools in my constituency, followed by the news that the business rate revaluation will cost them thousands of pounds more, do anything to help educational opportunity? How does the Minister sleep at night knowing the detrimental effect the Government's policies will have on the education of children across Birmingham?

**Edward Timpson:** With an eight-week-old baby, I am not sleeping particularly well at the moment. However, business rates are funded, and a consultation is taking place to try to ensure that the funding we have available for schools, which is at record levels, is distributed as fairly as possible.

19. [909338] **Lucy Allan** (Telford) (Con): What measures will the Minister take to ensure that selective and top-performing secondary schools such as Thomas Telford School in my constituency are accessible to children irrespective of their backgrounds?

**Edward Timpson:** As part of the consultation, we propose a number of conditions that would make new selective schools more accessible to children from low-income backgrounds. We are analysing all the responses we have had to the consultation, which I am sure include responses from my hon. Friend's constituency, and we plan to publish a formal response in the spring.

**Dame Rosie Winterton** (Doncaster Central) (Lab): May I, through the Minister, thank the Secretary of State for her reply to me regarding the application for a university technical college in Doncaster, which will increase educational opportunities for pupils from

disadvantaged backgrounds? However, will he make sure that other Ministers keep me and other MPs informed about the progress of further discussions? I know we have to get on with this quickly, but will he undertake to do that and perhaps to meet us to discuss the best way forward?

**Edward Timpson:** I am happy to give that undertaking. We have a new UTC in Crewe that is performing extremely well for pupils wanting to get into engineering. I am sure that pupils in the right hon. Lady's constituency want to have similar opportunities available to them. Of course we remain open to any further conversations as this progresses.

### School Funding Formula

9. **Rushanara Ali** (Bethnal Green and Bow) (Lab): What assessment she has made of the potential effect of the new national funding formula on the capacity of schools to provide high-quality education for all. [909327]

**The Minister for School Standards (Mr Nick Gibb):** My national funding formula proposals will mean that we will have a clear, relatively simple and transparent funding system that matches funding to children's needs and to the schools they attend to ensure that all pupils reach their full potential regardless of where they live. We recognise that schools are facing cost pressures, which is why we will continue to provide support to help them use their funding in cost-effective ways without affecting educational outcomes.

**Rushanara Ali:** The National Audit Office and the Education Policy Institute have both highlighted the risk of standards falling because of an 8% real-terms cut. In London, 70% of schools face cuts, yet we have the highest child poverty in the country. This is dangerous and divisive, and a cap on aspiration. Is it not time we had another U-turn this week?

**Mr Gibb:** The EPI has said that the national funding formula is broadly welcome. David Laws, its executive chairman, said that

"the department is right to pursue a formula which targets a significant proportion of funding to disadvantaged pupils".

The hon. Lady will know that inner London remains the highest-funded part of the country; it is 30% better funded on a per-pupil basis than the national average.

**Michael Fabricant** (Lichfield) (Con): It might be International Happiness Day, but I can tell my right hon. Friend that parents in Staffordshire are pretty unhappy, actually, because they are in a county that is in the bottom 15 of funding throughout the UK. Fairer funding must not just be open; it needs to be fair, too, and Staffordshire schools are losing out. That is unacceptable.

**Mr Gibb:** I am sure that my hon. Friend will be making representations through the consultation process. The consultation closes on Wednesday, and we will listen to and read very carefully all the contributions. Funding in his constituency rises by about 1.2%, equal to about £600,000, and 65% of his schools will see an increase.

Several hon. Members *rose*—

**Mr Speaker:** Order. I am keen to get through some more questions, but we do need shorter questions and shorter answers.

17. [909336] **Ruth Cadbury** (Brentford and Isleworth) (Lab): Heads in my constituency have told me that they are already having to cut teachers, teaching assistants, key courses and even school hours, and from Friday's EPI report we find that there are unlikely to be any schools in England that will avoid per-pupil funding cuts. Does the Minister recognise that the Government are breaking yet another manifesto promise?

**Mr Gibb:** No; 54% of schools in this country will gain funding under the national funding formula. The hon. Lady will be aware that her local authority, Hounslow, will see overall funding for schools rise from £170.7 million to £171.2 million as a result of the national funding formula.

**Caroline Ansell** (Eastbourne) (Con): My right hon. Friend will know that I am the only Member of Parliament in England and Wales who can say that every school in their constituency will either hold steady or see a rise. May I thank him for looking at a funding formula that has for too many years disadvantaged some schools? This goes to show how extraordinarily hard it has been for some of our schools to deliver quality education.

**Mr Gibb:** I am grateful to my hon. Friend for her support for the national funding formula. It is a fair funding formula that gives priority to disadvantage and to low prior attainment. For too long, too many parts of the country have been underfunded, and this will remedy that.

20. [909339] **Mr Steve Reed** (Croydon North) (Lab): How will the new national funding formula help students at Paxton Primary Academy in Thornton Heath, which is now in its third year in portakabins piled up in the back yard of a rugby club? Because work still has not started on its permanent school, it is now looking at its fourth, and possibly even fifth, year in portakabins. It is unacceptable that this should continue. Will the Minister meet me and parents to discuss how to resolve the situation?

**Mr Gibb:** Yes, I am happy to meet the hon. Gentleman. Ninety-six per cent. of schools in temporary accommodation have a permanent site, and in the vast majority of cases they are on temporary sites for just one year. These are exceptional circumstances where it is more than four years.

**Mrs Theresa Villiers** (Chipping Barnet) (Con): A group of parents I met on Friday asked whether the funds that were saved as a result of the Government's change of heart on forced academisation could be used to support schools currently facing funding pressures.

**Mr Gibb:** My right hon. Friend knows how dealings with the Treasury work; one has to justify every penny. We managed to secure a very good deal with the Treasury, and we have the highest level of school funding—£40 billion, rising to £42 billion by 2019-20, as pupil

numbers rise—at a time when we seek to continue to tackle the public sector deficit that we inherited from the Labour party.

**Mr Speaker:** We will have two questions from the hon. Member for Ashton-under-Lyne (Angela Rayner). They need to be extremely brief, otherwise we will just have to move on.

**Angela Rayner** (Ashton-under-Lyne) (Lab): Earlier, I set the Secretary of State a simple maths question on free schools, but I do not think we had a clear answer. So let me set her one on verbal reasoning. If David promised to protect school spending per pupil and Justine's new funding formula cuts spending per pupil in more than 9,000 schools, what does that make Theresa?

**Mr Gibb:** In our manifesto, we said that we would protect school funding in real terms. We have protected school funding in real terms. It is at £40 billion—the highest level on record—and it will rise to £42 billion by 2019-20, as school pupil numbers rise. Given the way in which the Labour party managed our economy in the past and the way in which it intends to do so in future, I do not believe that if the party ever got into power, it would be able to match that level of funding.

**Angela Rayner:** I do not think I heard an answer about the promise that the Conservative party made. At this rate, the Conservative manifesto will turn out to be the greatest work of fiction since Paul Nuttall last did his CV. We are in favour of fairer funding, but this is not fair and it is not funded, either. Will the Secretary of State finally tell us whether the Conservatives are going to keep the promise made by the last Prime Minister that not one pupil would lose one penny in school funding throughout this Parliament?

**Mr Gibb:** We made it clear that we would maintain the funding of schools, in real terms, and that is precisely what we are doing. At a time of fiscal constraint, when we have to tackle a £150 billion public sector budget deficit inherited from the Labour party, we have still protected school funding in real terms. At the same time, we are introducing a fairer funding system—something that the Labour party failed to do in all the years that it was in office.

#### Social Mobility: School/University Students

10. **Danny Kinahan** (South Antrim) (UUP): What steps she is taking to enhance social mobility for school and university students. [909328]

**The Secretary of State for Education (Justine Greening):** I put social mobility at the heart of everything my Department does. Through our plans to create more good school places and transform teaching, combined with new legislation to support greater access to university and investment in technical education, we aim to ensure that where a student comes from does not determine where they get to in life.

**Danny Kinahan:** At the all-party group on universities the other day, we had an excellent presentation from Sunderland University on all aspects of helping to improve social mobility. Can we ensure that that stretches

down to all types of schools—academies, grammars and secondary—and that we learn from each other, particularly in the devolved institutions?

**Justine Greening:** Indeed; I fully agree. The Higher Education and Research Bill will enable us to do more to widen access and increase the participation of these sorts of students. Of course, the “Schools that work for everyone” consultation document is all about making sure that universities, alongside grammars, faith schools and independent schools, can play a stronger role in lifting attainment for all.

#### Freedom of Speech: Student Campuses

11. **Mr Douglas Carswell** (Clacton) (UKIP): If she will make it her policy to issue guidance to higher education institutions on ensuring freedom of speech for students on campuses. [909329]

**The Minister for Universities, Science, Research and Innovation (Joseph Johnson):** A broad range of higher education institutions are covered by an existing legal duty under the Education (No. 2) Act 1986 to take “reasonably practicable” steps to secure freedom of speech; and the Higher Education and Research Bill, which is currently in the other place, proposes to extend that to all registered providers. The hon. Gentleman will be interested to know that I have today written to the sector highlighting the importance of this duty, reminding institutions of their responsibilities in this respect and emphasising the importance of action when freedom of speech issues arise.

**Mr Carswell:** Notwithstanding the obligations under section 43 of the 1986 Act, does the Minister believe that action is needed to safeguard universities as places of free speech and challenging ideas?

**Joseph Johnson:** Indeed. Policies and codes of practice should not simply be allowed to gather dust; they are crucial to demonstrating to students that free speech should be at the heart of our university system. They need to be meaningful documents that students and staff understand and, crucially, respect.

#### School Exclusions

12. **Norman Lamb** (North Norfolk) (LD): What assessment she has made of the adequacy of support provided to children excluded from school. [909330]

**The Minister for Vulnerable Children and Families (Edward Timpson):** There are, of course, duties to ensure that children who are excluded from school have education in place. Although there are some excellent examples of alternative provision across the country, overall outcomes for children who remain in AP are not good enough. That is why our ambition to make schools responsible for commissioning AP and to ensure that they remain accountable for the outcomes of those pupils, including in circumstances in which a pupil has been permanently excluded, is so important.

**Norman Lamb:** Does the Minister share my horror at the dramatic increase in the number of permanent exclusions in Norfolk—296 in the last academic year,

with 100 students, at the last count, waiting for a place at the short stay school? Given the awful results outcomes for children who are permanently excluded, what message will he send to Norfolk about sorting out this unacceptable situation?

**Edward Timpson:** Exclusions should always be a last resort, and we need to make sure there are no inappropriate exclusions in Norfolk or anywhere in the country. I am meeting the right hon. Gentleman on another matter, so perhaps we can discuss this at that meeting.

### Further Education

13. **David Rutley** (Macclesfield) (Con): What steps the Government are taking to improve the quality of further education. [909332]

**The Minister for Apprenticeships and Skills (Robert Halfon):** We are building an apprenticeship and skills nation, and crafting a ladder of opportunity to create widespread provision to meet our skills needs and to help those with social disadvantage. We are spending £80 million on national colleges and £170 million on institute of technology colleges, with extra money for further education.

**David Rutley:** I welcome the progress that Ministers are making in helping to raise the profile of and standards in technical education. What steps are being taken to help to improve the job prospects of the young people who will benefit from the £500 million investment announced in the Budget?

**Robert Halfon:** From 2019, students will have a choice of two routes: an academic route, or a state-of-the-art technical route with 15 different routes within it. We are investing in that, as I have said, and we are investing an extra £500 million on top of the existing funds. We are building the skills and apprenticeship nation that our country needs, and we are creating the skills that people and employers need.

18. [909337] **Mr Alan Mak** (Havant) (Con): High-quality further education, linked to STEM—science, technology, engineering and maths—skills and the needs of employers will help Britain to lead the fourth industrial revolution. Will the Minister join me in welcoming T-levels, which will help our young people to secure the jobs of the future as the workplace evolves?

**Robert Halfon:** My hon. Friend is exactly right, and I congratulate him on the work that he does in this area. T-levels, our technical education reforms, our apprenticeship reforms and our strong backing of further education are exactly what we need to do to create the skills to make sure that people have the jobs and the skills that they need for their futures.

### Apprenticeship Places

14. **Sir David Amess** (Southend West) (Con): What recent representations she has received on the number of available apprenticeship places. [909333]

**The Minister for Apprenticeships and Skills (Robert Halfon):** Apprenticeships are jobs, and availability is determined by employers offering such opportunities. Our ambition is to reach 3 million apprenticeship starts by 2020, and to support the growth of apprenticeships across different sectors and regions.

**Sir David Amess:** Will my right hon. Friend join me in congratulating the Central Training Group's Central Hairdressing Academy in Southend on its support of apprenticeships and its excellent results, and will he reflect on the view that trainers feel that a lot of pressure is put on children to stay on in the sixth form who might benefit from taking an apprenticeship?

**Robert Halfon:** My hon. Friend is exactly right. I congratulate the hairdressing academy on its support of apprenticeships. We now have 900,000 apprentices—the record highest number ever—and we have 784,000 starts. We are building the apprenticeship nation, and giving those young people a ladder of opportunity.

### Topical Questions

T1. [909309] **Ruth Cadbury** (Brentford and Isleworth) (Lab): If she will make a statement on her departmental responsibilities.

**The Secretary of State for Education (Justine Greening):** The Budget announced a £500 million investment in technical education—it was hailed by the CBI as a “breakthrough Budget for skills”—and on top of that it also provided an additional £500 million for new school places and school refurbishment. That is in addition to our announcements over the past month of £450 million for school sports facilities and of a £250 million fund to help schools to support students with disabilities properly.

I am delighted to say that we are taking forward amendments to the Children and Social Work Bill, enabling us to put age-appropriate relationship and sex education in secondary schools and relationship education in primary schools on a statutory footing. I want to thank the House for its support in enabling us to do that.

**Ruth Cadbury:** A simple yes or no will suffice: does the Education Secretary agree with the International Trade Secretary who said when he was in front of the Lords International Relations Committee, and with the Chancellor and the Foreign Secretary, that students should not be included in official immigration statistics?

**Justine Greening:** I think the important thing is actually that we remain an open country for international students, because that is one of the best ways in which we can ensure that our university sector stays world class.

**Several hon. Members** *rose*—

**Mr Speaker:** I have been advised—as I could have seen with my own eyes, but I must admit that I had not—that the hon. Member for Romford (Andrew Rosindell) is not in the Chamber. Fortunately, the hon. Member for Gillingham and Rainham (Rehman Chishti) is here, so we will hear him.

T4. [909312] **Rehman Chishti** (Gillingham and Rainham) (Con): Will the Minister for School Standards join me in congratulating Rainham School for Girls on winning the national Rotary technology tournament in the 11 to 14 age group? Will he clarify what steps the Government are taking to increase the number of girls taking up STEM subjects?

**The Minister for School Standards (Mr Nick Gibb):** I am happy to join my hon. Friend in commending schools that teach subjects well, such as Rainham School for Girls. Good-quality teaching is vital to encouraging more students to study STEM subjects. We are spending up to £67 million over this Parliament to recruit and train more maths and physics teachers, and we are funding programmes, such as the Stimulating Physics Network, which seek to improve the engagement of girls.

**Carol Monaghan** (Glasgow North West) (SNP): I have no doubt that the Secretary of State is well aware of the importance of EU nationals to the higher education community, but we now have an urgent situation whereby some world-class researchers are leaving the UK and others are failing to take up positions in the first place. Will she act now by giving clear unilateral guarantees to those EU nationals that they can remain here post-Brexit, and in doing so reduce the damage currently being caused by Brexit?

**The Minister for Universities, Science, Research and Innovation (Joseph Johnson):** The Government have been clear on many occasions that they value greatly the contribution that EU nationals make to our higher education institutions and our research establishments. We want to be able to settle their position as soon as we practically can, subject to similar reciprocal steps being put in place for UK nationals overseas.

T6. [909314] **Maggie Throup** (Erewash) (Con): Will my right hon. Friend outline what steps she is taking to ensure that schools have structured educational plans in place to provide appropriate levels of additional support for children with special educational needs such as attention deficit hyperactivity disorder?

**The Minister for Vulnerable Children and Families (Edward Timpson):** The 0 to 25 years special educational needs and disability code of practice sets out that SEN support should follow a cycle referred to as “assess plan do review” to enable schools systematically to assess individual needs, plan support, put support in place and review progress. The code of practice is on a statutory footing and all schools have to take account of it.

**Mrs Emma Lewell-Buck** (South Shields) (Lab): Can the Secretary of State explain her U-turn in signing Labour’s amendments to scrap her own innovation clauses in the Children and Social Work Bill? Since her Minister and chief social worker were the key protagonists of those strongly opposed and dangerous clauses, will she explain how she can possibly remain confident in their ability to protect our most vulnerable children?

**Edward Timpson:** I am very pleased to see the hon. Lady back in her place. I know she has not been able to be here for some time. It is very simple: we were unable

to build the consensus required to take forward the power to innovate. I remain absolutely committed to innovation and would welcome local authorities’ plans for how they can improve outcomes for children by redesigning their services and improving their outcomes in the process.

T7. [909315] **Ben Howlett** (Bath) (Con): Has the excellent Bath Trauma Recovery Centre received any adoption support funding to support the recovery of children from trauma they may have experienced? What work is the Government doing to improve the data capture of trauma to target resources better to support their work?

**Edward Timpson:** I can confirm that the Trauma Recovery Centre has so far received adoption support funding to support 16 children in 11 families. I pay tribute to their important work. They are among 17,000 families who have benefited from the new adoption support fund created by the Government. I will look at the other issue raised by my hon. Friend and perhaps talk to him about it outside the House.

T2. [909310] **Diana Johnson** (Kingston upon Hull North) (Lab): Is the Minister concerned that when the apprenticeship levy is introduced it will disproportionately benefit London and the south-east, rather than areas in the north, in particular Hull, as the money it raises will not be redistributed? Will the Minister look at making sure the money goes to areas most in need?

**The Minister for Apprenticeships and Skills (Robert Halfon):** By 2020, we will be spending £2.5 billion on apprenticeships, much of that raised through the levy. It will be spent wherever our apprentices are needed.

T8. [909316] **Andrew Stephenson** (Pendle) (Con): Earlier this month, six Pendle schools announced plans to work together to launch their own academy trust. What can my right hon. Friend do to ensure that the Pennine Trust helps to raise educational attainment and aspiration across Pendle?

**Justine Greening:** It is good news that those schools have recognised the potential of forming a multi-academy trust to drive school improvement. Schools are really seeing the power of collaboration in driving up standards. The regional schools commissioner is now supporting the Pennine Trust to harness the potential of those schools. I wish the project well.

T5. [909313] **Dr Philippa Whitford** (Central Ayrshire) (SNP): The EU is the largest research network in the world, facilitating big science, such as the work between Glasgow University and the Max Planck Institute in Germany on gravitational waves. How will the Secretary of State maintain freedom of movement, so crucial to academic collaboration, after Brexit?

**Joseph Johnson:** The Prime Minister was clear in her Lancaster House speech that European research collaboration remains an extremely important objective for our Brexit negotiations. We have said on a number of occasions that we value the contribution that EU nationals make to our scientific and research endeavour.

**Tom Pursglove** (Corby) (Con): On Friday, I visited Oundle school in my constituency, which makes a huge contribution to the wider community. What role does my right hon. Friend see leading independent schools playing in helping to enhance educational opportunities in their localities?

**Justine Greening:** We believe that they can play a significant role. As part of the “Schools that work for everyone” consultation, we have had excellent discussions with the independent schools sector, and we look forward to bringing those to a conclusion.

T9. [909317] **Stephen Timms** (East Ham) (Lab): Research shows that when a pupil joins a school at a different time from all the others, the cost is between £250 and £600. I welcome the inclusion of the mobility factor in the new formula, but putting a 0.1% weighting on it means that the amount per move will be less than £70. Will the longer-term formula take a more realistic view of the costs of mobility to schools?

**Justine Greening:** The right hon. Gentleman is right to highlight this issue. In fact, it was the additional factor that we put into the working formula on which we are now consulting that was not in the original phase 1 consultation. There is £23 million against that, but I have no doubt that the right hon. Gentleman will have put in his own consultation response, for which we would be grateful.

**Mr Stewart Jackson** (Peterborough) (Con): As the Minister for School Standards, my right hon. Friend the Member for Bognor Regis and Littlehampton (Mr Gibb), will know, because he has visited the area a number of times, Peterborough is not only one of the fastest growing local educational authorities for student numbers, but seven in 10 of my constituents’ children in the primary sector have English as an additional language. On that basis, will the Secretary of State bear in mind in looking at future funding formulae that EAL is an incredibly important issue?

**Justine Greening:** I agree. That is part of our fair funding formula on which we are finishing consultation this week; it sits alongside additional funding for children with low prior attainment. We have to make sure that we enable all our children to catch up if that is what they need to do.

T10. [909318] **Alex Cunningham** (Stockton North) (Lab): Action for Children is concerned that half the children from disadvantaged backgrounds arrive at school not ready to get the most out of the classroom environment. What is the Secretary of State doing to improve early years development in the home to make sure that every child is ready to learn on their first day?

**The Parliamentary Under-Secretary of State for Women and Equalities (Caroline Dinenage):** I eventually get to say something! The home learning environment is fundamental to early years development. This Government are investing over £6 billion a year in early years by 2020—more than any Government have ever spent before—and we will look very closely at how to improve the home learning environment.

**Daniel Zeichner** (Cambridge) (Lab): I draw the Secretary of State’s attention to recent research by the business-led Cambridge Ahead into teacher shortages in Cambridge.

Given the structural problems identified, will the Secretary of State meet Cambridge Ahead and Cambridgeshire MPs to discuss this?

**Mr Gibb:** I would be happy to meet the hon. Gentleman and the headteachers he has in mind.

**Greg Mulholland** (Leeds North West) (LD): It is deeply shocking that in the 21st century, some girls, including in Leeds, are not going to school because they cannot afford sanitary products. Will the Secretary of State eliminate the problem by introducing free sanitary products for all girls receiving free school meals?

**Justine Greening:** The hon. Gentleman raises an important issue. I shall look at it carefully and write to him about it.

**Paula Sherriff** (Dewsbury) (Lab): In Dewsbury, 50 out of 50 schools will lose funding and not one will gain—the second highest number of schools facing cuts in any constituency. Thornhill academy, which many will remember from “Educating Yorkshire”, is set to lose more than half a million pounds, which equates to nearly £700 per pupil. What can the Minister say to local parents who believed her promise that funding would be protected?

**Justine Greening:** We have protected the core schools budget, which will have risen by 2019-20 from £40 billion a year to £42 billion a year. All schools will benefit from that. The point of the fair funding is that we can no longer accept a country in which different children have different amounts of funding going into their education just because of where they are growing up.

**Fiona Mactaggart** (Slough) (Lab): The problem with the way in which the Secretary of State and the Minister of State describe the so-called fair funding formula is that they imply that they it provides an amount of money per pupil. In places such as Peterborough and Slough, however, where pupil numbers are increasing fast, we have to educate children for free, because no money arrives for those pupils until a year and a half later. What is the right hon. Lady doing to make sure that in places where the population is growing, schools actually get funding per pupil?

**Justine Greening:** Two elements of the proposed fair funding formula can help in this regard. One relates to mobility, about which a question was asked earlier, and will involve children moving in-year. The second relates to demographic growth, to which the right hon. Lady referred, and will ensure that we can respond faster to enable local authorities and schools to cope.

**Maria Eagle** (Garston and Halewood) (Lab): In Knowsley metropolitan borough, part of which is in my constituency, there will be no academic A-level provision later this year. What is the Secretary of State doing to ensure that many of the young people who live in Halewood can aspire, and afford, to take A-levels? At present they have to travel so far, and they have no money to do so.

**Mr Gibb:** As the hon. Lady will know, because we have had meetings to discuss this very issue fairly recently, we are working with the regional schools commissioner to ensure that there will be provision in Knowsley for those who want to study for A-levels without having to leave the borough.

## Advisory Committee on Business Appointments/Ministerial Code

**Mr Speaker:** Before I call the hon. Member for Denton and Reddish (Andrew Gwynne) to ask his urgent question, let me emphasise to the House that the question relates to issues highlighted by the appointment of the right hon. Member for Tatton (Mr Osborne) to the editorship of the *Evening Standard* for the operation of the Advisory Committee on Business Appointments and the ministerial code. It is not, repeat not, about the conduct of the right hon. Gentleman, and I will not countenance supplementary questions which are critical of his conduct. As the House will be aware, criticisms of the conduct of right hon. and hon. Members may be made only on substantive motions.

3.36 pm

**Andrew Gwynne** (Denton and Reddish) (Lab) (*Urgent Question*): To ask the Prime Minister if she will make a statement on the operation of the Advisory Committee on Business Appointments and the ministerial code in the light of the appointment of the right hon. Member for Tatton (Mr Osborne) to the editorship of the *Evening Standard*.

**The Minister for the Cabinet Office and Paymaster General (Ben Gummer):** I am very grateful indeed to the hon. Member for Denton and Reddish (Andrew Gwynne) for bringing this matter to the attention of the House. Let me take the opportunity to set out the Government's position.

The ministerial code requires that former Ministers must seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment that they wish to take up within two years of leaving office. My right hon. Friend the Member for Tatton (Mr Osborne) left his role in the Government in July last year. Information on advice given to him regarding previous appointments has been published on the committee's website.

I understand that the application for the particular role mentioned by the hon. Gentleman, at the *Evening Standard*, was received by the committee on 13 March and is currently being considered. When the committee has fully considered the application, it will convey its advice directly to my right hon. Friend, and that advice will be made public on its website. Until the advice is made public, this is a confidential process between the committee and my right hon. Friend, although it is no doubt a matter of significant interest to the House.

**Andrew Gwynne:** Thank you for granting the urgent question, Mr Speaker. I will seek to adhere to your wish for me not to refer to a particular right hon. or hon. Member, but to deal with the underlying issue.

As we saw in the media over the weekend, this is a matter of great concern. My question was addressed to the Prime Minister, and not—with respect—to the Minister. I appreciate his commitment to ensuring that more is done in future to prevent a repeat of the most recent incident, but many Members on both sides of the House are likely to treat such comments with scepticism.

The current rules relating to business appointments were established to counter suspicion that the decisions and statements of serving Ministers might be influenced by a hope for future rewards in the form of a job offer or other monetary gains. Disregarding those rules deeply undermines public trust in the democratic process, in the work of a Member of Parliament, and in the House itself. It does a disservice to those Members who respect the trust placed in them by their constituents, who spend every hour of their day fighting for their constituents' interests, and who ensure that proper attention to the representative role of an MP is given, as a vocation to public service should require.

In 2012, an inquiry into the Advisory Committee on Business Appointments suggested that it should be replaced by a new conflicts of interest and ethics commissioner, but the Government provided assurances that the current system and the ministerial code was robust enough to prevent behaviour or actions that might at worst bring this House into disrepute, or further the tragic low standing this profession is sadly held in. Yet I am forced here today to ask the Government again how they will address another case and to ask them to give assurances that the current system has not provided yet another opportunity for a conflict of interest to be exploited. To hold one outside interest is perhaps defensible, but to hold several time-consuming outside commitments that have a deep overlap with the political role of what is supposed to be a full-time commitment as a Member of this House is impossible to defend.

Will the Minister confirm what action the Government intend to take against ex-Ministers who appear to be in breach of the ministerial code on their failure to seek advice from ACOBA before accepting an appointment? Will he reconsider his Government's response to the 2012 review into ACOBA and provide a stronger system that is able to command the confidence of this House and the public, because it is what we deserve?

**Ben Gummer:** I have to say that I can see why the hon. Gentleman took this excuse to drag himself away from the shadow Cabinet awayday. I know he will be missing it with every cell in his body, and that is why I will give him a short answer so that he can return as quickly as possible.

As the hon. Gentleman rightly said, much has already been done in this important area. The Prime Minister revised the ministerial code when she took office. It is a matter of high concern to her, and that is why, appended to the ministerial code for the first time, is advice to Ministers on leaving office to seek the advice and assurances, or approbation—or indeed censure—of the independent Advisory Committee on Business Appointments, or ACOBA.

The important thing to say about that process is that it is independent. I hope the hon. Gentleman will not mind, therefore, if I do not make any comment about this particular case, because ACOBA is considering it and it would be wrong for me to prejudice its decision by saying, one way or another, what my view or the Government's view was—not that we have a view until we have received the independent advice from the independent committee.

The hon. Gentleman makes a broader point about employment outside this House and about outside interests. He will know that his colleagues and Conservative

Members who sit on the Committee on Standards in Public Life will be looking at this matter again. It is of ongoing concern to the public, and has been for many years, and it is something that the House will have to grapple with in the years ahead. That is why I welcome the Committee looking at it again, and no doubt this will return to the House later.

The hon. Gentleman also makes a wider point about vocation, and I would like to address that directly, as it is very important. In my experience—I am sure in his as well—almost all Members on both sides of this House, no matter whether they are in opposition or on the Government Benches, come to this place because they believe in public service. That should inform their decisions not just about their own interests, but about the wider interests of democracy and the representative system. I am sure that all Members will, in the way they deport themselves in this discussion today, bear that in mind.

**Mr George Osborne (Tatton) (Con):** When I heard that this urgent question had been granted, I thought it was important to be here—although unfortunately we have missed the deadline for the *Evening Standard*. In my view, this Parliament is enhanced when we have people of different experience taking part in our robust debates and when people who have held senior ministerial office continue to contribute to the decisions we have to make. I will listen to what my colleagues have to say; I am interested to hear it.

**Ben Gummer:** I am not sure that there is much more that I could, or should, add to my right hon. Friend's comments.

**Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP):** On International Happiness Day, we can see some people who are pretty happy, but it strikes me that we have heard it all when we get a Minister standing up to give a response to a perfectly reasonable, sensible question and making a joke about it, and when the right hon. Member for Tatton (Mr Osborne) thinks that this is merely a matter of amusement. Well, they cannot get away with treating this House and the people as a load of gowks, as we would say in Scotland. This is a disgraceful shambles, and we need to know what the Government are going to do about it.

**Ben Gummer:** This morning, as on all mornings, I had the pleasure of reading the First Minister's column in the *Daily Record*, and all I would say to the hon. Gentleman is that there is a tradition in this House of contributing to newspapers—[*Interruption.*] And elsewhere, even in the Assembly in Holyrood. It is important to remember that, as the Speaker has said, this is not about the particulars but about the generality of whether Members should have interests or employment outside this House. That is why I am glad that the Committee is looking at this in detail, and Members across the House will no doubt wish to consider its recommendations in due course.

**Mrs Cheryl Gillan (Chesham and Amersham) (Con):** I draw the House's attention to my entry in the Register of Members' Financial Interests. The Minister will be aware that the Advisory Committee on Business Appointments, which is an advisory non-departmental public body sponsored by the Cabinet Office, is within

the remit of the Public Administration and Constitutional Affairs Committee, of which I am a member. The Chairman and other members of the Committee are currently abroad. PACAC is conducting an inquiry into the role of ACOBA which remains open; we have not yet reported. Our inquiry will therefore take into account these new developments and we are considering what further evidence to take. Does the Minister agree that it is important for the relevant Committees of this House to be able to carry out their remit in a properly constituted fashion and make recommendations based on evidence?

**Ben Gummer:** I completely agree with my right hon. Friend. She is right to remind the House that PACAC is undertaking such an inquiry, and we will look on it with interest. The Minister for the constitution, the Parliamentary Secretary, Cabinet Office has already contributed to it, and he will make further contributions, should the inquiry so wish.

**Dame Rosie Winterton (Doncaster Central) (Lab):** May I return the Minister to the question of the ministerial code? Does he think that there is any need for reform of the code or for its enforcement? If so, what should be the mechanism for achieving that?

**Ben Gummer:** The ministerial code determines how Ministers should behave—that is, serving Ministers. It does not have a direct impact on ex-Ministers, for reasons that the right hon. Lady will understand. It does, however, advise ex-Ministers about their responsibilities, should they leave their position, and it has been toughened up in that respect in the past few months, before this current discussion happened. It is important that ACOBA should give its recommendations before we move on to consider broader matters of reform, because the questions that are being put at the moment are predicated on an answer that I would not like to predetermine.

**Mr Andrew Mitchell (Sutton Coldfield) (Con):** I draw the House's attention to my entry in the Register of Members' Financial Interests. In considering such matters, is it not extremely important that the House always seeks to attract the widest possible cross-section of people, including retaining the services of those who have held high office? Is it not also a matter of regret that, for the first time in my 30 years on and off in this House, there is no former Prime Minister in either of the two Houses of Parliament?

**Ben Gummer:** That is the view that this House has traditionally taken. It is not a matter for the Government; it is for this House to make a decision in the long term about the balance that it wants to have. Traditionally, this House has determined that it is right for Members of Parliament to have the opportunity of a wider hinterland. That may change—it is not for me to say—but it is important that, whatever the particularities at this juncture, the situation is judged within that context.

**Helen Goodman (Bishop Auckland) (Lab):** In 1523, Cardinal Wolsey become the Bishop of Durham. He never visited his diocese. What steps is the Minister taking to ensure that hon. Members do not start behaving like medieval clerics instead of modern politicians?

**Ben Gummer:** Thomas Wolsey was a proud boy of Ipswich and was proud to go back as often as he could, so I have no complaints about him. I cannot speak for his parishioners, but I can say that it will be for all our constituents to judge in 2020 the means and the manner of how we have discharged our responsibilities. It is for us to go individually to the electorate at that point and to put ourselves up for re-election on that basis.

**Sir Oliver Letwin** (West Dorset) (Con): Is my right hon. Friend aware of whether the Cabinet Office received any representations from Her Majesty's Opposition during the six years to July 2016 about the incompatibility of the role of Chancellor of the Exchequer with being a Member of this House, on the grounds that it was too onerous a post to combine with that of being an MP?

**Ben Gummer:** I endeavour in everything I do to be as assiduous as my predecessor in my ministerial responsibilities, but I have as yet not been able to uncover anything of the kind that my right hon. Friend suggests.

**Greg Mulholland** (Leeds North West) (LD): In the context of potential overspending in key marginal seats and concerns about the appointments of MPs with safe seats, does this situation not show the stark difference between parties' and candidates' approaches to marginal and safe seats? There is a real problem of representation and an issue with the first-past-the-post system.

**Ben Gummer:** That is a niche interest for the Liberal Democrats, all of whom have marginal seats. What I find extraordinary about that question is that there are Members on both sides of the House with safe seats who are incredibly assiduous in how they attend to their constituents—Opposition Members whom I am looking at now and Government Members behind me—and it is wrong for the hon. Gentleman to cast aspersions on them.

**Michael Gove** (Surrey Heath) (Con): I commend the Minister for his judicious handling of this question. I underline the importance to us all of respecting constitutional principles. Is it not the case that ACOBA is an independent body? Its independence needs to be respected. Is it not the case that we believe in a free press and that proprietors should therefore have the right to appoint whom they believe is right to be editor, without the Executive or anyone else interfering in that decision? Is it not also the case that whoever represents a constituency should be up to its voters, not for the Opposition or anyone else to decree?

**Ben Gummer:** My right hon. Friend, as ever, is good at making clear the liberties that underpin our democracy and that we too often forget.

**Mr David Winnick** (Walsall North) (Lab): Those of us who were here at the time remember how difficult it was to restore the reputation of this House after the expenses scandal. Is there not a wider issue here about how the public look upon what they describe as the political class and about the feeling, justified or otherwise, that we are all greedy, on the make, and so on? We have to be careful that we are not tarred with the same brush.

**Ben Gummer:** I imagine that the hon. Gentleman was in this House when Dick Crossman went to edit the *New Statesman*, and that was when people read the *New Statesman*. The hon. Gentleman will know of previous examples of when such things have happened. It is important that we judge this situation in the context of whether we think that Members of Parliament should have employment outside. There are arguments on both sides, and it is important that we do not reduce this to an ad hominem attack, which would create very bad policy.

**Anna Soubry** (Broxtowe) (Con): I gently say to the hon. Member for Denton and Reddish (Andrew Gwynne) that it has never been suggested that, during the five or six weeks when he was in Copeland as the Labour party's campaign organiser, he abandoned or did anything wrong by his constituents.

Members of all parties on both sides of the House work extremely hard, especially when they have the ultimate second job as a Minister, Secretary of State, Chancellor of the Exchequer or, of course, Prime Minister. Does my right hon. Friend agree that anybody who does any other work in addition to their duties as a Member of Parliament actually brings a huge amount of experience into this Chamber, and that that makes all of us represent everyone in this country even better? Does he also agree that the ultimate judges are our constituents, who can boot us out through the ballot box if they do not like what we do?

**Ben Gummer:** My right hon. Friend is right that our constituents are the ultimate judges of our behaviour and performance. There are very strong arguments for allowing people to have outside interests, and there are also strong arguments against. Those arguments need to be reconciled with more time and thought than is possible during consideration of an urgent question. I repeat my earlier point that when we make such decisions we all have a duty not just to our own interests but to the wider reputation of our democracy. We have that duty in everything that we do, whatever post we hold in government or in Parliament.

**Wes Streeting** (Ilford North) (Lab): At the risk of upsetting the new editor of my city's newspaper, may I point out that there is an air of complete unreality around some of this afternoon's exchanges. The public's trust in both politicians and the media has never been so low, so what does it do to that trust if there is the idea that politicians can have a number of roles, including editing a newspaper? In an era of fake news, what does it do for the reputation of the media to have someone editing a newspaper who has no qualifications to do so? My hon. Friend the Member for Kingston upon Hull North (Diana Johnson) asked about apprenticeship funding during Question Time. As a London MP, I want apprenticeship funding in London, as would the editor of my local newspaper, but what would the right hon. Member for Tatton (Mr Osborne) think?

**Mr Speaker:** Order. We cannot ask Ministers to speculate about what individual hon. or right hon. Members might think.

**Wes Streeting:** That is the conflict right there.

**Mr Speaker:** Order. Whatever the conflict may be, I am the determinant of what is an orderly question. I ask the hon. Gentleman graciously to accept that I am trying to do the right thing in balancing different considerations, but we must adhere to order. The Minister is a dextrous fellow, and he will answer in a way that is orderly—I know he will not answer in a way that is not.

**Ben Gummer:** The hon. Member for Ilford North (Wes Streeting) is incisive in how he asks his question. I agree that we all obviously have a challenge in raising the reputation of our democratic institutions and the people who serve in them. That would not be served by a Minister of the Crown coming to the Dispatch Box on a Monday, following an announcement the previous Friday, to set out a new policy just to suit the particular agenda of the day. It is for the House to have a wide consideration of whether it thinks that it is right or wrong for people to have outside interests—I think that there are arguments on both sides. In the meantime, we all need to consider our individual duties to the wider body politic in the way in which we behave.

**Sir Desmond Swayne** (New Forest West) (Con): The Minister has a justified reputation for his devoted and assiduous work on his ministerial duties. Has that in any way diminished his ability to serve his constituents?

**Ben Gummer:** It has not in any way at all.

**Ian C. Lucas** (Wrexham) (Lab): Will the Minister please refer to the advisory committee the dilemma that exists when a former Minister is given a particular appointment on the basis of his geographical location, but subsequently secures a further appointment that flatly contradicts the interest that he was meant to serve in that previous appointment? Can the editor of the London *Evening Standard* look after the northern powerhouse?

**Ben Gummer:** It is not for me to make that determination; it is for the independent advisory committee to do so, and it will make a recommendation to my right hon. Friend the Member for Tatton. I know that the hon. Gentleman wants me to say something controversial, but it would be wrong to undermine the process in the committee that is under way and to prejudice its decision by saying one thing or another.

**Tom Tugendhat** (Tonbridge and Malling) (Con): Many people in this House have second jobs, including you, Mr Speaker. Your second job is obviously being Speaker of this House, and you do it assiduously, while being able to serve your constituents. Will the Minister help me to understand which jobs would be considered acceptable by the Government or another statutory body, as many people write books, or own land or property? Should they therefore sell everything into monastic simplicity and become a political class, or should they represent the economy and the people of this country by maintaining an intact body of effort with other people?

**Ben Gummer:** I congratulate—[*Interruption.*]

**Mr Speaker:** Order. We must give a fair hearing to Members on both sides of the House, and to the Minister. Earlier, Members were moaning that the Minister

needed to speak up a bit. That is as may be, but the Minister is immensely courteous, and just as he is courteous to the House, so the House should be courteous to him.

**Ben Gummer:** Thank you, Mr Speaker. I congratulate my hon. Friend on moving himself up the speaking order for the next debate.

Many Members discharge their responsibilities to their constituents incredibly well even though they have interests outside Parliament, while some Members—albeit a very limited number—do not do much work on behalf of their constituents even though they have no outside work. This is not a binary debate but, as hon. Members on both sides of the House have said, it is a matter of public concern and one that this House is right to discuss. It should do so with time and with dignity, and I suggest that this is not the right place now—in an urgent question off the back of one story about one Member.

**Mr Dennis Skinner** (Bolsover) (Lab): Is the Minister aware that roughly the same arguments are emanating from both sides of the House as we heard 40 years ago when we attempted to set up the register? This has not changed, except in that over the years there has been a desire by the majority of Members to ensure that the register and the duties of MPs are strengthened. The real question to be answered now is: how can a full-time politician be a full-time editor of a daily newspaper?

**Ben Gummer:** One of the many reasons why I admire the hon. Gentleman is that he walked out of the pit straight to this place, and gave an experience to the House of Commons and our representative democracy that few on either side of the House would be able to provide. That is of enormous value to this House of Commons. I am not in a position to make the judgment that he invites me to make. I ask that the independent Advisory Committee on Business Appointments provides its independent report before we judge this particular incident, and that the hon. Gentleman contributes his thoughts to the wider considerations of the Committee on Standards in Public Life. I believe that there are strong arguments in his favour, but there are also strong arguments on the other side, and they should be discussed in the round.

**Michael Fabricant** (Lichfield) (Con): As my right hon. Friend says, there is a fine balance between those who have outside interests and those who do not, but I believe that this House is enriched by those outside interests. I further believe that party apparatchiks do not enhance this House. May I utter a Labour party swear word to the hon. Member for Denton and Reddish (Andrew Gwynne), who talks with his faux outrage? May I just remind him of Tony Blair?

**Ben Gummer:** Those two words are more likely to anger Opposition Members than Government Members.

It is difficult to frame this debate by looking at particular examples; we have to look at the generality. There are 650 Members of Parliament, many of whom have various outside interests: some are in the professions; some are in the charitable sector. If we start to go down this road, we will have to decide which things we judge

[Ben Gummer]

to be more valuable than others. That is a very difficult path to travel down, and the House needs to make its consideration with time and dignity.

**Kerry McCarthy** (Bristol East) (Lab): Tomorrow I have meetings in this place from 8.30 in the morning till 8.30 at night, including two involving Select Committees. Several ex-Ministers do an excellent job of chairing Select Committees. Should not the expertise that people gain in ministerial office be directed at scrutinising the work of the Executive and doing a job here in Parliament, not somewhere else?

**Ben Gummer:** I am sure that my right hon. Friend the Member for Tatton will continue to contribute to this House. He has shown every indication of wishing to do so in the past few weeks, and I have no doubt that he will continue to do so over the months ahead. It is right that we all contribute in our own way, and in the way that best discharges our talents. I hope that would be the case for all Members of Parliament, not just the one in question.

**Alan Brown** (Kilmarnock and Loudoun) (SNP): The hon. Friends of the right hon. Member for Tatton (Mr Osborne) have all jumped to his defence and argued that outside interests help a Member to stay in Parliament and bring experience to it. If the outside interests are so extensive, a Member quite clearly will not be contributing to the House, so that argument is ridiculous. The Minister says that Members stand for re-election by their constituents, but unfortunately under the UK political system there are safe seats in which voters do not have a choice, so will the Government look at this issue in the round?

**Ben Gummer:** The former leader of the hon. Gentleman's party writes a column for a newspaper—[*Interruption.*] I am not saying whether that is right or wrong, but the reaction of Scottish National party Members suggests that they might feel a little guilty about putting that question.

The point is that this is not an easy or binary decision to come to. When is too much? Is it one newspaper column? Is it two or five? The House should come to a decision after long and careful thought. It would be good if Opposition Members expressed themselves in those terms, rather than expressing outrage, because Members on their side have outside interests.

**Lucy Powell** (Manchester Central) (Lab/Co-op): Given some of the contributions from Conservative Members, it is a shame the right hon. Member for Tatton (Mr Osborne) is not still able to dish out ministerial jobs, because a few of them would have deserved one. On a more serious note, public concern about this issue is widespread, and the disaffection with the political process is even more acute in the north of England. What am I to say to my constituents who feel that time and again, despite all the talk of the northern powerhouse, we give up on the north and head down to London?

**Ben Gummer:** I share the hon. Lady's concern; she raises something that we are going to have to rebuild together. Genuinely, if we conduct politics in a way that is disrespectful just so that we get headlines the next

day, we will only continue to undermine the politics that we all seek to serve. That is why we need to understand this matter calmly and dispassionately and to make sure that we come to the right decision. On the concerns about the north, we are devolving power to Manchester precisely so that we can get the kind of representation the hon. Lady is calling for. That is why Conservatives are so keen to see that devolution happen. I hope she is happy with the result when it finally comes to pass in the next few months.

**Simon Hart** (Carmarthen West and South Pembrokeshire) (Con): Will the Minister seize this moment to congratulate all those colleagues from both sides of the House who serve as reservists, or who practise as doctors or dentists, or in other important trades? Does not the fact that they do so illustrate how the Opposition are sometimes more concerned about the nature of the employment than the employment itself?

**Ben Gummer:** My neighbour, my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter), is a practising doctor, and my hon. Friend the Member for Lewes (Maria Caulfield) is a practising nurse. They bring particular expertise and skills to our Chamber that would not otherwise be here. There are good reasons and arguments in favour of that, but there are also reasons and arguments to the contrary—they are balanced. We need to have that discussion and then come to a conclusion, because whatever decision we reach will have profound implications for the way in which our democracy functions.

**Stephen Pound** (Ealing North) (Lab): I do not own any broad rolling acres, sadly, but I do have some skin in the game as the author of a seldom-read column in *Tribune* entitled "Pound Notes". Although I do not wish to attack anybody in this House, nor to be quite so clement as the former leader of my party, I do feel that the Minister should perhaps have a quiet word with one of his colleagues about, first, the ministerial code and, secondly, the actual job that Members of Parliament are doing, as some 20% of the work that comes into my office probably should not be done by an MP. Can we try to get some good out of this sorry business and have a look at first principles—or perhaps even go back to basics?

**Ben Gummer:** I agree with much of what the hon. Gentleman has said. As ever, he speaks a great deal of sense. In a former age, he would have been granted many thousands of rolling acres just for making that point. Perhaps that is one loss for all of us.

**Clive Lewis** (Norwich South) (Lab): Let me declare an interest as a former NCTJ—National Council for the Training of Journalists—qualified journalist and a member of the National Union of Journalists, which I hope the right hon. Member for Tatton (Mr Osborne) will be joining in short course. Much has been made of possible political conflicts of interest, but will the Minister also address potential commercial conflicts of interest, especially given that the Treasury is one of the biggest spenders on newspaper advertising—the sum is about £2.5 million? Will he commit to publish details of that expenditure?

**Ben Gummer:** I remember the interest with which I viewed the hon. Gentleman's contributions to "Look East". He is right that the Government spend money on newspaper advertising, but that is arranged by civil servants through an independent process involving the Government Communication Service. One of his colleagues tabled a parliamentary question a couple of weeks ago about the nature of the spend over the past few years, and I provided the answer, which is now in the Library.

**Liz McInnes** (Heywood and Middleton) (Lab): When the former Chancellor promised us a surplus in 2020, I do not think that any of us expected him to go about achieving it in quite this manner. However, I am concerned that the right hon. Member for Tatton (Mr Osborne) might be overstretching himself. Will ACOBA take account of European working time regulations and ensure that he is not damaging his health by working excessive hours?

**Ben Gummer:** I am not sure that any of us complies faithfully with the European working time directive. My right hon. Friend the Member for Tatton was an industrious man when he was Chancellor of the Exchequer. He was industrious in rescuing this country's economy, and no doubt he will continue to be industrious in whatever role he wishes to take.

**Louise Haigh** (Sheffield, Heeley) (Lab): The Minister said earlier that the right hon. Member for Tatton (Mr Osborne) had not actually received the advice from ACOBA. Will he confirm that right hon. and hon. Members are not in breach of the rules by announcing positions before they have received advice, and that ACOBA has absolutely no teeth to enforce rules when they have been breached?

**Ben Gummer:** It is for ACOBA to make recommendations and conditions. Indeed, it often enforces conditions. In the period leading up to 2010 and just after, only 12 of the 43 Ministers who made applications to take outside employment were allowed to do so without conditions, so ACOBA is able to provide conditions. It

is for the committee to judge specifically in this case how it feels that the process has been undertaken. It will do so after taking into account all the evidence. It will publish its decision on the internet very soon, and the hon. Lady will be able to see it, as will everyone else.

**Diana Johnson** (Kingston upon Hull North) (Lab): Many people will think that parliamentarians should have sufficient life experience before they enter this place, but does the Minister believe that there should be an upper limit on the number of outside jobs that MPs are allowed to take?

**Ben Gummer:** The Committee on Standards in Public Life is considering that, and it is entirely right that the House should also do so. One reason why colleagues on both sides of the House have identified this issue of politicians being held in low esteem is to do with the culture that has grown up over the past 13, 14 or 15 years of Governments giving immediate answers to stories in the press just to show that they are ahead of some media game. That is not the way to get faith in politics or trust in politicians. We need to be considerate and deliberative, and to think carefully about the problems in front of us. Members of the House should discuss this matter dispassionately, calmly and with dignity in the weeks and months ahead, and come to a conclusion, to which the Government will listen.

**Christian Matheson** (City of Chester) (Lab): I have only one job: representing the people of City of Chester. Will the Minister confirm or comment on the notion that perhaps jobs for former Ministers should not be accepted formally or announced before ACOBA has announced the conditions on which that job depends?

**Ben Gummer:** I think ACOBA will look at this case and make its judgment on it and the process that has taken place. I hope that the hon. Gentleman does not mind if I do not comment at this stage, because that would prejudice what ACOBA says. Let us see what ACOBA says; then, no doubt, we will return to the matter, because the House will continue to be interested in it.

## Point of Order

4.15 pm

**Michael Fabricant** (Lichfield) (Con): On a point of order, Mr Speaker. Through you, may I thank the Opposition for raising that point? They have done a tremendous job in uniting Conservative Members behind our right hon. Friend the Member for Tatton (Mr Osborne).

**Mr Speaker:** The hon. Gentleman knows perfectly well that that is not a point of order, but he has made his own point in his own way and it is on the record. We will leave it there.

## Non-consensual Sex Exemption (Tax Credits)

*Application for emergency debate (Standing Order No. 24)*

4.16 pm

**Alison Thewliss** (Glasgow Central) (SNP): I rise to propose that the House should debate a specific and important matter that should have urgent consideration: the introduction of the non-consensual sex exemption in respect of tax credits, which I will henceforth refer to as the rape clause.

Since the two-child limitation of tax credits and universal credit was proposed in the summer 2015 Budget, I have pursued this matter relentlessly. I have used every means available to me through questions and debates, raising the matter in this House on no fewer than 25 occasions. The Government should by now have had adequate time to refine or, as I would prefer, to abandon that deeply flawed policy, but they have left deeply worrying gaps that will leave vulnerable women exposed, which is why I am calling for the debate.

The Government have sought to reassure me many times that women making a claim under the rape clause will be treated sensitively, and that they will be able to go through third-party professionals such as nurses, doctors and social workers, rather than frontline staff of Her Majesty's Revenue and Customs or the Department for Work and Pensions, but answers to written parliamentary questions I tabled exposed that there has been no training—none—in domestic violence or in the application of the policy to the 660,000 third-party professionals, with the policy due to come into force very soon, on 6 April. That puts vulnerable women seeking to make a claim in the position of having to present themselves to a GP, nurse or social worker to reveal that their third child was conceived as the result of rape, for that professional to determine, without having had domestic violence training or knowledge of the policy, if the circumstances are consistent with their having been raped. What kind of response can such women expect?

The Government are still saying today that they will issue guidance. When? I remind the House that the policy goes live on 6 April, in the middle of the recess. How will we parliamentarians know if the Government have done what they say they will do? Information has been shared with me by a member of staff at HMRC, who wishes to remain anonymous, that the sensitive unit, which will deal with rape clause claims, will not go live until 6 April. Until then, HMRC staff are left crossing their fingers that they do not get inquiries from the public about a sensitive issue in which they have not been trained. That is utterly unacceptable.

The Government have been dodging scrutiny on this issue from the start, burying it at the back of the 2015 Budget, being forced to carry out a consultation they did not want to have, sneaking out the response to that consultation during Trump's inauguration, and laying Statutory Instrument 2017 No. 387 last week under the negative procedure, to avoid debate in this House. I feel compelled to appeal to you, Mr Speaker, to grant this emergency debate. Women who have faced the worst trauma of their lives—being raped and becoming pregnant as a result of that most serious and dangerous of sexual assaults—are being forced to relive that trauma just to

claim tax credits. That is a gross and despicable invasion of privacy. I believe that we owe it to these women and their children to hold this Government to account.

**Mr Speaker:** The hon. Lady asks leave to propose a debate on a specific and important matter that should have urgent consideration—namely, “The introduction of the non-consensual sex exemption in respect of tax credits.” I have listened carefully to the application from the hon. Lady, but I am afraid that I am not persuaded that the matter is proper to be discussed under Standing Order No. 24. The Standing Order does not permit me to give my reasons to the House. I shall therefore simply observe that a prayer has been tabled against the regulations, and I hope and anticipate that the usual channels will find time for it to be debated.

## Prisons and Courts Bill

*[Relevant documents: Fourth Report of the Justice Committee, Session 2015-16, Criminal justice inspectorates, HC 724, and the Government response, HC 1000; Sixth Report of the Justice Committee, Session 2015-16, Prison safety, HC 625, and the Government response, HC 647; Oral evidence taken before the Justice Committee on 29 November 2016, 14 December 2016, 18 January 2017, 31 January 2017, 21 February 2017 and 28 February 2017 on prison reform, HC 548; and Oral evidence taken before the Justice Committee on 7 February 2017 on the Government consultation on soft tissue injury claims, HC 922.]*

*Second Reading*

4.20 pm

**The Lord Chancellor and Secretary of State for Justice (Elizabeth Truss):** I beg to move, That the Bill be now read a Second time.

The Bill makes the most significant changes to the Prison Act 1952 since it was passed 65 years ago. For the first time, it will be clear that the Government are not just responsible for housing prisoners; it will also be clear that a key purpose of prisons is to reform prisoners and prepare them for their return to the community. That means getting prisoners off drugs, into work and improving their education while they are in prison. Together with greater powers for governors, performance tables and sharper inspections, more people will leave prison reformed, and this will cut the £15 billion cost to society of reoffending that we all face every year.

**Chris Bryant (Rhondda) (Lab):** I understand that people quite often want to be angry at prisoners and say that it is all their own fault, but a large proportion of people in prison have suffered major brain traumas through fights or various other means. The support available in the wider community through the health service can fully rehabilitate them and bring them back into society, but the support in prison is still very weak. Will the Government be doing more to tackle that?

**Elizabeth Truss:** The hon. Gentleman is absolutely right that many people in prison suffer from serious issues such as the ones he mentioned. Therefore, we are going to give prison governors co-commissioning powers over health services in their prisons so that they can design them around the needs of those offenders, helping them to get the treatment that they need to live a lawful life once they leave prison.

The Bill will usher in a new era for our courts, modernising a process that remains fundamentally unchanged from the Victoria era. Our reforms, in this Bill and wider, create a system that is fit for the 21st century, providing better protection for vulnerable victims and witnesses, improving access to justice for ordinary working people, who will be able to access the courts in a much simpler and more efficient way, and promoting our reputation for global legal excellence and as the best place to do business.

**Ian Paisley (North Antrim) (DUP) rose—**

**Elizabeth Truss:** I will give way to the hon. Gentleman before I talk through the detail of the Bill.

**Ian Paisley:** I welcome the access to justice proposals in the Bill. I urge the Secretary of State to discuss with the devolved Administrations, particularly Northern Ireland—when we hopefully get a Government up and running again there—rolling out the process there so that Northern Ireland can share in the expertise and expense of the system that she has put in place?

**Elizabeth Truss:** I understand that the hon. Gentleman has had a demonstration of our system, and I look forward to discussing with him further how we can share best practice.

Prisons rightly punish those who break the law, but they should be a place of safety and reform where prisoners can turn their lives around to then lead a lawful life outside prison. Sadly, that is not the case at the moment. The levels of violence in our prisons are too high, as last week's shocking attack on the young officer at Oakhill shows. I am sure that the thoughts of all those in this House are with him and his family at this very difficult time.

We have worrying levels of self-harm and deaths in custody. The "Prison Safety and Reform" White Paper, which I launched in November, set out a clear plan, combining immediate action to increase staffing levels and track drugs, drones and phones with radical reforms to get offenders off drugs, into work and away from crime for good.

**Several hon. Members** *rose*—

**Elizabeth Truss:** I will take some interventions in a minute, once I have made a bit of progress.

While there is much we can do and are doing operationally, part 1 of the Bill addresses areas that require primary legislation. First, the Bill enshrines in law the purpose of prison. It sets out that prisons must aim to do four things. First, they must protect the public. Holding prisoners securely is a core job of prisons—protecting the public from the risk that offenders pose. Prisons must do all they can to prevent security failures.

Secondly, prisons must reform and rehabilitate offenders. They must give them the opportunities to allow them to turn their back on crime. That means tackling drug and alcohol addiction; tackling mental health issues; and giving offenders opportunities to work and get training and apprenticeships while they are in prison, to improve their English and maths, and to maintain their family ties.

**Mr Dominic Grieve** (Beaconsfield) (Con): May I say how much I welcome this Bill, which seems to me to be going in exactly the right direction in terms of reforming prisons? However, my right hon. Friend will be aware that, ultimately, the ability to deliver these programmes will be intimately dependent on reducing prison overcrowding, because without that, as we have seen on many occasions, the programmes, however good, founder as the prisons come under strain. Will she keep that in mind, and is there anything she can tell the House in the course of Second Reading about the strategy she might have in mind to try to address that issue?

**Elizabeth Truss:** I thank my right hon. and learned Friend for his question. We have held the prison population stable for the last six years, and there are some areas,

such as sex offences, where we have seen sentences rise, and I think that that is right, because those are serious crimes and they were not receiving the level of punishment that we would expect. However, as I have said before—I made this point in a speech a few weeks ago—there is more we can do to prevent people from committing crimes that lead to custody, by tackling issues earlier on, whether that is drug addiction, alcohol misuse or not being in education or training. I look forward to saying more about that in due course.

**Mr David Hanson** (Delyn) (Lab): Nobody will disagree with the statements the Lord Chancellor has made in relation to clause 1, because they are sensible and sound, but she must recognise that the indicators on self-harm, assaults and everything else are rising, and that there are 6,500 fewer officers than there were seven years ago. Can she tell us how many officers she has recruited to date, how many she expects to recruit and how she can keep a prison population that is at the level it was in 2010 with fewer officers?

**Elizabeth Truss:** As the right hon. Gentleman knows, we have a programme to recruit 2,500 additional officers across the estate. I can confirm that we started in 10 of the most challenging prisons. We have now successfully secured the complement of officers in those first 10 prisons, which we said we would do by the end of March. We now have a record number of officers—over 700—in training. I do not deny it is a challenging task to recruit those officers, but as the right hon. Gentleman knows from his experience as prisons Minister, it is vital that we do that, because it is only by having qualified and skilled officers that we will help to turn people's lives around.

I am not just interested in numbers; I am also interested in the career prospects and additional training that we give officers. That is why we are putting in an additional 2,000 senior officer posts across the country. Those will pay upward of £30,000, and they will reward officers who have additional training in areas such as mental health. As the right hon. Gentleman realises, it takes time to recruit and train those officers, but I am absolutely determined to do that, because, alongside these reforms, it is trained officers who will make the difference in our prisons.

**Sir Henry Bellingham** (North West Norfolk) (Con): I think I can help my right hon. Friend with an idea. About 15% of the prison population are foreign prisoners, and prisoners from places such as Albania, Jamaica, Somalia and Nigeria make up about 20% of them. Surely we can have arrangements whereby those prisoners are sent back to their own, friendly countries—including Commonwealth countries. The Department for International Development might help with the arrangements in those countries.

**Elizabeth Truss:** My hon. Friend is absolutely right. I am pleased to say that a record number of foreign offenders were sent back last year, but we are doing even more on this and making progress. The Under-Secretary of State, my hon. Friend the Member for East Surrey (Mr Gyimah), is working very hard on it.

**Mrs Cheryl Gillan** (Chesham and Amersham) (Con): I too welcome the Bill, particularly the emphasis that is placed on the purpose of prison. My right hon. Friend

will be aware that one of the most successful young offender programmes is that run by National Grid. It has been going for many years, and National Grid now has 80 partner companies working with it. It has got the reoffending rate down from the average of way over 50% to 7%. In particular, some of its partner companies have been working really hard with Brixton prison in relation to release on temporary licence. Brixton has recently been removed from the ROTL regime, and that is causing some difficulty because there are no other prisons in London that satisfy the criteria. Will she look into that? Will she think about putting this into the Bill, because the ROTL scheme is really working for young offenders?

**Mr Speaker:** The right hon. Lady was keen to prove that her intervention was not only erudite but comprehensive, and in that mission I think she has been successful.

**Elizabeth Truss:** I thank my right hon. Friend for her point. She is absolutely right. Getting employers who want to employ people on the outside to train offenders on the inside will help to create the path into work that reduces reoffending. I have been to Brixton and seen the fantastic work that it is doing with offenders. The question she posed is already being addressed by my hon. Friend the Under-Secretary, because we want people to be able to get the experience in work that means that they can leave prison, get into a job, and lead a lawful life. We are also launching a strategy on employment to try to get more employers like National Grid, Timpson and Halfords, which already do fantastic work, to sign up to employing these ex-offenders, because that benefits all of us.

**Caroline Flint (Don Valley) (Lab):** The Lord Chancellor has mentioned how important staffing is. The roll-out of a 1:6 ratio in public sector prisons is welcome, but I do not understand why it would not apply to private prisons, because they have to deal with the same sorts of challenges as those in our public sector.

**Elizabeth Truss:** I should clarify that it is a caseload of 1:6, which means that each officer will have responsibility for six offenders whereby they are in charge of making sure that those offenders are safe and encouraging them to reform while they are in prison. The head of the Prison Service, Michael Spurr, is in discussions with the private sector prisons to make sure that they have access to the same level of staffing. We want that to apply in both the private and the public sectors.

**Wes Streeting (Ilford North) (Lab):** I welcome the Lord Chancellor's response to my right hon. Friend the Member for Don Valley (Caroline Flint). The Lord Chancellor has set out this aspiration before, so could she now set out a timescale as to when the imbalance in ratios between the public and the private sectors will be corrected?

**Elizabeth Truss:** I can assure the hon. Gentleman that it is on the same timescale as the public sector programme, so we will deliver it over the next year and a half.

**Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con):** I commend my right hon. Friend for much of what she is doing in this Bill. Given that she takes great pains to stress the importance of mental health and its

link with reoffending and the need to reduce self-harm and other issues in prisons, I am curious as to why one of the fundamental duties in clause 1 is not to promote and protect the mental health and wellbeing of prisoners.

**Elizabeth Truss:** I know my hon. Friend takes a very strong interest in this area. I assure him that the commissioning arrangements for governors will give them the power to specify mental health treatment in their own prisons. Governors have complained to me that, at the moment, mental health services are available only five days a week. That is an issue if somebody arrives in a prison at a weekend with serious mental health issues.

Governors will be able to co-commission those services. Under the categories of reforming and rehabilitating offenders, we have announced specific performance metrics, some of which will cover health issues. I issued a written ministerial statement recently containing the detail of that, and we will say more about it in due course. That is among the reform measures that we are putting in place, and it will be covered in the performance agreements that individual prisons have with me, as Secretary of State.

**Rachael Maskell (York Central) (Lab/Co-op):** Askham Grange women's prison in York has the lowest reoffending rate in the country, at 6%, but for two years the Government have been saying that they are going to close it. Will the Lord Chancellor look at that again and confirm that she will not close such an excellent prison?

**Elizabeth Truss:** I am certainly very happy to look at that issue. We will shortly launch a new strategy for women offenders, which will be about dealing better with underlying issues—whether that is substance abuse, or issues of abuse and domestic violence—to find a better solution and prevent women from committing the crimes that lead them into custody. We will launch that shortly, and I am sure we will cover the prison that the hon. Lady mentions.

The third priority and purpose of prisons that we lay out in the Bill is preparing prisoners for life outside prison. As has been mentioned, making sure that the offender has sustainable employment and a home to go to is vital in reducing reoffending.

**Mark Menzies (Fylde) (Con):** In my constituency, I have Kirkham prison, which has been a pioneer in leading a programme on jobs, friends and family; the former prisons Minister, my hon. Friend the Member for South West Bedfordshire (Andrew Selous) has met those involved. May I ask the Secretary of State, during proceedings on the Bill, to have a look at the programmes being run by Kirkham prison and see whether similar programmes can be incorporated elsewhere, because they really make a difference to people's lives?

**Elizabeth Truss:** I would certainly be happy to see the details of that scheme. Family ties will be included in our performance measures and our empowerment of governors. Governors will be given control of their budget for helping prisoners with their family ties. We have had a report from Lord Farmer, and I am meeting him this week to discuss the matter further. In addition to having work and a home to go to, a supportive family can be a very important part of rehabilitation.

[*Elizabeth Truss*]

Governors need to look at all those things. I am setting out clear expectations of what prisons should be doing, but not how they should do it. I believe that it is up to the individual governor to look at what works for their area and what works for the people in their prisons, so it is important that they should be given the flexibility to deliver things in an innovative way. I will be very clear about the standards that we expect, but how governors deliver those standards will be increasingly down to them.

**Victoria Prentis** (Banbury) (Con): Does the Lord Chancellor agree that if we are able to tackle the problems surrounding links with families—one of the key recommendations of Lord Farmer—that will, in itself, greatly reduce reoffending? Lord Farmer will show that 63% of the children of offenders grow up to offend. Does my right hon. Friend agree that it is important that we intervene early to ensure that that does not happen?

**Elizabeth Truss:** My hon. Friend is absolutely correct on that point. Those children often feel as though they have done something wrong, and it is absolutely wrong for them to feel as though they are being punished for a crime that their parent has committed. I am determined that we will do what we can to protect innovative schemes such as Storybook Dads, which help to keep the link between children and their fathers and mothers while those individuals are in prison.

Finally, we need to maintain a safe and secure prison environment. Prisons need to feel safe for staff and prisoners. That means that as well as tackling violent incidents and creating the right kind of culture and atmosphere, we need to provide support to vulnerable prisoners. We also need to make sure that we have sufficient levels of staffing to provide that safety and security.

The Bill makes it clear how I, as the Secretary of State, will account to Parliament for progress in reforming offenders. This is the first time that legislation will make it clear that the Secretary of State is responsible for reforming offenders, and the Secretary of State—that is, me—will have to report to Parliament about what they do. That is a very important change in the culture of our prisons: for the first time, there will be accountability at Cabinet level not just for prisons being safe, which is of course important, and for providing enough prison places, but for turning around and reforming the lives of individuals under the care of the state, and ensuring that they leave prison with better prospects and more likely to lead a law-abiding life.

**Ian C. Lucas** (Wrexham) (Lab): I have listened closely to this debate, which has largely been extremely consensual. The Lord Chancellor knows about HM Prison Berwyn in the Wrexham constituency—we have already discussed it—and that a great deal of common hope is invested in that institution. In Wrexham, we are hugely impressed by its staff, under the leadership of Russ Trent. To pick up on the point she is making, will she report back regularly on the progress at that prison? Many of the aspects of the philosophy we are talking about are being carried out there in practice, and it will be extremely important to measure that as time passes.

**Elizabeth Truss:** I am certainly very happy to report back on the progress at HMP Berwyn. We are looking at that progress, and we are learning the lessons across our prison estate.

**Mrs Gillan:** The Lord Chancellor is very generous in giving way to me twice. She will be aware that people with autism are disproportionately represented in the criminal justice system. Young Offender Institution Feltham was the first prison to have accreditation as autism-friendly, which it has found has reduced violence and helped people with mental health problems. I understand that 20 other prisons are currently going through the accreditation process. Will she give consideration to making sure that all establishments go through the accreditation process, because I believe it will deliver a safer environment in prisons for our officers and for those incarcerated?

**Elizabeth Truss:** I will certainly look at that. I know my right hon. Friend has a long record of standing up for people with autism and making sure they have proper support.

**Sir Edward Garnier** (Harborough) (Con): Will my right hon. Friend give way?

**Elizabeth Truss:** I want to finish this point, because I must move on to the courts section of the Bill, but I will give way.

**Sir Edward Garnier:** My right hon. Friend is very kind. The Bill says:

“The report must set out the extent to which prisons are meeting the purpose mentioned in section A1.”

What happens if a prison, or prisons generally, do not meet such a purpose? What will the Secretary of State do about it, what can she do about it, and what will happen if she does not do anything about it because prisoners are let out?

**Elizabeth Truss:** My right hon. and learned Friend, who served as the shadow prisons Minister, makes a very important point.

As well as creating a framework for the Minister, the Bill will set up a new Executive agency, Her Majesty's Prison and Probation Service, from 1 April, to focus on the operational management of prisons and probation. We will have new standards, and performance measures will appear in performance tables so that the public can see, transparently and accountably, what is going on in prisons. At the moment, we do not know the employment rate for those coming out of a prison, how good a prison is at improving the English and maths of the people inside it, or how effective it is at getting them off drugs. Those measures will all be published, which will lead to much greater scrutiny and accountability for the public.

In addition, I am strengthening the powers of the prisons inspectorate. The inspectorate—the chief inspector, in particular—will be able to trigger an urgent response from the Secretary of State in the most serious cases. That means that if a prison is failing to meet the standards, the Secretary of State will have to respond within a specific timetable with an action plan to improve the prison. At the moment, that is not the case.

**Mr Grieve:** I assume, therefore, that this is intended to be justiciable, and that if the Secretary of State were not to respond within the time suggested the Government would be reviewable in court.

**Elizabeth Truss:** It will be enforceable through the inspectorate, which will be given specific powers to ensure that that happens.

The Bill will place the prisons and probation ombudsman on a statutory footing, giving him greater authority and statutory powers to investigate deaths in custody. The Bill supports our efforts to stop drug use and crime enabled by illegal mobile phones. It enables phone network operators to disrupt unlawful use of mobile phones in custody.

**Kate Green (Stretford and Urmston) (Lab):** I just want to ask the Lord Chancellor, if she could answer very simply, who is accountable in the event of a prisoner's escape?

**Elizabeth Truss:** The governor is accountable for what happens in their prison, but there is a line management structure through to the head of the Prison Service and, ultimately, the Secretary of State.

The Bill supports swifter responses to the devastating effect of psychoactive substances. There have been very serious cases on our prison estate. They fuel debt and violence and can have a serious impact on prisoners' health. We rolled out new tests for psychoactive substances in September last year—we were the first jurisdiction in the world to do so. The Bill strengthens our ability to keep up with the speed at which substances evolve. It allows quicker testing for all newly identified psychoactive substances based on the generic definition of those substances set out in the Psychoactive Substances Act 2016.

We face challenges in our prisons that will not be solved in weeks or months, but I am absolutely determined to turn the situation around. We now have the resources to do so: we are investing an additional £100 million a year and we have a clear plan. The measures in the Bill provide a structure under which accountability and scrutiny can take place, so we will be able to see how our prisons improve over time.

The Bill introduces major reforms to the court and justice system, which I announced in my joint memorandum with the Lord Chief Justice and Senior President of Tribunals in September. It will introduce more virtual and online hearings, put in place greater protection for victims and witnesses, and provide greater support for our excellent judges and magistrates.

I want to take a moment to pay tribute to the Lord Chief Justice, John Thomas, a great reformer who has spearheaded these reforms and who will retire later this year. I also want to thank the Senior President of Tribunals. Their vision for a courts and tribunals system that is just, proportionate and accessible lies at the very heart of the reforms set out in the Bill. The reforms are a tribute to their tireless work, alongside other senior members of the judiciary.

**Robert Neill (Bromley and Chislehurst) (Con):** On behalf of the Justice Committee, may I warmly associate myself with the Justice Secretary's entirely appropriate comments on the Lord Chief Justice and the rest of the senior judiciary? Will she reflect on whether the Bill's

passage through the House may not provide an opportunity to revisit the retiring age of senior judiciary, which, at 70, runs against the behaviour of much of the rest of society and our economy?

**Elizabeth Truss:** I thank the Chairman of the Select Committee for introducing this hotly debated issue into our discussion on the Bill. The measure is not a part of the Bill. I have had discussions on this issue with the senior judiciary. We should certainly consider it in due course, but at the moment there is no consensus.

Yesterday, we announced that we are bringing forward the roll-out of reforms to allow rape victims to pre-record their cross examination, sparing them the trauma of giving evidence during trial. This follows successful pilots of measures for child victims of all crimes. This will not reduce the right to a fair trial. During the pilots for vulnerable victims there was no significant change in the conviction rate, but we did see more early guilty pleas and fewer cracked trials. That means less stress and trauma for all of those participating in the case.

I want to praise the determined leadership of the president of the Queen's Bench Division, Sir Brian Leveson, and the senior presiding judge, Lord Justice Fulford. They have been vital in developing the plans for rolling out these provisions for child victims and victims of sexual offences in all Crown courts. Given that in some of our Crown courts, almost 50% of cases are sexual cases, this is a very important reform that will help us to support people who have to go through this terrible experience and to improve the situation for them.

**Ann Coffey (Stockport) (Lab):** This is a very welcome announcement, but it will mean that more cases will have to be included in the roll-out of section 28, which is due to be completed by December 2017. The sexual assault referral centre in Manchester is currently a remote site, enabling cross-examination of vulnerable witnesses by video link to the court. Will the Secretary of State consider the use of existing remote sites such as St Mary's for pre-recorded cross-examination of witnesses, which would help to prevent delays in the roll-out of section 28, which has been a fantastically successful pilot?

**Elizabeth Truss:** I am in principle in favour of using alternative venues, other than courts, which can be conducive to people giving the best possible evidence in a less intimidating environment. I would have to discuss that with the senior judiciary—we are working closely with them on this issue—but I am certainly in favour of using places such as sexual assault referral centres to make sure that we give the best possible support to victims and witnesses at a very difficult time for them.

The measures set out in the Bill will further enhance our ability to protect vulnerable witnesses and modernise the courts and tribunal system. Our changes to the system should be reflected in better legal support, but are focused on early help and representation. That is why we are bringing forward a legal support Green Paper in early 2018, setting out proposals to update the system of legal support in a modern court system. Put simply, what we want is less time spent navigating the system and more legal time spent on giving people legal advice and legal representation.

[Elizabeth Truss]

Parts 2 and 3 will take forward measures relating to procedures in civil, family and criminal matters, and the organisation and functions of courts and tribunals. I shall talk through each in turn.

**Ian C. Lucas:** One area that I am concerned about is representation in court in matrimonial proceedings, which can be some of the most difficult, emotional and contentious cases in our courts, yet very little legal representation is publicly funded. Is the Lord Chancellor content with the current situation, and which areas does she think need the most attention?

**Elizabeth Truss:** If the hon. Gentleman is asking me whether I am content with the current situation, no, I am not. We need to reform the family justice system. We need to help people to get an earlier resolution of their issues. We need to get better at helping families, and I am a big fan of the family, drugs and alcohol courts and the work that they do in supporting parents. That is why the Minister for Courts and Justice and I will bring forward a Green Paper on family justice that will look at the system in a holistic way to see how we can do things better within the family justice system. There are certainly areas where improvement needs to be made.

Banning the ability of alleged abusers to be able to cross-examine their victims in court is an important step. This was done in the Crown courts in the 1990s, and we are only now catching up with it in the family courts. It is very important to give family courts the priority in the system that they deserve, so that we can deal with these difficult issues in people's lives as sensitively as possible.

This Bill will also make sure that victims and witnesses in the criminal courts receive the support they deserve. It will extend the use of video links from virtual hearings, which will have multiple benefits. First, it will allow victims to be eligible to take part in cases without having to meet their alleged attacker face to face. In future, about 180,000 victims and witnesses a year will be eligible to give evidence remotely from a convenient location or in advance of a hearing. The Bill will enable more bail hearings to take place through video link and away from the courtroom, saving time and money. It will increase the efficiency and effectiveness of the overall process by allowing a number of decisions to be made outside the traditional courtroom, and it will save people time spent in travelling to court: it will save about 112,000 journeys from prisons to courts each year.

**Mr Grieve:** I am most grateful to my right hon. Friend for giving way again. I support the thrust and intention of the Bill. Normally a victim is the first witness for the prosecution, but is there not a risk that the question that someone may wish to ask the witness will be changed by the evidence that precedes the giving of that evidence by the witness? We shall have to have a system to deal with that if a fair trial process is to be maintained.

**Elizabeth Truss:** My right hon. and learned Friend has made the important point that a fair trial is at the heart of our justice system. We already have rules

committees, and we are establishing a new online rules committee which will be managed by the judiciary. They will look at the issues in detail to ensure that a fair trial is always paramount.

The Bill will enable screens to be installed in courts across England and Wales to allow the public to observe virtual hearings from court buildings anywhere in the country. Lists of all open cases will be published online, and results will be made available digitally. That will ensure that justice is done and seen to be done.

The Bill will streamline the pre-trial process, and will make changes in the way in which cases are allocated in the Crown and magistrates courts. Defendants will be able to indicate a plea online in all cases, allowing the courts to make administrative decisions without the need for a hearing. We are also stripping out nearly 30,000 unnecessary first hearings for the most serious offences in the magistrates courts each year.

The Bill will abolish local justice areas, simplifying the structure of our magistrates courts and removing the bureaucracy and geographical constraints that cause inefficiencies and delays. It will allow those who are charged with some of the most straightforward, non-imprisonable offences to resolve their cases entirely online. For example, a commuter charged with failure to produce a ticket can log on to a website, have all the options clearly explained, and accept a conviction and pay a set penalty instantly online without waiting for a magistrate to process the case.

**Richard Fuller (Bedford) (Con):** My right hon. Friend will be aware that a number of magistrates courts—including the court in Bedford—were closed in past years by the justices themselves, despite the best efforts of my hon. Friend the Member for North West Cambridgeshire (Mr Vara), whose hands were tied. Will these measures help to allay my constituents' concern about the difficulties of additional travel in the case of some offences? Will the Bill give them some comfort by ensuring that the problems involved in having to go to Luton will be allayed?

**Elizabeth Truss:** My hon. Friend is right. I represent a rural constituency, and I understand people's concerns about having to travel far. Virtual hearings will enable people to do more online so that they do not need to travel to court, and to use virtual videos. That is already reducing travel needs throughout the country. If people want to observe a case in another part of the country, they will be able to go into their court to do so, with special permission. Victims and witnesses will have more access to the justice process.

**Mrs Madeleine Moon (Bridgend) (Lab):** Transferred online communications are wonderful if people have access to quality broadband, but communities in parts of my constituency have broadband that is as slow as 25% of capability. How on earth will people be able to gain access to justice when they cannot possibly do anything online because of appalling broadband?

**Elizabeth Truss:** We are doing a lot to improve broadband across the country. The online system is not mandatory; the paper process will be available. I have been looking recently at virtual hearings that are taking place across the country. In some areas, such as the south-west of

England, there is very high take-up of these hearings, because being able to use broadband helps people in rural areas, who have long distances to travel to get to court.

**The Minister for Courts and Justice (Sir Oliver Heald):** Particularly in the west country.

**Elizabeth Truss:** The west country is leading the way at the moment, and we are looking at how we can encourage courts across the country to do the same thing.

I am very pleased to say that civil justice is at the forefront of our reforms. I was proud to announce the new business and property courts last week with the Lord Chief Justice and the Chancellor of the High Court. These courts are the vanguard of our world-class civil justice system, making sure that global Britain leads the world in law. They will be based in London, Leeds, Bristol, Manchester and Cardiff, and they represent the fact that our courts and commercial courts serve not only the City of London, which is of course important, but significant regional centres across the country.

**Robert Neill:** I promise that this intervention is uncontroversial. Does my right hon. Friend agree that, as well as the integrity of the judiciary, one of the strengths of our commercial courts is the ability to enforce judgments worldwide, and that includes within the European Union? Does she therefore accept that it is most important that the ability to enforce the judgments of our courts in the EU remains a top priority in our Brexit negotiations?

**Elizabeth Truss:** My hon. Friend is correct. As well as making sure that these commercial courts cover all the regions of our country, we need to make sure that there is mutual enforcement of judgments elsewhere. We have a commitment to do that as a Government; it is something that I have agreed with the Secretary of State for Exiting the European Union, and it is a priority for the Government's negotiations.

This Bill introduces a new online court which will enable people to resolve civil claims of up to £25,000 simply and easily online. These online services will increase access to justice. It will reform procedures so that people can make witness statements rather than statutory declarations in relation to certain traffic and air quality offences in the county court. It means that people will not have to go into court to go through this process. The Bill will also streamline the use of "attachment of earnings" orders, giving the High Court the same power as the county court to make attachment of earnings orders in relation to judgment debts, and on the basis of a fixed deduction scheme.

We also want our excellent judiciary and magistrates to be better supported in the work they do. This Bill will allow judges in all our courts and tribunals to make greater and more effective use of authorised court staff, to assist them with tasks such as dealing with routine applications or ensuring compliance with court directions. This will allow our judiciary to prioritise their time and expertise on the matters where they are needed most.

The Bill will bring the legislative framework for the employment tribunal system into closer alignment with that of the wider tribunals system. It will confer

responsibility for making procedural rules to the Tribunal Procedure Committee. Employment judges will be able to delegate routine tasks to appropriately trained or qualified staff. Overall, these reforms will benefit tribunal users, whose cases will be resolved more quickly and proportionately.

We have the most highly regarded judiciary in the world; they are a beacon of independence, expertise and commitment to the rule of law. The Lord Chief Justice and I are working closely together to make sure that we have the strongest possible role for judges and magistrates in a transformed and modern justice system. We are putting in place reforms that recognise magistrates as an integral part of this judicial family. The judiciary is an important part of our constitution and its continued independence is vital for the rule of law. We must continue to uphold the very high standards and to select its members purely on merit. That means ensuring that people want to apply, feel valued and have good working conditions. I value the work that the judiciary does, from the magistrates and tribunals to the High Court and the Supreme Court. As Lord Chancellor, I am determined to support them in all they do.

Part 4 takes forward measures to ensure that our judiciary have the support and opportunities they need for a fulfilling and successful career. This Bill will strengthen leadership structures in the judiciary, supporting our wider work to provide clear career progression for judges, and ensuring that the widest possible range of talent comes into our judiciary. It will make it easier for the judiciary to deploy judges more flexibly, allowing judges to gain experience of different types of cases and helping with their career progression. The Bill will also enable the Judicial Appointments Commission to assist with selection exercises in other parts of the world, sharing the leading expertise within the commission.

Part 5 tackles the rampant compensation culture that has developed around whiplash claims—

**Philip Davies (Shipley) (Con):** Just before my right hon. Friend moves on, may I ask her a question about magistrates? She rightly values the work that they do, so when can we expect the Government to allow them to send people to prison for 12 months, rather than six? This Government have been promising to do that for quite some time.

**Elizabeth Truss:** I thank my hon. Friend for his dogged support for magistrates; he is absolutely right about the fantastic work that they do. I am looking into this issue, and I would be happy to discuss it with him further.

Part 5 tackles the rampant compensation culture that has developed around whiplash claims. The number of road traffic accident personal injury claims is over 50% higher than it was 10 years ago, despite there being fewer accidents and safer cars on our roads. The Bill will enable us to introduce a transparent tariff system of fixed proportionate compensation for whiplash claims with an injury duration of up to two years, and to ensure that all claims will be supported by good quality medical evidence provided by accredited experts.

**Chris Leslie (Nottingham East) (Lab/Co-op):** Should not the Lord Chancellor use the Bill to put in place a fairer and more balanced framework for calculating

[Chris Leslie]

personal injury compensation lump sum insurance payments, following her seismic decision on the discount rate a few weeks ago? That decision has the potential to raise our constituents' insurance premiums, and the Treasury has said that it could add £2 billion next year and £1 billion thereafter to NHS litigation costs, which will affect the taxpayer. Surely the Bill could introduce a better balance.

**Elizabeth Truss:** I can assure the hon. Gentleman that he will not have to wait long for an answer to his question. I agree that the system is in need of reform, and I will bring forward a consultation before the Easter recess. I look forward to hearing his contribution to it.

**Rob Marris** (Wolverhampton South West) (Lab): Will the Secretary of State tell the House where the consultation's tariff figures for whiplash came from? What evidence was there for the Government to put those figures in the consultation document?

**Elizabeth Truss:** The hon. Gentleman will have noticed that we have changed the figures in response to the consultation document. Those were judged to be fair and reasonable for the level of injury that we are talking about in this case.

**Chris Philp** (Croydon South) (Con): I strongly welcome the provisions in the Bill to clamp down on whiplash fraud. Will the Lord Chancellor consider widening very slightly the definition of "whiplash injury" in clause 61 to include injuries to the lower back as well as the upper back?

**Elizabeth Truss:** That issue was covered in the consultation, and we have brought it back after listening to what people fed through in the consultation. The Bill will end the unfairness of higher premiums for motorists while ensuring that fair compensation remains available for genuinely injured claimants.

The Prisons and Courts Bill will usher in a new, modern era for our prisons, courts and justice system. It will do three key things. It will ensure that our prisons are places of reform so that offenders have the skills they need to return to society, to secure employment and to turn their back on crime. It will create a courts and tribunal system that protects the most vulnerable and is more straightforward and accessible for all. It will also enable the judiciary to meet the demands of a modern justice system and enhance our reputation for legal excellence around the world. I commend the Bill to the House.

5.9 pm

**Richard Burgon** (Leeds East) (Lab): I start by echoing the Justice Secretary's comments about the young prison officer Ryan Goodenough, who was attacked in Oakhill secure training centre last week. I pay tribute to all our prison officers, who do such a good job in such difficult circumstances.

I thank the Secretary of State for telephoning me the evening before the Bill's publication to discuss its contents, and the Minister for Courts and Justice for meeting me

last week to discuss the Bill in further detail. Even though I have been in this place for only a limited time, I understand that that is a custom more often honoured in the breach than observance, so I was pleased that they contacted me in a courteous and informative way. I also thank the House of Commons Library for its thorough and clear briefing, which has assisted me and my staff, and doubtless many other Members and their staff, too.

We are discussing a Bill to amend the procedures in our prisons and courts. The Bill has been trailed since the Queen's Speech last May—back in the days when the former right hon. Member for Witney was Prime Minister, the right hon. Member for Surrey Heath (Michael Gove) was Justice Secretary, and the right hon. Member for Tatton (Mr Osborne) could not find the time to edit a daily newspaper. Much has changed since then—we have waited a long time for this Bill.

We are not opposed to the Bill. Indeed, we welcome and support much of its content. However, when we disagree with provisions or believe that the Government should go further, we will pursue amendments in Committee. The Bill comes at a time of dual crises: a dangerous and declining prison estate; and thousands of people being priced out of access to justice. I will set out the reasons for those crises and what the Bill must offer to make a real difference.

It has been the Secretary of State's misfortune to inherit a brief that has been dominated from day one by the crisis in our prisons. That crisis is not of the Secretary of State's making, but it was created by the Conservative Government's cuts agenda. The relevant statistics are often cited in this place, but they are worth repeating. There is overcrowding in 68% of our prisons, with more than 84,000 people for approximately 77,000 places. In the 12 months to September 2016, there were more than 25,000 prisoner assault incidents, which represented a 31% increase on the figure for September 2015. Assaults on prison staff reached 6,430, which was an increase of 82% since 2006 and a 40% increase on the year before. There were more than 37,750 incidents of self-harm, which was an increase of 61% compared with September 2006 and a national increase of 23% on the previous year. In the 12 months to December 2016, there were 354 deaths of prisoners in custody, 34% of which were self-inflicted. This Government's decision to cut 7,000 frontline prison officers no doubt contributed in large part to the crisis, but that was allied with the disastrous decision to part-privatise our probation service, meaning that the effective rehabilitation of offenders has become all but extinct under successive Conservative Governments.

**Philip Davies:** I, too, want to support and help to protect our prison officers. I intend to table an amendment whereby a prisoner who assaults a prison officer should no longer be automatically released halfway through their sentence. That would have a big impact on the Prison Officers Association—it would welcome that support—and it might deter some of the violence in prisons. If I table such an amendment, will the hon. Gentleman show his backing for prison officers by supporting it?

**Richard Burgon:** In Committee, my hon. Friend the Member for Halifax (Holly Lynch) and others will look at ways of ensuring that we put the safety of our prison

officers first, and on a par with the safety of police officers. Overcrowding, violence and failure to reform are all challenges that the Bill must confront and surmount.

The Bill sets out proposals to modernise the way in which our courts and tribunals operate, which is welcome. I can testify from my decade as an employment tribunal lawyer that when Dickens complained in “Bleak House” about the turgid pace with which courts dealt with cases, he could have been speaking for our age, too. However, technology has begun to appear in courtrooms, from which it was previously glaringly absent.

It is vital that such innovations do not come at the expense of access to justice, because in recent years, when the Conservatives have released documents with the word “transforming” in the title, that has usually been shorthand for cutting, diminishing and failing—think of “Transforming Legal Aid” and “Transforming Rehabilitation.” “Transforming our Justice System,” which is one of the papers that has influenced this Bill, must not result in the same.

The Lord Chief Justice, Lord Thomas, was certainly correct when he said last year:

“Our system of justice has become unaffordable to most.”

I was glad that the Secretary of State praised Lord Thomas in her speech, but I would welcome it if she went beyond praising him and agreed with his analysis of the barriers to access to justice.

**Mr Shailesh Vara** (North West Cambridgeshire) (Con): Lord Thomas certainly said that, but the hon. Gentleman will be aware that Lord Thomas also supports all the Bill’s measures on reforming the courts, particularly on using technology to allow the access to courts that so many people were saying was going to be denied. Lord Thomas supports all the measures.

**Richard Burgon:** I made it clear at the outset of my speech that we will not oppose the Bill on Second Reading. We welcome a number of the Bill’s measures, but the Government should go further. I hope that the Secretary of State will agree that reform should not come at the expense of access to justice, and if Lord Thomas, whom we all hold in high esteem, is saying that our system of justice has become unaffordable to most, Members on both sides of the House must take that seriously.

Nothing more poignantly demonstrates what Lord Thomas said about the barriers to access to justice than the 70% reduction in employment tribunal cases following the coalition Government’s introduction of employment tribunal fees. The Bill must provide answers to such problems. Technology alone is not a panacea, nor must it be utilised to mask further cuts to public funding.

A key feature of the Bill that has received much coverage in recent weeks is the proposed reform of whiplash claims. When the Bill was published, many people were pleased that it did not raise the small claims limit for all personal injuries, so the Government can be congratulated on listening—or listening a little—but we should be clear that the reform of whiplash claims is based on a false premise. The Secretary of State said today that there is a “rampant compensation culture”, but there is no epidemic of fraudulent claims. The British people are not on the fiddle or on the make in the way the Government so disparagingly suggest.

**Mr Vara:** The shadow Minister’s tone suggests that he agrees with much of the Bill—that is welcome—but how does he explain the fact that while the number of accidents is going down enormously, the number of whiplash claims has nevertheless increased by 50%? Does that have something to do with fraud?

**Richard Burgon:** The number of whiplash claims in recent years has reduced—[*Interruption.*] In recent years it has. I should also point out that there is a duty upon insurers to defend claims and not to pay out when claims are fraudulent.

**Mr Hanson:** I wonder whether my hon. Friend can help me a little. The Government have claimed that the whiplash proposals will reduce insurance premiums for drivers by about £40. Has he become aware of any evidence to back up that claim? If so, will he share it with the House, because we would be interested in examining it?

**Richard Burgon:** I thank my right hon. Friend for his intervention. Unfortunately, the Government have provided no cast-iron assurances that this saving will be passed on to drivers—if it exists at all.

**Kate Green:** Does my hon. Friend agree that it is wrong to penalise people who have valid personal injury claims because of a possible rise in the number of claims that is driven by cowboy claims management companies cold calling people to suggest that they should make claims that have no basis in reality? The Bill does nothing to address that.

**Richard Burgon:** I agree with the point that my hon. Friend so eloquently makes. Injured people should not be made to pay the price of the behaviour of the unscrupulous minority—the companies that engage in the practices she describes.

The Secretary of State started her speech by explaining how the Bill introduces a statutory purpose for prisons to

“protect the public...reform and rehabilitate offenders...prepare prisoners for life outside prison; and...maintain an environment that is safe and secure.”

Of course we agree with those aims, but most people believe that they are what prisons are meant to be doing already. It is crystal clear that those things are not happening today. The main problems in prisons cannot be disputed: violence, drugs, overcrowding and understaffing. To combat those threats effectively, we need a plan for order—a plan to reduce the demand for and supply of drugs, to manage the prison population, and to recruit and retain prison officers. Where is any of that in the Bill? Where are the practical measures to realise those goals? We will be returning to those issues in Committee.

**Rob Marris:** Let me try to help my hon. Friend because there is a bit of a theme running through the Government’s approach. Ironically, given that we are considering the Prisons and Courts Bill, the Government’s approach to evidence is somewhat cavalier. Most of us would accept there is likely to be cause and effect between cutting 6,500 prison officers and replacing them with only 2,500, and the terrible state of our prisons; and between the introduction of massive employment tribunal fees and a lack of access to justice. Now we have bizarre

[Rob Marris]

compensation tariff proposals for whiplash with no evidence of where the Government got their figures from, but just an assertion from the Secretary of State that they believe in fair compensation. Well, I believe in Santa Claus as well.

**Richard Burgon:** My hon. Friend puts it very well indeed. Evidence is required in court and in this place, and the evidence to back up some of the Government's proposals is lacking. I will say more about this later, but there is a similar situation in respect of the review of employment tribunal fees. In effect, it says, "There is nothing to see here," despite evidence showing that there has been a 70% reduction in the number of cases brought to those tribunals.

**Victoria Prentis:** I am glad that the hon. Gentleman agrees with much of what is in the Bill. Does he agree that the White Paper alongside it contains a lot of the evidence that he is searching for?

**Richard Burgon:** Of course we have considered the White Paper but, as I said, we will be returning to these practical proposals in Committee as we attempt to improve the Bill.

Did Ministers consider that the resettlement of prisoners might be a worthy aim to set out in the Bill? Too many prisoners leave prison without a home to go to, and that is a barrier to many things, including getting a job. It hampers rehabilitation and increases—

**Mrs Moon:** Is my hon. Friend aware of the Emmaus project? It will offer a prisoner who is ready to take the step of moving away from drugs and offending and into work the chance to become a companion. People will prepare goods for sale in the Emmaus shop, and restore and repair other goods. Those people claim no benefits other than housing benefit, so there is no real cost for the state, but they are supported in changing their lives absolutely and getting back into work. Should we not encourage that?

**Richard Burgon:** Fantastic work such as that of the Emmaus project helps not only to turn around the lives of inmates, but to protect society, because the majority of people who go into our prisons will come out and live next door to us. The project helps to give people a stake in society and to reduce reoffending, and the Government can learn much from it. Leaving prison without a home to go to creates a barrier to many things, including getting a job, and that hampers people's reintegration into society.

**Mrs Gillan:** I welcome the hon. Gentleman's support for many of the Bill's provisions. Does he agree that the National Grid scheme, which was started all those years ago by Dr Mary Harris, does valuable work in finding homes for prisoners? It takes prisoners out on temporary licence, pays them and finds them a job—this means they have money in the bank—and often finds them a home. That is why the programme is so successful in reducing reoffending. Does he agree that the scheme should be rolled out right across the prison system, particularly as by 2020 we will need around 1.8 million engineers throughout the UK?

**Richard Burgon:** That programme is certainly worth while and welcome. I have been arguing that the Bill should refer specifically to such practice.

We need to know more about what the Secretary of State's overall responsibility for the statutory aims will mean in practice. Who will decide whether she is fulfilling her responsibility? We welcome the additional powers for the inspector of prisons, but the inspector's report will mean little, if not nothing, if its recommendations are simply ignored. As we have heard, the Bill will require the Secretary of State to respond within 90 days. It will be interesting to know how that time period was decided, but beyond responding to a report, what else will she be required to do?

Many stakeholders tell me that a failure to take any action in response to independent monitoring boards' reports and inquest jury verdicts has contributed to the prisons crisis. The recent tragic death of Dean Saunders is a sad case study of what can go wrong when mental health issues and our prison system collide. Has the Secretary of State considered whether she or prison governors should be required to respond to such findings? Could the role of the governor be more effectively scrutinised through a system of peer-to-peer review across the prison estate—whether public or private?

The urgent notification system is welcome, but how did the Government arrive at the 28-day time limit for a response? Does the concept of urgency not demand a shorter period? There have been past attempts to put the prisons and probation ombudsman on a statutory footing. Perhaps that is now within reach, but that is all the Bill will achieve in this regard. What thought did the Secretary of State give to expanding or augmenting the ombudsman's powers? There is nothing in the Bill that addresses the need to improve the experience of and care for those who come to prison with mental health problems, or that addresses whether prison is even the right place for many of them in the first place.

Blocking the use of unauthorised mobile phones in prisons is clearly an urgent task, which we of course fully support, but other measures could be taken to complement the innovation in the Bill and reduce the trade in mobile phones. Committed and hardened criminals will seek out mobile phones to try to continue their criminal enterprises and activities from inside our prisons. For those prisoners who just want to phone home or phone a friend, greater access to affordable pay phones for monitored calls will help to reduce the demand for mobiles. Currently, some prisons have pay phones in cells, but most have pay phones only on the prison wing, which means that, at association time, the prisoners end up queuing to use the phone, and they may not get to use it before their association time is up. Better access to affordable pay phones and privacy from other inmates will reduce the demand for mobile phones. We welcome the Government's measures to block the unauthorised use of mobile phones.

Developing and using an effective way of testing for psychoactive substances is also vital. However, that alone will not deal with the demand and supply of those substances. Recent reports from the inspectorate have found that overcrowding and a shortage of prison officers means that intelligence-led drugs tests are, sadly, a rarity. The best and most effective way of reducing the

demand for drugs is to ensure a full and purposeful programme for all prisoners so that their time in prison is occupied.

Many of these problems with which we now grapple can be linked with the disastrous decision to cut prison officer numbers by 7,000—or 30% since 2010. The public sector pay freeze has made recruitment more difficult and without sufficient numbers of officers in prisons, order cannot be maintained. Officers do not have time to mix with prisoners and gather intelligence or to conduct searches, fabric checks of cells, and drugs testing.

**Rob Marris:** In that context of insufficient staff, does my hon. Friend join me in welcoming the establishment of a prisons and probation ombudsman with considerable powers, including one to direct the form of the response to be made by the Secretary of State to a report from the ombudsman? It is a considerable power. To have a strong ombudsman who would be prepared, if necessary and in certain circumstances, to face up to the Secretary of State is a powerful protection when that ombudsman investigates deaths as well as other complaints.

**Richard Burgon:** That is a very important point. We support a strong ombudsman, and we want reassurances that the Secretary of State will have to not just respond to the ombudsman, but take action on the basis of the findings of the ombudsman.

Prisons officers to whom I speak want to help offenders turn their lives around. They want more responsibility and to be part of a valued profession. They do not want to be viewed just as turnkeys, but successive Conservative Secretaries of State have diminished their role.

As mentioned earlier, the Government have set out plans for league tables and greater autonomy for prison governors. One wonders why the Government are persisting with the league tables idea when it was first dismissed by the chief inspector of prisons, Peter Clarke, at the Justice Committee in January. The Prison Governors Association has said that league tables

“will not achieve anything other than to risk demoralising staff and of unfairly judging the senior management team”.

Perhaps that was what prompted the Under-Secretary of State for Justice, the hon. Member for East Surrey (Mr Gyimah), to tell the Justice Committee that it would be performance data. The PGA also fears increased governor autonomy coinciding with increased responsibility for the Justice Secretary may result—heaven forbid—in blame being pushed its way. It says:

“Governors are being asked to sign up to agreements, which will become effective in just five weeks, with insufficient detail on what they will be held to account for. The risk is that the prison reform bill will become the prison blame bill”.

Further inroads into overcrowding and chaos could be made by considering who is being remanded and why, whether some offenders with mental health problems need a different approach and by dealing with the backlog of imprisonment for public protection prisoners. None the less, we see insufficient action to address any of those things. We were told that this Bill would transform the lives of offenders, but just saying that that is the case will not make it so. Transforming lives means first transforming the system.

I shall return to the subject of courts and tribunals, which I touched on earlier. Since 2010 Government legal aid cuts have robbed thousands of the legal

representation that should be their right. Many of them are those who are most in need of legal representation—for example, people who are in debt, claiming welfare benefits, facing marital breakdown or experiencing housing problems. In 2012-13, 724,243 civil law cases were funded by legal aid; after the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 were introduced, that figure plummeted to 258,460. I realise that some Government Members will toast those figures as evidence of a job well done, but in reality what are they but proof of access to justice denied?

The coalition Government introduced employment tribunal fees. That measure resulted in a 70% reduction in the number of cases brought. The long delayed review I mentioned earlier essentially concluded, “There’s nothing to see here.” It said:

“While there is clear evidence that ET fees have discouraged people from bringing claims, there is no conclusive evidence that they have been prevented from doing so.”

If only illegal treatment by employers flouting the law of the land had been reduced by 70%. Instead, it is the number of cases that has fallen by 70%.

**Mr Jonathan Djanogly (Huntingdon) (Con):** If someone can get something for nothing, are they not likely to take it up? That was the core problem with employment tribunals when people had to pay nothing to get access. It is right that if one goes to court, one pays some sort of fee.

**Richard Burgon:** That is a very useful intervention because it makes clear the Conservative view of access to justice. Something for nothing? If somebody has not been paid the national minimum wage, why should they be charged to get the money back? If someone has not been paid their proper wage or has experienced disability, maternity or pregnancy-related discrimination, it is outrageous to say that they are seeking something for nothing.

That intervention takes me back to when I was an employment lawyer acting for the people the hon. Gentleman dismisses in such a cavalier fashion. I remember the first time I lodged a case after the coalition Government introduced employment tribunal fees. On the Employment Tribunal Service website, it said, “Customer, please enter your credit card details.” Is that not shameful? When we regard citizens who are attempting to assert their statutory rights—rights made in this place, such as the right to the minimum wage and the right not to be discriminated against at work—primarily as consumers, it shows that the priorities of our society and our justice system have been warped by the Government.

**Rob Marris:** Does my hon. Friend agree that part of the difference is that some Government Members apparently have overlooked the fact that very often employment tribunal cases are brought by people who have no job? They have no income. That is why they are bringing a tribunal case. It is very different from a big commercial dispute, where court fees are paid for access to justice, to charge tribunal fees to people who have no income and no job, and that is the substance of their complaint to the tribunal.

**Richard Burgon:** My hon. Friend makes an important point. I would also give the example of people being charged employment tribunal fees that exceed the underpayment of the wage about which they are complaining. That really discourages claims.

**Sir Oliver Heald:** The hon. Gentleman fails to mention that the policy was designed in part to increase the number of cases that are conciliated. Now, instead of 23,000 cases a year going to ACAS, 92,000 do and half of them are resolved, and of course it is free.

**Richard Burgon:** The coalition Government's objective in introducing employment tribunal fees was to strengthen the hand of employers, including unscrupulous ones, and to weaken the hand of individual employees. That is what the policy was about and that is why it has worked from the Government's perspective. The ACAS conciliation now offered as compulsory conciliation is not the same as the role of ACAS in the past when people issued an employment tribunal case. No professional advice is given on the value of the case. Just because a claim has not been issued or a matter has been discontinued does not mean that it has been resolved satisfactorily with both parties on an equal footing. To make it clear, Labour would abolish employment tribunal fees because Labour believes in access to justice.

**Mr Djanogly** *indicated dissent.*

**Richard Burgon:** The hon. Gentleman shakes his head, but his earlier comments about people looking for something for nothing show how out of touch he is.

**Mr Djanogly:** It is quite the opposite. I am suggesting that the hon. Gentleman's policy would be giving something for nothing.

**Richard Burgon:** More than implicit in the hon. Gentleman's ill-considered comments is that allowing people to seek justice in the employment courts without paying money is a something-for-nothing practice. That is a disgraceful comment, which we look forward to publicising as widely as we can. The Government need to think again when it comes to employment tribunal fees.

**Sir Oliver Heald:** What is wrong with moving from a system where very many cases go to the employment tribunal to one where most cases are conciliated? It is a much easier way for people to get justice.

**Richard Burgon:** The problem is that the price that is being paid is that of access to justice, and that is unacceptable to the Labour party at least. Are the Government seriously contending that 70% of claims brought before 2013 were somehow fraudulent? If so, that is absolutely outrageous.

**Rob Marris:** Would my hon. Friend repeat the figures? I thought he said, in round terms, that there were half a million fewer cases after the changes, but the Minister has indicated that 70,000 more cases go to arbitration. That is a big gap—it is still more than 400,000 people who are not getting access to justice.

**Richard Burgon:** That is completely right. My final point on the subject, before I move on to the closures of courts and tribunals, is that the introduction of employment tribunal fees has harmed not only those who would bring a case, but those who would never dream of bringing a case. If employers know that there is virtually no chance of an employee bringing a case against them if they break the law, it gives unscrupulous employers the green light because they know that the risk of being

held to account is so much diminished. This goes to the root of what access to justice is. Legal rights are basically worthless if we cannot enforce them or rely upon them because of lack of resources or for any other reasons.

Two Government programmes earmarked a total of 243 courts and tribunals for closure. This has obvious and long-lasting effects on the principle of local justice. The cuts have led to an increase in the number of people forced to represent themselves. As far back as 2014, figures such as the Lord Chief Justice, Lord Thomas, were warning of the rise in unrepresented litigants—litigants in person. The Justice Committee's 2015 report into the impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 said:

“The result is that the courts are having to expend more resources to assist litigants in person and require more funding to cope”.

We know that, and we know that litigants in person clog up the court system and make it less efficient.

As Members of Parliament, our weekend advice sessions are full of people who need a lawyer, but cannot get one. Ministers seem to treat the involvement of lawyers in litigation or potential litigation as a fundamentally bad thing. That misses much of the point. Those hon. Members who have ever needed to use a lawyer or who have ever been lawyers themselves will know the valuable role lawyers play in dissuading clients from ill-advised litigation, in encouraging settlements that are fair and beneficial to clients where possible, and in shortening the proceedings in court.

In that respect, the prohibition in part 2 on cross-examination by the abuser of the abused is, of course, very welcome. The stark evidence from groups such as Women's Aid is that this gap in the law was being used as a further means of control and abuse. Despite the fact that we very much welcome this measure, it cannot be left unsaid that the reason this serious problem became so pronounced was the Government's legal aid cuts, which exacerbated it in a very damaging and profound way, and Resolution—the body of family solicitors—makes that clear:

“The impact of LASPO has led to an increase in litigants in person, meaning we've seen a rise in the number of defendants cross-examining those they have abused.”

Let me turn to the subject of modernisation. Few will disagree that the court system needs modernising and digitising—some would say it is in more need of modernisation than this place. There remains too much paper involved, when technology has made it possible for much documentation to be stored, referenced, annotated and amended using tablets and the like. However, technology alone does not demolish barriers to justice, and it can exacerbate the risks. The Opposition favour streamlining justice and reducing unnecessary court hearings, and we recognise that part 2 seeks to achieve that, but as the chair of the Bar Council, Andrew Langdon, QC, has warned, the fact that online courts

“might encourage defendants to plead guilty out of convenience, when in fact they may not be guilty of an offence, no matter how small, risks injustice.”

We have to be mindful of that. In its briefing on the Bill, the Law Society also issued a caution, saying:

“Although we welcome the introduction of these measures as a way to improve efficiency, there are serious risks associated with them in the absence of adequate access to legal advice. Safeguards

must be in place to ensure that a defendant is aware of the consequences of indicating their plea in writing and the other measures highlighted above.”

Online courts, again, present the opportunity for a modern and desirable way of using technology to reduce court hearings and, hopefully, to deal with preliminary matters efficiently. However, the Law Society, again in its briefing, cautions that online convictions should be thoroughly tested and reviewed before being expanded. The Opposition therefore hope the Government will be open to amendments that allow for reviews to take place after a specified time. That would seem sensible. Virtual hearings, procedures on papers only, and written plea and mode-of-trial procedures will all need to be reviewed in time. The Government need to give closer consideration to safeguards, and we will seek to put those in place.

On whiplash, the clauses in part 5 will have come as a relief to many. The Government have backed away from increasing the small claims limit across personal injury, and that is welcome. However, they see a personal injury lawyer lurking around every corner—the Minister with responsibility for courts and tribunals even mistook me for one. *[Interruption.]* There is a former personal injury lawyer behind me—my hon. Friend the Member for Wolverhampton South West (Rob Marris)—although he has only one job now. However, the Association of Personal Injury Lawyers made it clear in written evidence to the Justice Committee that even

“when whiplash statistics are combined with the number of injuries registered by insurers with the CRU”—

the Compensation Recovery Unit—

“as ‘neck and back’ injuries, there has been”,

as I said earlier,

“a significant fall of 11 per cent since 2011/2012.”

Profound problems also exist with the tariff system proposed. As the Government have accepted, the amounts they have set out elsewhere are low. However, they are too low, and compensation must be commensurate with the severity of an injury. If those tariffs are taken together with the increase in the small claims limit to £5,000, no victims of road traffic accidents—not only victims of whiplash—would be entitled to recover legal costs where the compensation did not exceed £5,000. That will inevitably deter people from accessing legal representation and deter genuine claims. The Government should consider ensuring that victims of road traffic accidents are able to recover their legal costs.

We have heard repeatedly—this was touched on earlier—that the proposals in the Bill will lead to premiums reducing by as much as £40 a year on average. The Law Society has questioned the accuracy of these figures, saying that the pass rates on which they are predicated are difficult to predict and it is unclear how the 85% savings rate has been calculated. As my hon. Friend the Member for Wolverhampton South West said, it is a matter of evidence—or, in this case, a lack of it. Most obviously, there is no mechanism by which insurers can be made to pass on any savings to consumers. We hear a lot of insults thrown at the British people about a rampant claims culture and people being on the make and on the fiddle, but a lot less about the behaviour of some insurers in failing to defend weak claims and how much the insurance industry is making out of all this. Only a

tiny minority of insurance companies have said that they will pass on any savings. The Government need to take action to win those guarantees.

I look forward to the remainder of this debate. As I said, Labour does not oppose the Bill on Second Reading, but we do lament the fact that it lacks so much. I suggest that the Bill itself must transform if it is to transform.

5.51 pm

**Robert Neill** (Bromley and Chislehurst) (Con): I thank the Lord Chancellor and Secretary of State, as did her shadow, for the courtesy that she has shown to me as Chair of the Select Committee in keeping me apprised of the progress of this Bill. That is very welcome. Although there have been occasions when the Committee has come up with constructive—I hope—criticism or intentions contra to the Government’s, the whole ministerial team has always engaged with us very positively. I very much welcome the Bill and the tone of her speech. This is an important Bill because, first, it deals with some very important topics; and, secondly, it is wide enough in scope to merit acting as a framework for further improvement as we go forward.

I will start with, but not confine myself to, prisons, because that is obviously the most significant issue on my right hon. Friend’s agenda, and perhaps the matter of greatest concern to the Justice Committee. We have issued a number of reports during this Parliament, as in the previous one, about the situation in our prisons. Let us be blunt: the situation is grim. That is not the doing of my right hon. Friend; it has grown up over a number of years and under the watch of Governments of different political complexions. We now need to tackle it as a matter of real urgency. There is no single reason why we have got into this difficulty in our prisons; a number of factors are involved. Similarly, therefore, there is no single silver bullet as a solution.

The Bill contains a very valuable and worthwhile framework on which to hang a wider suite of reforms. I very much hope that my right hon. Friend will take courage to be bold and radical in those reforms. Conservative Members should not be afraid of being advocates of prison reform, which is a fundamentally important social cause. I am proud to be a member of a party that has a long tradition of advocating social reform running back through Wilberforce, Shaftesbury, and the reforming work of Disraeli’s second Administration that was done by Richard Cross, his Home Secretary, and others. My right hon. Friend, who takes on the proposals of my right hon. Friend the Member for Surrey Heath (Michael Gove), follows in a radical Tory tradition that I welcome and for which we should not be afraid to make the case.

**Dr Poulter:** My hon. Friend is making a valuable contribution. I agree with him about the many merits of this Bill. Does he not agree, though, that it is a missed opportunity to improve opportunities for prisoners and reduce reoffending, because improving and protecting the mental health of prisoners is not mentioned in clause 1?

**Robert Neill:** My hon. Friend makes a perfectly fair point. I imagine that it will be almost impossible to put every single objective into the Bill, and I suspect that

[Robert Neill]

Ministers will say that the objectives are intended to be broad and overarching, but the issue of mental health in prisons is a most profound and important one, and I would have no objection were it to be in the Bill. Equally, however, the most important thing is the political good will of Ministers in ensuring that it is made a top priority within the framework of the Bill as it stands. I hope that he and I, and others who share our concerns about this across the House, will be able to work hard to make sure that that is delivered, as this is one of the areas of prison reform that we need to tackle.

We are seeking to provide a legal framework. Part of that is in the Bill; the rest is set out in the important measures in the White Paper, which was a very significant and progressive—in the right sense of the word—document.

**Dr Poulter** *rose*—

**Robert Neill:** Let me just make this point and I will give way to my hon. Friend again, because I know of his expertise and interest in these matters.

We need to recognise across the House that we must have the political will to tackle reform. That includes creating a climate of public opinion that accepts that prison reform is not a soft option—that it is done not out of a kind of soft-headed liberalism or do-goodism but for sound and profound social, moral and ethical reasons—and that it brings with it real societal and economic benefits.

**Dr Poulter:** As my hon. Friend will be aware, the White Paper sets out a whole range of proposals to deal with increasing violence and self-harm, and persistently high levels of reoffending. Given, as he said, the profound connection between poor mental health in prisoners and these issues—including substance misuse, which is often linked with poor mental health—I find it very surprising that clause 1 does not mention improving the mental health of prisoners.

**Robert Neill:** I suspect that my hon. Friend will return to that topic as the Bill progresses, and there will be other opportunities for others to do so as well. In the course of our ongoing inquiries into prison reform, the Select Committee has taken some evidence on the difficulties in mental health provision. Practitioners from the Prison Service came to give evidence to us very recently. It is certainly a topic that we will return to and that others may well address, even in the course of this debate.

**Sir Edward Garnier:** My hon. Friend mentioned, correctly, the need for political will. However, if members of the public are asked, individually or on a more organised basis, what they think about the current state of our prisons and what needs to be done within our justice system, they are much more liberal than politicians give them credit for. We need to be braver and get on with this rather than allow ourselves to be pushed around by various disobliging organs of the media who want us to be more and more draconian in the way that we deal with prisons.

**Robert Neill:** My right hon. and learned Friend is absolutely right, and he moves me neatly on to the next thing I was going to say. That political will does sometimes require us to stand up against the writers of the lurid

headlines and those who pose as the voices of public opinion but in fact seek to be manipulators of it, and to say the truth—that it is in everybody's interest that we reduce reoffending because the more we do so, the fewer victims of crime there are, and that is in everybody's interest. That is a good right-of-centre, as well as left-of-centre, case for undertaking prison reform, and we should make it across the House.

**Mrs Moon:** Does the hon. Gentleman agree that one of the ways in which we could dramatically cut reoffending would be to look at how many people are revolving-door entrants and leavers of prison, not because of criminal intent but because their mental health condition drives them to behave in a way that leads them, inevitably, into the arms of the police—the police are becoming social workers for the mentally ill—and into the criminal justice system rather than into our psychiatric hospitals, which are massively overcrowded and underfunded?

**Robert Neill:** The hon. Lady, who follows these issues closely, makes a very fair and reasonable point. That is a significant factor.

I practised as a criminal lawyer for the better part of 30 years. I both prosecuted and defended, so I have had no compunction about sending away people who have committed serious crimes. Equally, when I defended people and when I looked at some of those whom I prosecuted during that career, I saw some who were dangerous, unpleasant and, frankly, in some cases downright evil. They deserved to go to prison, and some of them deserved to go to prison for a very long time.

There were others who were weak and stupid, and some who were greedy. Sometimes—particularly for those who were greedy—that, too, deserved punishment, and prison was an apposite and appropriate punishment. There were also those who were weak or vulnerable, or who found themselves in situations where they were easily coerced. There were people who had made a series of errors in their lives, and others who suffered from physical or mental illnesses or from real social pressures around them.

We have to be much more discriminating and sophisticated in how we deal with defendants in our justice system. Prison does not always work. It works for some people, but not for everybody all the time, and we need to be brave enough to say that in political debate. As my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier), the former Solicitor General, rightly says, the public are much more alert to and realistic about that, and much more willing to buy that argument. We simply need to have the courage to make it.

**Philip Davies:** I do not know where my hon. Friends go out of an evening or during the day, but I am not sure that lawyers' dinner parties accurately reflect public opinion at large. Does my hon. Friend accept—it is a fact—that since Michael Howard started the trend of sending more people to prison, the crime rate has fallen? What does my hon. Friend make of that direct correlation?

**Robert Neill:** To be blunt, I rather suspect that I met a broader cross-section of society in practice as a criminal lawyer than one would meet in the average bookmaker's. We must be prepared to stand up and challenge stereotypes, wherever they come from on the political spectrum.

We diminish the value of prison if we adopt a knee-jerk approach and say that locking people up and throwing away the key is the best solution in all circumstances. It is the best solution for the dangerous. I had no compunction about saying that those in the Brinks-Mat trial, in which I was involved, deserved to go to prison for a very long time. One was later convicted of a very serious murder, and I thought that they should stay in prison for a very long time indeed. Equally, those who commit crimes to feed drug habits are not served by lengthy prison sentences. More to the point, the public are not served in the long run either.

The real difficulty that we face is that we incarcerate more people per 100,000 of population than virtually any of our western European comparators. That is more than Spain—and more than France, which has demographic, sociological and economic problems and indicators very similar to ours; it is a good comparator, in many respects. We incarcerate more than 140 people per 100,000 of population, while France incarcerates about 98. Our rate of incarceration is practically double that of Germany, a country that is also very similar to us in many other respects. That cannot be because of some greater inherent criminality on the part of the British people. It is simply that we do not have a sufficiently sophisticated suite of alternatives to custody to provide robust and publicly credible options, so sentencers often feel obliged to fall back on custody more than they do elsewhere.

The other point to bear in mind is that Germany and the Netherlands, in particular, do a better job of rehabilitating those who are in custody. We know that because their reoffending rates are much lower. I think the Government recognise, as do all other commentators, that short sentences very seldom have a positive effect. The Government are to be commended for saying that not only do we need to look at prison reform, in terms of what happens in prisons, but we need to look at what happens when people come through the gate; at the support that they get within the community; and at what diversionary activities can be established early on when people—particularly young people—come into contact with the criminal justice system, to make sure that they proceed no further down that path. It is an holistic approach, and the Government are right in that regard.

**Philip Davies:** My hon. Friend is being typically gracious and kind in giving way. Notwithstanding the point that he made, the fact of the matter is that for every 1,000 crimes committed in this country, only about 19 people are sent to prison. That is one of the lowest ratios of any country. Perhaps he can tell us in which countries the ratio of people who are sent to prison per 1,000 crimes committed is lower? That is the best measure of how many criminals we send to prison—not proportion of the population. We send very few criminals to prison per 1,000 crimes committed.

**Robert Neill:** My hon. Friend perhaps neglects to say that the reporting arrangements are very different in other countries, particularly when dealing with younger people in the criminal justice system. The different diversion work done in those countries does not allow for that kind of correlation.

I am not just talking about Europe. A number of states in the United States—we do not always think of them, particularly in current circumstances, as beacons

of social progressiveness—are more effective than we are at rehabilitation, meaningful community penalties and reducing recidivism. Some of that work, I might add, has been carried out on the watch of Republican governors. There is often a value-for-money case for imprisoning fewer people, as well as a social outcomes case. We ought to be prepared to make the case for prison reform as an important objective of any Government.

To return to the thrust of my argument, the Bill is an important step in achieving such reform. Of course, there is a lot more that we need to work on which is not in the Bill. The statutory purpose of the Bill is a good one. I understand the point made by my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter) about what, specifically, should go in it, but I think that its overarching purpose is correct. The balance between the safety of the public and the inmate on the one hand, and reform, rehabilitation and improvement on the other, is the right set of principles to have.

New duties on the Secretary of State are important. I suspect that they probably are justiciable; none the less, it is important to have proper accountability mechanisms. The new power for the chief inspector of prisons—the right to a response to his reports—is especially important. The current chief inspector, Peter Clarke, is an excellent appointment. I had the privilege of shadowing his team while they carried out a prison inspection—it happened to be at the prison local to my right hon. Friend the Justice Secretary, in Norwich—and I saw how thorough and professional they were.

As my right hon. Friend and the prisons Minister know, and as we in the Select Committee know, one of the chief inspector's great frustrations is the fact that in some cases, the bulk of his recommendations—not just a few, but sometimes an overwhelming majority—are not taken on board. It is important he can make sure that they are taken on board, and that a proper reason is given if they are not. Too often, his recommendations are repeatedly ignored by the same serial-offender prisons. This is an important legal step, which underpins progress.

The point has already been made about the prisons and probation ombudsman, and I agree with it entirely. These are important and welcome measures, as far as the prisons dimension is concerned, as are those to do with new psychoactive substances and interference with mobile phones. They are all important steps forward.

In the rest of the Bill, the modernisation of court proceedings is important and valuable. As the Bill progresses, I hope that the Government will bear in mind some of the caveats raised by practitioners, such as the Bar Council, the Law Society, the Criminal Bar Association and the Criminal Law Solicitors Association, to avoid unintended consequences. When dealing with things that might give rise to a conviction online, it is important for people to have the resources necessary to make an informed decision in relation to the plea, the means of election and so forth. Having such access will be important. This could be a very useful tool, and I know that the judiciary believes that it can be a good tool, but it is important to have informed decisions, and making guilty pleas online is an obvious example. Similarly, there is often a good case for having virtual hearings, but we need to make sure it does not drift into being the default position. We would obviously not have that for a trial, but we can think of other forms of interlocutory

[Robert Neill]

proceedings in which physical presence is appropriate, and we must make sure that we do not have too much of a broadbrush approach. However, the principle is good, and I have no problem with it.

On the whole question of dealing with the abuse of litigants in person in family cases—chapter 8 of the explanatory notes—I think the case is accepted across the piece. Such a system has worked well in the criminal jurisdiction for many years. When we set up in regulations the system of how this will work, I hope there will not be an attempt to over-complicate or over-engineer it. I urge my right hon. Friend the Secretary of State to take the criminal system and, as far as possible, lift it across with adjustments, which seems the sensible way to do it. Practitioners have made the point that when advocates are asked to take on such a role—in effect, on behalf of the court—they often take on a heavy burden. The instructions can be detailed and complex, and in my experience of such cases they frequently change depending on the nature of the person being dealt with, so the task is not easy. I therefore hope that rates of remuneration will not be any worse than in the criminal jurisdiction, because it is important to get good people to undertake this work.

Judicial appointments, which are important, have been mentioned. It is also important to bear in mind that leadership roles should be recognised, given the difficulty we have at the moment in recruiting proper High Court judges.

Moving on to part 5 on the whole question of whiplash—I will finish on this point—I do not think we can pretend that there is not an issue. The Select Committee has already heard evidence on this, and we will want to take more. Nobody can reasonably pretend that there is not an issue about whiplash, although there are disputes about whether the evidence base is strong, as was apparent in our hearings. I am glad that the Government have taken the step of moving to a system of tariffs, rather than having an outright prohibition on general damages. However, we will need to consider the devil in the detail in relation to the definition of whiplash in clause 61 and its subsections. At the moment, there is an ouster of the tariff system for breach of statutory duty, but, as practitioners have raised with me, one can of course envisage a number of circumstances in which it is possible to plead both negligence and a breach of statutory duty as alternatives. It might be self-defeating if we get an industry of people always seeking to put in an alternative head of claim to take it immediately out of the pure negligence category. Some careful drafting may be needed to look at the practical effects as far as that is concerned. Above all, we must not allow this to cause us to take our eye off the ball of the abuse by claims management companies. Good work is already being done by the Ministry and the Information Commissioner's Office, but a lot of the problems stem from the work of the claims management companies, and it is important to look at that.

On that basis, I wish the Bill well. It is an important and valuable Bill. I am sure we will have lively and constructive debates, and I hope that I and other members of the Select Committee will, as appropriate, endeavour to assist the Government in making a good Bill better. I wish it well in its passage through the House.

Several hon. Members rose—

**Madam Deputy Speaker (Natascha Engel):** Order. To be helpful to Members, let me say that 19 Members wish to speak. We have roughly worked out that if you restrict yourselves to about 10 minutes, it should not be necessary to put on any time limit.

6.14 pm

**Ms Harriet Harman** (Camberwell and Peckham) (Lab): The Bill gives the House, the Secretary of State and her prisons Minister the chance to do something that should have been done a long time ago, but that is now urgent, which is to end the death toll of suicidal mentally ill people who take their own lives in our prisons. When the state takes someone into custody, we have a duty to keep them safe—their life becomes our responsibility—yet prisons are not a place of safety. Last year, 12 women and 107 men took their own lives while in prison in the custody of the state. This Bill affords us the important opportunity to change the law to prevent these tragic deaths, and we must seize that opportunity because the problem is urgent and growing.

We all know that the issue of prison reform is not one that brings people out on to the streets, or that tops the agenda at election time. Unfortunately, I wish I could agree with the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Robert Neill)—I did agree with much of his speech—but I think that when it rises up the agenda, it is usually not in the cause of liberalising prison regimes, but because of demands to make them more draconian. That makes the job of the Secretary of State and the prisons Minister, in any Government, particularly challenging, and it is why, where possible, a cross-party approach is important. It is also why the Committee that I have the honour to chair, the Joint Committee on Human Rights—it is cross-party and composed of members from both this House and the House of Lords—is conducting an inquiry into suicides in prison.

Every single one of these deaths is an absolute tragedy for each individual and their family. Mark Saunders, the father of Dean, who took his own life, told our Committee earlier this month that

“we do not have capital punishment in this country but”

when Dean was sent to Chelmsford prison, he was sentenced to death. So, too, for Diane Waplinton, whose mother and aunt came to Parliament to give evidence to our Committee: her suffering had been so intense that, to harm herself, she set fire to a mattress while in a secure hospital, and the response was to send her to Peterborough prison, where she took her own life.

The tragedy of suicide in prison is not new, but, as the Government acknowledge, it is worsening. Last year, the number of self-inflicted deaths rose by 32%. It is not a new problem or even one where no one knows what to do. Over the years, there have been numerous weighty reports to which Members of this House, Members of the House of Lords, judges and many others have contributed. They have analysed the problems and mapped out solutions, and successive Governments have welcomed their proposals, changed policy and issued new guidelines, but nothing changes, except the death toll, which rises. In 1991, we had the Woolf report; in 2007, the Corston

report; in 2009, the Bradley report; and in 2015, the Harris report. It is not that we do not know what needs to be done; it is just that we have not done it.

We must recognise reality. There is no point in having more reviews, new policies or new guidance; we must make sure that the changes we all know are needed actually happen in practice. For that to happen, we need a legal framework that will ensure that the necessary changes take place because they are required by statute. Reports, guidance and White Papers are not enforceable and are not enforced, but the law is. The Bill is the opportunity to put into law the changes highlighted by the countless weighty reviews and inquiries.

The inquiry by the Joint Committee on Human Rights is still ongoing, but because the Bill is now before the House, I want to ask the prisons Minister to consider including new clauses to put the following proposals into law. There should be a legal maximum for the number of prisoners per prison officer. When there are not enough staff—sometimes just two prison officers on a wing of 150 prisoners—prisoners remain locked in their cells. Medical appointments and educational sessions are missed. They do not get to see the nurse for their medication. Calls for help go unanswered. Prison officers do not have the time to unlock prisoners for exercise, let alone sit down and get to know them. In the vacuum, the worst prisoners take charge. Staff become demoralised and defensive, prisoners angry and frightened, and the most vulnerable at risk.

We can either cut the number of people going to prison or increase the number of prison officers, but the Government have been cutting the number of prison officers while the number of prisoners has increased. We can see a clear correlation between the falling number of prison officers and the rising number of prison suicides—I put the graph, which shows this very clearly, on a tweet just now. Unless the prisoner to prison officer ratio changes, the death toll will continue to rise. We have an opportunity to put into the Bill a legal maximum prisoner-prison officer ratio.

There should be a legal maximum time in which a prisoner can be locked in their cell. The Government agree that there should be a maximum time—it was in their response to the Harris review and it is in their White Paper—but it does not happen. A legal obligation is required to make sure that it does.

There needs to be a legal obligation for the Prison Service to ensure that each young or adult prisoner with mental health problems has a key worker, whether a prison officer or someone else. What matters is that there is an individual who takes responsibility for bringing together all the information from the different services inside and outside the prison, and, crucially, that there is someone to liaise with the family. That is in the White Paper, but I say to the Minister that unless it is in the Bill it just will not happen. It will remain nothing more than a good intention.

Unless there is a specified reason that it should not be the case, the relatives of a suicidal prisoner should be informed of, and invited to take part in, the safety reviews or ACCTs—the assessment, care in custody, and teamwork reviews. Of all the people involved, the family knows the prisoner best and care about him or her the most. The family of Dean Saunders told us that far from being given the chance to contribute to the reviews of the measures to keep him safe, it was not until the

inquest that they actually found out that in the two-and-a-half weeks he had been in prison there had been eight reviews conducted by staff who did not know Dean or anything about him.

There needs to be a legal obligation to ensure that all young offenders and suicidal prisoners are able to call a specified and approved member of their family. One of the most frightening things for a prisoner suffering the misery and fear of mental illness is being out of touch with their family. A desperate, confused and terrified mentally ill prisoner cannot stand on a wing queuing for a phone, and cannot find their way through PINs or getting permission. Phone technology is perfectly advanced enough now for there to be a system for suicidal prisoners to be able to call home.

Where a prisoner needs to be transferred to a mental hospital, there should be a legal maximum time limit between the diagnosis and the transfer. If a prisoner is regarded as so ill that they cannot stay in prison and they need to be moved to a secure hospital, that must happen right away. Under Mental Health Act 1983 guidance, that is supposed to be no more than 14 days, but it often takes many months. The maximum time limit should be laid down in law.

If the Minister says that these six measures are too detailed and specific to be in law, I say: look at the law that applies to education and health, where we find legal provision for maximum staff-child ratios and legal time limits for referral for health treatment. If it is good enough for education and the health service, why not for our prisons? If the Minister says that these issues do not need to be in law, or that they can be or already are in guidance, I say: we have done that over and over again and it has not worked. It is now time to put them into law. If the Minister says that these issues are more suitable for regulations than for being on the face of the Bill, I would have no objection. Whether they are in primary or secondary legislation is not what matters; what matters is that they should be put into law.

I know exactly what the Minister's civil servants will say when he goes back to his Department. They will say it is unnecessary or that it cannot be done, but I ask him most sincerely to reflect on this point. Being a prisons Minister is a great responsibility and a great privilege, and I know that he is committed to his ministerial role, so I hope he will resist the voices who will urge him to do no more than preside over this wretched status quo. I ask the House to help the Minister to do what needs to be done by putting new clauses into the Bill.

Nothing will bring back Dean Saunders and Diane Waplington, whose heartbroken families gave evidence to our Committee, or any of the other 12 women and 107 men who killed themselves in our prisons last year alone, but we in this House and the Minister have a chance to make the Bill a turning point where we stop talking about the problems that are costing lives and take action. As prisons Minister, he more than many other Ministers has an opportunity to make a difference and to save lives. I hope he will seize that chance. We must make sure that he does.

6.26 pm

**Mr Jonathan Djanogly** (Huntingdon) (Con): I congratulate Justice Ministers on bringing forward this very competent Bill. I very much appreciated the helpful and

[Mr Jonathan Djanogly]

informative briefings on, and technology demonstrations for, the proposed court reforms that were organised by my right hon. and learned Friend the Minister for Courts and Justice. In many aspects of prisons, court and litigation policy, the Bill moves the debate forward in a generally pragmatic and rational way. If I have any overall concerns, they relate not so much to the Bill's general content, but to the need to give fuller context to some of its clauses. This I intend to do in relation to a few of its measures.

On whiplash, we need to keep in mind that the proposals in part 5 are a continuation of the policy held since 2010 to reduce a compensation culture that has had a detrimental impact on our society. In Justice questions on 7 March and again in this debate, the shadow Minister, the hon. Member for Leeds East (Richard Burgon), seemed to question the existence of a compensation culture. Frankly, I thought that we had positively proven that that was an issue at the time of our consideration of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, but it seems that the situation now needs to be re-explained. Before LASPO we noticed, as my hon. Friend the Member for North West Cambridgeshire (Mr Vara) pointed out, that although accidents had fallen by a quarter, claims had increased by a third. That unacceptable position led us to instigate a series of incremental measures with the aim of reversing that trend.

The key problem originated from the dynamic created by the no win, no fee provisions of Labour's Access to Justice Act 1999, which had put in place an unreal marketplace. To cut a very long story short, due to the workings of Labour's Act, the interest of the client in their advocate's fees had become detached. That was because the client would never directly have to pay any of the fees, so it followed that they would not care what those fees were. The situation was stoked by claims farmers and aggressive cold callers. This was a further example of Labour supporting a something-for-nothing system, and that system put constant upward pressure on fees and thereby insurance premiums.

In LASPO, to counter that, we ended the recoverability of success fees and after-the-event insurance premiums from the losing defendant. We then moved on to ban referral fees, and to address spam texting and cold calling by claims handlers and their agents. We also toughened up the regulation of claims handlers. The overall impact of the changes was considered to have reduced insurance premiums by some 25%. However, it is vital to keep an overall picture of what is a complicated situation. For instance, the Association of British Insurers considers that some 1% of whiplash claims are fraudulent, meaning that criminal sanctions also play a part in dealing with this issue. The fraud figure used at the time of LASPO was over 5%, so I will be interested to hear from the Minister whether he believes that insurers and prosecutors have now got the message and upped their game by taking more fraudsters to court. However, I am not convinced that the problem of illegal cold calling has yet been resolved, and I would be interested to hear whether the Minister has any further proposals in this regard.

Another important aspect is the small claims limit for personal injury cases, which is frankly well out of date.

To those who are complaining about the proposals, I would say that the fact that this measure is being taken up now, rather than when it was first considered in around 2012, shows how cautious the Government have been to take one step at a time. I fully support the Government's proposal to increase the road traffic accident-related personal injury small claims limit to £5,000, which will encourage more thought before cases are taken. Will the Minister please confirm whether mediation will be a requirement for consideration, as it is for general small claims, or will the use of a tariff not require this?

I am surprised that the Government propose to increase the limit for all other personal injury claims from £1,000 to only £2,000, rather than £5,000. My understanding was that if only inflation were taken into account, the limit would increase to above £3,000. I appreciate that the change to the small claims limit is a matter for secondary legislation rather than the Bill, so I hope that the Government might reconsider this level. I recall putting up the general small claims limit from £5,000 to £10,000, and what was generally seen by lawyers at that time as something that would hurt their businesses has been very successful in practice.

The compensation culture tag is not one that I would attach to seriously injured accident survivors who need complicated legal help, but rather more to the mass of whiplash claims that involve an injury duration of less than two years and are currently waved through to settlement by insurers who do not want the cost or bother of dealing with each small claim. The average compensation for a six-month injury duration is £1,850. This is why I fully support the Bill's proposal that the tariff should be based on injury duration, but if that proposal is not to be taken advantage of, a better system for organising medical reports is needed. At the moment, offers to settle can be made without medical reports, even though changes were made in 2014 to discourage that practice. From now on, there will be a ban on settling without medical evidence, which I certainly think is to be welcomed.

A related area that I understand is contributing to the increase in insurance premiums relates to the cost of so-called free hire cars for accident victims. Is the Department looking at that?

The overall insurance premium saving attributed by the Government to these proposals is £40 per year. However, I agree that that message has been somewhat diluted by insurers, who are saying that the proposed reduction of the discount rate applicable to personal injury lump sum compensation payments to minus 0.75% will result in a significant increase in premiums of up to £75. I appreciate that the law, not the Lord Chancellor, sets the discount rate, and I am pleased that the Government are consulting on an alternative framework, but one wonders why the consultation could not have been handled with the Bill. Having said that, it is certainly the case that, through this Bill, the Government are continuing the incremental fightback against the compensation culture, which I think is a very good thing.

**Mrs Moon:** I understand the hon. Gentleman's points about the whiplash culture, but does he appreciate that the Bill does not cover the ability of rogue solicitors to pursue false claims against individuals who have not

been involved in car accidents? Those solicitors claim that they have, and that people have been injured. An elderly couple in my constituency were harassed terribly, and although there was no evidence of injury, the solicitor pursued the claim. The court threw it out, but the Solicitors Regulation Authority would not look at the matter at all.

**Mr Djanogly:** I totally agree with the hon. Lady. Fraud is an important part of the overall situation, but the criminal side is not dealt with in the Bill. I asked the Minister earlier if he would address that issue. At the time of LASPO, it was considered that 5% to 7% of claims were fraudulent. The latest ABI information I have seen is 1% or perhaps less, which would suggest that there has been a dramatic improvement, but I will be interested to hear whether the Government accept that and what they are going to do about the 1%, if that figure is accurate.

The Bill also sets out a wide variety of proposals for case management and the operation of the courts, all of which will, taken together, make for a much more effective, modern and technology-friendly system. Of course, the fact that the Government propose to invest £1 billion in the courts will do much to ensure that they remain world class. There will be fewer courts, but a much better service—by 2022, I understand. I hope that some of the money will be used to simplify processes and facilitate non-lawyers' ability to navigate the system. Will the Minister indicate where the Department has got to on using technology to assist litigants in person?

Technology was often disregarded in the past because people did not think that its use would deliver justice as effectively as turning up in person. I would suggest that that view is very out of date, particularly with respect to younger people. Indeed, we are moving to a situation in which most crime is likely to be carried out online, so I welcome proposals such as having automatic online convictions with statutory standard penalties for a few criminal offences. I hope that that will shortly be reviewed with the aim of extending the range of offences. Likewise, enabling claimants to recover money owed up to £25,000 entirely online will save time and will certainly help small businesses.

The extension of the use of virtual hearings is to be commended in terms of not only protecting the vulnerable from those accused of certain crimes, including rape, but making justice cheaper and more efficient. How much better will it be to have the police brought in online from their stations, rather than their hanging round the court waiting for cases with nothing else to do? Having said that, I appreciate that we will need good procedural rules so that trials are kept fair.

In some ways, the technology is still being developed. I spoke recently to a criminal district judge who said that he was all in favour of court cameras, except when they did not work, which was all too frequently for his liking. Apparently, private companies that deal with bridging link-ups act strictly to timetables that sometimes do not tie in with those of the courts. Will such practical issues now be ironed out? Of course, that will become even more relevant because the Bill proposes that criminal cases could be conducted virtually, whereby all court participants join the hearing through a live link. The proposal to balance tech developments with the ability for the public and media to view virtual courts

online is a good safeguard and a modern re-assertion of the old principle that justice needs to be seen to be done.

I note the proposal to reorganise the magistracy and make it a unified judiciary. It is exactly right, and will provide an adaptability similar to that given when the county courts were unified. It will actually enhance the concept of the magistrate as a nationally qualified judge rather than as a person tied to a particular bench.

This is a worthy Bill. It will do much to move our justice system into modern ways of organisation and efficiency.

6.37 pm

**Mr David Hanson (Delyn) (Lab):** I shall focus on a number of points in the Bill. As my hon. Friend the Member for Leeds East (Richard Burgon) said in his opening remarks, the Labour party will not oppose the Bill, but that does not mean that we cannot take steps to try to improve it and to get clarity from Ministers about what the Bill means in practice and what its impact will be.

Like the Minister, I support the aims of clause 1, which says that prisons are intended to

“protect the public...reform and rehabilitate offenders...prepare prisoners for life outside prison, and... maintain an environment that is safe and secure.”

Nobody can disagree with those objectives, but, as my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) said in her excellent speech, the prisons system faces a number of challenges. Those challenges have not come from nowhere; they have come from deliberate decisions—from Government policy—and the Bill provides an opportunity to at least look at them, and, potentially, to rectify them.

My right hon. and learned Friend the Member for Camberwell and Peckham covered some of the statistics, but they are worthy of repetition. It is now the case that 76 of the prisons in our estate—some 60%—are overcrowded, and have been deemed to be overcrowded by the prisons inspector. We have seen an increase of 39% in the number of deaths in prison custody over the last year, while there has been a 32% increase in self-inflicted deaths. There has also been a massive increase—22%—in the number of self-harm incidents reported. We have seen an increase in the number of assaults by prisoners on staff and on fellow prisoners. There has been an increase in the number of psychoactive substances found in prisons. There has been an increase in the number of mobile phones found in prisons, and, therefore, an increase in the number that are getting into prisons. Sadly, as we heard from my right hon. and learned Friend the Member for Camberwell and Peckham, there has been a reduction of some 6,335—26%—in the number of prison officers in the past seven years.

I believe that those facts are linked. We have fewer prison officers and the same number of prisoners—prisoners who, for a range of reasons, are more difficult and more challenging and, in many cases, have been convicted of more violent offences. The reduction in prison officer numbers has a real impact on the other statistics. While I do not object to the aims of clause 1—indeed, I support them—I think that we need to think about what they mean in practice, and about how the White Paper is linked to them.

[*Mr David Hanson*]

In what was, as I have said, an excellent speech, my right hon. and learned Friend the Member for Camberwell and Peckham made some positive suggestions about clause 1. The amount of time spent in cells is extremely important, and we should also think about how to establish mechanisms for the recognition and support of people with mental health problems. I would add two issues to her list: family links and distance from home.

In the past 12 months, I have dealt with two constituency cases—quite apart from my work as a member of the Justice Committee—involving people in prisons in the Isle of Wight and Norwich respectively. Let me explain to those who are not familiar with the geography that the Isle of Wight is 273 miles from my constituency—an 11-hour train journey—and that travelling to Norwich takes six hours by train or a four-and-a-half-hour drive. If one of the key purposes of the Bill is reform and rehabilitation, contact with family is surely critical to that achievement.

**Sir Edward Garnier:** Could not those two examples be replicated, but to an even worse degree, in the case of young offenders? Obviously there are fewer young offender institutions than prisons. Youngsters are bussed around in the back of sweatboxes for hours—for hours and hours after court hours—and often do not reach their destination until nearly midnight. That is not a good way to rehabilitate anyone.

**Mr Hanson:** I agree, but we both know that such problems are not easy to solve. Central to today's debate is the question of what we can do in the context of the Bill. As I have said, I would add the question of family links to the list given by my right hon. and learned Friend the Member for Camberwell and Peckham. I was prisons Minister for two years and one month. It is a difficult job, and it is difficult to change policy, but we have opportunities to consider these matters. I hope that the Minister will reflect on them in Committee, and will think about how clause 1 can be strengthened in order to achieve its objectives.

The Justice Committee welcomes the fact that clause 2 puts Her Majesty's inspectorate of prisons on a statutory footing, and we consider the statutory recognition of the inspectorate's role in visiting places of detention to be a positive development. We are pleased that the chief inspector of prisons will be required to have regard to the new statutory purposes of prisons. I am particularly glad that the Government will have to respond to the chief inspector's recommendations within 28 days if the matter is urgent, or within 90 days in the case of a general inspection, and that there will be scrutiny of inspection powers. Clauses 4 to 20 put the prisons and probation ombudsman on a statutory footing, and we welcome that as well.

The Government accepted the Committee's recommendation that the HMIP protocol should be finalised, and said that they would produce a final version before Second Reading. The Committee was consulted on the draft protocol in January, but as far as I know no final protocol has been agreed or published. I think it important for it to be published as soon as possible so that we can develop it accordingly. It was

more than a year ago that we recommended a protocol on the relationship between the inspectorate and the Ministry, and we need to know what that relationship is.

Whiplash poses a challenge for the Minister and the Government. The Committee heard evidence from the Association of British Insurers and from the association of legal professionals who deal with whiplash cases. Because we have not been convinced by the Government's case to date, we have established a follow-up inquiry—as the Minister is doubtless aware, it was announced last Friday—to call for evidence on whiplash. The terms of reference for our fuller inquiry include the definition of whiplash and the prevalence of road traffic accident-related whiplash claims, considering whether fraudulent whiplash claims stack up and whether the provisions in part 5 introduce an effective tariff to regulate damages for RTA-related whiplash claims. In particular, they include consideration of the impact of raising the small claims limit to £5,000 for RTA-related whiplash claims, and—this is not in the Bill, but it is directly linked to it—raising the small claims limit to £2,000 for personal injury claims more generally. They also include consideration of the role of claims management companies, which have not been touched on to date.

The challenge for the Minister, in Committee and on Report—and I hope that the Justice Committee will influence those debates—is to convince us that his policies, established on a cross-party basis with the Committee, will meet our objectives. The claims that the Government have made about savings being passed on to motorists and about the level of fraud in the system have not yet been tested to my satisfaction or that of the Justice Committee, which, it should be remembered, has a Conservative majority.

The Government's consultation paper sets out no rationale for including employment injuries in what is billed as a reform of whiplash claims. I wrote to the Lord Chancellor last week, and was told that the employment injury aspects would be dealt with by a statutory instrument following completion of the whiplash measures in the Bill.

**Sir Oliver Heald:** The aspect of whiplash that is in the Bill is the tariff, along with the judge's ability to enhance it by 20%. However, there is an entirely separate secondary legislation route whereby the small claims limit can be raised. It could be reduced, of course, but that is not happening in this instance.

**Mr Hanson:** I appreciate that. I have said to the Minister that the other aspects are not in the Bill. However, I sense that they are linked in that the Government's approach to whiplash will be linked with their approach to tariff levels.

**Sir Oliver Heald:** The point is that the small claims threshold is being raised to £5,000 for road traffic-whiplash related cases and to £2,000 for other cases.

**Mr Hanson:** I am fully aware of that. What the Minister needs to know is that the Justice Committee believes that there is still a tangential link between two matters, which is why it is considering the whiplash provisions in the Bill together with employment levels. We are very conscious that, as well as the potential examination of the Government's case in regard to

whiplash, there should be an examination of their case in regard to industrial and employment injuries. There are myriad cases—I have no time to list them now, but I shall do so on another occasion—in which industrial injury claims would be detrimentally impacted by the change in the limit, and while that is not directly in the Bill—

**Sir Oliver Heald:** It is £2,000.

**Mr Hanson:** The Minister does not work in the same spheres that I work in; people in my constituency depend on that level of employment injury support to ensure that they get justice at work. We will return to that at a later stage. The Minister is looking quizzical; he will have an opportunity to come and explain his proposals and those on whiplash to the Justice Committee in due course.

The Bill's direction of travel can and should be supported. However, the beef of this Bill is what really matters. There are measures that the Government can take to improve it, and to reduce the poor indicators that have been growing in disparity over the last few years, and not just in staffing. They should also consider issues such as those raised by my right hon. and learned Friend the Member for Camberwell and Peckham and those that the Justice Committee asks the Government to look at again.

6.50 pm

**Mr Shailesh Vara** (North West Cambridgeshire) (Con): It is a pleasure to follow the right hon. Member for Delyn (Mr Hanson), who had a distinguished ministerial career and speaks with considerable authority in this House. I also refer Members to the Register of Members' Financial Interests, in which it is stated that I am a non-practising solicitor.

I welcome the Bill. I firmly believe that we have one of the finest, if not the finest, legal systems in the world, and the measures in this Bill will ensure that we can maintain our pre-eminent position in the global legal system.

I shall begin by making some comments on the court reform proposals. It is important to recognise that when we talk about access to justice we do not mean access to, and being in, a physical building called a court. I had that argument with many colleagues when I was the Minister in charge of courts and had to convey the bad news that many courts were to close—indeed, my hon. Friend the Member for Huntingdon (Mr Djanogly) had to do likewise a few years beforehand. Effectively, this Bill fulfils what we said then—that there are different ways of accessing justice and courts.

I always remember what an African Justice Minister once said to me. He said that he wanted a justice system in his country whereby the people living in the villages outside the capital city could access justice through their smartphones. The world is moving on, and it is good to see that we are keeping pace with the technology that goes with that.

I particularly welcome parts 2 and 4 of the Bill, which deal with the court reform measures. In the past, the legal system has concentrated rather too much on process and procedure, but I am very pleased that this Bill puts the court user centre-stage and ensures that we

have a system that is good for them. The changes will mean that the public who use the courts will not necessarily have to spend huge amounts of time, at huge cost, or indeed have to spend their time physically waiting and hanging around in a court.

The Bill provides for court dealings to be carried out by audio and video links, and to have virtual hearings, where no parties are present in a courtroom, but instead attend by telephone or through video-conferencing facilities. The provision for evidence to be given by video links is good for victims and witnesses, particularly vulnerable witnesses, and it has to be right that prisoners can give video evidence while staying in prison, rather than expending the time, effort and cost of transporting them to and from courts—which, incidentally, often leads to delays when they get caught up in traffic. This modern way of using video-conferencing facilities also means that witnesses can easily give evidence when overseas, and that lawyers do not have to hang around outside the courtroom waiting forever and a day until they get their 10 minutes before the judge, for instance for a bail application. The barristers and judges can now stay in their chambers and the solicitors in their offices, and they can simply book a time when they can all speak and have their 10-minute conversation and the bail application can go through.

The Bill proposes that where there are low-level offences—and the majority of offences are low level—and offenders are charged with summary-only, non-imprisonable offences, such as fare evasion or not having a TV licence, and where there is a guilty plea, they can be convicted and given standard penalties by use of an online procedure. Effectively, this means that people have the luxury of being able to use their smartphones from their sitting rooms to get access to justice. Of course, it is important to recognise that for people who plead not guilty the majesty of the court remains; they can have their court cases in the usual way.

I welcome the proposal that in civil cases for claims up to £25,000 there will be simple online hearings, although it is important to recognise that some of those cases might need to go offline and to follow the usual process. I am pleased that the Bill provides for that, and I very much hope that, despite the surge towards technological advances, we keep that option, and that where, for whatever reason, a case needs to be dealt with in the usual way, that will be done. We also at present have very complex forms full of legal language that are very difficult for the lay person to deal with. I hope that as we use new forms and go online, the justice system will take the opportunity to make those forms easier and far more user-friendly.

I also hope that the Minister will recognise that not everyone uses modern technology. Some people cannot use it—for example, the elderly or some people who are disabled. I hope the Minister will be able to give us an assurance that those people will retain the opportunity to speak by phone to a person or indeed have a meeting, as is necessary, because otherwise we will be denying some people access to justice.

I also urge the Minister to ensure that the technological advances that we employ are not rendered redundant very soon. Advances in technology are so fast that millions of pounds can be spent on a system that becomes outdated in a year or two. I hope he will ensure that his civil servants try to introduce a

[Mr Shailesh Vara]

technological system that allows for easy adaptation to more modern systems as and when they arise, and at a cheap cost.

Part 4, along with schedule 15, deals with the judiciary and the Judicial Appointments Commission, and there are various references to senior judicial appointments. I wish to make a general point on appointments. To be absolutely clear, I believe, as do most people, that all judicial appointments should be made on merit. That is crucial, but, that being said, it is also fair to say that we still need to make serious advances in the numbers of women, disabled people, people from ethnic minorities and people from a variety of backgrounds who hold senior judicial positions. I hope that the Ministry of Justice, the judiciary and the JAC will ensure that we continue to have a judicial system that is reflective of the country at large.

Sadly, there are still people who believe that the old boy network is the way for people to get promoted to senior levels. For them, it is about whether someone belongs to the right dining club or golf club, and whether they went to the right school and university. Some people simply do not put their names forward for senior positions for that reason. Of course advances have been made, and I hope that we will continue to persuade good candidates to put themselves forward even if they believe that they will not get through because of the old boy network.

I particularly welcome clause 21, which will allow public communications providers to block the use of unauthorised mobile phones in prisons. Frankly, it is absurd that this has not been done earlier; it is high time that it was done. I also welcome the provisions in clause 22, which will allow more powers to test for psychoactive substances in prisons, so that prison authorities will be able to respond more quickly to new drugs.

People are sent to prison because they have to be punished, but we all recognise the importance of a regime of education and training to enable those individuals to play a useful role in society when they come out. We rightly talk about education and training, but we should talk just as much about the health of those prisoners, and particularly about their mental health. Colleagues on both sides of the House have made reference to mental illness, and I hope that the Minister will be able to assure us that he will look into that issue and ensure that people in prison suffering from mental illnesses and who are genuinely unwell get the treatment they require. I welcome the Bill, and I am particularly pleased that—notwithstanding our differences across the political divide—we agree on a great deal. I wish the Bill well as it progresses through to receiving Royal Assent.

7.2 pm

**Kate Green** (Stretford and Urmston) (Lab): I, too, welcome much of the Bill. I am pleased to follow the hon. Member for North West Cambridgeshire (Mr Vara), and I particularly endorse his comments about judicial diversity. This is a far-reaching Bill, although we have to infer quite a lot of the detail from the White Paper, particularly in relation to prison reform. As others have said, the Bill is relatively thin on detail.

I welcome the establishment of a new statutory purpose for prisons, but I also hope that there will be opportunities to strengthen and extend it as we take the Bill through this House and the other place. The Prison Reform Trust has suggested that the statutory purpose should make exclusive reference to standards of fairness and decency. Given the problems in our prisons today, including the exceptional amount of time that prisoners are spending in cells and not engaged in purposeful activity, the disturbances that have put prisoner and staff safety at risk, and the appalling mental health of many of those in our prisons, I strongly endorse the need for a purpose that captures those elements of fairness and decency.

Like many hon. Members who have spoken today, I want to talk about the need for good mental healthcare in prisons. According to the Royal College of Psychiatrists, at least 3% to 4% of prisoners have a psychotic illness; 10% to 14% have a major depressive illness; and up to two thirds have a personality disorder. Many prisoners are so unwell that prison is utterly the wrong place to treat them. This has been starkly brought home to me when handling a constituency case over the past few months. That case has really shown that the system is not working to ensure that prisoners' mental health is paramount. It involves a young man accused of very serious offences who has been on remand in Manchester prison since before Christmas. He is seriously psychotic, and prison is not the right place for him to have been sent to, yet still, four months on, no secure hospital bed has been found where he can be securely and appropriately cared for. I therefore strongly endorse the call by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) for statutory time limits in the Bill for the length of time that someone who is so unwell can be kept in prison. We need to take that important measure to ensure that parity of esteem between mental health and physical health exists in our prisons as it does in the wider healthcare system.

We also know that women in custody have a high incidence of mental health problems. This year, we mark the 10th anniversary of Baroness Corston's seminal report on women in custody, and this is a real opportunity for us to make a step change in the way in which we deal with women in the penal system. The Justice Secretary has said that she intends to bring forward a strategy in relation to women in the next few weeks, and I very much look forward to debating it with the Government. I hope that Ministers will take this opportunity, and not simply build more new women's prisons that are far from home and too large to provide the right regime for their particular needs. Baroness Corston identified the need for small, local, secure units—not prisons—that specifically cater for the needs of women. This is a once-in-a-generation chance for Ministers to transform the nature of the women's prison estate, and I really hope that they will not miss the opportunity.

I am also concerned that the Government seem intent on building new large male prisons, such as Berwyn, which I understand is to have a population of 2,000 prisoners. However, there is a lot of evidence of smaller prisons doing better, according to the Centre for Social Justice, the Prison Reform Trust—which found that prisons with fewer than 400 prisoners were more likely to perform well than those with more than 800—and the National Audit Office, whose 2013 report showed that the smaller prisons achieved better internal performance ratings.

We do not know whether there is a difference in reoffending rates for small and larger prisons, and I would be grateful if anyone in the House enlightened me on that. If we do not have the information, however, I strongly urge Ministers to conduct a programme of research to help us to understand that.

My right hon. Friend the Member for Delyn (Mr Hanson) went into some detail about the importance of family contact, which incarceration a long way from home naturally makes more difficult. According to a 2008 study for the Ministry of Justice, family contact reduces recidivism by 39%, which is a substantial reduction. A joint report by Her Majesty's inspectorate of prisons and the Youth Justice Board found that boys who suffered from emotional or mental health problems were less likely usually to have a visit at least once a week from family or friends than those without mental health problems, yet half of women and a quarter of men on remand receive no family visits. Concentrating prisoners in larger prisons, further from home and covering large geographical areas, is going to work against the family contact that can make such a difference.

**Mrs Moon:** I totally endorse everything that my hon. Friend says. She sets out the tragedy of the difficulties that women in prison face in maintaining family contact. Their children often end up in care or being farmed out to family members who cannot travel long distances. In particular, for Welsh women, children have to travel to England to see their mum in prison. This damages the family cohesion that is so vital to rehabilitation.

**Kate Green:** I completely agree with my hon. Friend. Women are usually the main carers of children, and the consequences of their being in custody can be devastating not only for the women but for the children, who ought to be our paramount consideration. I support the calls from the Prison Advice and Care Trust, among others, for a requirement on sentencers specifically to ask about the provision for the children of parents who are about to be given a custodial sentence, and particularly to know where they will spend that first night as their parent faces incarceration.

If we are serious about prison reform, we have to face the fact that our fundamental problem is sentencing policy. We incarcerate too many people who do not need to be there, which costs a great deal of money, and too many of them resume offending on release. I could not agree more with the Lord Chief Justice, who told the Justice Committee last November that the focus needs to be on rigorous, demanding and effective community penalties. However, that requires those penalties to be available and it requires sentencers to have knowledge of and confidence in them. This cuts to magistrates' training budgets, the lack of full pre-sentence reports because of pressures on the National Probation Service, and problems with community rehabilitation companies.

I want to comment briefly on the Bill's extensive court reform proposals, and in that regard I declare my interest as a life member of the Magistrates Association. While I recognise the opportunities that modern technology can offer to an efficient court system, I echo the concerns about how vulnerable users will fare in a virtual system. The virtual courts pilot of several years ago offers little reassurance and this Bill's impact assessment frankly tells us nearly nothing. However, there are concerns, as highlighted by Transform Justice and others, about the

lack of access to legal advice, the impact on lawyer-client relationships, the impact on sentencing—the virtual courts pilot suggested that there may be some inflationary impact—the fairness of the process, public perception, and the cost to the public purse, about which the impact assessment is quite vague. I share the concerns of the Magistrates Association and others about the use of online courts in relation to pleas, remand, sentencing and vulnerable young people. Significant numbers of prisoners have low levels of literacy and numeracy or suffer from learning disabilities and may struggle to present their case in the best possible light. They may agree to their case being dealt with in writing or online because it is quicker, it gets things over with, or because it is suggested to them by a police officer in a police station, but that does not necessarily serve the best interests of justice.

I understand the argument made by the hon. Member for Huntingdon (Mr Djanogly) about the loss of the local justice area being an opportunity for a unified magistracy and judiciary, but there are advantages to local justice. As the Justice Committee identified in its report on the magistracy last year, the loss of local justice must not mean losing the leadership and peer support that helps a bench to function collectively more effectively and efficiently. I hope that the Minister will be able to reassure us on that.

On the other proposed reforms to civil justice, I endorse the concerns expressed about the proposals on whiplash and the small claims route, and I regret that the Government have not taken the opportunity to be more assertive in their tackling of the aggressive marketing practices of some claims management companies. I also endorse the concerns of my right hon. Friend the Member for Delyn about the rise in the small claims limit and the impact that that may have. Workers in relatively low-paid employment with modest claims for accidents at work may find themselves unable to access the legal advice that enables them to make claims successfully. USDAW, a trade union of which I am a member, offers several examples of where relatively minor accidents that are significant to those in minimum wage jobs would not have secured compensation under the Government's proposed changes due to the lack of access to legal help for workers to pursue their cases.

Finally, I am also concerned about one aspect of the proposal to move responsibility for employment tribunals to the Ministry of Justice. In doing so, I hope that we will not lose the real value that comes from having expert tribunals made up of representatives of both employers and trade unions, employees and the trained judiciary.

Like others, I welcome the Bill, much of which I look forward to seeing develop, but I hope that Ministers will take seriously the concerns that are being expressed and ensure that the justice system, of which this country is so proud, remains the best and most modern in the world as result of the reforms.

7.13 pm

**Sir Edward Garnier** (Harborough) (Con): I begin by declaring an interest not only in the subject that we are discussing, and not only in the fact that I am a trustee of the Prison Reform Trust and a patron of Unlock—those two charities are concerned with criminal justice and prisons in particular—but in the fact that I am on the

[*Sir Edward Garnier*]

advisory board of Samaritans, and much of what has been discussed this evening touches upon on its work. Literally tens of millions of calls are made to the offices of Samaritans every year. The fact that it is difficult for prisoners to get access to telephones and that the suicide rate in prisons is high—I understand that 119 prisoners took their own lives last year—suggests that we cannot push this subject aside lightly as one of the consequences of someone going to prison. We all need to concentrate on what we say and do about reducing self-harm and suicide in prison. I hope that the Minister for Courts and Justice will be able to respond positively on that point at the end of the debate.

It is uncontroversial to say that prisons are violent, overcrowded and understaffed, but the question of what we do about that is difficult to answer, because the politics relating to the criminal justice system is about sentencing, not prisons. We take a reasonably consensual view—with one or two exceptions—about what we think ought to be done in prisons, for prisoners and to protect the public, but sentencing is acutely politically controversial. The right hon. and learned Member for Camberwell and Peckham (Ms Harman) asked Ministers why, if we can do it for education, we cannot create a regime to regulate prisons, but the answer is that while most of the British public—not all, but a great proportion—either have children of their own or know children, and therefore take a personal, direct interest in schools, few of us know people who go to prison or know what goes on in prison. It is a secret world. I have often said that the more prisons that are opened up to the public's gaze—not in a ridiculous way, but sensibly—the better the debate about prisons and that aspect of the criminal justice system would be.

**Mr Stewart Jackson** (Peterborough) (Con): Notwithstanding what my right hon. and learned Friend has just said, does he agree that it is perfectly possible to resile from an over-liberal approach to sentencing while supporting an innovative approach to tackling recidivism, such as through the social investment bonds that we have seen at prisons in Doncaster and Peterborough?

**Sir Edward Garnier:** I do not have an argument with that at all. The argument for making our prisons work for the public as a whole, for the victims of crime and for prisoners is not just moral and political, but economic. We push hundreds of millions of pounds into the criminal justice and prison systems, and what do we do with that investment? We produce failure. If the prison system was a business or a factory, and if I, as the managing director of that business or factory, pushed millions and millions of pounds into the process, but the things that I produced broke or failed 65% of the time, I would get the sack or my investors would go elsewhere. That is the economic argument. It happens to be bolstered by a moral argument and a political argument that we need to do better on prisons, but I do not resile from the fact that the money that we spend on prisons is not well spent, because it does not produce a lower rate of reoffending, or teach people to read and write so that they can get jobs.

Some 95% or 98% of the 85,000 people currently in prison will come out. I have sat as a judge for 20-odd years. I have put plenty of people into prison for perfectly

good reasons, but if they come out of prison still addicted to drugs, still mentally ill, still unable to read or write and still incapable of getting a job, and if they then reoffend because they have no other ambition but to do what they have always done, which is to commit crime, what I am sensibly doing with the public's money? Not much. It seems to me that there should be a perfectly straightforward economic consensus. Forget whether I am a lily-livered liberal—[*Interruption.*] Of course, my hon. Friend the Member for Shipley (Philip Davies) and I belong to the same political party and, although he is rather more expert than me, we both take an interest in racing.

**Kit Malthouse** (North West Hampshire) (Con): My right hon. and learned Friend is making an important point, but to achieve a compromise between him and my hon. Friend the Member for Shipley (Philip Davies), does he accept that if we were more successful at rehabilitating low-level offenders—I think that my right hon. and learned Friend is correct about that—it would leave more space for us to lock up more serious offenders for longer, thereby satisfying the public's need for more severe sentences for very violent and serious crime?

**Sir Edward Garnier:** I agree with my hon. Friend. I have sent plenty of people to prison, some of them for very long periods of time. I wish that we were able to make sure that those who do not need to go to prison, or who need to be sent to another place, such as a mental hospital, could be dealt with in a more sensible, productive, efficient and effective way. The argument is not about whether criminals are good people and whether we should love them dearly and hug hoodies; it is about doing what is best for all of us and ensuring that the money raised through taxes—the money spent on the health service and education—is properly devoted and directed towards getting these people better so that they do not do it again. Most people who have their house burgled want to ensure that the person responsible is caught, stopped and dealt with but, secondly, they want to be sure that that person does not do it again. If all we do is feed the conveyer belt, we achieve nothing but a waste of money.

The crux of the problem that we face with prisons—it is not a new problem—is overcrowding. I wrote a paper called “Prisons with a Purpose,” having visited 65 of the 140 or so prisons, young offenders institutions and secure training units when I was shadow Minister for prisons between 2005 and 2009. It was abundantly clear then, as I suspect it is now, that our prison estate was woefully overcrowded. We cannot sensibly rehabilitate or reform prisoners, adequately protect the public, prepare prisoners for life outside and maintain a safe and secure environment within our prisons unless we deal with the problems of overcrowding. My right hon. Friend the Secretary of State and my hon. Friend the Member for East Surrey (Mr Gyimah), the Minister for prisons, are fully aware of that. They have been inside prisons and know what is going on, and they have to deal with the arithmetic of how to spend the money in the most sensible way, subject to the demands of the Treasury.

The task of the Secretary of State and the Minister is a difficult one. The aims that the Secretary of State has written into the Bill are good, but in six months or a year—or a suitable time period after the Bill has been enacted—I do not simply want a report from the Secretary

of State or the chief inspector of prisons, welcome though such reports are; I want real, practical advances. It is one thing to write things in the Bill; it is quite another to ensure that they happen.

Most centrally, we must address the hideous problem of overcrowding because with overcrowding we get churn. A person who is sentenced to prison at Canterbury Crown court is sent that night to Canterbury prison.

**Alex Chalk** (Cheltenham) (Con): Not any more.

**Sir Edward Garnier**: Or the nearest prison to that Crown court.

**Sir Henry Bellingham**: They end up in Norwich.

**Sir Edward Garnier**: They end up in Norwich having been via Maidstone, Lewes, somewhere on the Isle of Wight, somewhere in Dorset, somewhere in Devon, somewhere in Bristol, somewhere in the east midlands and somewhere in the west midlands. They eventually end up in Norwich, from where they are released miles away from their family without having had any contact with them. A prisoner's medical records and education records do not follow them seamlessly.

I have uttered this plea time after time over the past 10 to 15 years and, no matter what party was in government, Ministers have told me, "What a perfectly sensible thing to say." Unfortunately, because the politics is in sentencing, not prisoners, little is done about it. I hope that on this occasion, with this new Secretary of State for Justice, we will see an advance whereby it will not take another 65 years until we have a new prisons Bill to consider that question because we will not need such a Bill. I hope that in a few years we will see a reduction in prisoner numbers, an increase in reform and a reduction in reoffending levels, for the benefit of the public and the taxpayers whom my hon. Friend the Member for Shipley and I want to protect, in terms of not only their pockets but their safety in their homes. I want an improvement to the advantage of us all.

7.25 pm

**Mrs Madeleine Moon** (Bridgend) (Lab): I hope to bring great cheer to the right hon. and learned Member for Harborough (Sir Edward Garnier), because I am proud to say that one prison that has developed a world-class suite of rehabilitation interventions to reduce reoffending is Parc prison in my Bridgend constituency. Those interventions are largely thanks to the leadership of the prison's director Janet Wallsgrove as well as Corin Morgan-Armstrong, the head of its family intervention unit and his team of staff and volunteers. Most importantly, the prison has clear partnerships with numerous local organisations within the community, which has led to rehabilitation work with families being not only possible but successful.

The Invisible Walls Wales programme was set up in 2012 and funded for four years by the Big Lottery Fund, Bridgend County Borough Council, Barnardo's Wales, Gwalia housing and the Welsh Centre for Crime and Social Justice—money not from the Ministry of Justice but from organisations within Wales that are worried about reoffending.

The three core aims of Invisible Walls Wales meet all four of the aims of this Bill. Parc is a 62-bed family intervention unit aimed at reducing reoffending, reducing

intergenerational offending and encouraging community cohesion. The funding has transformed family engagement at Parc prison. The environment of prison visits has been fundamentally revamped and, in a bold step, the prison's visit hall feels more like a community centre than a prison.

Across the prison estate, 48% of prisoners receive regular family contact, but at Parc, thanks to a small change, the proportion has now risen to 69%. As we all know, evidence shows that people in prison who maintain links with their family are 52% less likely to reoffend. Some 90% of prisoners were misusing drugs and alcohol at the start of the Invisible Walls Wales programme, but that fell to 24% by the end of the project. There were particular benefits for the children of prisoners—by the end of the project there was a 30% reduction in the number of children assessed as having school attainment and attendance issues, and 91% of the children had appropriate peer relationships.

In June 2016, Her Majesty's inspectorate of prisons declared that the children and families work at Parc was "innovative and radical" and "probably the best" it has seen in the UK. The work has been exported internationally to prisons in the Netherlands, Uganda and Australia. The President of Malta has visited to see what can be learned from Parc, the first prison in the EU to achieve an "Investors in Families" charter mark. This week, Parc's head of family interventions, Corin Morgan-Armstrong, is to speak at the International Coalition for Children with Incarcerated Parents conference in New Zealand.

Parc represents a global hub of excellence, especially given that we are expecting evidence to show that the reoffending rate among 80 high-risk families is to reduce to about 10%. The results speak for themselves: before the changes, physical altercations in the visit halls were witnessed by family members and children once a week, whereas since the revamp Parc has had just one incident in the past six years. Facilitating positive family engagements becomes all the more important when, as we have discussed, six out of 10 boys with fathers in prison will end up incarcerated themselves. We need to place more emphasis on family engagement as a tool for reform. We have all said that, but Parc actually makes it possible.

I cannot tell Members how many ways Parc has changed lives. For example, Mark won the platinum award—the highest possible award—in the 2016 Koestler Trust prison art awards, which attract entries from prisoners from around the UK and abroad. Parc is among the top three establishments to have submitted the most entries to the trust, whose chief executive, Tim Robertson, said:

"HMP & YOI Parc's outstanding record of success in the Koestler Awards is a testament to the excellent education staff and facilities at the prison: they turn prisoners' latent potential into concrete positive achievement. It also reflects the fact that G4S, across all its establishments, takes the arts seriously as a means of learning and rehabilitation."

Many Members will know of the Hay literary festival in Wales, but they may not know of "Hay in the Parc", which takes place at the same time. This literary and arts festival encourages prisoners to write and to present their artworks, and sometimes the presenters at the Hay literary festival go to "Hay in the Parc" to talk to prisoners.

Schools now go into the prison to work with dads, helping with their reading and understanding of educational jargon, and with developing their listening and reading

[Mrs Madeleine Moon]

skills, so that they can engage in their children's education. Schools are provided with the information they need to support children affected by parental imprisonment. Contact details are provided to schools so that if issues arise they can go to the prison to ask for information and advice. Prisoners are helped to improve their children's literacy and numeracy, while also building their own literacy and numeracy skills. Building a parent's confidence in parenting and teaching them how to do it while incarcerated really makes a difference in the life of that family and of that prisoner once they leave prison. The "Fathers Inside" scheme focuses on intensive group work on parental responsibility for a child's education, development and wellbeing, using drama, fiction, games and written portfolios. A Duke of Edinburgh leadership pilot at the prison gives fathers the opportunity to gain a Duke of Edinburgh leadership qualification while mentoring their children or siblings through different sections of the bronze award. The prison also has a beaver scouts group, the first in the UK for prisoners and their children, while the "Baby Steps" programme provides innovative antenatal education to parents so that they know how to parent.

The prison has developed an introductory booklet that enables a robust risk assessment to be made, so that prisoners who may be violent are identified and measures can then be put in place immediately to reduce that violence. New arrivals are screened for discriminatory views, and prisoners found to have contravened the prison's community inclusion policy are required to attend a diversity training programme, whereby set actions are fed into their sentence plan.

I talked earlier about the work of Emmaus with Parc, but this works only if Parc prison works in advance of a prisoner's discharge to make sure that they are ready: ready for the change; ready for the responsibility; ready to move into work; ready to build a new life; and ready to change and move away from the old patterns, the old friendship group, the old offending and the behaviour that led to it, before moving towards becoming a "companion" in one of the Emmaus homes. I ask the Secretary of State also to work with the Department for Work and Pensions, because the new proposals on changes to access to housing benefit will damage the Emmaus scheme; the only income companions have is that housing benefit, and that makes it possible for Emmaus to continue its work.

I know that time is running short, but I must say that money is not everything; skilled and dedicated prison officers, partnership working outside the prison and maintaining the family link are vital to rehabilitation, but so, too, are taking risks and trying new, innovative ideas which do not fit the traditional view of punitive sentencing. It is not a soft option for someone to know that they will lose contact with their children if they take drugs; to have their child tell them about their bed-wetting and about the bullying they face because their father is in prison; or to have to face their own illiteracy and innumeracy, and the way in which their offending has damaged their community and family life. I hope that the Secretary of State will visit Parc to see the work that has been done there. I hope she will have the same kind of look on her face as the previous Justice Secretary did when he came to Parc and spoke

to one of the prisoners about their educational experience there. This young man told him that he had dropped out of education because it was not for him and it was not going to take him anywhere, but Parc had given him a chance, not only to do his GCSEs, but to do a degree. He was asked, "In what?" He replied, "Philosophy." If prison can take people through degrees in philosophy, that is the sort of rehabilitation and changes in people's lives that I hope this Bill will be able to produce.

7.37 pm

**Sir Henry Bellingham** (North West Norfolk) (Con): It is a privilege to follow the hon. Member for Bridgend (Mrs Moon), an acknowledged expert on prison reform. What she said about HMP Parc was incredibly informative and moving, and I was really interested to hear what she said about Parc supporting families, as that could be rolled out in other prisons. I wish to declare an interest, as a former criminal barrister who both defended and prosecuted. I also wish to pay tribute to the Lord Chancellor and Secretary of State, my Norfolk neighbour, for the work she and her ministerial team have done in preparing for this Bill. They have been indefatigable in putting together a very impressive Bill, which appears, given what the hon. Member for Leeds East (Richard Burgon) said, to command a great deal of consensus.

On prisons, there obviously is a crisis, and a number of right hon. and hon. Members have alluded to it. I have a great deal of concern about it, because in the 12 months to December 2016 there were 25,000 prisoner assault incidents, which was a 31% increase on the previous year's figure. Furthermore, there were 6,430 assaults on prison staff, of which 761 were serious. As we heard from the right hon. and learned Member for Camberwell and Peckham (Ms Harman), there were 37,750 self-harm incidents, and 354 prisoners died while in custody, with only 55% of those deaths due to natural causes. There is obviously a crisis. Although the number of prisoners who test positive for drugs has come down, which is encouraging, there has been a big increase in the use of new psychoactive substances. I am pleased that the Secretary of State is introducing, through the Bill, measures to bring NPSs under the existing testing powers; that is sensible. I also welcome the measures on mobile telephony, because there are far too many illegal mobile phones in prisons.

I recently went round Wayland prison in Mid Norfolk, and I was struck by the number of prisoners who are getting access to Spice and other NPSs. They are having a devastating effect on the management of prisons. The death of a prisoner in HMP Forest Bank on 29 January from a Spice overdose was the 16th death throughout the prison estate in that month. One prisoner who was recently released from Forest Bank said that half the prison is on the stuff, and the other half spend their whole day trying to keep away from those prisoners who are on the stuff. We have a real problem.

When I visited a particular prison—I shall not say which one it is because I do not want to embarrass the governor—the governor said he was keen to create a drugs-free wing. I find the lack of ambition incredible. Our prisons should be drug-free; it is as simple as that. How are the drugs getting in? The prisoners do not bring in drugs and I do not believe that visitors do so. They are coming over the wire on drones and perhaps in supply vehicles, and I am sorry to say it, but there may

well be a small number of corrupt prison officers. A significant amount of drugs, particularly these new psychoactive substances, are getting into our prisons and causing a great deal of mayhem, misery and, in some cases, death. I urge the Secretary of State and her team to do all she can to keep up the pressure to make our prisons entirely drug-free.

I agree with my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) that, in some ways, there are too many people in prisons. I think that not enough people who have done certain things wrong and have committed horrendous crimes are in prison, and they should be in prison for longer, but I also feel strongly that some people who are in prison should not be there. I am worried that there are more and more prisoners aged 50-plus, and there are currently many more prisoners aged over 65. As the Secretary of State conceded, that is partly because of the extra convictions for child abuse crimes. I certainly do not want to underestimate the seriousness of some of those crimes—no one can claim for one moment that they are victimless crimes, because they are not; there are victims of such crimes and the perpetrators need to be punished—but I agree with Chief Constable Simon Bailey of Norfolk constabulary, who is the Association of Chief Police Officers lead on this subject, that some people need help, not prison. There has been over-zealous prosecution of some of these people, who should be given help to wean them off their dreadful habits.

Several colleagues—including the hon. Member for Stretford and Urmston (Kate Green), my hon. Friends the Members for North West Cambridgeshire (Mr Vara) and for Bromley and Chislehurst (Robert Neill), and the good doctor, my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter)—have mentioned the mentally ill in our prison estate. It is worrying that 4% of prisoners have a psychotic illness, 14% suffer a major depressive illness, and nearly two thirds have some form of personality disorder. I wish to make a suggestion to the Secretary of State as to how we could make some progress on this issue.

The alternative to prison for some people who suffer from serious mental ill health is to be found in the mental health treatment requirement. It can of course be added to a community or suspended sentence after a conviction, but it worries me that only 0.5% of community sentences in 2016 included an MHTR. Why is that? Perhaps the prisons Minister can look into that and elaborate further on it, because significant progress could be made on that front.

**Elizabeth Truss** *indicated assent.*

**Sir Henry Bellingham:** I am glad to see my neighbour the Secretary of State nodding.

I find it extremely worrying that of our prison population of 84,307—as at last week—just under 10,000 are foreign prisoners. I have not done the maths, but I think that is around 15% or 16%. Some of them are of course European, so there is a problem with ensuring that they are deported, because we have to have arrangements in place and that does not normally happen across Europe. There are, though, prisoners from countries including Albania, Jamaica, Pakistan, India, Somalia—unfortunately—and Nigeria. Roughly 3.5% of all foreign prisoners come from Nigeria, and a staggering 5.3% come from Jamaica.

The prisons Minister and his team of officials really must try to do more to grip the problem. Why are better, reciprocal arrangements not in place? Why are we not working with the Jamaican and Nigerian Governments to, for example, use Department for International Development money to improve their prisons? Why are we not doing the same in Somalia? As far as I understand it, the new Government there have complete control of most of the urban areas and most of the prisons, so surely something could be done.

I shall conclude in a moment; I was going to say something about the courts, but a lot of colleagues are waiting to speak. I was keen to get the key points across, and additional points can be discussed in Committee and on Report. I find it heartening that the Bill commands a great deal of consensus among all parties and that, although the Government's energy over the next few months—indeed, perhaps two years—is going to be focused on Brexit and all the challenging negotiations that will go with it, they still have time to stand true to their reforming zeal and introduce an important Bill. I congratulate the Secretary of State and her team. Let us hope that a really good Bill can be made better still in Committee.

7.46 pm

**Holly Lynch** (Halifax) (Lab): It is an honour to follow the hon. Member for North West Norfolk (Sir Henry Bellingham), whose speech was very articulate. I am grateful for the opportunity to speak in this debate ahead of serving on the Bill Committee over the next few weeks.

With the Government's White Paper, which was published in November last year, and the Bill before us today, I welcome many of steps being undertaken to get to grips with the challenges in our prisons and the justice system more widely. Greater scrutiny and more transparent allocation of responsibility are positive steps but, as others have already said, the Bill will succeed only once we have comprehensively got to grips with overcrowding and safety in our prisons. Without an effective, functioning prison system with reform at its very core, the wider justice system simply fails to function. When he appeared before the Justice Committee back in November, the Minister for prisons and probation admitted that all the numbers relating to prison violence, self-harm and deaths in custody are pointing in the wrong direction. I shall therefore use my role as constructively as possible to make sure that the Bill goes far enough and fast enough in improving those numbers.

In part because of several high-profile incidents, Members will be well aware of the prevalence of overcrowding in prisons, which is so commonplace that it sadly now seems to have become institutionalised in the justice system. When they gave evidence to the Justice Committee, both the Minister and the chief executive officer of the National Offender Management Service were in agreement that overcrowding has been a sustained problem for the past decade. The prison population rose from 43,000 in 1993 to just over 84,000 in 2016. Despite this increase, the number of uniformed prison officers tasked with managing and caring for those in prisons has decreased. Following the closure of 18 prisons since 2010, the prison estate has seen a reduction of around 6,000 places, at a time when the prison population is increasing. Although there are plans for new prisons

[*Holly Lynch*]

and extensions at existing sites, at this rate such measures will not alleviate overcrowding in this Parliament or the next.

Overcrowding is a problem in 69% of prisons—that is 80 out of 116 establishments. My nearest prison, HMP Leeds in Armley, is one of the most overcrowded in the country. The Prison Reform Trust found that although it was built to accommodate 669 men, as of October 2016 it held 1,145, meaning that it is populated at 171% of its intended capacity. What is the impact of overcrowding on the conditions inside prisons? We have already heard statistics from the House of Commons Library, which reveal that, in the 12 months to September 2016, the number of prisoner-on-prisoner assaults increased by 31% on the previous year, with just over 25,000 recorded incidents. There were nearly 38,000 incidents of self-harm, which is an increase of 61% compared with 2006. In the 12 months to December 2016, there were 354 deaths in custody, 34% of which were self-inflicted and 1% the consequence of homicide.

A report by the Prison Officers Association revealed that there are more than 42 incidents of violence in prison establishments every day. Given, as the Minister said, that all the numbers by which we measure the effectiveness and safety of our prisons are pointing in the wrong direction, it is perhaps surprising that we have seen a reduction of 7,000 prison officers since 2010. I appreciate that the Government have closed 18 prisons in that time, but the prison population has still increased. In fact, it peaked at an all-time high in 2011. By any analysis of prisoner to prison officer ratios, the number of officers will surely be found to be inadequate to meet the challenges, and I support the call from my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) to look at how we can introduce ratios into the Bill.

I welcome the decision announced in the White Paper to recruit 2,500 more prison officers, and I am glad that the Secretary of State was able to tell us more about that recruitment process, and that 400 more prison officers have been recruited for the 10 most challenging prisons, but I hope that the Minister can go further in outlining what the next steps will be in recruiting for the remaining 2,100 posts.

Michael Spurr, chief executive officer of the National Offender Management Service, confirmed to the Justice Committee in November that the rate for new prison officers leaving within their first year is 13.5%, and has been as high as 16% in the past three years. I would be interested to know whether the Secretary of State has factored in that retention rate when recruiting those new officers. If 13.5% of the 400 already recruited leave within their first year, we will need to find 54 additional officers. I have set out the context not simply to make the case for sufficient prison capacity to meet demand, but to make the case for my amendments on prison officer safety, which is an area in which this Bill could go much further.

My right hon. and learned Friend the Member for Camberwell and Peckham talked about how two officers were left to cover a wing of more than 150 prisoners. Members can appreciate that sense of being outnumbered when they think about the reality of those figures. What needs to change to make sure that prison officers do not

leave in their first year, are safe at work and are staying in post until retirement? Colleagues will be aware that, since having had an eye-opening experience while shadowing a lone police officer in my constituency last year, I have been campaigning for greater protections for emergency service workers, and prison officers are no less deserving of those same protections.

A report by the Prison Officers Association revealed that eight staff members are assaulted every day and that, in 2010, there were 24 sexual assaults against prison staff. That is just unacceptable. Section 8 of the Prison Act 1952 says:

“Every prison officer while acting as such shall have all the powers, authority, protection and privileges of a police constable.”

In the event that a prison officer is assaulted, and where the evidence affords, the prosecutor has a choice between pursuing common assault charges, under section 39 of the Criminal Justice Act 1988, or assault police charges under section 89 of the Police Act 1996. Assault police is a summary only offence and as such carries a maximum of 24 weeks custodial sentence, with community resolution orders and fines the most common outcome. I will not share the details now, but I can recommend the report “Prison Violence—How serious does it have to get”, which is published by the Prison Officers Association, for harrowing testimonies from prison officers, complete with photos of their injuries. It is well worth a read if anyone is in any doubt about the need for having the toughest possible deterrents in place to protect prison officers.

**Philip Davies:** I commend the hon. Lady for all her work on this matter and also with regard to police officers. It is very much appreciated by them. She says that the number of assaults on prison officers is going up, but is she also aware that the number of extra days given for the assault of a prison officer by a prisoner is going down? The average number of extra days given for a prisoner assaulting a prison officer was 20 five years ago, and it is just 16 now. Does she agree that that is completely inadequate punishment for a prisoner assaulting a prison officer?

**Holly Lynch:** I completely agree with the hon. Gentleman. I wonder whether the pressures of overcrowding are starting to reflect in those sentences handed out in prisons, which do not then serve as a proper deterrent. I would be more than willing to consider that point and others when we debate the Bill in Committee.

This is why I am calling on the Government to consider making it an aggravating factor to assault a prison officer under existing common assault, grievous bodily harm, actual bodily harm and malicious wounding charges. That would give the judiciary much greater flexibility when considering sentencing. Sentencing must be about effective deterrent. It is about not exacerbating the existing conditions in prison, but ensuring that there is a real incentive not to assault officers.

There is also the practice of “potting”, where urine and faeces are thrown at a prison officer as a means of assaulting them—it seems to be female prison officers who are singled out for this treatment—and it is simply horrific. Those acts must be followed up and charges brought against every individual who engages in that activity. It is no wonder that there is a 13.5% drop-out rate in the first year when that is what we ask our prison officers to face every day they go to work.

The second part of my campaign relates to spitting. As well as being horrible, spitting blood and saliva at another human being can pose a very real risk of transmitting a range of infectious diseases, some with life-changing or even lethal consequences. In presenting my ten-minute rule Bill, which addressed that very issue, I shared with MPs the story of Arina Koltsova, a police officer in Ukraine who died after contracting tuberculosis from an offender who spat at her while she was trying to arrest him. At the moment, if a prison officer or any other emergency service worker is spat at, they can take a blood sample from an individual only if they give their permission. Needless to say, in most cases in prisons, prisoners are deliberately seeking to inflict the maximum distress on a prison officer, and so decline to provide a sample. This then leaves the prison officer or staff member with no choice other than to take anti-viral treatments and face a six-month wait.

To address this issue, I have looked to laws in Australia where refusal to provide a blood sample can result in a fine of 12,000 Australian dollars and a custodial sentence. Adding such a measure to the Bill would mean that to refuse to provide a blood sample would in itself be a crime, punishable by a fine or an additional custodial sentence. If a prison officer has already had to endure being spat at or bitten, this measure would hopefully save them having to endure a six-month ordeal waiting to see whether the consequences are much more serious. I hope to demonstrate the merit of these amendments in Committee and hope that the Government will work with me on these measures.

On behalf of my hon. Friend the Member for St Helens North (Conor McGinn), who cannot be in the Chamber today, I wish to raise his commitment to Helen's law, which would deny parole to those convicted of murder who refuse to reveal the location of their victim's remains. He will be seeking to build support for that change and amend the Bill to that effect, and I will be supporting him in doing so.

I have been particularly animated about the closure of both the magistrates court and the county and family court in my constituency. I am grateful to the Minister for Courts and Justice for keeping me informed about this Bill. He knows that I am particularly passionate about the provision of justice.

Last week, having attended the briefing on the sweeping reforms to access to justice, I can see that there is a lot to be optimistic about. When starting from a position of what is best practice for supporting vulnerable victims and witnesses through the justice system and when giving evidence, I accept that our old-fashioned court buildings and outdated systems are just not up to the job. However, having accepted some of the reasoning for the closure of the courts—to facilitate this revolution in access to justice which promised to make justice more available than ever before—what happened in Halifax was that the courts closed, and people now have to travel much further than ever before to attend old-fashioned court buildings and use outdated systems. With a six-year roll-out on the measures that we are all looking forward to seeing, my experience in Halifax is that there has been a massive step backwards in justice provision in the intervening years. I have engaged with this process, accepted that there were inefficiencies across the two

courts, and even lobbied to merge them, which would have returned a cost saving for Her Majesty's Courts and Tribunal Service.

I visited Kent police's excellent video-enabled justice system, and bought the Government's arguments, but, through no lack of trying, I have failed to get HMCTS to engage with me on how technology can be used to the benefit of my constituents and to deliver a justice system that is indeed fit for purpose. I am really grateful that the chief executive of HMCTS, Susan Acland-Hood, has offered to meet me to discuss this matter further, following similar pleas that I made at that briefing hosted by the Minister for Courts and Justice last week. I genuinely hope that we can get a video hub in place to mitigate some of the impact of the court closures in Halifax.

I genuinely welcome the move to introduce modern technology into the justice system, so that vulnerable victims can record their evidence just once to save potentially painful and unnecessary repetition; so that we can cut down the time spent by police officers in court; and so that justice can be accessed on an iPad in a front room. Such changes would be fantastic. I will use my time in Committee to outline examples of where court closures have left a void, which this Government have failed to bridge, and work towards practical measures for delivering a better service as soon as possible.

I look forward to examining and debating the Bill in more detail in Committee. I welcome many of the measures. While the situation remains so pressing—I would go so far as to say pretty desperate—in some of our prisons, the pressure to get this right and quickly weighs on us all. I intend to work constructively to firm up the Bill as it relates to prison officer safety. Given the recruitment and retention pressures they face, I hope that the Government will be receptive.

8 pm

**Michael Tomlinson** (Mid Dorset and North Poole) (Con): It is a pleasure to follow the hon. Member for Halifax (Holly Lynch) and so many other experts who have spoken already from both sides of the House. It is also a pleasure to have caught your eye, Madam Deputy Speaker, and to be called to speak so early in this Second Reading debate on a Bill that commands cross-party support.

The Bill contains much that is commendable. I warmly welcome the strengthening of regulations on whiplash injuries and the provisions on the introduction of new technologies in court procedures. I was pleased to hear the Secretary of State describe how courts in the south-west of England—my part of the world—are doing so well in using technology.

I will focus on prisons and prison reform. I am delighted that the Bill sets out the purposes of prisons, in particular that they should

“reform and rehabilitate offenders”

and

“prepare prisoners for life outside prison”.

Many Members have expressed their concerns about the prison system, but none, I think, has dwelt on the reoffending statistics, which have remained stubbornly high. The rate of reoffending by young offenders is running at 68.7%, the rate among those sentenced to

[Michael Tomlinson]

less than a year in prison is 60%, and the overall reoffending rate is 44.7%. Such rates come at a cost of £15 billion a year. That is not the cost of reoffending overall; it is the cost in relation to reoffending by those who were in prison. It is right that we refer in the Bill to the necessity of reforming and rehabilitating offenders.

The statistics that I just cited compare badly with those for our international counterparts. Some countries do particularly well—Denmark’s reoffending rate is 29%, and Iceland’s and Singapore’s are both 27%, but Norway leads the field with a rate of 20%. I accept that the legal jurisdictions in some countries are very different from our own, but it is worth looking at where there is good practice and seeing what we can learn. In that regard, I was pleased to visit a young offenders institution in Norway, just outside Bergen. Prisons in Norway have been compared, unfairly, to holiday camps by some in our country’s media, but given Norway’s reoffending rates, it would be churlish to ignore its example. When there are good lessons to learn from other countries, we should try to learn them.

**Dr Sarah Wollaston** (Totnes) (Con): Does my hon. Friend agree that there are also examples of good practice in this country? I visited a project in my constituency, LandWorks, which works with offenders providing routes into employment, mentoring and counselling. It offers an extraordinary range of opportunities and achieves reoffending rates of just 4%. Does he agree that we should look at practical examples in this country and roll them out more widely?

**Michael Tomlinson:** I agree absolutely and I am grateful to my hon. Friend for that intervention. It is clear that LandWorks is doing an excellent job in her area. We heard from the hon. Member for Bridgend (Mrs Moon) about the good work that is done in Parc prison, which is being rolled out internationally. When we can learn, whether from institutions in our own country or abroad, we should be big enough and brave enough to learn those lessons, to adopt good practice and to roll it out across the country.

The two principles I learned from my visit to the young offenders institution in Norway related to staff ratios and officer training. There, all prison officers are either graduates or have completed a two-year training programme. I was pleased to hear my right hon. Friend the Secretary of State say that we are recruiting more prison officers and more is being done to improve their training. Earlier today, I learned of the “Unlocked” graduate scheme—a two-year programme, I think.

**The Parliamentary Under-Secretary of State for Justice (Mr Sam Gyimah)** *indicated assent.*

**Michael Tomlinson:** I am pleased to see the Minister nodding. I warmly welcome that programme.

**Mr David Burrowes** (Enfield, Southgate) (Con): Will my hon. Friend, whose professional background is similar to mine, comment on the need for offenders leaving prison to go not into the arms of drug dealers, which leads to further reoffending, but into the arms of a

loved one or family members, so that that relationship can give them ongoing support and help them not to reoffend?

**Michael Tomlinson:** I was going to touch on that point later in my speech, but I will deal with it now. Members on both sides of the House have talked about the importance of that. The hon. Member for Bridgend talked about a 51% reduction in reoffending—I would be interested to hear where that figure comes from. The hon. Member for Stretford and Urmston (Kate Green) mentioned a 39% reduction, and I believe that that figure was drawn from research instigated and conducted by the Ministry of Justice in 2008. I am interested in both those figures.

My hon. Friend the Member for Enfield, Southgate (Mr Burrowes) is right. I challenge the Minister to consider whether maintaining close family relationships outside prison should be mentioned in the Bill, perhaps in clause 1, which sets out the purposes of prisons. I was pleased to hear the Secretary of State say that Lord Farmer has been looking into this, and I know he will bring his great expertise to bear. We eagerly anticipate the publication of his report.

I had the opportunity to visit, with my hon. Friend the Member for Hexham (Guy Opperman), Her Majesty’s Prison Coldingley, which is a reform prison, to see the work that goes on there. When reform prisons were launched, I questioned how they would make a difference and what empowering governors would mean on the ground. The governor of Coldingley gave two examples that made clear to me the impact that reform prisons and giving governors greater autonomy can have. They are small examples, but I believe they paint a bigger picture. They have had a big impact, certainly in Coldingley.

First, every prisoner in Coldingley works. We had the opportunity see the vast factories there—there is a printing press and the like all set up. As a result of the flexibility given to the governor, she has been able to increase the food allowance from less than £2 to in excess of £2. That seems like a small uplift, but it was done in recognition of the fact that every prisoner works, and if nothing else it has made a dramatic difference to prisoners’ morale. The second example was the appointment of a key position that the governor simply would not have been able to afford without having flexibility in the budgets and the autonomy to prioritise funds as she saw fit. Those two small examples brought home to me the importance of giving governors autonomy and greater authority.

Another measure foreshadowed in the White Paper was release on temporary licence. Schemes whereby prisoners are released early are sometimes criticised, even by Conservative Members. Some say, “Well, what about the risk to the public?” While I agree with those concerns and although it is right to highlight them, it is also right, when proper, to challenge them, because release on temporary licence has a success rate in excess of 99%. In 2015, there were 162 failures, the definition of which is a prisoner who has breached his or her terms of release, committed a further offence or failed to turn up on time. The figure equates to 49 out of 100,000—less than 0.5%. If we translated that into reoffending statistics, I think we would all be pleased, so I warmly support measures giving governors greater autonomy in rolling out and prioritising release on temporary licence.

I am conscious that other experts are waiting to speak, so suffice it to say that I warmly welcome the measures set out in the Bill. I fully support it and am pleased that it has cross-party support.

8.10 pm

**Philip Davies** (Shipley) (Con): It is a pleasure to follow my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson).

I have been disappointed to hear prison being disparaged so much in this debate, as prison is actually a pretty successful place. According to the Ministry of Justice's own figures, the longer people spend in prison, the less likely they are to reoffend. The Ministry's latest figures, released in November 2016, show that although 60% of those released from a sentence of less than 12 months go on to reoffend, only 37% of those who serve a sentence of between 12 months and four years, 24.7% of those who serve a sentence of four to 10 years, 15.6% of those who serve a sentence of 10 years or more, and 11.4% of those sent on an indeterminate sentence go on to reoffend after release. Prison is clearly not the problem because the longer people spend in there, the less likely they are to reoffend. Perhaps the problem is that they are not spending long enough in prison. That seems to be the lesson from those figures.

**Kit Malthouse**: I have some sympathy with part of what my hon. Friend says, but does he accept that those statistics ignore the nature of the offence? For instance, quite a lot of people are serving very long sentences for murders—crimes of passion—that they may have committed only once in their life and are unlikely to go on to commit again, whether they go to prison or not.

**Philip Davies**: The problem with that is the example of those who serve less than 12 months. If my hon. Friend looks at the figures, he will find that it is very difficult to be sent to prison for a first offence and a short sentence. People who are eventually given short prison sentences have been given community sentence after community sentence, which have not worked. The reason that these people end up in prison on a short sentence is that the courts eventually say, "We have no other option but to send you to prison because every other intervention we've tried has failed." The reoffending rate for the cohort of people who end up in prison after community sentences was 100%. The fact that they have a reoffending rate of 60% when they leave prison is a greater triumph than was shown by community sentences for that cohort of people who end up in prison.

**Kit Malthouse** *rose*—

**Philip Davies**: I do not have time to give way to my hon. Friend again.

The Bill contains provisions to toughen up the current position on the use of mobile phones. I am sick to death of seeing pictures of smiling criminals from within prison cells, surrounded by all kinds of creature comforts and ill-gotten gains courtesy of the use of mobile phones in prison. More concerning is the use of phones to intimidate or threaten victims, or to ensure the continuation of crimes, so I welcome the steps the Government are taking to deal with that scourge.

I have some concerns about extending the use of video links in certain cases, and I am certainly not comfortable with people using video equipment in all

kinds of venues that are not courts. I shall listen to the points made by those promoting such technology, but sometimes, in the interests of justice, saving a few pennies should not be the overriding factor. We need to be very careful that, in trying to protect victims, we do not affect the scales of justice and end up with a situation where it is difficult for defendants to have a fair trial. Having a fair trial should be paramount, just as it is essential to deal appropriately with those found guilty. I am not overly keen on the sound of the online conviction process, so I will be listening with interest to the types of offences it might cover. The Magistrates Association also has concerns about this, and I hope they are considered carefully.

I am concerned about the abolition of the local justice areas, which organise magistrates and their work within geographical locations. I understand that some work can be done in different areas, but there is something to be said for the argument that justice should be dispensed locally. I hope we do not end up with a situation whereby all kinds of cases are being heard randomly all over the country for no good reason.

I have a bit of concern about judicial appointments and the drive for diversity. Surely we should just be interested in recruiting the best people. It should be irrelevant whether they are men or women, black or white, Christian or Muslim, gay or straight. Who cares about any of those things? We want the best person for the job, irrespective of their gender or race. Surely that is what equality means in this day and age—not just giving somebody a job out of tokenism because they happen to tick a particular quota box. Let us stick to appointing people on merit alone, and ignore every other irrelevant factor about them.

In my brief contribution, I want to focus on what is missing from the Bill, which is more important than what is in it. I would like the whole sentence given by the courts to be served. People should certainly should not be automatically released halfway through their prison sentence, as is the case at the moment. That was a scandal when it was introduced. The Conservative party was apoplectic when the last Labour Government introduced it, but we now seem to think that it is wonderful to release people automatically halfway through their sentence, irrespective of how badly they behave in prison. I will certainly table an amendment at a later stage in the passage of the Bill to ensure that any prisoner who assaults a prison officer cannot be released automatically halfway through their prison sentence. We must have some proper punishments for assaulting prison officers. The least that prison officers deserve is that kind of support.

One reason for the breakdown of order in prisons is that prisoners know that no matter how badly they behave, they will be released halfway through their sentence. All that is given for assaults on prison officers is extra days. As I indicated in my intervention on the hon. Member for Halifax (Holly Lynch), who has done a great job and should be commended greatly for all her work on defending prison officers and police officers, the average number of extra days given to a prisoner for assaulting a prison officer was 20 days in 2010 and 16 days last year. That is completely and utterly unacceptable. I am sure that the Prison Officers Association would welcome the Government saying that if a prisoner assaults a prison officer, their opportunity for automatic

[Philip Davies]

early release halfway through their sentence will end, and that their position will be judged on whether they are safe to be released out into the public.

**Bob Stewart** (Beckenham) (Con): I presume that the sentences should, at the very least, be the equivalent of the sentence for someone who does that outside prison.

**Philip Davies:** I am grateful to my hon. Friend for what I consider to be his support for my amendment. I only need the support of the Opposition and about eight more on our side and we should be in business. I will put my hon. Friend's name down as a likely supporter.

The Library briefing paper confirms:

"There were 6,430 assaults on prison staff, 761 of which were serious. This was an 82% rise on the number of assaults on prison staff in 2006 and was a 40% increase from 2015."

Prison officers have a very hard and, at times, dangerous job. I am sick of hearing about the pathetic additions to sentences for prisoners who assault them. I hope the Government will deal with that in the remaining stages of the Bill.

I would also like to see an amendment to limit the use of fixed-term recalls. When prisoners are released early, they do not even go back to serve the remainder of their sentence when they are convicted of a further crime. They just go back into prison for 28 days, for what I would consider a mini-break. They can usually keep an eye on their criminal activities knowing that they will be back in prison for only 28 days. I hope the Government will deal with that.

I would recommend giving consideration to making judges accountable for their decisions, particularly when they do not hand down custodial sentences that are perfectly justifiable and possibly even expected, and particularly when the offender goes on to reoffend. I do not need to say now what the consequences of collecting such information should be, but it should be clear to many that where a judge consistently allows offenders to avoid prison, and those offenders go on to make others suffer as a result of their continuing crime spree, there should be accountability and consequences for that judge.

I would like to table an amendment to allow magistrates to sentence people to prison for up to 12 months for one offence, instead of the current six-month limit. We already have the law in place to do that, and it just needs a commencement date. That is something the Government have been promising for years, but they still have not got round to doing anything about it. When the Minister winds up, perhaps he can tell us when he intends to activate this part of Government policy.

I would like to recommend increasing the age limit for magistrates and judges to 75, and I will table an amendment to that effect. As of 1 December 2016, the Government increased the age limit for jurors to 75, and I cannot really see any difference between being a juror and determining someone's guilt or innocence in a serious criminal trial, and, for example, sitting as a member of a bench of magistrates. Surely, the same rationale applies to both.

I am not a fan of release on temporary licence, unlike my hon. Friend the Member for Mid Dorset and North Poole. If prisoners serve only half their sentence, the

least they can do is actually serve that half in prison, rather than being released in advance of the half for which they are automatically released. It is ludicrous to count time out of prison as time in prison, and I am considering tabling amendments to cover some instances of release on temporary licence.

**Michael Tomlinson:** Will my hon. Friend give way?

**Philip Davies:** I am not going to give way, because my time is almost up, and I want other people to have the chance to speak.

I want to place on record my continued interest in seeing male and female offenders treated equally by the courts, not only for sentencing purposes but in all aspects of the criminal justice system. It is increasingly accepted that women are treated more leniently than men. For every single category of offence, a man is more likely than a woman to be sent to prison. In the interests of equality, this matter needs to be looked at. However, we should look after women in the criminal justice system by abolishing sharia councils, which discriminate against them terribly, although the Government sit idly by and allow that to continue, which is an absolute disgrace.

Finally, on a more positive note, I am delighted to support the Secretary of State when she said in a speech last month that:

"the wrong way to address the problem would be to shorten sentences or to release offenders earlier. That would be reckless and endanger the public. And it would restrict the freedom of the independent judiciary to choose the most appropriate sentence for each offender."

I could not agree more. She is certainly on the right lines. If she sticks to that kind of principle, she will be doing okay. I hope to be able to support the Bill by strengthening it in its remaining stages.

8.22 pm

**Mr David Nuttall** (Bury North) (Con): It is a privilege, as always, to follow my hon. Friend the Member for Shipley (Philip Davies), and I very much look forward to supporting some of the amendments he foreshadowed in his speech.

At the outset, I must draw the House's attention to my entry in the Register of Members' Financial Interests, as I am on the roll of solicitors. I am a non-practising solicitor now, but earlier in my career I was involved in many personal injury matters, and it is to part 5 of the Bill, which deals with whiplash, that I want to restrict my remarks.

There are things to commend and welcome in the Bill, but the one area where I do have concerns is over the proposals relating to whiplash. It is completely understandable that the Government would want to root out fraudulent whiplash claims, and I am sure everybody would agree with that, but I am not convinced that the proposals in part 5 will assist in achieving that aim. I welcome the fact that the Government have abandoned some of the more extreme proposals in the consultation paper, but we have nevertheless finished up with a set of proposals that I doubt will have the desired effect.

There is no doubt that if fraudulent claims are submitted and not spotted, the damages that are paid out will increase premiums. However, I am not convinced that

the way to reduce premiums is to restrict artificially the level of damages payable by someone found liable for the tort of negligence. The Government's proposal has nothing to do with controlling public expenditure; we are told that it is all about rooting out false, fraudulent claims and trying, as a consequence, to reduce insurance premiums. If the Government are really keen to do that, one way would be to reduce insurance premium tax. It seems rather perverse that we should tax those who seek to do the right thing. I can understand the argument—I might not always agree with it—for taxing goods or behaviours that are perceived to be bad, but it is less easy to understand the rationale for taxing those who seek to do the right thing by taking out insurance to protect themselves and take care of their future.

There are already procedures in place to reduce the potential for fraudulent claims to be successful. I am all in favour of taking the strongest possible action to root out those who try to con the system, but perhaps we should have given the existing measures—it is not many years since they were introduced—more time to work, and there is already evidence that they are working. The number of whiplash claims, as reported to the compensation recovery unit at the Department for Work and Pensions, fell from 511,111 in 2010-11 to 335,365 in 2015-16.

**Sir Oliver Heald:** The expression we use is whiplash-related road traffic injuries. Some of them are described as upper torso strain caused by shunt by a vehicle; that is a whiplash-related claim, and it would not count as a whiplash claim, but we think they are the same thing, and we reckon that the figures show a 50% increase over the last 10 years, at a time when the number of road traffic accidents generally has been falling.

**Mr Nuttall:** Clearly, there are issues around the definition of what constitutes a whiplash injury. The fact remains that, under the definition of whiplash used by the CRU, there was a 34% fall between 2010-11 and 2015-16.

Regardless of the number of claims, if they are valid, appropriate damages should be paid. The introduction of tariffs will have a number of effects, particularly when combined with the proposed increase in the small claims limit, which I accept is not in the Bill but is foreshadowed in the Government's proposals. First, the level of damages will hardly ever be correct, as the Government recognise in their proposed uplift provisions. This is a rather clumsy way to try to finesse the basic scheme, recognising that the damages will not be at the appropriate level. There will inevitably be an increase in the number of litigants in person, and that raises questions as to how the courts will cope. For example, is the portal proposed as the mechanism by which the system is accessed intended for use by litigants in person?

Claims management companies will have a field day as they look to expand their operations in the light of these proposals. I fear that there will inevitably be an increase in the number of nuisance telephone calls. The Government may feel that insurance premiums are a problem, but that is as nothing compared with the problem of nuisance telephone calls. I am sure that I am not alone among MPs in being able to say that I hardly ever get a complaint about insurance premiums in my postbag or email inbox, whereas I get many, many complaints about the number of nuisance telephone calls.

Another problem resulting from the introduction of tariffs is that the same injury will attract a different level of compensation dependent on whether the injury was suffered as a result of a road traffic accident or in the workplace. I am not sure how that could be justified to the injured person, but I look forward to hearing the explanation of how it could be justified. There will inevitably be a transfer of cases from qualified legal practitioners to unqualified claims companies—McKenzie friends and so forth—and thousands of high street practices will face closure or, at the very least, job losses. There will also be unintended consequences. For example, the Access to Justice Action Group has pointed out that an injured party would be entitled to £3,725 for a neck injury lasting 24 months under the small claims track, but £6,750 for a neck injury lasting just one month longer outside the small claims track. That will be an incentive for the small minority who try to play the system to exaggerate their claims.

In summary, why should the vast majority of innocent, law-abiding citizens be penalised for the actions of the dishonest few?

8.32 pm

**Andrew Selous** (South West Bedfordshire) (Con): I strongly welcome this Bill because it will help to improve the rehabilitation of offenders, which is at the heart of preventing more crime and keeping the public safe.

Prisons are the end of the line for maintaining law and order in this country, and we expect an awful lot of them. Of course, prevention is always better than cure, and we need to redouble our efforts in cracking down on the scourge of drugs, which so often leads to a life of crime. We also need to continue to provide more and more ladders of opportunity for people to engage in legitimate, worthwhile and rewarding study and work. Rehabilitation in prison cannot take place unless the environment is safe and secure, and it is absolutely right that those words appear on page 1 of the Bill.

If we are to reform and rehabilitate offenders and prepare prisoners for life outside prison, we need to focus on a number of areas. Many prisoners arrive in prison with serious mental health issues, and making sure that the very best mental healthcare is available for them must be at the heart of the prison regime. I welcome the moves towards joint commissioning so that prison governors are more involved with the mental healthcare being delivered within their prisons.

I was also delighted that the Secretary of State agreed to take forward the Farmer review, to keep prisoners' family and other relationships healthy and strong where it is safe to do so. Some prisons, such as Parc in Bridgend, as we heard in the wonderful speech by the hon. Member for Bridgend (Mrs Moon), are already doing that work really well. If prisons are truly to be places of reform, we cannot ignore the reality that a supportive relationship with at least one person is often indispensable to prisoners' ability to get through their sentence well and achieve rehabilitation. It is not only family members who can provide that. Other significant and supportive relationships can make a significant difference to the prevention of reoffending.

**Bob Stewart:** Huge advances have been made by Jim Davidson's charity Care after Combat, which works with military veterans and is supported by the Government.

[Bob Stewart]

To start with, more than 50 of its mentors have gone into prisons, been friendly with prisoners and put them on the road to really decent rehabilitation. It is a great charity, and I am very grateful for all the work it has done for the military.

**Andrew Selous:** I could not agree more with my hon. Friend. I have met Jim Davidson on a number of occasions, and I thoroughly commend the work of Care after Combat throughout the Prison Service.

Family work, which brings prisoners face to face with their enduring responsibilities to their families who are left in the community, is indispensable to the rehabilitation culture that we urgently need to develop in our penal system. I welcome the commitment by the Ministry of Justice to measuring the quality of prisoners' relationships. At a very practical level, we know that enduring family relationships lead to many prisoners being able to access on release family accommodation that would be unavailable to them if those relationships had broken down.

**Kate Green:** There is a huge amount of consensus this evening about maintaining prisoners' family relationships. Does the hon. Gentleman agree that a corollary of that is that family contact should not be removed as a penalty where other forms of sanction are available? It is unfair to the family members and it defeats the object, which he and others have talked about, of maintaining prisoners' contact with their families.

**Andrew Selous:** I share the sentiments expressed by the hon. Lady, and my instincts are with hers. I have talked extensively to prison officers about the issue, and on occasions they have a relatively limited number of levers that they can use. I am with the hon. Lady, however. Family relationships are really important, and they are often powerful forces for good that can help prison officers to achieve what they are trying to achieve.

Accommodation is the base camp of rehabilitation, and we are unlikely to make any progress without it. It is concerning that some local authorities are, frankly, discriminatory towards ex-offenders. Ex-offenders should not be given preferential treatment, but neither should they be treated worse than others who seek accommodation.

I hope that Her Majesty's Prison and Probation Service, as it will be called from 1 April, will look at the cost of prisoners phoning home. Many prisoners have mobile phones so that they can speak to their wives, husbands, partners and children. We need to make sure that prisoners have good access, for legitimate use, to affordable prison telephones. I am also a fan of the prison voicemail initiative, which is spreading in our prisons. A daughter managed to leave a message of her first violin piece for her father to hear on a prison voicemail, for example.

**Suella Fernandes (Fareham) (Con):** On the issue of housing and released prisoners, does my hon. Friend agree that many prisoners struggle to get on to the housing list in various local authorities? How does he suggest we incentivise local authorities to consider in priority need those prisoners who have served their sentence and need a bit of support to prevent them from getting into homelessness?

**Andrew Selous:** At the very least, we need fairness across the system. What concerns me is that some local authorities have a blanket approach of telling ex-offenders to wait a couple of years. My local authority, Central Bedfordshire Council, has a very good policy. It is concerned about antisocial behaviour, and it does not really mind whether someone is an ex-offender; it wants to know whether that person will be a good tenant. As long as they are a good tenant, the council does not discriminate against them. I think that that is a good and practical policy.

**Michael Tomlinson:** Does my hon. Friend welcome, as I do, the Third Reading in the House of Lords of the Homelessness Reduction Bill, in which there is duty on local authorities to provide advisory services to those who have been in prison? Does he welcome that excellent measure?

**Andrew Selous:** I very much do so, because so many of the other things that we want to do—improving prisoners' education, getting them into work, keeping family links strong—depend, very naturally, on having somewhere to live.

I am concerned that offenders' innocent family members are being unfairly and wrongly penalised by insurance companies either withdrawing insurance cover or making it prohibitively expensive. In some cases, this is happening while the offender is in prison, and it is hard to see how there could be an additional risk to the insurer with regard to the family home in such cases. The Ministry of Justice needs to make its views about this issue very clear to the Association of British Insurers. I am grateful to the Salvation Army for highlighting it in a recent edition of its magazine, *The War Cry*.

The previous Secretary of State was absolutely right to get an outstanding headteacher, Dame Sally Coates, to review prison education. We need much better baseline assessment of levels of literacy, numeracy and other key skills on arrival in prison, and a real determination not to waste a single day in prison in making progress on those areas. We also need a culture change so that prisons become places of education across the whole establishment. One of the ways to achieve that is through the much greater use of mentors—for example, with the Shannon Trust's reading schemes, or by using numeracy schemes, such as one to one maths. Some of our best governors, such as Ian Bickers at Wandsworth, have accelerated this progress and formalised the mentoring arrangements with prisoners who have level 3 qualifications and are able to help other prisoners.

The Ministry of Justice is to be commended for realising the vital importance of making sure that prisoners leave prison with a job to go to. This is a huge challenge and we are a long way from achieving it, but no longer is purposeful activity just to be about keeping prisoners occupied, worthwhile though that is. Work and training in prison needs to be related to getting and keeping a job on release. I welcome the focus on prison apprenticeships. I hope there will be more properly focused release on temporary licence, as its decline from 529,000 instances in 2013 to 333,000 in 2015 is a great concern.

It would be good to have an update on how the Government and the wider public sector are doing with the Ban the Box initiative. Companies such as Boots,

Barclays, Carillion, Land Securities, Ricoh, Virgin Trains and many others are leading the way. We need other firms to join them, and we need to bring employers who are not as enlightened up to the mark.

I am very pleased that the Bill does not alter the statutory provision for chaplaincy set out in the Prison Act 1952. Chaplains play an extremely important role in prisons, and recent research on Catholic prisoners found that over 90% trusted their chaplain. The cost of accommodation for clergy can lead to vacancies, and I hope that Churches will look at shared appointments, making use of existing clergy housing, or indeed invest further in housing for this important ministry. I am also extremely grateful to the benefactor who, at no cost to the public purse, has provided thousands of copies of the “Doing HIS Time” devotional guide for prisoners. Chaplains should be aware of this excellent free resource, which I believe will have a significant impact in our prisons and beyond, given the clear links between rehabilitation and redemption.

Prisons will be successful in achieving rehabilitation and preventing reoffending only if we have an effective probation service that is working hand in hand with our prisons. I welcome the implementation of the key worker role in prisons to help bring this about, and I hope that the probation service will look at the inspiring examples of what can be done by initiatives such as Jobs, Friends & Houses in Blackpool. It is an initiative between Lancashire police and Blackpool Council that provides construction skills training, accommodation, employment and friendship, as well as strengthening the wellbeing of those it serves in very practical ways. I have explained the model to the chief constable and police and crime commissioner in Bedfordshire, as well as to senior judges in Luton, and I hope that they will be inspired to establish a similar initiative in my own county.

8.44 pm

**Victoria Prentis** (Banbury) (Con): It is an honour to follow the distinguished former prisons Minister, my hon. Friend the Member for South West Bedfordshire (Andrew Selous). Like him I would like to confine my remarks to part 1, but I am afraid that I am tempted by the presence of the Minister for Courts and Justice. With your permission, Mr Deputy Speaker, I would like to thank him for the very enjoyable hour I spent in his company last week piloting the excellent provisions of parts 2 and 4. During that hour, I was able to apply for divorce and probate, both of which, I am glad to say, were fictitious elements—my husband and parents should not be worried. It was a mercifully short, easy and painless application process, and one that is warmly to be welcomed. I commend him for all his work.

The Bill is a note of hope in the fairly dark places that are our prisons. It is very welcome in both its scope and content. I follow such a line of distinguished speakers that I would like to confine myself, if I can, to three points. The first is on rehabilitation.

Some 99% of prisoners are released, whether my hon. Friend the Member for Shipley (Philip Davies) approves or not. They are members of our communities, yet over 50% of released prisoners go on to commit further offences. It is in all our interests to break the cycle of reoffending and to do what we can to rehabilitate them. As the Lord Chancellor herself told us earlier, the only legislation we currently have to build on is the Prison

Act 1952, which was consolidating piecemeal legislation that gives prisons one role and one role only: to hold those sentenced by the courts.

Truthfully, much good work has been done by those in the sector for many years to stop prisons simply warehousing offenders. It is still welcome, however, that the provisions included in clause 1 establish for the first time a much broader statutory purpose. It emphasises reforming and rehabilitating offenders, preparing prisoners for life outside prison, and maintaining an environment that is safe and secure. It is clear and unequivocal in its purpose, and provides a point of focus for all who work in the prison community. The Minister will have noted the considerable pressure from Members on both sides of the House during the course of the debate to incorporate mental health on the face of the Bill.

The provisions will be supplemented by new standards for governors. Increasing their autonomy is essential if we want genuine improvement. From my many conversations with the governor of HMP Bullingdon in my constituency, I know that giving him greater control, in particular over decisions on hiring staff, will in itself be transformative.

The Bill lays out clearly the Secretary of State’s personal accountability for the prison system. I was very interested to hear her exchange with my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). My own experience of administrative law would lead me to believe that this will be justiciable, and my previous experience as a civil servant would encourage me to say that the Secretary of State is being brave—I mean that in a good way, rather than in a civil service way—in taking that power upon herself. Personally, I am very comfortable with judges considering whether a failing prison should be considered by the courts, but I welcome the fact that the Lord Chancellor is taking these powers upon herself for the very first time. It is real proof of how clearly she feels that this is important.

The Bill contains welcome requirements on the Lord Chancellor to respond to both the chief inspector and the ombudsman. Clause 1 adds to the remit of Her Majesty’s inspectorate of prisons, and—the Justice Committee has been calling for this for some years—puts the prisons and probation ombudsman on a statutory footing.

Secondly, the Bill introduces new powers to authorise public communications providers to disrupt the use of unlawful mobile phones in prisons. We know that in 2016 nearly 13,000 mobile phones and sim cards were found in prisons—almost double the number found three years previously. A recent Channel 4 documentary showed viewers how easily they can be brought in by visitors, who, for example, conceal them in Mars bars. The prevalence of mobile phones presents a real security risk by increasing the amount of organised crime that can be carried out daily in prisons. It is absolutely critical that we deal with this. The powers in the Bill will lead to real change.

Thirdly, alongside the increased use of mobile phones, we have seen a horrific rise in the use of new psychoactive substances. We do not have recorded incidents before 2015, but in 2015, there were 1,385 incidences of these drugs being used. Sadly, we do not have the updated figures, but we know that these drugs are everywhere in prisons. Indeed, many prisons have a drug freeway, and we can assume that the rest of the prison is not drug free.

[Victoria Prentis]

NPSs present a real problem and have led to a significant deterioration of behaviour in prisons, as recent unrest has shown. These drugs make prisoners both more aggressive, and thus a threat to others, and depressed, which amounts to a real threat to themselves. The safety of our prison officers is essential, but NPSs are making that increasingly more difficult to ensure. Prison officers need the power to test for these drugs as well as for any new ones that we subsequently identify. I welcome the provision in the Bill to do exactly that. No longer will secondary legislation be needed to rush to keep up with new drugs as they appear.

I am aware from my conversations with her that the Lord Chancellor wants to go down in history as a strong prison reformer. I am looking forward, as are my colleagues on the Justice Committee, to seeing real change in prisons under her stewardship.

8.51 pm

**Amanda Solloway** (Derby North) (Con): It is a great pleasure to speak in this debate, and I intend to focus on part 1, too. As stated in clause 1, we should aim to

“protect the public...reform and rehabilitate offenders...prepare prisoners for life outside prison, and...maintain an environment that is safe and secure.”

I am pleased to sit on the Joint Committee on Human Rights under the excellent chairmanship of the right hon. and learned Member for Camberwell and Peckham (Ms Harman). I have been appointed within the Committee to the role of rapporteur on mental health, and our first inquiry has been into self-inflicted deaths in prisons, based on the Harris report of 2015. In common with others, I have been conscious of previous reports such as the Woolf report of 1991, the Corston report of 2007 on women in prison and, more recently, the Harris report of 2015 on suicide among young prisoners. There are merits in all those excellent reports, which have been welcomed, yet find more people are still taking their own lives in prison—12 women and 107 men in the last year alone.

I have visited many prisons in my role, and the first point to note is that prisons should be and are places of punishment. They do, however, have their challenges and responsibilities when it comes to human rights, so I would like to explore a few of those.

To me, strong leadership is vital, because good practice needs to come from the top and cascade throughout the system. I welcome, of course, the proposed increase in the number of prison officers, because it is undeniable that the system is stretched. We must therefore make sure that the new officers get proper training, and we should also consider existing officers, who might have become demoralised in their work. We should ensure that they, too, are aware of and adhere to the new standards, while being fully supported and trained in the new expectations. This will necessitate a culture change—a change of attitude and behaviour—which requires investment across the board, not just to increase staff levels.

Let me provide a simple example that has nothing to do with money, just good practice. We heard evidence that in one prison an orange file was used if prisoners were suspected of having a mental health issue. Of course no one wants to be branded as having such

issues, so prisoners are reluctant to seek medical help in case others see them with the orange folder. With a little forethought, a simple solution arose relating to good practice. Why not use a file the same colour as all the others? It would be no extra cost, but would deal sensitively with the prisoner's needs.

On my first visit to a prison, I was struck by the amount of banging on doors in cells. At one point, it became unbearably loud with a prisoner striking the wall and door with his chair and shouting at the top of his voice. What really concerned me, though, was that the cell was shared. Imagine being the person who had to share a cell with someone who was kicking off like that. Imagine the impact that would have on your own wellbeing.

At the time I asked a prison officer what the problem was, and was told that the yard time had been stopped because of the weather. When I asked how often that happened, I was told that it happened a lot, and that some prisoners would kick off at night, waking the whole floor. As a result, no one would get any sleep, and the next day they would all be irritable. The problem just goes on. We must ensure that enough exercise and association time is provided, and that the time in the cell is not excessive. I welcome the fact that an increase in the number of prison officers will make that possible, but please, please, we must consider time outside the cell even if it is raining, because the frustration and anger are evident if that is not allowed.

A great deal needs to be done. I welcome the Bill's aim of reforming and rehabilitating offenders, but let us not underestimate the challenge of the culture that exists in prisons. Let us not deny that drugs are available, that there is a workforce that needs to be reinvigorated, that a gang culture exists, and that for some prisoners prison is just a way of life.

**Dr Wollaston:** My hon. Friend is making some compelling points. Given that suicide rates are higher than they have been since records began in the late 1970s, does she agree that the best way of addressing the many important problems that she has raised would be to include in the Bill the mental and physical health needs of prisoners as part of the purpose of prison?

**Amanda Solloway:** I thank my hon. Friend for her comments. I am about to make some further suggestions.

I have heard accounts of returners walking through the doors, winking at the officers, and saying, “Ay up guv, it's me again.” However, I have also heard harrowing stories of prisoners with mental health issues and learning disabilities who had absolutely no idea why they were there. Of course, people find themselves in prison with mental health issues for several different reasons. The condition may be triggered by the use of new psychotic substances, there may be an existing addiction to drugs or alcohol, or there may be existing but unidentified mental health issues. There is increasing evidence that veterans are entering the prison system with mental health issues, often with too much pride to admit there is a problem, and ultimately taking their own lives. Organisations such as Care after Combat are working to tackle that, but we need to identify it before such tragedies occur, and educate officers and others.

We must ensure that a mental health assessment is carried out thoroughly on arrival, and is subsequently ongoing; that we have good, strong leadership; that we increase our investment in people, resources and training; that existing officers are reinvigorated and trained; that exercise time and association time are always guaranteed; that departments work together with, perhaps, a key worker to bring them together; that families are involved—they need to be involved, and indeed they have to be; and that the time between determination of a mental illness and transfer to a mental health hospital is as brief as possible.

I could speak for much longer, but let me end by saying that at the heart of this issue are people like Dean Saunders. He was not a hardened criminal. His family did not know what to expect from prison, but they knew that Dean had mental health issues. When he was admitted, he was denied treatment. In the words of his mother,

“He was in there for two and half weeks with no medication, no support, and no family support. They took all his rights away, everything”.

Dean had previously tried to take his own life at home. His mother said:

“We fought and saved him that night at home, but part of us wishes we hadn’t, because all we did was to get him locked away for two and a half weeks on his own, with no support and no family contact. He just suffered for two and a half weeks until they let him do it again. At least if he had done it at home we would have been with him.”

I welcome these reforms, because we need them. Instead of just talking about what we should do, we must actually do something.

8.59 pm

**Kit Malthouse** (North West Hampshire) (Con): Mr Deputy Speaker, I am learning to love my place in the pecking order in this building: first, because I get to hear splendid debates such as this one in their entirety, and in particular the thoughtful and moving speech of my hon. Friend the Member for Derby North (Amanda Solloway); and, secondly, because by my maths, I have an hour in which to speak—*[Interruption.]* Oh, dear; well, perhaps half an hour. I hope that Members are all sitting comfortably.

Four years as deputy mayor for policing taught me everything I needed to know about the dreary cycle of despair that our criminal justice system had become. The endless merry-go-round of the same people going through the hands of the same organisations year in, year out turned me into a “convicted” penal reformer, so I am extremely pleased to welcome the Bill.

My four years at City Hall left me broadly with two frustrations, which I will share with Members because I think that they have some bearing on the Bill. The first is that while there have been attempts at rehabilitation in the criminal justice system—presumably not as ambitious as the proposals of my right hon. Friend the Lord Chancellor—too often the effort and money were spread far too thinly. The jam in a finite world was spread very thinly across the youth estate and the adult estate to the extent that the marginal difference that the funding or any programme might make was hardly noticeable. The research into rehabilitation programmes attempted in the criminal justice system over the past 30 years shows that not many of them have made a difference above

2% or 3%, and much of that has often been explained away by the characteristics of the people they have been dealing with. While this Bill is extremely welcome and I approve wholeheartedly of the bias towards rehabilitation in part 1, and although I know that much of the radicalism of the Lord Chancellor’s programme is in the White Paper, I urge her to think carefully about where she puts her resources.

In my view, the earlier we spend the money, the better. We get much more bang for our buck by spending money on offenders aged between 18 and 25 than, sadly, by spending on somebody over 25. The truth about crime is that generally people either grow out of it or become habituated in it. That is why the bulk of offenders tend to be under 25, hence that is where we should be spending the money. If we had endless sums, we would obviously spread the money, but we do not, so I urge the Lord Chancellor to spend it in the way I propose.

My second frustration was the paltry sentences that were often handed out for very serious crimes. Individuals in London who were convicted of quite serious non-fatal stabbings would be given four years and then would be out after 24 months. That really is a disgrace and, as we learned in London, such a sentence is certainly not a significant deterrent to the commission of those kinds of crimes. The truth is that people were being given those sentences and let out that early because of the pressure on the system and the numbers in it. Time and again I would get the message back that the police and the Crown Prosecution Service were nervous about putting cases in front of the courts because of the pressure on prisons, and often because the youth estate was struggling to take the people it should be taking, particularly given that it often had to separate individuals because of gang affiliations.

That means that we need to clear out some space. In short, my view is that we are locking up far too many of the wrong people, but not locking up the right people for long enough. Lots of clever, smart technology-based disposals are available these days for low-level offending, such as tagging and testing. We should be pushing hard and much more enthusiastically to put those measures into effect in this country so that we can clear space in our prisons, meaning that longer sentences can be served by those convicted of serious offences, particularly violent crime.

On part 2 of the Bill—the courts section—I welcome the reforms, and particularly the use of technology, because we know that there are broadly two deterrents to committing crime: first, the probability of getting caught, which is down to the skill of the police; and, secondly, the certainty and swiftness of sentencing. Criminals who are caught and then put before the courts swiftly, and who are certain in the knowledge that they will be convicted and of what their sentences will be, are much more likely to be deterred. Anything that brings about swift and certain justice is therefore to be welcomed.

Overall the Bill is heading in the right direction, but there are three areas in which I would like the Secretary of State to consider welcoming amendments from me. The first is about the probation service. I have long held the view that we will make very little progress on the rehabilitation of offenders outside prison until the police get involved. For my money, probation should be an

[*Kit Malthouse*]

arm of policing. Offender management in the community should be done by the police. That would be more effective, because they have personnel in those communities 24 hours a day, and they are already monitoring many of the offenders.

Such a change would also yield enormous savings. At the moment, there are double estates, double chief executives and double HR departments, and all the people—probation officers and police officers—are often sitting in the same meeting talking about the same individual. Giving the probation service to the police and letting them manage offenders in the way they are supposed to be managed would be a huge step forward. Let us consider the health service. If we separated GPs into a different department from hospitals, everyone would think we were mad, yet we put the police and the management of criminals coming out of the secure estate into different departments. Bringing probation back would be an enormous improvement. It would signal a step change in offender management on the streets that would make a huge difference, and it would also save money.

The two other amendments are of less significance, but they might help the Lord Chancellor with her budget. The first is to do with coroners courts. I do not know how she voted on this matter, but I am a proponent of assisted dying. I have supported it for a long time, and I think it is the next great liberal cause for this country. However, there is a wrinkle in the law that causes unnecessary distress to those who travel overseas for the purpose of seeking assistance to take their own life. At the moment, if the family of the deceased return from Switzerland with their ashes, there is no inquest and they can scatter them in privacy. If, however, they wish to repatriate the body of the deceased, the coroner has an obligation to open an inquest because the death is deemed to be uncertain. There might well be an autopsy, and a criminal investigation would follow, although a prosecution would not, because the Crown Prosecution Service has already given guidance that it will not pursue the prosecution of people who have travelled overseas for the purpose of assisted suicide.

An amendment to the Bill allowing coroners the same discretion as they have in this country for those kinds of deaths, if they were satisfied of the purpose for the individual travelling overseas, would allow people to bring the body back for burial in the UK. That would save the coroners courts time and money, because several hundred people have now been involved in such cases, and it would also avoid enormous distress for families who naturally want to fulfil the wishes of the deceased, but fear an inquest and prosecution, and therefore opt for cremation overseas. Such a provision would be a small adjustment to remove an inconsistency in the law relating to prosecution by the CPS and what coroners are obliged to do, and it would relieve a huge amount of distress.

The third amendment that I hope the Lord Chancellor will consider relates to charging for alcohol and drugs testing. She might be aware that, some years ago, I managed from outside this place to get alcohol abstinence orders on to the statute book. There was a huge battle in this House and the House of Lords, but in the end we beat the then Lord Chancellor, my right hon. and

learned Friend the Member for Rushcliffe (Mr Clarke), who objected to people convicted of alcohol-related offences being compelled to be sober for three or six months. Anyway, we got this on to the statute book, but the Government would not agree to offenders being charged for their testing.

In similar schemes overseas, offenders are charged for their testing. In the US, for example, they pay \$1 a test—about £1 a test—and that changes the psychology involved. It means that offenders who undergo testing of their sweat, urine or breath take more responsibility for their own sobriety. They are investing in their own freedom. By undergoing the testing, they are avoiding a prison sentence, which means that they can maintain contact with their families and keep their jobs, but they have to remain sober for three or six months. Having to invest a small amount in those tests means that, psychologically, they are taking responsibility for them, and it also means that the scheme is self-funding. Under such a system, police and crime commissioners, who have not taken up this disposal with alacrity, despite the fantastic results when it was tried in Croydon, would have the business case to do so, because it would be a source of funding for them.

**Dr Wollaston:** Does my hon. Friend agree that the immediacy of consequences has contributed to the success of such schemes overseas? In other words, if someone fails a test, they are immediately taken back into custody.

**Kit Malthouse:** My hon. Friend is absolutely right. When I was at City Hall, we found that this disposal had taken off like wildfire in South Dakota—the judges loved it; it was enormously effective; recidivism rates were incredibly low; and the compliance percentage rates were up in the high 90s. This is all based on the notion that justice is swift and certain if an offender contravenes the rules of the scheme, and that offenders take responsibility for their own punishment and feel invested in it. Every time they reach for a drink, they have to decide whether they want to stay out of prison. As a result, the disposal has been enormously successful and is spreading across the entire United States. We have the power here; it just needs the small adjustment of allowing the police or courts to charge offenders a nominal amount for testing—money that they were spending on booze or drugs—which would allow them to invest in their own rehabilitation and therefore make some progress.

I welcome the Bill. It is a refreshing step in the right direction of breaking the dreadful merry-go-round with which I lived for far too long.

9.11 pm

**Richard Arkless** (Dumfries and Galloway) (SNP): I refer the House to my entry in the Register of Members' Financial Interests: I am a non-practising solicitor, qualified in England and Wales, and in Scotland. I start by paying tribute to the people on the frontline of what some describe as a prison crisis—that is perhaps not the terminology that I would use in front of the Lord Chancellor. Our frontline prison officers have had to deal with the brunt of much of the under-resourcing, the psychoactive substances, and the violence in prisons. Everyone on both sides of the House should make it abundantly clear that we owe them a sincere debt of gratitude. As we go through the recruitment and upscaling

processes, I hope that they will start to feel more wanted in their jobs, which will be crucial in allowing them to help us to develop a more rehabilitative society.

I will touch on a few of the contributions made in this excellent debate before I refer to one or two aspects of the Bill that are of interest to SNP Members. The Back-Bench contributions were kicked off admirably by the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Robert Neill), a gentleman I have grown very fond of in my less than two years in this House. When a Tory Chair of the Justice Committee is telling a Tory Front-Bench team that the situation is grim, we should all listen, but the hon. Gentleman's tone was constructive, as always. He described some of the more progressive measures in the White Paper and the Bill as radical Tory proposals. I thought that they were moving in the other direction—towards progression—but nevertheless I completely take his point.

The hon. Gentleman also succinctly hit on a real political problem in prison reform: the climate of public opinion. There is a notion that it is unpopular to say—or that this implies that we are somehow soft on crime—that we are motivated to ensure that prisoners receive funding, rehabilitation and life advice when they come out so that they do not do the things that got them inside in the first place. If the Lord Chancellor is willing to take up that battle, she will get great praise from me. That is not an easy political decision to make, and I wish her all the best in fighting that political climate. If she can change it, I will be a fan.

My friend, in the sincerest form of the word, the right hon. Member for Delyn (Mr Hanson) outlined with his usual great clarity the statistics that corroborate the Chair of the Justice Committee's assertion that the position is grim. He struck an excellent tone and was very constructive, which does not belie at all his two years as a prisons Minister. He made the point, as did the hon. Member for Leeds East (Richard Burgon), that just because we think that elements of the Bill could be improved, that does not necessarily mean that we do not agree with its general thrust. I can say on behalf of my party that we welcome, for the most part, the measures in the Bill.

The hon. Member for Stretford and Urmston (Kate Green), my fellow member of the Justice Committee, tackled one of the most difficult issues head on. She, unlike many, was willing to address the subject of prisoner numbers. Although we can beef up recruitment and beef up the number of prison officers, I agree that we should perhaps consider ways of not filling our prisons with people who are there needlessly. She spoke with great passion about the situation of women and those with mental illness, and I agree that there are so many people in prisons who should not be there and for whom it is not the right place to be rehabilitated. She is brave, and should be commended, for striking that tone.

The right hon. and learned Member for Harborough (Sir Edward Garnier), who is no longer in his place, made an excellent economic and moral case for our prisons being rehabilitative institutions. He said that the principles contained in the Bill are laudable, but he said that there is a difference between those principles and action to drive them through the operation of the prison estate. We will all have to face that challenge.

The hon. Member for Bridgend (Mrs Moon) is just retaking her place. If any Member did not hear her speech, I suggest that they look it up with haste. Her speech was incredible. She spoke of 69% of prisoners at Parc prison in Bridgend having regular family contact, with a 10% reoffending rate, as well as many other statistics. I propose to the Lord Chancellor that we scrap this Bill and devolve prison estate management in its entirety across these islands to the offices of the hon. Member for Bridgend. If we can do across the United Kingdom what Parc is doing, we will have made enormous progress in making our prison estate fit for purpose.

Perhaps the hon. Member for Shipley (Philip Davies) should visit Parc prison, which would be an incredibly enlightening experience. I would pay serious money to be a fly on the wall during that visit. He made a typically robust yet unusually brief contribution and, to be fair, parts of his speech were more balanced than perhaps his reputation would dictate. When he talks about those who assault prison officers being denied early release, it is very difficult to disagree with him. He does not say much with which I agree, but it is difficult to disagree with him on that. Our prison officers face the brunt of the consequences of austerity, as I would describe it, and should they face the brunt of this, too? They deserve more protection, and his proposal would certainly have my ear if it could provide that protection.

Finally, like my colleague and friend from the Justice Committee, the hon. Member for Banbury (Victoria Prentis), I pay tribute to the Minister for Courts and Justice for the interesting and comprehensive one-hour pilot of the digital scheme before the Committee last week. Like the hon. Lady, I was able to apply for divorce and issue an astronomical money claim to my wife at the flick of a button—I am sure everyone, not least my wife, will be delighted to learn that it was fictitious. One thing that occurred to me—*[Interruption.]* Perhaps the Minister will give me a wee bit of attention so that I can describe it to him.

There seems to be an opportunity relating to costs within the digital construction of case management files online—the legal profession will not thank me for saying that. One of the huge criticisms of the legal profession is that its costs can be inflated, but if we have a digital system in which we can see, step by step, what has happened in each and every case, it might act as a skeleton on which to base standard assessments for costs. The legal profession will not be delighted that I say that, but it strikes me as sensible to have that framework in place. If reduced costs are a consequence of digitising the courts system, I will be very pleased.

Part 1 of the Bill establishes a statutory purpose for prisons, with principles that should guide our administration of the prison estate, but the real issue in prisons, and it is not addressed in the Bill for understandable reasons, is the lack of resource and lack of staff. The Government are rightly embarking on a campaign to recruit 2,500 net new officers to the prison estate. I have heard various figures for what the gross figure would have to be to get to that net figure. It is somewhere between 4,000, as I think the Government have said, and closer to 8,000, as I have heard the hon. Member for Leeds East say on TV. I would like to know how we are getting on with that recruitment drive. I was intrigued yet worried to hear a statement from the Lord Chancellor in her opening speech, although I am sure it was erroneous,

[Richard Arkless]

about the progress being made in the 10 prisons we have identified for additional staffing resource. Contrary to that position, we received a letter from the prisons Minister outlining that as at 31 December, six months into the recruitment drive, four of those prisons had lower staff numbers than they had six months before—High Down, Rochester, Hewell, and Wandsworth. In defence of Ministers, let me say that that position may well have been superseded in the 10 weeks that followed, but if that is the case I would be grateful for some clarity on it. I, as much as anybody, want these resources to be beefed up so that we can do the job properly.

One prison where things were static at the end of last year was Wandsworth, which I was lucky enough to visit with the Justice Committee slightly before this recruitment drive started. We did not need to spend long there before we became acutely aware of what the problems were. We had meetings with representatives of the inmates and of the officers, and when 15 convicted criminals are telling us, “We need more prison officers”, that is worth listening to. Clearly many people would think it would not be in these prisoners’ interests to have more prison officers, but these prisoners were being locked in their cell for 23 out of 24 hours and not getting visits. Their natural frustration at that was building up to cause many of the problems we have seen over the past few months.

I asked a question in the House a few weeks ago about the existing staff, because although it is clearly sensible to recruit more staff, we must consider what happens to the existing staff. Part of the estate has had a pay rise, but I ask the Lord Chancellor and the Ministers to consider what that does to the morale of the rest of the estate. The current discontent is not confined to certain prisons—it goes across the board entirely—so we must be very careful when we give incentives to one part of the prison officer population but not to others, as there may be a danger of exacerbating the problem. I say that all of them deserve a pay rise and all of them deserve their roles to be professionalised. It would be great to be updated on progress on that.

One point about prison numbers that I have not heard mentioned today but which is worth mentioning, because it has been raised by the Prison Governors Association, is that prisons have 500 fewer governors than they did seven years ago, as well as 7,000 fewer staff. Parts of the Bill rightly place more responsibility on governors. We have heard lots about the recruitment drive for officers and staff, but nothing about the recruitment drive for governors. Is there a drive to secure more governors, given the extra responsibility that this Bill will rightly bestow upon them?

The Bill extends to Scotland in the sense that it will create a framework for the reserved tribunals remaining in Scotland, and for the most part that means the immigration detention centres and tribunals we have in Scotland. In that context, we welcome these proposals, but Scotland is a smaller jurisdiction and we do not have the same claims management culture that seems to prevail in England and Wales. We have not had the same problem in our prisons that England and Wales has had, but it is not in our interests for the situation there to continue to be exacerbated, and we wish the ministerial team all the best in dealing with it.

In Scotland, Her Majesty’s chief inspector of prisons for Scotland is responsible for the monitoring of Scotland’s 15 prisons, and during 2016 the inspection found that Scotland fulfils its responsibilities to a high degree. The Scottish Prison Service has a bold and ambitious vision to unlock the potential of everyone in prison and transform their lives. Its stated intention is:

“Providing services that help to transform the lives of people in our care so they can fulfil their potential and become responsible citizens.”

Given the contributions I have heard today, I believe most people will agree with that. I have also had the privilege of visiting Dumfries prison in my constituency, and I cannot emphasise enough the difference between what I saw at Wandsworth and what I saw at Dumfries. Dumfries prison does not have the category of dangerous prisoners or the population that Wandsworth prison has, but it is sufficiently resourced and all the staff there are completely motivated to transform the lives of the prisoners. I can only describe the prison officers at Wandsworth as ashen-faced. It was as if they had lost hope. The Justice Committee was there with them, but they did not see it as an avenue for change. They felt they were in a hopeless situation. I know, though, that Ministers acknowledge that.

The Scottish National party does not agree with the principle of private prisons, which we think are for profit and not for public safety. The Justice Committee has heard evidence from the governors of private and public prisons, and I have been struck by the differences. The governors of private prisons are bound by contracts and are not motivated in the slightest to come before the Committee and explain that they are having problems.

**Andrew Selous:** I am not sure whether the hon. Gentleman is aware, but the prison he has just praised to the rooftops is privately run by G4S.

**Richard Arkless:** I was not aware of that, but it seems like my friend the hon. Member for Bridgend and her constituency team are running that prison, not G4S. I doubt whether such enlightened and progressive policies would have come from the G4S boardroom; they are much more likely to have come from the hon. Lady. I do not seek to be contentious, though, and if that is the case, I stand to be corrected. I have suggested that the Justice Committee examine the effectiveness of private prisons vis-à-vis the public sector, because it is a legitimate question. If the hon. Gentleman is correct and I am mistaken in my view, such an inquiry will bring out the details. I look forward to the point at which we can have a reasonable, constructive, politics-free discussion.

**Michael Tomlinson:** As the hon. Gentleman has heard from the former Justice Minister, my hon. Friend the Member for South West Bedfordshire (Andrew Selous), that it is indeed a private prison—the hon. Member for Bridgend (Mrs Moon) may well confirm it in her own words—will he reconsider his party’s position?

**Richard Arkless:** It is not for me to reconsider my party’s position; I am merely a foot soldier of my party’s movement. However, I will say that we will be led by the evidence. If the evidence from any future inquiry into public and private prisons gives me a different impression, I will of course be led by the evidence, not the politics, which the hon. Gentleman is clearly being led by.

**Mrs Moon:** I thank the hon. Gentleman, whom I consider my friend, for giving way. I suggest that the Justice Committee does visit Parc prison, because the leadership from the director there is essential. These things work only with leadership, quality staff, a whole organisational approach and a commitment to change. I am sure the Chair of the Select Committee would be delighted at what he finds there. I must admit that my staff and I can take no responsibility for the wonderful work there; we can only support it.

**Richard Arkless:** I reciprocate the hon. Lady's views on our friendship, for various reasons. I would of course be delighted if the Chair of the Select Committee agreed to visit Parc prison, and I would be even more delighted if the hon. Member for Shipley was with us so that I could take photographs of his ever-changing complexion as he saw the progressive benefits.

**Philip Davies:** I have visited lots of prisons, and the hon. Gentleman might be surprised to hear that one of my favourite visits was to Grendon prison in the Speaker's constituency. It is a therapeutic prison, and I was most impressed on my visit there. One of the things I learned was that all the things about being in prison that we would find terrible, most prisoners find easy, and most things that we would find easy, most prisoners find difficult. That taught me—I hope others will take this on board—that we should look at prisons through the eyes of the prisoners, not from our particular perspectives on what might work and does not work in a prison.

**Richard Arkless:** When I hear interventions of that nature, I sometimes feel that the hon. Gentleman has cultivated an unfair reputation. As I said when I talked about his speech, he made some pragmatic points, and if there are elements of enlightenment about his thought process, I will of course welcome that, as we do on these Benches.

I am conscious that we want to hear from the Opposition spokesman and from the Minister, but I have one or two final points to make. The hon. Member for Stretford and Urmston touched on prisoner numbers. Scotland is not immune to having an inordinately high prison population. We do not hide from that fact, but we are committed to challenging the basis on which it arises and to examining the effectiveness of short sentences. We have had a presumption against short sentences and we are consulting on that further. We will be led by the evidence.

I was delighted to hear the Chairman of the Justice Committee, almost at the close of his remarks, very lightly touch on short sentences. Perhaps he and I can work in Committee on that matter, because the cycle of violence and reoffending is not assisted in any way, shape or form by young people going in and out prison for one, two or three months at a time. It does not achieve anything. Effective community payback orders, where those young people are in touch with the community, face the consequences of what has happened and deal with the other aspects of their behaviour would be a much more efficient process.

I am very conscious of the time. I will not touch on the other two or three parts of the Bill, because I am very keen to hear the Front-Bench speakers sum up the debate. I wish the Ministers and the Lord Chancellor

well. If it is her ambition to be known as a great prison reformer, then this is a decent start. If she is determined to tackle the public perception myth, then I wish her all the very best in that endeavour.

9.30 pm

**Nick Thomas-Symonds (Torfaen) (Lab):** I refer at the outset to my relevant entry in the register as a non-practising barrister at Civitas Law.

I thank Members from all parts of the House for the quality of this debate on Second Reading. There is much in the Prisons and Courts Bill that the Opposition can support, not least the very welcome prohibition in the family courts of cross-examination of victims by alleged perpetrators—something that was raised in an urgent question only a couple of months ago by my hon. Friend the Member for Hove (Peter Kyle).

We welcome modernisation and innovation, but we will seek to amend this Bill in Committee to embed the principles of justice and fairness and to ensure that innovations come with safeguards and appropriate statutory reviews. Indeed, our approach to this Bill of holding the Government to account and of not giving them a blank cheque was summed up in the contributions of my hon. Friends on the Opposition Benches. I commend the work that is done by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) in her chairing of the Joint Committee on Human Rights. She spoke very movingly about the problem of suicides in our prisons.

I commend my hon. Friend the Member for Halifax (Holly Lynch) for her campaign for protections for emergency workers, including for our prison officers, and for speaking up for local justice in Halifax—Halifax could have no finer voice speaking up for it than that of my hon. Friend.

I am grateful too to my hon. Friend the Member for Stretford and Urmston (Kate Green) who spoke very movingly about mental health in our prisons—something that has come up in a number of contributions this afternoon—and the excessive number of women in custody in 2017. I am also grateful to my right hon. Friend the Member for Delyn (Mr Hanson) who drew on his extensive experience. In particular, he highlighted the issue of prisoners in prisons far too far away from home.

I also commend my hon. Friend the Member for Bridgend (Mrs Moon) for her contribution. It was great to hear about Her Majesty's Prison Parc and the charter mark that it has received. I am grateful, too, to my hon. Friend the Member for Wolverhampton South West (Rob Marris) who made a number of very useful and important interventions as the debate progressed.

With regard to the success of this Bill, it is difficult at times not to draw the conclusion that factors outside it will be at least as important, if not more important, than what is inside it. We are all in favour of rehabilitation and reducing the reoffending rate. The 2,500 extra prisoner officers are welcome, but they do not compensate for the 6,500 jobs that have been lost since 2010.

We are in favour of modernisation of our courts system, but the cuts to legal aid have meant that there are far more litigants in person within our courts system. Similarly, there are measures on employment tribunals in this Bill, but they do nothing to take away the

[Nick Thomas-Symonds]

ideological vandalism of the employment tribunal fees that were introduced in 2013. We welcome online courts, but they should not be at the expense of local justice; they should be a complement to it. In relation to the measures on small claims, I never thought that I would find myself at this Dispatch Box agreeing with the hon. Member for Bury North (Mr Nuttall), but he was entirely right when he said that if we want to tackle fraudulent claims, the way to do it is not to penalise everybody who brings legitimate claims.

We will judge the Bill on whether it will actually deliver. Prisons are its centrepiece, and we know of the problems of violence, overcrowding, drugs and the shortage of prison officers, which the Government have to tackle. The Lord Chancellor, in her opening remarks, talked about turning the situation around, but I remind Conservative Members that their party has been in power for seven years.

I have a confession to make: I have been reading the memoirs of the right hon. and learned Member for Rushcliffe (Mr Clarke). I was interested in what he says about his time as Justice Secretary. He says that when the Conservatives came into power in coalition in 2010, he consulted the Conservative party website to find what its justice policy was, but was somewhat disappointed to find that it was based on

“trying to respond to the various campaigns in the tabloid press”.

He added:

“Thereafter I did not consult my party’s website again.”

That is probably good advice for the Ministers on the Treasury Bench tonight. The right hon. and learned Gentleman said of his successor:

“When Chris Grayling took over from me as Justice Secretary, he was not at all interested in reforming the prison system in a liberal direction, nor in reducing the prison population.”

**Philip Davies:** Hear, hear!

**Nick Thomas-Symonds:** I will come to the hon. Member for Shipley later. The right hon. and learned Gentleman continued:

“Inevitably, therefore, he had to return to seek more savings from the legal aid system. He revived the disastrous proposals for criminal legal aid, which dragged him into prolonged and unsuccessful controversy during much of his term of office”.

I entirely agree that the criminal legal aid changes were disastrous. Those cuts have produced a false economy, because of the proliferation of litigants in person in our courts. That, in turn, puts the success of measures such as live and virtual courts at risk, because one of the risks in that situation is that the person appearing in court is not able to follow or understand the hearing. That might be a challenge in a virtual court with a lawyer present; it is an even greater challenge where there are litigants in person. The Government have to be clear and careful that virtual courts are managed properly and do not end up costing more money than they save.

Similarly, I place on record a note of caution about the idea of online guilty pleas. Although I can see an argument in favour for very simple offences, such as motoring offences that are readily understood, the defendant must know and understand their right to legal advice

and understand too their right to challenge the charge. An online plea removes the opportunity that sometimes comes later in prosecutions before the courts when different charges are ultimately pursued by the Crown Prosecution Service. Nor must online guilty pleas be the thin end of the wedge to extend them to far more complex offences. Finally on online courts, we must never lose sight of the fact that we must have a criminal justice system that is open and visible to the public.

Nowhere is the problem of what is not in the Bill summed up more clearly than in the iniquitous employment tribunal fees, which with issue fee and hearing fee can reach £1,200. If someone has been subjected to discrimination or unfair dismissal, such a fee will be extremely hard to find. Early in the debate, Members discussed the effect that the fees have had, but I will quote the report of the Select Committee on Justice. Incidentally, I commend the work of its Chair, the hon. Member for Bromley and Chislehurst (Robert Neill), who makes such an important contribution to our debates on justice matters. After the introduction of the fees in July 2013, there was

“an undisputed and precipitate drop in the number of cases brought, approaching 70%”.

The Minister made a point about conciliation when intervening on my hon. Friend the Member for Leeds East (Richard Burgon). Well, let me quote the Justice Committee:

“We heard a considerable amount of evidence that, far from encouraging early conciliation and resolution of disputes, employment tribunal fees were having precisely the opposite effect, because there was no incentive for an employer to settle in cases where the claimant might have difficulty raising the fee.”

Therein lies the crux of the problem.

I heard many erudite contributions from the Government Benches, but the one that will really reverberate on employment tribunal fees is the one made by the hon. Member for Huntingdon (Mr Djanogly), who, when my hon. Friend the Member for Leeds East talked about the need to abolish these fees, said that that would encourage something for nothing. Let me say quite openly that someone who has suffered discrimination at work or been subject to an unfair dismissal does not seek something for nothing. They seek access to justice and to assert their legal rights.

**Mr Djanogly:** The hon. Gentleman must tell me for which other type of application people do not pay a fee. Why is it only employment tribunals for which he does not want fees to be paid?

**Nick Thomas-Symonds:** Because these are the very people who do not have the money to bring their cases. The hon. Gentleman is so far from reality. With the greatest of respect, although he did make some useful contributions in his speech, he is in a hole when it comes to this issue, so I suggest that he stops digging. His contribution really gets no better with the number of remarks he makes.

The final parts of the Bill are on whiplash claims. I have already said that I agree with the hon. Member for Bury North that the way to deal with fraud is not to increase the small claims track limit in this way. On whiplash, as on everything else, we will judge the Bill and look to amend it in Committee based on what it does for access to justice. That is the central principle on which it must be judged.

9.41 pm

**The Minister for Courts and Justice (Sir Oliver Heald):**

We have had an excellent debate this evening. I congratulate this very esteemed and experienced group of speakers: the Chair of the Select Committee, my hon. Friend the Member for Bromley and Chislehurst (Robert Neill); former Justice Minister, my hon. Friend the Member for Huntingdon (Mr Djanogly); my hon. Friend the Member for North West Cambridgeshire (Mr Vara), another successful colleague who actually had my job; my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier), who did this as a shadow Minister; my hon. Friend the Member for North West Norfolk (Sir Henry Bellingham), who has been a Minister in the Department; and former prisons Minister, my hon. Friend the Member for South West Bedfordshire (Andrew Selous). I also congratulate my hon. Friends the Members for Banbury (Victoria Prentis), for Derby North (Amanda Solloway), for North West Hampshire (Kit Malthouse) and for Mid Dorset and North Poole (Michael Tomlinson), who all made excellent contributions. I will comment on some of the other speeches, which were generally very thoughtful. It is obvious that there is a good deal of support for the Bill.

As the Secretary of State outlined at the beginning of the debate, these are vital provisions if we are to make the justice system fit for the 21st century. We are talking about a major reform of prisons, and an important set of changes to the law on the courts that will underpin the transformation programme that is going on at the moment and has the support of the senior judiciary. I pay tribute to those who work in our prisons, courts and the wider justice system. Their commitment to public service and care of the most vulnerable in society is inspiring, and I know that many of them will be following the Bill, which means a lot for their work.

Before addressing some specific matters, I want to clarify how the Bill does some important things and does not do some things that might have been suggested. The provisions in the Bill mean better access to justice and the simpler resolution of cases for people. It is important to reiterate that the Bill has been prepared with extensive user testing and consultation with those affected by the measures. Access to justice will not be compromised by the Bill. Sacred principles of open justice and the rule of law will be protected in a modern system that reflects how people access public services in the 21st century.

A good deal was said in support of the idea of having the statutory purpose of prisons in the Bill—for the first time, it is about not just housing the prisoner, but having to keep the person and the public safe, carrying out reform and rehabilitation, and preparing people for a life outside prison. That new framework is there, and everything follows from it: governors' contracts, the information that is spread about best practice, and training. As the right hon. and learned Member for Camberwell and Peckham (Ms Harman) said in her very thoughtful speech, it is also important to prepare the prisoner for release. Other Members, including the hon. Member for Bridgend (Mrs Moon), referred to the importance of the family and accommodation. Those things are there in the purpose in the Bill, so when we talk about the reform and rehabilitation of offenders, we are talking about tackling their mental health needs. When we talk about preparing prisoners for life outside

prison, we are talking about housing, accommodation and good contacts with their family. Those things are all in the Bill, but the right hon. and learned Lady—

**Neil Carmichael (Stroud) (Con):** Will my right hon. and learned Friend give way?

**Sir Oliver Heald:** I have not got much time, I am afraid.

I think the right hon. and learned Lady made the point that we might want to see whether there was a solution in secondary legislation, as well as in primary legislation, that might address some of the important points she raised. Of course, the prison rules are secondary legislation, and they already contain a lot of detail about the way in which prisoners should be treated. So it is possible to look at those issues, and I will certainly do that.

The hon. Member for Stretford and Urmston (Kate Green) mentioned the Prison Reform Trust and its suggestion that we should add fairness and decency to the statutory purpose. It is right that those are important considerations in running prisons, but we need to remember that there is already an interlacing of legal obligations that apply in prisons. The right hon. and learned Member for Camberwell and Peckham, with her background in the Joint Committee on Human Rights, mentioned that there are basic human rights—articles 2, 3 and 8—that apply to the way in which prisoners are treated. There is health and safety legislation. There is the duty of care that comes through the law of tort. So it would be wrong to think that there is not protection already, but this is certainly something we can examine further in Committee. I would like to pay tribute to my hon. Friend the Member for Derby North, who has done so much as the rapporteur for the JCHR on the issue of deaths in prison.

My right hon. and learned Friend the Member for Harborough and others asked what happens if a prison does not meet the purpose set out in law. The purpose of prisons is in the Bill, and it is underpinned by the inspectorate's duty to inspect against the purpose and the aims. It is also protected by the Secretary of State having to respond. I would not say that it is impossible that a case could be mounted for judicial review—to even say that is to press the case too far—but I think it would only be in a case where an individual prison totally ignored or disregarded the purpose, or something of that sort, that it would be grounded. Possibly, these things could also be considered as a factor in another case, where other aspects were being raised.

The right hon. Member for Delyn (Mr Hanson) asked about the update on HMIP's protocol with the MOJ, and I pay tribute to his experience in this area. Earlier this year, a draft protocol was shared with the Justice Committee and other bodies. The final protocol will be available very shortly, and I can promise that it will be there before the Committee stage. [*Interruption.*] Very shortly—imminently.

I could say a lot about family engagement, and the Farmer review looks very much at it. It is well understood that maintaining family relationships is a key element in trying to set prisoners on the straight and narrow and that it is very important in rehabilitation.

[*Sir Oliver Heald*]

The hon. Member for Leeds East (Richard Burgon) asked about the time limits for responding to inspection reports. Action will be taken from day one of an urgent notification by the chief inspector, so immediate energy will be brought to bear. Twenty-eight days is the appropriate period in a really urgent case of that sort. On the Law Society's concerns about safeguards for online conviction, defenders must opt in to the new procedure, and proper warnings will be available making it clear that if a defendant wants to challenge the case in any way—for example, if they want to argue that time to pay is needed for a financial penalty or that the penalty should be lower because of means or circumstances—then all these things will be made clear. The Bill also provides that in the event of a mistake made, for whatever reason, it will be possible to set aside the conviction or the sentence in order to have the matter dealt with in the traditional way. I am sure that we will discuss this more in Committee, but certainly the idea is to have those protections in place.

My hon. Friend the Member for Huntingdon asked about successful prosecutions of fraud cases in relation to whiplash. The insurance industry data show that in 2015 there were 70,000 cases of insurance fraud worth £800 million. The City of London police insurance fraud enforcement department has secured over 200 prosecutions in the past four years, resulting in over 100 years' worth of jail time for insurance fraudsters. A lot of action is being taken on this.

On whiplash more generally, the Government note that over a 10-year period when we have seen the number of road traffic accidents falling and car safety improving, we have had a more than 50% increase in the number of whiplash-related cases. These cases are obviously exaggerated to some extent, and perhaps fraudulent. No Government could ignore these sorts of statistics and not take action. We have not taken extreme options but gone for moderate options such as a tariff of damages for the very minor cases. The tariff does not apply in a serious case of whiplash where the damages would be substantial—it is for cases where the pain and suffering lasts less than two years and is of a minor nature. Against that background, such a tariff is surely a reasonable approach. If there is any element of exceptionality in these cases, then there is a provision to uplift. We say that this approach is proportionate to the scale of the problem.

My hon. Friend the Member for Shipley (Philip Davies) talked about violence against prison officers. I do not totally agree with him about this. I think that if there genuinely is violence against a hard-working and dedicated prison officer—he has been assaulted and it is an offence—we should go further than my hon. Friend suggests. I think that the perpetrator should be prosecuted in court for that violent offence, that he should face swift justice, and that the court should give the full penalty that is right for the offence. I would not say that it is a question of him serving his full time for the original offence, but that he should serve the full time for a serious offence of attacking a prison officer. I take a slightly different view from my hon. Friend on that.

**Philip Davies:** Can the Minister explain why, with all the assaults on prison officers at the moment, the average amount of extra time that prisoners spend in prison for assaulting a prison officer is 16 days, which is, quite frankly, pathetic and insulting?

**Sir Oliver Heald:** To be honest, my hon. Friend is looking at something different—adjudications within the prison for an offence of some sort. I am saying that where somebody has been assaulted, the perpetrator should go to court. It should not be an internal adjudication if it is a serious matter. The person responsible should be taken to court and face the full penalty of the law. That is the approach that I would take. I will be interested to discuss the matter further in Committee, and I have no doubt that we will do so.

As a result of the Bill, prisons will be safer. They will be places of reform. Our courts will provide straightforward access for all users. There will be stronger confidence in the justice system. We will enhance our global reputation for the excellence of our legal system. This is a bold, reforming ambition for justice, and I commend it to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

## PRISONS AND COURTS BILL (PROGRAMME)

*Motion made, and Question put forthwith (Standing Order No. 83A(7)),*

That the following provisions shall apply to the Prisons and Courts Bill:

### *Committal*

(1) The Bill shall be committed to a Public Bill Committee.

#### *Proceedings in Public Bill Committee*

(2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 27 April 2017.

(3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

#### *Proceedings on Consideration and up to and including Third Reading*

(4) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

### *Other proceedings*

(7) Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—(*Guy Opperman.*)

*Question agreed to.*

## PRISONS AND COURTS BILL (MONEY)

*Queen's recommendation signified.*

*Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),*

That, for the purposes of any Act resulting from the Prisons and Courts Bill, it is expedient to authorise:

(1) the payment out of money provided by Parliament of:

- (a) any expenditure incurred under or by virtue of the Act by the Secretary of State or Lord Chancellor; and
- (b) any increase attributable to the Act in the sums payable under any other Act out of money so provided; and

(2) any increase attributable to the Act in the sums charged on and payable out of the Consolidated Fund under any other Act.—(*Guy Opperman.*)

*Question agreed to.*

**PRISONS AND COURTS BILL (CARRY-OVER)**

*Motion made, and Question put forthwith (Standing Order No. 80A(1)(a)),*

That if, at the conclusion of this session of Parliament, proceedings on the Prisons and Courts Bill have not been completed, they shall be resumed in the next session.—(Guy Opperman.)

*Question agreed to.*

**Business without Debate****DELEGATED LEGISLATION**

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

**INCOME TAX**

That the draft Individual Savings Account (Amendment No.2) Regulations 2017, which were laid before this House on 20 February, be approved.—(Guy Opperman.)

*The House divided: Ayes 180, Noes 13.*

**Division No. 186]****[9.56 pm****AYES**

Adams, Nigel  
 Afriyie, Adam  
 Aldous, Peter  
 Andrew, Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Atkins, Victoria  
 Bacon, Mr Richard  
 Baker, Mr Steve  
 Barclay, Stephen  
 Bebb, Guto  
 Bellingham, Sir Henry  
 Beresford, Sir Paul  
 Berry, James  
 Bingham, Andrew  
 Blackman, Bob  
 Bone, Mr Peter  
 Borwick, Victoria  
 Bottomley, Sir Peter  
 Brazier, Sir Julian  
 Brine, Steve  
 Buckland, Robert  
 Burns, Conor  
 Burrowes, Mr David  
 Burt, rh Alistair  
 Carmichael, Neil  
 Cartlidge, James  
 Caulfield, Maria  
 Chalk, Alex  
 Chope, Mr Christopher  
 Churchill, Jo  
 Cleverly, James  
 Collins, Damian  
 Colvile, Oliver  
 Costa, Alberto  
 Courts, Robert  
 Davies, Byron  
 Davies, Chris  
 Davies, David T. C.  
 Davies, Glyn

Davies, Dr James  
 Davies, Mims  
 Davies, Philip  
 Davis, rh Mr David  
 Djanogly, Mr Jonathan  
 Double, Steve  
 Drummond, Mrs Flick  
 Dunne, Mr Philip  
 Ellis, Michael  
 Ellison, Jane  
 Ellwood, Mr Tobias  
 Elphicke, Charlie  
 Eustice, George  
 Evans, Graham  
 Fabricant, Michael  
 Fernandes, Suella  
 Foster, Kevin  
 Frazer, Lucy  
 Freeman, George  
 Fuller, Richard  
 Garnier, rh Sir Edward  
 Garnier, Mark  
 Goodwill, Mr Robert  
 Gray, James  
 Green, Chris  
 Grieve, rh Mr Dominic  
 Griffiths, Andrew  
 Gummer, rh Ben  
 Gyimah, Mr Sam  
 Hall, Luke  
 Hammond, Stephen  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Hinds, Damian

Hoare, Simon  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Howarth, Sir Gerald  
 Howell, John  
 Howlett, Ben  
 Huddleston, Nigel  
 James, Margot  
 Jayawardena, Mr Ranil  
 Jenrick, Robert  
 Johnson, Dr Caroline  
 Jones, Andrew  
 Knight, rh Sir Greg  
 Kwarteng, Kwasi  
 Lee, Dr Phillip  
 Lefroy, Jeremy  
 Leslie, Charlotte  
 Letwin, rh Sir Oliver  
 Lewis, rh Dr Julian  
 Lidington, rh Mr David  
 Lord, Jonathan  
 Loughton, Tim  
 Mackintosh, David  
 Mak, Mr Alan  
 Malthouse, Kit  
 Mann, Scott  
 Mathias, Dr Tania  
 McCartney, Jason  
 McCartney, Karl  
 Menzies, Mark  
 Mercer, Johnny  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mitchell, rh Mr Andrew  
 Mordaunt, Penny  
 Morgan, rh Nicky  
 Morris, Anne Marie  
 Morton, Wendy  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nuttall, Mr David  
 Opperman, Guy  
 Parish, Neil  
 Pawsey, Mark  
 Penrose, John  
 Percy, Andrew  
 Philp, Chris  
 Pincher, Christopher  
 Prentis, Victoria  
 Prisk, Mr Mark

Pritchard, Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Rosindell, Andrew  
 Rutley, David  
 Sandbach, Antoinette  
 Scully, Paul  
 Selous, Andrew  
 Skidmore, Chris  
 Smith, Henry  
 Soames, rh Sir Nicholas  
 Solloway, Amanda  
 Soubry, rh Anna  
 Spelman, rh Dame Caroline  
 Stephenson, Andrew  
 Stewart, Bob  
 Stewart, Iain  
 Stride, Mel  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Mr Robert  
 Thomas, Derek  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Michael  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Turner, Mr Andrew  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Walker, Mr Robin  
 Warman, Matt  
 Wharton, James  
 Whately, Helen  
 White, Chris  
 Whittingdale, rh Mr John  
 Wiggin, Bill  
 Williams, Craig  
 Williamson, rh Gavin  
 Wollaston, Dr Sarah  
 Wragg, William  
 Zahawi, Nadhim

**Tellers for the Ayes:**

**Graham Stuart and  
 Mark Spencer**

**NOES**

Boswell, Philip  
 Brock, Deidre  
 Brown, Alan  
 Chapman, Douglas  
 Fellows, Marion  
 Gethins, Stephen  
 Grady, Patrick  
 Hendry, Drew

Kerevan, George  
 Skinner, Mr Dennis  
 Stephens, Chris  
 Thompson, Owen  
 Whiteford, Dr Eilidh

**Tellers for the Noes:**

**Mike Weir and  
 Richard Arkless**

*Question accordingly agreed to.*

## Universal Credit: Highlands

*Motion made, and Question proposed, That this House do now adjourn.—(Chris Heaton-Harris.)*

10.6 pm

**Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): I am grateful for the opportunity to debate the universal credit full service roll-out in the highlands. My constituency was a pilot area for the programme before it went to full service, and at the time I was very wary of the prospect. I was told that that would provide an opportunity to iron out all the problems and difficulties to make sure there were none when it came to full service roll-out, but I am afraid that that has not been the case. The problems have not been ironed out, and the situation is causing pain, anxiety and hardship for people in my constituency.

The aim of the debate is to highlight the problems, to offer solutions to the Minister and, I hope, to get him to accept the need to pause this harmful roll-out. I am sure that the intention behind universal credit was not to cause this type of difficulty, and I am also sure that the Minister is not intent on punishing people by continuing with the programme as it is. I hope that an outcome of the debate will be an understanding by the Minister of the problems that exist and his commitment to take action.

I was grateful to the Minister for a letter that he wrote to me on 14 March in response to my very detailed letter to him. It is important, in the interests of clarity, that I refer to a number of points in that letter. He wrote:

“We are building and developing the universal credit service all the time.”

By definition, “building and development” means that the process is not completed—it is incomplete. In fact, I contend that at the moment the system is unfit for use. During the period in which we were building and developing a house, we would not allow somebody to live in it. That is tantamount to what is happening to my constituents just now—this is dangerous to their health.

My constituency office alone has seen more than 100 cases involving issues with universal credit. That is just us—the number does not include the other agencies involved. The number does not cover the countless many, many more people who are not getting any help at all because they do not know where to turn. One constituent of mine who contacted us is called Ian. He waited for six weeks without any money. He had to eat at a food bank and to go for days without electricity, all with a two-year-old living in his house. That is not acceptable, and he did not even get any explanation of why that happened.

The Minister said in his letter:

“I recognise that Inverness Jobcentre Plus covers a large geographical area, and many claimants live some distance from the Jobcentre. Claimants are required to submit their evidence, for example childcare cost receipts, to the Jobcentre before the end of the Assessment Period.”

Submitting evidence is not that easy, as we found out when another of my constituents, Jane, had to travel from Grantown-on-Spey to Inverness to hand in her childcare vouchers. That is a journey by public transport of an hour and a half each way—a three-hour return trip. It would have been bad enough if, after she had put

in her childcare vouchers, that had been the end of it, but the jobcentre lost the data and Jane had to make several more trips. The matter is still not resolved—that is not acceptable. People are not able to upload the information online; they actually have to hand in the vouchers at the jobcentre. Why is it not possible for them to go to another local authority location to take care of the business? There should be far more flexibility in the system.

The Minister went on to say:

“Universal credit is designed as a digital service to be accessed online”—

as I have just pointed out, that aspect of the system is not complete—and that if people were having difficulty, they could use an 0345 number. He said further that operators

“will offer to call a customer back if concerns are raised over the cost of the call.”

If we look at the issue of digital by design, we find that there is a big gap. Some 17% of people in the highlands have never used the internet, and there are other big areas of digital exclusion.

**George Kerevan** (East Lothian) (SNP): My East Lothian constituency was the first in Scotland to implement the full service roll-out. Has my hon. Friend had the same experience as us that because so many clients either lack access to IT equipment or are inexperienced at using it, they have to seek help from the citizens advice bureau, local library staff or local social security staff? That has the result that full service roll-out can be implemented only with the addition of massive amounts of staff time from all those bodies?

**Drew Hendry:** I absolutely agree with my hon. Friend, and I shall provide some further examples in a few moments.

For people who suffer from digital exclusion, that is not the end of the problem, because that 0345 number is, in effect, a premium phone line. Another constituent, Claire, was in tears in my office because she had used her last £20 of credit for her mobile phone while being held on the phone for 30 minutes waiting to get through. When her call was eventually answered, after she had used up all that credit, she was promised a call back—she was looking for money to feed her children, by the way—but that call back never came. Two days later she appeared in our office, and when we phoned, it took 34 minutes to get through so that we could get an answer on her case.

The Minister said in the letter:

“Our latest data from February has shown a speed of answer time of between 8 and 9 minutes and I can reassure your that more resource is planned”—

I can tell him that more resource is definitely required. That is a big change from what I was told in a written answer that I received, and it is as an admission that the length of time is increasing, even if the Government’s figure is not accurate. On 16 December, when I asked the Minister what the average call time was, I was told that it was three minutes 27 seconds. That is clearly not correct, even according to the Minister’s letter. Citizens Advice and my constituency office decided to undertake an experiment in which we timed the calls, so the Minister does not have to take just my word for it.

It took 28 minutes on average to get through to that line. There is a requirement for a free 0800 support line, and I hope that the Minister will take that on board.

In response to my claim that there was no support line for agencies or MPs, the Minister's letter said:

"As I mentioned earlier Universal Credit is designed to be accessed online",

and that there is a "once and done" service. It might be "once and done" for the DWP, but it is certainly not "once and done" for my constituents who are under pressure.

**Deidre Brock** (Edinburgh North and Leith) (SNP): Last week, during the joint meeting of the Scottish Parliament's Social Security Committee and Westminster's Scottish Affairs Committee, a representative of Inclusion Scotland said that the Department for Work and Pensions had a "digital by default" approach to universal credit. That approach penalises people with sensory impairments and learning difficulties, quite apart from those who are not computer-literate. Does my hon. Friend agree that it should be possible to contact the DWP by whichever means is most appropriate to claimants' circumstances?

**Drew Hendry:** Hear, hear. As I said, I believe that the "once and done" approach applies to the DWP, not the outcomes for constituents. I agree entirely with my hon. Friend.

The Minister's letter states:

"The Department feels that a support line would cut across this relationship and create delays and confusion."

I have news for the Minister: there is already a great deal of confusion and an awful lot of delays, which are causing people problems.

On arrears, the Minister's letter states:

"This is a complex issue and our research shows that many people are coming onto Universal Credit with pre-existing arrears."

Perhaps the Minister could tell that to John, a constituent of mine, who lived in the same house for three years. When he was transferred to universal credit, he found that he was waiting for 12 weeks—three months—for support. That was too long a wait for his landlord, and he was served with notice of eviction. The landlord was nice to him about it, but explained that she could not possibly wait because she in turn was getting into financial difficulties.

Landlords are waiting for an average of 10 weeks, and many are losing patience. Many are now saying, in signs in their windows and in their advertisements, "No universal credit", because they do not want to take the risk. The proportion of tenants of Albyn Housing Society, a housing association, who are not receiving universal credit and are in arrears is 22%, whereas the proportion of its tenants on universal credit who are in arrears is nearly 100%. The average universal credit claimant arrears amount in the highlands is £900. Highland Council's arrears through universal credit have risen by 82% since September and now amount to nearly £1 million. Just in case the Minister is wondering, I should add that the council deducted previous arrears from that. The increase is 100% due to universal credit. Services will be affected unless something is done.

The Minister said in his letter:

"We have taken a number of steps to...prevent claimants from falling into arrears."

The six-week minimum wait puts claimants in arrears by default. By definition, someone who is waiting for the money to come through will not be paying rent and will already be in arrears. My constituent Gavin's rent is £175 a week. Under the old system, he received £168 a week in housing allowance, which meant that he had to find £7 from his other entitlements. That was not an easy job for someone on benefits, but it was do-able. Now, under universal credit, he receives £60 a week. Even if he does not eat or turn on the power—even if he does nothing and sits still—he cannot pay his rent. He is automatically in arrears.

The Minister's letter advised me to look at

"details about the payments process",

which

"can be found in the Third Party Creditor/Supplier Handbook".

The date of the handbook is March 2015, two years ago. It is out of date, as is the information that the United Kingdom Government are obtaining to defend their position.

There are other issues, and I could spend a great deal of time giving more examples. I hope that the Minister will accept one of the many invitations he has received to visit my constituency and hear for himself, from people and agencies, the travails that are being experienced. However, one issue that I think is particularly damning was raised by Macmillan Cancer Support. Sometimes people who are terminally ill choose not to have their diagnosis given to them directly, because they just do not want to know—they want to live out their lives as they choose. However, universal credit forces claimants to declare themselves to receive their entitlement, which means that they must be told in order for them to make their claim and be put into a work group. Two things are wrong there. First, it is wrong that they should have to do that, so I hope the Minister will take early action to sort that out. Also, why would they be put into a work group? There is no need for them to go into any work group.

So what needs to be done? The Scottish Government will use their 15%—a very small amount—of devolved power for the welfare system to bring about fairness and dignity, but they have no control over this. All the Minister can ask them to do is to put in more money to cover UK Government issues. Citizens Advice asked for an additional single non-refundable payment to bridge the six weeks of hardship between going off the standard system and on to universal credit. It wants the UK Government to give a choice on the housing element, so that it can be paid direct or as part of a single payment. It, too, is calling for 0800 free helplines, and it wants jobcentre support for those lacking computer skills.

The roll-out of universal credit can only be described as shambolic. It is punishing families, the disabled, the unemployed and the most vulnerable. There is a damning litany of failure, confusion, heartache and indignity, and a crushing drive towards increased poverty under the universal credit system. The problems include long delays to payments, short payments, lost sick notes and childcare receipts, misplaced documents, failures to respond, and confusion between departments.

The universal credit full service roll-out should be halted until it is fixed. The UK Government must bring in additional flexibility so that people are able to receive what they need in order to survive. There needs to be an

[Drew Hendry]

acknowledgement of the situation, and an effort to fix and compensate for the Highland Council rent arrears that have been run up to date.

10.21 pm

**The Minister for Employment (Damian Hinds):** I congratulate the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) on securing a debate on this important matter and bringing his feedback and critique to the Floor of the House today.

I recognise the concerns that have been raised, and I want to reassure the hon. Gentleman that work is already well under way to improve delivery. Today's debate presents an opportunity to share some of the ways in which the Department has sought, and is seeking, to resolve obstacles to this ground-breaking project.

There are now 470,000 people on universal credit, 2,400 of whom are in the hon. Gentleman's constituency. As we would expect of a full-scale reform programme of this magnitude, there have been challenges along the way, but I assure hon. Members that we are working quickly to deal with them to ensure that UC is delivered safely and securely. I recognise specifically that the hon. Gentleman has encountered a number of universal credit claimants who have had issues with the service, and I am aware that he has already been in discussion with the Department for Work and Pensions district manager for the north of Scotland, who has invited him into the local jobcentre to assist in mutual understanding of the issues. I also acknowledge what the hon. Gentleman says in outlining occasions where things have gone wrong—if something has been mislaid and so on—and, of course, for those occasions I am sorry.

I commend what the hon. Gentleman is doing both for and with local organisations and his constituents. Bringing together local stakeholders, trying to address the details, and helping people to solve problems is important to ensuring the safe delivery of this historic reform. The hon. Gentleman has spoken, too, of the diligence, commitment and work ethic of our key stakeholders, local partners and staff, and I echo that.

Looking ahead to other highland areas that are due to roll out the universal credit full service, our implementation strategy is under way and we will soon be having conversations at a more local level. The remaining jobcentre sites aligned to the Highland Council area will roll out in July 2017 and, as part of the implementation activities, we have an external plan to ensure that all involved have a proper overview of universal credit before it arrives at the jobcentres.

**Drew Hendry:** I welcome the Minister's words in recognising the issue, and I think that is the right thing to do. Before the roll-out continues into the rest of the highlands, will he take up my offer of coming to visit, to speak to the organisations locally and understand directly what is happening to claimants in my constituency?

**Damian Hinds:** Let me thank the hon. Gentleman for that offer. I welcome the opportunity to speak to local organisations throughout the country. My most recent visit to a jobcentre was this morning, and I plan to make another on Thursday. There are several hundred jobcentres throughout the country, and my aim is to get representative feedback and critiques to help our

understanding of these issues. I also welcome the communication that I have had from and with the hon. Gentleman in that regard.

**George Kerevan:** Will the Minister give way?

**Damian Hinds:** I will not, if the hon. Gentleman will forgive me.

We have established a dedicated team of employer and partnership staff, who are deployed to engage directly with stakeholders, including local authorities and landlords, to ensure that there is a joined-up approach to supporting universal credit claimants.

I know that housing arrears are an area of concern, which is why that is a regular subject of discussion in our Highland operational forum. Discussing the issues in this way has led to the introduction of some effective troubleshooting measures. To begin with, we are embarking on a specific piece of work to monitor Highland Council cases involving housing costs, to try to establish the root causes of any delays in the process. I appreciate the concerns over rent arrears. I know that it is an issue that matters to a lot of people, but the reality is that a lot of complex, overlapping factors are at play. The roll-out of universal credit is by no means the sole factor contributing to arrears. Let us consider for a moment that, according to the latest report published by the National Federation for Arm's-Length Management Organisations, over three quarters of its ALMO tenants who have fallen into arrears were already behind with their rent before commencing their universal credit claim.

Some of the rent arrears are clearly attributable to the charging policies of landlords that can create book arrears from the outset of a tenancy. This is a simple definitional point. A landlord who previously charged rent on a weekly basis will of course appear to be missing rent payments under the new system, which pays claimants' housing costs on a monthly cycle in arrears. We have been clear about the reasons for this change. The key motivation is to create a welfare system that more closely mirrors the world of work. Our research shows that the majority of UC claimants are comfortable managing their own budgets. Furthermore, we know that after four months, the proportion of UC claimants who were in arrears at the start of their claim fell by a third.

**Drew Hendry:** Will the Minister give way?

**Damian Hinds:** If the hon. Gentleman will forgive me, I want to make sure that I cover all the points, but if there is still time afterwards, I will of course give way.

Ultimately, the fact that many people are coming on to universal credit with pre-existing arrears is contributing to the overall rent arrears issue. Please let me reassure the House that there are safeguards in place for claimants, including advances, budgeting support and alternative payment arrangements, and research shows that claimants successfully reduce their arrears over time.

This work goes hand in hand with our work on improving the number of claims put in payment by the end of the first assessment period. This includes refining the customer journey, improving the payment of housing costs, improving communications to landlords and local authorities, and streamlining the way in which information is verified. Those in the project team regularly monitor the timeliness of payments, and if they identify delays,

they quickly take action. I can confirm that there is a positive trend in the hon. Gentleman's constituency, with significant improvements in timeliness month on month.

I recognise that rural areas such as the Highlands might face particular challenges. Indeed, concerns were raised by colleagues regarding the pace of roll-out. We listened to those concerns and, in tandem with a buoyant local labour market, we made the decision to adjust the roll-out schedule at remaining Highlands sites. We have moved the target roll-out date for remaining Highlands sites—Dingwall, Fort William, Invergordon, Portree and Wick—back from November 2016 to July 2017.

I am also aware that some claimants have reported that they face increased travel times to meet their work coach and hand over documentation. In response to that, we have made changes to the design of the universal credit digital service so that, before the end of this year, claimants will be able to upload certain evidence to the online system. I should also mention that claimants can deliver evidence at any time during the monthly assessment period. This gives claimants valuable leeway to find a convenient time to visit their local office or to make use of the postal service to deliver evidence. Although universal credit is oriented around claimants making use of the online service, claimants can also telephone their service centre for help and support or to exchange information. I reiterate that the service does not involve claimants having to dial a premium rate number. Ofcom regulations require all phone providers to treat calls to 03 numbers the same as a call to a normal home or business landline. If claimants remain concerned about the costs of calling, they can, as the hon. Gentleman acknowledged, ask to be called back.

I appreciate that the hon. Gentleman's constituents have also reported excessive wait times on such calls. We recognise that improvements can be made in that area, which is why we have committed additional resources to reducing waiting times. The latest data show that claimants are now waiting a maximum of eight to nine minutes before their call is answered. With even more resource being invested throughout March to support telephony service levels, I feel confident that the long wait times reported in the local area will become a thing of the past.

I was also pleased to know that an agreement has been reached at a local level—I believe to the satisfaction of the hon. Gentleman—in connection with the case of one of his constituents experiencing particular problems with delivering evidence to the Department about childcare costs, involving that constituent posting verification direct to Inverness jobcentre and also sending things by email.

Several hon. Members have previously expressed concern about the procedures under universal credit that determine whether a Member of Parliament can access the personal details of their constituents. If they are not already aware of it, I draw hon. Members' attention to the statement made by my right hon. Friend the Secretary of State for Work and Pensions on 13 March, in which he agreed that the implicit consent arrangements that exist in legacy benefits can continue for MPs within universal

credit. That will ensure that MPs are able to act quickly on the behalf of their constituents. I hope that hon. Members will also feel reassured about that helpful change.

**Drew Hendry:** First, on the subject of avoiding arrears, I have given a couple of examples of where debt by default, not digital by default, is happening with universal credit. What is the Minister going to do to tackle that? Secondly, on the ability of Members to contact somebody on behalf of a constituent, that may be what has been said in this Chamber, but the reality is that that message has not reached the people on the ground. There is confusion every day about who can access what information at what stage.

**Damian Hinds:** Of course I recognise what the hon. Gentleman says about the need to continue working on the housing issues that we have been discussing. That is a matter of ongoing work. The change on implicit and explicit consent is quite recent, but I will endeavour to ensure that it is clearly understood in the Inverness jobcentre.

The hon. Gentleman also referred to the freedoms afforded to the Scottish Government under our devolution arrangements. We continue to work closely together with Scottish Government colleagues to implement the Scottish flexibilities that have been agreed. We have listened to Scottish Government colleagues who said that they needed action earlier and, in response, we introduced the alternative payment arrangements easement in April 2016, which pushed back the APA claimant review date to 24 months. Discussions with the Scottish Government are progressing well, and DWP officials continue to work positively, openly, and collaboratively on the detail of the administrative flexibilities.

Let me be clear, though: under the universal credit Scottish flexibilities, the Scottish Government have the power to pay the UC award fortnightly instead of monthly, to implement alternative payment arrangements for 100% of cases, and to pay the housing element of universal credit direct to the landlord. Although we do not think that is the best approach, we fully accept their right to do so and look forward to them actioning these matters quickly. We further acknowledge that they have the powers to create new benefits, to top up existing benefits, and to provide discretionary payments in any area of welfare. Again, we look forward to them speedily delivering on and making full use of those powers.

I recognise that there are areas for improvement in the service, but with every release of new software and every new office that goes live with the full digital service, enhancements are made that improve the experience of using the service for staff, claimants, landlords and our delivery partners. The hon. Gentleman has seen for himself the drive, commitment and passion that so many of our staff, stakeholders and people across the programme have. They want to see this revolutionary welfare reform through, and I am certain that they will.

*Question put and agreed to.*

10.35 pm

*House adjourned.*



# Westminster Hall

Monday 20 March 2017

[SIR ROGER GALE *in the Chair*]

## Car Insurance: Young People

[*Relevant documents: Oral and written evidence taken before the Petitions and Transport Committees on the cost of car insurance for young people, HC 940.*]

4.30 pm

**Steve Double** (St Austell and Newquay) (Con): I beg to move,

That this House has considered e-petition 166847 relating to the cost of car insurance for young people.

As always, it is a pleasure to serve under your chairmanship, Sir Roger. I start by thanking Rhys Parker, the young man who started this petition, and the many thousands of people who have since signed it. It concerns the high cost of car insurance premiums for young drivers. The cost of car insurance for young people has in recent years risen to very high levels—so much so, that it can have the effect of leaving those unable to afford initial insurance premiums hampered or even excluded from owning and driving a car. That in turn excludes them from many aspects of life, including work and education opportunities. For instance, one in five jobs advertised requires a driving licence and 63% of people need a car to get to work.

I have had the honour of seeing my two sons learn to drive. Both passed within a few months of turning 17, as did I, although that was some time ago. In fact, I realised today that it is almost 33 years to the very week since I passed my driving test. I understand that obtaining a driving licence is very much a rite of passage for many young people today, and I suspect it always will be. It is a further key step along the way for young people's growing independence. It is part of growing up and making their way in the world. That is particularly true in rural areas, such as my constituency of St Austell and Newquay. I fear that high premiums can be a contributory factor to the drain of the young from our rural areas, where a licence to drive and access to a car are vital to getting around, due to the lack of public transport.

The challenge with the huge cost of insurance for young drivers is complex, and there are no quick and easy solutions. All the many considerations should be carefully reviewed, not only to reduce premiums, but to reduce the toll of death and injury among too many of our novice drivers. The focus of this debate should not just be on the high premiums charged, nor should it be an attempt to introduce a capped pricing system; rather, we should focus on dealing with the reasons why policies cost so much.

**John Howell** (Henley) (Con): My hon. Friend is making some excellent points. I got around being a young driver by not getting my driving licence until I was much older—I managed to beat him on that. I wonder whether his approach of dealing with the causes of this issue will overcome that difficulty and tension between the risks and the accidents that occur in this age group and the premiums that are naturally charged.

**Steve Double:** I am grateful to my hon. Friend for that intervention. He makes the precise point that I will be making, which is that the cost of insurance is based on risk. The reason the cost of insurance for young people is so high is that the risk is so much higher. Rather than imposing an artificial cap, we instead need to look at why that risk is so high and work to reduce it, as premiums will then naturally come down.

I am afraid I cannot support capping premiums, which would defy the logic of risk that the insurer is taking. Insurers assess those risks from many sources and charge a premium accordingly. It is a competitive industry, and any attempt to cap the price that insurers charge would surely simply result in other groups having to pay more than they should. It would also fail to deal with the cause, which is that novice drivers have a far worse accident record than any other group. One in five young drivers has an accident within the first six months after passing their test. Indeed, I was one of them. They are 10 times more likely to make a claim. That speaks of a systemic failure of our current tuition and test procedures, which I have come to understand is at the heart of this issue. Put simply, the current system teaches young people how to pass a test, rather than how to be a safe and competent driver. If we want to deal with the fruit of high premiums, we must deal with the root cause. Capping premiums will not stop the accidents.

**Jake Berry** (Rossendale and Darwen) (Con): This is a very important debate, especially for my constituents, who live in a similarly rural area to that of my hon. Friend. Does he acknowledge that black box technology in young people's cars is a much better way of altering driver behaviour in the long term than the current driving test?

**Steve Double:** Later in my speech, I will talk about telematics and some of the available technology. My response to my hon. Friend is that I think we need both. Yes, we need to embrace technology and use it as much as possible to help people to be safe on the roads, but I am also of the view that we can do better with the current testing regime in helping people at that very initial stage to be safer on the roads.

**Jo Churchill** (Bury St Edmunds) (Con): Does my hon. Friend agree that the 21st-century driving conditions that my four children, his children and all the young people in our rural constituencies face on the roads mean that we need a different approach? Lessons on night-time driving and motorway driving are not obligatory. Many countries, including New Zealand, Australia and France, run a probationary period, for example, which is something that could be looked at and learned from.

**Steve Double:** My hon. Friend makes a very good point that I will come to later. I think the current testing regime needs to be more robust and more comprehensive to address the many different aspects of driving, rather than just having the very narrow test we have currently. We teach young people to pass the test. We do not equip them to deal with the many different experiences of driving on roads in the UK today.

**Karl McCartney** (Lincoln) (Con): Before my hon. Friend moves on, I am intrigued and interested to hear about the various different safety regimes for new drivers,

[Karl McCartney]

but what we are discussing in today's debate is the cost of premiums for young drivers. Does he not agree that one of the reasons why they are so expensive is that insurance companies keep putting them up? The rates are not as open and competitive as some of us would like them to be. The companies obviously want to carry on making profits and perhaps pass on the costs of expensive whiplash claims to premium holders, whether they are young or old.

**Steve Double:** My hon. Friend makes a very good point. I am certainly not here to defend every insurance company or the premiums they quote to young people or anyone else. I am sure there is always room to do better and drive down those costs. We could talk about the insurance premium tax, which has perhaps contributed to the cost. Young people are unfairly penalised on that count because of the high premiums. We need to be realistic: this is about insurance companies assessing risk and charging according to that.

To put the matter into perspective, a typical insurance premium for a teenager is £2,000, which comes out at just over £5 a day. I am sure that many Members in the Chamber today have very nice vehicles. Would they give their car to a 17-year-old for 24 hours to drive however they chose in return for £5? I do not think many of us would do that. Although £2,000 is a very large amount of money for someone who is 17 or 18 years old—we acknowledge that—we also understand that for that money they are getting insurance cover not only for the vehicle, but for any third-party damage or injury that they may cause.

**Graham Stringer** (Blackley and Broughton) (Lab): I am following the logic of the hon. Gentleman's argument, which is that insurance costs are related not only to the experience of the driver, but to their age. We have been moving the age of responsibility up in lots of areas, such as for buying cigarettes, so would he agree with increasing the age at which someone can get a full licence from 17 to 18?

**Steve Double:** I personally am not of that view. If fact, if we look across the world, other countries allow young people to learn to drive at much younger ages. I certainly would not look to reduce the age. However, I think we need to give our young 17 and 18-year-olds more tuition and better experience, so that they become more capable drivers much quicker. That is where I would focus the attention, rather than increasing the age. If we increase the age, they will still be new drivers at whatever age they begin to drive.

**Karl McCartney:** I thank my hon. Friend for giving way; he is doing well with so many interventions. I want to reassure all the young drivers or potential young drivers who might be following this debate that although hon. Members would perhaps not lend them their nice, or not-so-nice, cars for £5 a day, having seen some of my hon. Friends driving, I probably would not lend them my car for £5 a day either.

**Steve Double:** I am grateful for that point.

Some young would-be drivers, overwhelmed at the potentially unobtainable cost of car ownership, including, but especially, insurance, are tempted to simply flout

the law and proceed to drive without insurance and at times even without a licence, which is a totally unacceptable and dangerous solution. That has disastrous consequences for them and for other road users. The fallout can be death, serious injury or a criminal record, and, with motoring prosecutions now a part of their profile, it makes it even more expensive to start the process towards a driving insurance premium. It also has the effect of pushing up insurance costs for law-abiding, properly insured drivers. There is genuine concern about the cost of insurance for young drivers from many quarters, not just from novice drivers. There is concern about the impact on other outcomes and about excluding the young from a societal norm: the freedom to own and run a car. The high costs of entry might also feed into other problems in society: isolation, alienation and perhaps even a sense of failure for young people. We therefore need to take the matter seriously.

However, it is important to consider why the premiums are so high. The Government's response to the petition stated:

"The Government is aware that the cost of motor insurance can be high for new drivers and understands the concerns that have been expressed about this. The average cost of motor insurance for the 17-22 age group was estimated to be £1277 as at January 2016".

In my experience and from talking to many people, the cost is often much higher than that. It is important to bear in mind that motor insurers have to provide unlimited cover against the risk of personal injury to third parties and cover of up to £1 million for property damage. They use a wide range of criteria to assess the potential risk that a driver poses, which include the age of the applicant, the type of vehicle being driven, the area where the applicant lives and his or her driving experience.

**Danny Kinahan** (South Antrim) (UUP): Is the hon. Gentleman aware that in Northern Ireland our premiums are 11% higher and that we do not have the same caps on injury claims? We need those to be introduced; we do not need Northern Ireland to be left behind so that we are outside the system.

We also have the restricted plate: instead of an L-plate, an R-plate is put on so that the driver cannot go more than 45 mph. Despite putting all those things in place, we still have the higher premiums, and we may be about to leave Northern Ireland out.

**Steve Double:** I am grateful for that intervention. I was not aware of the points made by the hon. Gentleman. I certainly bow to his knowledge in this area. He has made his points well.

Although the Government cannot intervene directly in the setting of premiums, they can help to establish a situation in which young and newly qualified drivers are better equipped for a life of independent driving. Accordingly, the Government have taken forward a programme of measures to strengthen the way in which people learn to drive and are tested, and to provide opportunities for additional training for newly qualified drivers.

We have also engaged insurers in the process so that they can have confidence that additional measures will make a real difference that can be rewarded. We are focusing our efforts on encouraging learner drivers to do more practice and to practise in a wider range of driving conditions; on ensuring that the driving test

assesses the skills needed for today's roads and vehicles and those of the future; and on identifying the most promising behavioural, educational and technological interventions that can reduce young driver casualties.

The Government's road safety statement, published in December 2015, announced a £2 million research programme to identify the best possible interventions for learner and novice drivers. The road safety statement also conveyed the Government's wider commitment to addressing concerns about motor insurance premiums for all drivers. It states:

"We will support innovation in the motoring insurance market so premiums become more responsive to safer driver behaviour and vehicle choice. This could include extending the 'reward based' insurance approach pioneered through young driver telematics products to the wider motoring community and fleets."

In essence, insurance premiums reflect the risk of the potential claim both in terms of the number of claims and the cost of each claim. Claims from young drivers are typically four times higher than the average. The statistics are startling and throw into perspective why insurance costs are so high.

Research for the RAC Foundation showed that although teenage drivers make up only 1.5% of full licence holders, they are involved in 12% of accidents where someone is killed or seriously hurt. One in five newly qualified drivers will have an accident within six months of passing their test.

The European Commission notes that in developed countries traffic accidents are the main cause of death among 15 to 24-year-olds; the fatality rate for drivers in that age group is twice as high as that of more experienced drivers. Further, for every young driver killed in a crash, an average of 1.3 other people also die as passengers or other road users. Young drivers with passengers have greatly increased chances of being involved in serious and fatal accidents owing to factors such as peer pressure and over-confidence. Accidents involving young drivers are often caused by loss of control or speeding and are more likely to happen at night.

We must not lose sight of the fact that behind the high insurance premiums are these heartbreaking statistics—lives lost, life-limiting injuries and heartbroken families and friends. The issue is not only or even primarily about money; the real cost of young drivers is the lives lost and the families in mourning. Premiums can be prohibitively expensive, but of even greater concern to us should be the cause: novice drivers are much more likely to be involved in fatal accidents.

More must be done to address the reasons behind the high premiums and reduce the high accident rate among inexperienced drivers compared with the rest of the driving community. There are many avenues to explore in improving the accident toll and also valid ways of reducing premiums, including improved training and tuition, extending advertising and education around the perils and risks for young drivers, legislation to further penalise poor driving, and compulsory professional tuition. Manufacturers' innovations and new technologies will also play an increasing role.

There are various ways in which novice drivers can reduce insurance premiums. For instance, Pass Plus is a practical training course that takes at least six hours and helps drivers to improve their skills and drive more safely. It can be taken at any time, although it should be

most useful to new drivers in the year after passing their test. However, a more thorough overhaul is due, which I will come to later.

Another option to ease premiums is the addition of a named—usually older—driver with a clean licence and good accident-free record, who may make occasional use of the car and can reduce the overall premium. That is very different from the illegal practice known as "fronting", where a low-risk driver fronts as the main user of the car when in fact it is predominantly used by the inexperienced driver.

**Gavin Robinson** (Belfast East) (DUP): I am very grateful to the hon. Gentleman for giving way on that point. The consideration about whether what is involved is fronting or a useful tool to lower premiums often takes place after a collision. That is when the insurance company—in my view, unfairly and narrowly—looks at the circumstances. If it comes to the view that the person is fronting or has been fraudulent it cancels the policy and treats it as if it never existed. Insurance companies do not want it to be used as a mechanism to reduce premiums; they are trying to catch people out.

**Steve Double:** The hon. Gentleman makes a very good point. There are many pitfalls to the issue of fronting. The insurance industry should do more to address that issue at the beginning, rather than wait until there is a claim. Companies happily take the premiums before they address the problem. There is more that can be done to ensure that, when older drivers are put on policies, it is proper and legitimate.

Some insurers now offer telematics policies and fit a GPS-enabled transmitter to the car; I believe that smartphone app options are also available. Drivers under 21 who take out such a policy and have the appropriate equipment fitted are typically offered a 25% discount on the initial premiums. Such policies can also further reduce renewal premiums, as there is a record of where, when and how the car has been driven. High-risk driving behaviours are recorded by the technology and can cause renewal premiums to rise, whereas sensible driving can lead to a significant reduction in premiums.

One insurer, Marmalade, which operates a telematic policy, saw a dramatic improvement in the accident rates of novice drivers. On average, one in five new drivers makes a claim in the first six months, but with monitoring equipment in place, that number improved to one in 16—an outstanding and significant improvement. Telematics policies have been growing in number. In 2009, there were about 12,000, but the technology has become more widely known and continues to fall in price, making the policies more attractive: the number has risen quickly to more than 750,000 today.

Dash-cam technology can also be used to improve driving and can lead to a fall in the insurance price. Some insurers now offer lower costs—typically 10% lower—provided that a camera is fitted and is always activated when driving. That footage is made available should there be a claim. That irrefutable evidence can be very helpful, given that young drivers are sometimes blamed and bullied at the roadside for collisions that are not actually their fault, and there is often a presumption that the less experienced driver is at fault. Dash cams also have the effect of improving driving behaviour, as the driver knows there is a record of how the car has been driven.

[Steve Double]

Some households enter into a written agreement with the novice driver, in which behaviours such as careful, legal and considerate use of the car are set out. Both parties sign the agreement, which, although not legally binding, offers a clearly set out explanation and brings focus, consideration and thought to the very real responsibilities of driving safely. An example template can be found on the website [brake.org](http://brake.org).

As helpful and welcome as many of those things are, they fail to address the underlying issue. It is time for us to look at our system for obtaining a licence to drive. It is my view that in this country we teach people to pass the test, rather than educate and train them to become safe and competent drivers. Rhys Parker, the instigator of this petition, said to members of the Petitions Committee:

“if young people are so dangerous that the only way to get them to drive safely is forcing them to pay £200 for an advanced driving test, why don't we just make the driving test better?”

I agree. I think he has a point.

The driving licence was first introduced in 1903, but there was no test requirement. The test was introduced in 1935, and although there have been some changes along the way, such as the introduction of the theory test in the mid-'90s, little has changed. In that time, vehicle technology has changed, cars have become much faster and we have gone from fewer than 1 million cars on our roads to more than 30 million.

The driving scene in our country has changed completely. I believe we need a better, more rigorous and comprehensive system of training and testing that is fit for our age and our roads. I suggest that passing the driving test should be seen not as a one-off, but as a process. Under what has become known as a graduated driving test, new drivers would have restrictions placed on their driving. For example, they would not be able to drive at night or on motorways, or carry more than one passenger, until they received further tuition, gained more experience and further proved their ability to drive.

**Jo Churchill:** I thank my hon. Friend for the powerful points he is making. Will he consider the fact that some young people in our isolated rural areas need that access? Headway, a brain injury charity, spoke to me about the problem it has with carers. For a young person paid the minimum wage, a huge premium is a tough barrier that can prevent them from following a career they wish to pursue.

**Steve Double:** My hon. Friend makes a good point; she represents a rural area similar to mine. As I said at the beginning, that can be a real issue. For a young person in a rural area who needs a car to get to work, get a job or access further education, the cost of insurance can be a real issue. My two young sons passed their test quite young, and we had to work with them to find the money for the insurance. It is a real issue, and we need to tackle it at source by looking at the risk, rather than artificially managing it.

**Danny Kinahan:** Two issues arise from what I said earlier about the R-plate, which limits people to 45 mph for the first six months: first, the issue of not driving on motorways faster than 45 mph, which causes problems; and secondly, the fact that no one is taught how to drive

at night. As the hon. Gentleman said, people need special training so they learn those things before they pass their test.

**Steve Double:** I am grateful for that point.

**Jake Berry:** I return to the main issue of the debate. Despite all that has been said about changing their behaviour, could young people not legitimately say that when they pay their very large insurance premiums when they first start to drive, they are paying into the Motor Insurers' Bureau for uninsured drivers? Young people have said to me, “Why should I pay for people who behave badly? Why shouldn't people who behave well have put money aside to try to reduce premiums in rural areas?” Why are young people compelled to pay for the mistakes of people who insist on breaking our laws?

**Steve Double:** My hon. Friend makes a powerful point. Our young people are penalised for the fact that lots of people behave irresponsibly and even illegally.

I am not saying that nothing can be done to address the issue of premiums. As I said earlier, there are ways in which the industry can drive down those costs and be more competitive, but I am still of the view that the only way we are going to address this issue in the long term is to deal with the cause: the fact that far too many young people who go out to drive having just passed their tests have accidents. Sadly, too many of them die or get lifelong injuries. What drives me to wanting to improve the situation is the need to make our roads safer for our young drivers. That will result in driving down premiums, but I am as focused on saving lives as on saving money.

As we look to the future, we must balance any action with an acknowledgment that, overall, we drive on some of the safest roads in the world. Technology will rapidly come to our aid and help us to be safer on the road, but in the meantime we must close the gap on the high accident rates of novice drivers—not just so we can reduce premiums, but so we can save lives.

4.59 pm

**Mrs Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Sir Roger. I thank the hon. Member for St Austell and Newquay (Steve Double) for his comments, and I agree with the basic points that he made. I will focus on some of the issues he mentioned and perhaps refer to one or two other issues that are relevant.

The first point, and one that we should all accept, is that this petition is extremely important. It not only draws attention to an issue that is of great concern to many young people and their parents, but suggests a remedy, which is important. Even if the remedy is problematic, the petition suggests what to do about the problem, rather than just enunciating it. Figures have been presented to us. The cost of premiums for young people is currently between £1,450 and £7,000. There is clearly a massive problem there. That has resulted in a number of things. Some young people who need to drive are not driving. They are people who need to get to college, to work and to get on with their lives. That problem affects not solely those living in a rural area; it can affect people living in other sorts of areas as well.

The problem can also lead to people fronting—an illegal practice in which an older person, perhaps a parent, applies for the insurance and acquires it, but in

reality it is for the young person. It can also result in young people driving uninsured, which is dangerous and illegal and should not happen. When we look at the extent of the problem, we need to think about all those aspects of it.

The problem is serious and may be escalating, particularly as we have been told that the cost of motor insurance may increase. It is not a new problem. In 2009 the then Select Committee on Transport conducted a report on novice drivers. This was identified as one of the issues then. At that time, the Committee suggested a number of ways in which to address it, including a different way of looking at the driving test, better training, more publicity campaigns and graduated licensing. Since then, the same sorts of suggestions have been made, but not very much has been done to change the situation, except perhaps for the development of telematics, which could be a game-changer. I will come back to that.

Successive Transport Select Committees have looked at the issue. I have already mentioned the 2009 report on novice drivers, but more recently the Transport Committee has looked at other aspects of the issue. It looked at the cost of motor insurance in 2011 and included in that investigation the high cost of such insurance for young people. In 2014, we looked at safety issues. In 2016, we looked at road traffic law enforcement, which related to many of the safety issues that are highly relevant to the risk attached to driving by young people. Therefore, the issue is not new. We have to ask why, as the issue was identified so long ago and is so well documented, so little has been done to address it. I hope that the petition will help to change that situation and lead to further action.

As has been pointed out, when justifying the very high premiums for young people insurers point to the higher risk that they pose. When we look at the statistics for casualties on the roads, we perhaps see some of what the insurers mean. We keep being told that we have a good road safety record. That is true in the sense that fewer people are being killed and seriously injured on our roads, but the stark figures make us register that there is still much too much unnecessary loss of life and too many often life-changing serious injuries are inflicted on people. In 2015, the last year for which we have figures, 1,730 people were killed on our roads and 22,144 were seriously injured. Those are very serious figures, even if they were higher in previous years, as they were.

When we look at what is happening in relation to young people, however, the figures are startling. We have already heard some. There are different ways of putting them. One way causes lots of shock waves. It is when we say that nearly half of 18 to 24-year-olds crash within six months of passing their driving test; and 18 to 25-year-olds, who represent 7% of licence holders, are involved in 25% of road deaths. Those figures are shocking and something has to be done.

The insurers say, "High risk, so high premiums." We argue about that, and we are right to challenge the insurers about some of their figures, and how they assess risk and produce premiums, often with little competition in the sector. That, however, brings us on to the perhaps bigger issue of risk to human life, which is writ large in relation to young people.

What are the reasons for that higher risk and what can be done about them? Overconfidence in young people may be one reason—they may feel that having a licence and a car is to do with becoming an adult, perhaps

leading to overconfidence, in particular among young males, and that can affect driving. Carrying passengers may also be a reason for that higher risk. Sixteen to 17-year-olds carrying passengers are four times more likely to die in a crash than those not carrying them. That figure must make us all sit back.

The fatal four reasons for death and injuries on the road—the major reasons for accidents and deaths on the roads accepted by the police—are speed and driving too quickly, drink and drug-driving, not wearing seatbelts, and driving when distracted, such as when using mobile telephones, although there are other distractions, too. Action is needed in all those areas. Better training is necessary, as are a reassessment of the driving test, which is being looked at again and is highly relevant, and educational and public awareness programmes.

One factor has developed since the time of that earlier Transport Committee inquiry: the growth of telematics-based insurance, which is insurance where premiums are related to the nature of the driving skills, rather than simply to the age of the person. There are 75,000 telematics-based insurance policies. Perhaps it is connected with the idea of graduated licences, where new drivers—they are mainly young but not always—are not able to drive exactly when they want, with as many passengers as they want, at all times of day or night, until they have had more experience. Telematics looking at driver behaviour, together with the idea of graduated driving licences, could be a solution to the problem, together with better training and better awareness of safety.

I will give one word of warning in relation to costs coming down. Insurers tell us that their premiums are based on the level of risk assessed. The assumption is that, were some of the level of risk to be reduced, the premiums would automatically come down. That does not always happen. In the past, such as with soft-tissue injury, insurers said that, if certain measures were enacted, the premiums would come down; the measures were enacted, but the premiums have not come down. The insurers have now produced a different reason; they say insurance tax is a reason for the costs not coming down. So a word of warning: insurers may say, "Lessen the risk and the premiums will come down," but they might not do it. However, we are looking here at life and at lessening risk. All those issues must be taken seriously into account and acted on, so that we do not spend a lot more years having further debates, in which we repeat what was said here, say how correct it was and how it is still correct, but nothing has been done in the meantime. I hope that we have action.

I congratulate Rhys Parker and the petitioners on putting the e-petition together to ensure that the issue is ongoing. Action has to be about improving safety, saving lives, preventing serious injuries and ensuring that insurers face up to their responsibilities and keep their promises.

5.9 pm

**Huw Merriman** (Bexhill and Battle) (Con): It is a pleasure to speak in this debate. I echo the words of the hon. Member for Liverpool, Riverside (Mrs Ellman), who chairs the Transport Committee, of which I am a member, and congratulate the lead petitioner and all the people who signed the petition.

[*Huw Merriman*]

I represent a rural constituency of 200 square miles, where the car is an essential way of life, particularly for the young, for whom getting out and engaging has never been more important, given the advent of social media and their ability to communicate while on their own in their bedrooms. It is vital that we do everything we can to let them get out and about and interact with the world around them. That is more important now than it was when I was young. We talk in this place, rightly, about social mobility. In rural environments where people's ability to access public transport, let alone pay for it, is somewhat restricted by the loss of bus services and other difficulties, it is hugely important for our young people to be able to go out to work, earn money and get a foot on the ladder, because without that ability, they may be held back and not climb the ladder.

I congratulate my hon. Friend the Member for St Austell and Newquay (Steve Double) on leading off this debate. We ended up in a discussion about whether tests have become easier. As we get older, we tend to slip into the mode of saying, "It was much harder in my day." When I learned to drive and took my test, I did not have to reverse into a space—I found that to be a drawback when I moved to London—and I was not required to sit a written exam, as our young people are, so I might argue that tests have actually got harder. I remember being asked by my examiner what green meant at a traffic light. If the test has got harder than that, things are getting better.

I shall focus on the need for the insurance market and perhaps the Government, through incentives, to ensure that premiums are based on specific risk rather than a specific class, which is how young people are currently grouped.

**Mrs Anne Main** (St Albans) (Con): My hon. Friend is making an excellent speech—I hope that I can contribute to this debate—but premiums actually are not based solely on risk. It used to be the case, a while ago, that young men paid higher premiums than young women. Of course, we were told that that was discriminatory, but it actually reflected risk—that is what the statistics said. Sadly, a lot of young women's premiums had to rise to ensure that everything was fair and equal. I do not think that premiums are always based on risk—other things sometimes come into play.

**Huw Merriman:** My hon. Friend is absolutely right—I wholeheartedly agree. The Transport Committee and the Petitions Committee met jointly to hear evidence. We heard from the head of research at the RAC, who said that

"insurance costs are based on four main things: the cost of the vehicle; the likelihood of theft; the cost of available claims generally, if you were to make a claim; and the risk of the individual."

It is absolutely clear that, on average, 17-year-old boys present twice the risk of 17-year-old girls, yet no price differential at all is offered. As my hon. Friend mentioned, there was such a differential, but prices had to be equalised as a result of the gender directive. Of course, in life, prices tend to go up rather than down. To a certain extent, she makes a point that I wanted to make—we should look at individuals' performance risk and price insurance comparatively. In the United States of America, where the insurance market is much more

tightly regulated, there is a requirement to look at specific risk rather than a class. Will the Minister consider whether the time is right to look at this issue from a regulatory perspective?

A 17-year-old new driver is 40% more likely to have an accident than an 18-year-old, yet I dare say that premiums do not fall by 40% in that year, because there is a tendency to look just at age. I received information from one of the telematics companies that seems to suggest that, by the time people reach 29, men and women present the same risk, and the curve drops dramatically.

At the moment, pricing is measured crudely for young people. Insurers tend to look at young people as students who live at home, drive small cars and have no driving experience, and therefore make no allowance for their performance. That is why telematics is such an exciting concept. The advent of telematics means that, rather than putting in place a cap that does not bear any relation to risk, insurers can reward good drivers and penalise people who do not drive so safely. With more telematics in place, 1,000 accidents involving death or serious injuries would be averted, so I dare to suggest that the cost to the Government would reduce. Telematics have developed to such an extent that the software can talk to emergency services to warn them of an event. We all know that early response to an emergency can save lives and, if we are crude about it, money, including for the state.

I would be interested to hear from the Minister about what we can all do and what the Government can do to incentivise the development of telematics. Given the cost savings that I mentioned, is there a case for insurance premium tax to be reduced for drivers who use telematics? VAT is charged on the box that is required to use telematics, which reduces the cost benefits, so, again, could some exemption be made as far as that is concerned?

The insurers' discount rate was changed from 2.5% to minus 0.7%. Although that happened after the petition was started, the petitioners would maintain that their insurance premiums were high enough as they were. Unfortunately for the Transport Committee, that change was a live issue for insurers when we heard evidence. I am pleased that the Government have decided to look again at that rate, but we made the point to representatives of the insurers and the Association of British Insurers that their attempt to state that the change would cause young people's insurance premiums to double was rather crude given that they did not seem to have research to bear that out. Actually, I do not believe they have provided the research that they promised to the Committee. We should perhaps always go hard on insurers and work hard to ensure that the evidence for the claims that they put out—they always say they are based on evidence, yet we do not see that evidence—is in the public domain, so that pricing for young people is demonstrably linked to the risk that they pose as individuals.

5.17 pm

**Calum Kerr** (Berwickshire, Roxburgh and Selkirk) (SNP): It is a pleasure to serve under your chairmanship, Sir Roger, and to speak in this debate. Members have already made excellent contributions, and I feel like I am stepping into an expert field, given that there are so many people present who work on established Committees that have looked at this issue in detail. I shall focus first on the importance of this issue in rural areas, which has

been well covered, and then give a specific example from my own constituency of a fantastic initiative that Governments could learn from.

The rural aspect of this issue is particularly important. As we have heard from most Members, we live in beautiful constituencies. It is good that we have not all tried to claim that ours is the most beautiful, as often happens when we talk about—[*Interruption.*] There we go—“It’s mine!”; “Mine!”; “I’m Spartacus!” Apologies, Sir Roger, for starting that and for any claims that may follow, but the most beautiful is clearly mine.

The very beauty of the geography presents several challenges. If someone in a rural area gets a job, a training opportunity or whatever positive outcome young people now seek after school, it is more likely to involve travel over a longer distance, and those areas generally struggle when it comes to public transport, so having a car is more of a necessity than ever. With that comes an increased danger. People can come and drive in my beautiful constituency, but good luck in getting up to certain speeds. Young people in particular are getting themselves killed or injured because suddenly there are open roads in front of them. There is a particular threat associated with the beautiful geography we all so enjoy. When it comes to accessing a car at a reasonable price, because of the cost of insurance, more and more people are having to buy very poor quality cars, as all the money goes on insurance. Therefore, when they have an accident, they are more vulnerable than they might have been, had the cost of insurance allowed more of their investment in driving to go into the vehicle rather than to the insurers.

That is the backdrop. The road death and casualty figures are depressing and stark, as is the detail behind them and how many of those impacted are young people who have suddenly learned to pass the test. I remember a scare I had as a young driver, let out for one of the first times in my mum’s Citroën AX, going across the hill road between Innerleithen and Heriot, thinking I could now drive, when of course I was still learning—we are all still learning. I nearly came off at a corner because of my inexperience. I got lucky: it was luck that saved me from being part of a statistic. Young, inexperienced drivers and open roads are a dangerous combination. This is an area where Government must be proactive in seeking solutions. It is great to hear some of the suggestions that have come forward today.

Let me turn to a specific area in my constituency. On Saturday 21 May last year, I was invited to attend a young drivers event at Charterhall near Duns. I went along, as we do—“That looks interesting; yes, I’ll happily go and do that”—and found a phenomenal set-up, where the police, working with local car dealerships and the Institute of Advanced Motorists, were taking out young drivers from the age of 14. I will say a bit more about that, but what drove them to do that was the loss of life: how do we stop young people getting in a car, thinking—as I did—that they can drive and then putting themselves and others at risk? One way is to try to demystify driving to some extent, by starting people younger.

These were young drivers, aged 14 and up, being put in a car with a highly qualified instructor to learn in an off-road environment—it was on private land—on a day’s course. I was so enthused by this, and the next day they said, “How old are your kids, Calum?” and I said, “My eldest, Eleanor, is 14.” “Why don’t you bring her

tomorrow?” I thought, “Oh, I don’t know if Eleanor will do that. Is that cool? Her dad’s an MP; it’s quite a daunting thing if you’re 14. She might think, ‘Do I really want to go and try that? I can’t learn until I’m 17 anyway’.” But, fair play, Eleanor said, “I’d love to do that.” We came back and spent the whole Sunday there, and at the end of the day, she drove me—still with the instructor—around this disused road.

We usually get lots of declarations of interest from people who are farmers, and many farmers will know—we are talking about a moveable object on private land—how young or old they were when they first started helping around the farm, but what a fantastic idea: start people experiencing driving early, so that once they are 17 and get their provisional and then sit and pass their test, it is not as big a deal. They do not feel the need to go on a road and hammer it or show off in front of their friends; they have de-risked it.

I saw that project in action, and my daughter Eleanor, who is now 15, experienced it. What a fantastic initiative. Since then I have been working with the key people involved. I want to mention them, first because the Government may want to reach out and have a look at what they are doing, but they also deserve phenomenal credit. Andy McLean, the local area commander for the police in the Scottish borders, is a driving force for it. The police see added benefits, because suddenly they are working with and sitting alongside a young person in a car, not trying to catch them out. Local bobbies on the beat are not quite as prevalent as they once were, so the scheme enables them to build relationships and trust in a different way. However, the programme could not happen without the support of a certain John Cleland. I do know if any hon. Members know John Cleland, but they should google him and look at what a phenomenal driver he was, and still is. He was a British touring car championship winner twice—and he was robbed a third time, as he says; there are fantastic videos on that.

John has put a lot of personal effort and even money into getting the programme up and running, working with the Institute of Advanced Motorists. The next step was to apply for funding through Transport Scotland—there is a devolved powers element involved—and we are now taking that initial piece of work and building it into a broader programme. The Scottish Qualifications Authority is looking at putting together a package for schools, and headteachers in the borders have been approached to ensure that there is time in the curriculum for young people to come and do that. In the months ahead—the next session is in April—young people from across the borders will come again to Charterhall. Volvo is stepping up, with fantastic sponsorship in terms of cars, but the money from Transport Scotland was critical. We are trying to take what is clearly a fantastic idea and put it into something more credible and bigger.

I commend the programme to the Government and hon. Friends and Members, who should look at such a programme, because it is exactly the type of thing that all Members have referenced. How do we make driving safer? If we make it safer, premiums will come down—and, above all, we will save lives, which is what it is all about. I would be happy to provide the Minister with more details and to invite Ministers to visit—the Scottish Transport Minister will be coming to one of the upcoming sessions. If we can make some headway, the scheme can be replicated, and it absolutely will make a difference.

5.27 pm

**Mrs Anne Main** (St Albans) (Con): It is a pleasure to serve under your chairmanship, Sir Roger, in this important debate. While I disagree with capping fees, it is immensely important that we look at how the insurance industry treats our young drivers, because as I said when I intervened on my hon. Friend the Member for Bexhill and Battle (Huw Merriman), it is not treating them fairly. A lot of things have come into play since the gender directive. We all remember the adverts with pink ladies and all the rest of it, where young ladies and women could get car insurance that reflected the risks they were likely to encounter, and surely that is what insurance should be about.

As the hon. Member for Berwickshire, Roxburgh and Selkirk (Calum Kerr) said, we have all been young drivers. We were all pretty young and stupid then, and we learnt to drive as we went along. I am certain that every single one of us had a few near-misses or skirmishes with gate posts—there were none of the reversing sensors that we may have now. As the hon. Member for Liverpool, Riverside (Mrs Ellman) said, this has been going on for a very long time. There is nothing new in young people being more likely to make mistakes and slip-ups.

May I say that I have the best and most beautiful constituency? But I think I also have the worst roads. Previously, roads certainly did not have the craters—they are not potholes—we have in Hertfordshire and many other parts of the country. Road maintenance must be part of this. Road markings are often poor or obliterated, lighting is often poor and vegetation is often not cut back. That is all part of the picture for young and inexperienced drivers. If a road hazard sign has been defaced or is not visible because of vegetation, that is no help to a young, inexperienced driver.

Insurance companies are getting away with murder. We have not mentioned the fact that there are criminals who ram the back of cars—and who better to target than a young person in a scruffy old car? There are people who cry wolf about injuries that they certainly did not experience. All that has been factored in and spread across premiums. All of us have been in the position where our driving was a little rockier than it might have been. Perhaps now we should accept that insurance should spread across the whole age group, and that is where I find sympathy with the direction of the petition.

I am worried that this is a social mobility issue as much as anything else. In constituencies such as mine, where the average house price is more than £550,000 and where £1,200 does not rent an awful lot of property, young people who want to leave home or get jobs are priced further out. The golden rule is: the nearer the train station—which has wonderful links to London—the more expensive the rental. As a result, if young people—this is up to age 25—leave home, perhaps when they are in relationships, they are forced further and further away. The majority of my economically active constituents will go to London; there is a huge amount of churn in my constituency. People who are less economically advantaged commute in from areas where rents are less expensive, to do some of the key jobs of such constituencies, on a lower pay grade. So there is the perverse situation where people with less in their pocket, who live in areas where car theft is potentially more likely, are penalised for coming to do care work or other essential jobs in my

constituency, because they have to drive in from further away. The whole picture needs to be taken into account by the insurance industry.

It seems unfair that, because of the high rents in areas such as mine, young drivers who have to rent in a less salubrious place than they might like—I am sure we all want to live in a nice area—should then have that weighted in their car insurance, because of the actions of those who come into that area and decide to deface, take or wreck their car, or use it for a criminal purpose. I do not believe that the insurance companies play a fair game. That is why the drift of the petition is extremely important.

**John Howell:** My hon. Friend is making an excellent point, but is she worried, as I am, that where people live is not the only factor in the situation? The additional premiums force young people to buy older cars, and if they do that, they are generally buying cars that are less safe.

**Mrs Main:** My hon. Friend makes a pertinent point, but for many young people the price of the car is the least of their worries. A fairly reasonable little runaround can be had for less than £1,000, which is about 50% of the cost of insuring the thing. They buy older cars because they have to, but unfortunately those may not have all the gizmos that make them safer or easier to drive, such as the reverse parking sensors that I mentioned. Those are beyond the wildest dreams of many young people, without—this is the thrust of my comments—the bank of mum and dad. I am a bank of mum and dad, as I am sure are many of the right hon. and hon. Members taking part in the debate.

My son is 21—and probably will not thank me for mentioning him in the debate. We bought him his car and paid the insurance premiums. We helped him with petrol when he was 18 and studying for his A-levels, because I did not want him to worry about whether he could pay for his car, and I wanted him to get to places safely. I have four children, who are all grown up now, but, particularly in the case of my daughters, I did not want them to be at the mercy of a bus that might not turn up if they had been to entertainment away from where we live.

Many a parent has such a dilemma. Often, perversely, the safest way for young people to get home at night is to drive. Buses often do not run into the rural areas, of which there are some in my constituency. Let us be reasonable: if young people are out, at 20, a 10 o'clock curfew is not going to happen, is it? That is what makes me say that insurance premiums should be spread between all of us. Parents want our young people to get home. We want people to be able to rent a property or a room further out. To bring the argument back to my 21-year-old son, he has gone on to a higher level apprenticeship, and he could not have got access to it, up in Macclesfield, if he could not drive. It is vital—otherwise, many people would not be able to take up opportunities such as apprenticeships or other work that they wanted to do. Mention has been made of carers working in rural environments; such opportunities are not open to young people if premiums are so high.

Eighty-six per cent. of St Albans residents have access to a car or van, which is above the county average, and 89% of residents aged over 17 have a full driving licence. The roads in my area are incredibly congested. Therefore, not only is there competition to get to the jobs and to

live in areas that people can afford but they are dicing with the M25 and the M1, some of the biggest and most difficult stretches of motorway in the country. Some of the comments that have been made in the debate about expanding people's driving experience are hugely important.

I am concerned that, as with many aspects of life, if someone's parents can afford it, they will be able to afford to be mobile and live somewhere affordable. The children of those parents will have opportunities that other young people do not have. Perversely, although in areas such as mine there is a deficit of blue-collar workers—there is no trouble in finding a job in St Albans, which has almost zero unemployment if a young person wants to work in such industries as caring or hospitality—people in those jobs probably do not live in St Albans. The point I am making is for young people everywhere, because not everyone has access to the bank of mum and dad.

This a question of whether we are truly interested in equality—in this case, equality of opportunity. The insurance companies are having a merry game of it. I know that this debate is about young people and not elderly people, but, believe me, there are a lot of bashed up cars in Waitrose car parks as a result of people suddenly taking on the delights of an automatic car, because they are rather elderly and their hip or knee does not want to press a clutch any more. I can say that because my eldest son works in Waitrose, and it is amazing how often it happens. I am sure that many people will have seen similar things. The elderly are driving for far longer than they would have years ago. They, too, are forced into it by a lack of bus services and so on, but in many cases people who go over to an automatic car have problems with the premiums.

We accept that there are times in our lives when a bump and a dink are more likely to happen. I would like a more pragmatic approach from the insurance companies. They need to be more accountable and to justify the way premiums work. It is disgraceful to just accept a set of statistics that says, "If a person is a young driver, they're more likely to have an accident; therefore, we'll just price certain young people out of being mobile." I would not want to think that young people can be in the privileged position of being free to go where they want only if they happen to have a bank of mum and dad. We should all be concerned about that, because there will be huge parts of the country where young people will probably drive without insurance, and that is the worst possible thing for everybody.

5.38 pm

**Stuart Blair Donaldson** (West Aberdeenshire and Kincardine) (SNP): It is a pleasure to serve under your chairmanship, Sir Roger, and to speak in the debate.

I must declare an interest as a 25-year-old driver who has just renewed his car insurance. It was not as bad as I thought it would be, which is good to report. I do not expect any hon. Members present today to lend me their car, for any amount of money, but the fact that 185,000 people signed the petition shows how much of an issue insurance is for young people. I grew up in and represent a rural area and I know how important cars are to enable young people to get around for work, leisure and social life. In rural Aberdeenshire, much of that takes place in Aberdeen, and people need a car to get there. I used to have to walk for 40 minutes to get the bus before I could drive, so this is a real issue.

The increased use of cars in every aspect of young people's lives does increase risk. However, like any other age group, young people are not all the same; there are good drivers and bad drivers. Obviously, the statistics show that young people are more likely to have an accident, but as the hon. Member for Bexhill and Battle (Huw Merriman) mentioned, using black boxes to measure the driving ability of individuals is so important. The son of one of my members of staff has just passed his driving test and has a black box in his car; he refuses to let his mum use the car because she puts the bad driving statistics up. It is important to say that not all bad drivers are young drivers and not all novice drivers are young drivers, although the cost of insurance tends to go down once somebody reaches 25.

Car insurance costs rose by 102% from 1994 to 2011; as has been mentioned, that is in no small part due to whiplash claims, which now add approximately 20% to each policy. That is particularly damaging to young people—96% of young drivers now think they are being priced off the road. The issue is further compounded by the increase in the standard rate of insurance premium tax from 10% to 12% from June, which will hit individuals with the highest insurance premiums hardest: young people and those living in high-crime areas. That, along with a whole lot of other things, is hurting people.

It has been said that millennials—my generation—will probably be the first generation who are worse off than those who came before them. We have to look at that as a whole when it comes to premiums for young drivers. Obviously, many jobs require individuals to be able to drive; I would not be able to do my job if I could not drive. Being able to drive can still be the difference between successfully securing a job and failing to secure one.

As has been said, the issue is fundamentally about social mobility. Making longer distance travel easier for those without access to quick, regular or close-by public transport could increase their chances of employment. Another problem that young people face, particularly in rural areas, is sometimes having to wait up to five months to get a driving test. As hon. Members will imagine, that increases their frustration and also means that they have to spend more money on taking top-up tests.

I would like to see powers in this area devolved so that they can be better tailored to rural areas in Scotland and Scottish drivers. I learned to drive when I was 16 in a field with my grandpa, who is a farmer and a former Member; unfortunately, it did not help me to pass my test first time. However, I thought what my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (Calum Kerr) said about 14 year-olds being taught how to drive in school was interesting. I was taught how to cycle in school time—I did my cycling proficiency test in primary school; I do not know how many other hon. Members did that—so I thought that idea was interesting and should be considered more widely.

I have disagreed with some points that have been made, such as preventing younger people from driving at night. Where I come from in the north-east of Scotland—

**Mrs Main:** It is dark all the time.

**Stuart Blair Donaldson:** It is dark all the time—absolutely. In winter, it gets light after 8 o'clock in the morning and gets dark at about 4 o'clock in the afternoon. Not driving at night would be a real issue and prevent a lot of young people from working.

[*Stuart Blair Donaldson*]

The constituency that I represent, West Aberdeenshire and Kincardine, has the second highest number of road deaths in the UK, for which there are a number of reasons. Councils, the police, the fire service and the Scottish ambulance service in Grampian run a programme called “Safe Drive Stay Alive”. It has been going for 11 or 12 years; it was certainly on when I was at school. It brings local schools together and shows them a presentation that, to be honest, is pretty horrific. It has graphic images of car accidents, speeches from people who have lost loved ones and speeches from people who have been paralysed by car accidents.

The programme has a huge impact on young drivers, and to some extent I think it is effective in scaring young people into realising that, when they are learning to drive and when they pass their test, they are in charge of a machine that can quite easily kill somebody. It is important to emphasise that learning how to pass a test is not the same as learning how to drive; I am still learning how to drive to some extent.

**Huw Merriman:** I absolutely agree with the hon. Gentleman on curfews. The analysis seems to show that telematics companies that put curfew penalties in place were causing more dangerous driving, because young people were trying to get back in time. I applaud the move to give people hours on top—almost pay-as-you-go—as a reward for good driving, rather than curfews or things like that.

**Stuart Blair Donaldson:** The hon. Gentleman makes an important point. When I was at school, I had friends who were involved in serious car accidents, and somebody a couple of years above me was killed in a car accident. It is so important that, when educating young people, we strongly emphasise that driving is an incredibly important part of life, but that they need to take it seriously, be careful and show respect to other road users.

There are some other issues that do not pertain to young people. As one who comes from a rural area, I find Sunday drivers coming out to the country from Aberdeen incredibly frustrating. When people do not know how to drive on country roads it is incredibly dangerous; there can be really sharp bends, tractors or sheep on the roads. The issue is not all about young people; we need to look at this much more widely and consider all the options.

5.47 pm

**Richard Burden** (Birmingham, Northfield) (Lab): It is a pleasure to serve under your chairmanship, Sir Roger. I add my congratulations to the hon. Member for St Austell and Newquay (Steve Double), and I congratulate the Petitions Committee and the Transport Committee on their work in bringing the debate. I also congratulate all hon. Members on the contributions they have made.

The petition that gave rise to the debate raises so many important issues about the astronomical prices of car insurance premiums for 18 to 25-year-olds. Those premiums have been shooting up while wages have often stagnated for people in that age group and their overall cost of living has increased—a point made ably by the hon. Member for St Albans (Mrs Main).

The debate also takes place against a background of changes in the way many young people look at questions of their own personal mobility. The hon. Member for St Austell and Newquay mentioned driving being a “rite of passage”; I am not so sure that that is the case for all young people these days. Driving is one of a range of different options that they see for getting about, and looking at things in that way is not necessarily a bad thing; there are some journeys for which the use of a car is not the most appropriate. I guess that hefty insurance premiums are at least one of the factors that has encouraged some of those changes of attitude. That said, I am certainly not arguing that there is nothing to worry about.

As many hon. Members have said, the different options on how to get about are not equal everywhere; they are greater in urban areas than in rural ones. For many young people, access to a car is not only about the ability to have a social life—it can make the difference as to whether they can get to college or to a job. Indeed, if we look at the data map for this petition, we see that many of the 180,000 signatories were from outside major cities, with a particular concentration, interestingly, in the north-west of England. No doubt many of the signatories to the petition feel that they cannot overcome the huge barrier of big insurance premiums that prevents them from accessing a social life, employment and education.

The idea that it is easy to get about without a car in towns is sometimes overstated. It is often thought to be easiest in London. In many ways, that is true; many of us look with great envy at the state of public transport in the city. The way that buses are regulated and operate in London is something many of us aspire to. Who knows—if the Bus Services Bill finds its way through the House without amendment, we may get nearer to that situation. However, when the Petitions Committee and Transport Committee took oral evidence on this petition, they heard that many young people—even in London—feel they have to rely on cars to get to work. Some 22% of 17 to 34-year-olds travel to work in London by car and feel they need to do so.

It is right that we address this issue. The Petitions Committee and the Transport Committee heard some really interesting evidence from a whole range of quarters about the different ways in which it can be addressed. For example, the Wheels 2 Work scheme showed some really imaginative thinking about how young people’s personal mobility can be increased, often by the use of two-wheel transport—not simply bicycles, but electric bikes, motorcycles and scooters—as well as four-wheel transport. It is doing some imaginative work on that, to provide young people with access to that kind of mobility.

**Jo Churchill:** Although I agree with the hon. Gentleman and congratulate Wheels 2 Work on its excellent work, that project is quite sparse and gives wheels for only six months. One in six people say they need a car for an apprenticeship, which often lasts for two years, so the two things do not marry up. Although the project is good, it is not overly practical, particularly in rural areas.

**Richard Burden:** The hon. Lady is right. Indeed, one of the points that Wheels 2 Work made when it gave evidence was that if the project is going to make a major

difference, it needs a lot more backing so that it can both offer longevity of access to transport and reach different corners of the country. I simply raised it to say that such schemes are part of the picture and are things we need to think about.

The issue of prohibitively high insurance premiums for cars remains. A number of hon. Members today made important points about how, whether or not a cap on insurance premiums is the right way to go—the majority who mentioned it came out against—there is a need, at the very least, for greater transparency in the insurance industry about the way premiums are put together, the calculations that lead to different kinds of premium across different classes of driver and the impact of insurance premium taxes. We need that greater transparency at a policy level, but perhaps insurance companies and brokers should also think about it at the individual level, so that individual car owners and drivers can find out why a premium shot up from one year to the next and what increased risk was identified at that time.

Be that as it may, the insurance industry will still come back to the point—it has come up several times today, and rightly so—that, statistically, young drivers are much more likely to be involved in road incidents than those over the age of 25. As we know, the statistics are particularly stark among young men. There is, in truth, no silver bullet to tackle that issue. It needs to be tackled on a whole range of fronts and looked at in a rounded-out way. That is why many of us have felt for some time that there needs to be a proper Green Paper on young drivers and their safety, looking at the options for the future.

If we go back to March 2013, the headline of a Department for Transport press release stated:

“Government to overhaul young driver rules in bid to improve safety and cut insurance costs: Green paper on improving the safety and reducing risks to young drivers launched.”

Four years later, we are still waiting to see that Green Paper to explore the options for improving the safety of newly qualified drivers. We have never seen the result of that launch. At the end of that year, pursuant to a question I asked, the then Secretary of State for Transport explained that his Department was still

“wrestling with how to make things safer while not unduly restricting the freedom of our young people... We are finding this a difficult balance, with passionate voices on both sides. We will issue a paper when we have considered this further.”—[*Official Report*, 18 December 2013; Vol. 572, c. 629W.]

Four years on, despite calls from road safety campaigners and the insurance industry, the Government appear to have stopped considering the issue, and there is still no sign of that Green Paper on young drivers. If the Government really wish to do something about this critical concern, one of the core issues with the cost of car insurance for 18 to 25-year-olds, I ask the Minister again: is there going to be a Green Paper on the safety of young drivers? If so, when can we expect to see it? If not, why not? It seems an obvious thing that the Government should be doing.

What kind of thing could the Green Paper address? Telematics or in-car black boxes have come up several times in the debate. They can enable insurers to assess real-time data on an individual's driving behaviour and charge more accurate risk-based premiums. As we have heard, in some cases new drivers can see their premiums fall by a fifth or more as a result of telematics. Anything

that can enable responsible young drivers to be charged fairer prices for their insurance and bring down the number of road incidents has to be a good thing.

Black boxes are not, of course, necessarily a cost-free option. Nick Moger, the founder and chairman of Marmalade, a car insurance company specifically targeting young and learner drivers, explained in his written evidence to the joint Petitions and Transport Committee inquiry that black boxes are currently subject to VAT, which pushes up costs for insurers and young drivers. The question must arise of whether it is appropriate to remove VAT on technology that can prevent or at least reduce road incidents and save lives.

[MR PETER BONE *in the Chair*]

The other issue that comes up is of course that telematics can often be fitted most reliably to new cars—cars that young people are often unable to afford, unless, as the hon. Member for St Albans said, they have access to a well capitalised bank of mum and dad. Telematics as a solution, or at least as a contribution to a solution, to reduce insurance premiums is not necessarily one that is available equally to all new young drivers, so it could be part of the package but not the whole package.

This week, the Vehicle Technology and Aviation Bill is in Committee; it had its Second Reading a couple of weeks ago. A number of us are serving on the Committee and looking at the Bill. The Bill itself looks at other things that could have a major impact by, we hope, reducing the number of young people involved in incidents on our roads, making our roads safer and perhaps reducing the cost of premiums. The Bill looks at how the insurance treatment of automated vehicles could change in the future. We already know that the use of technology to assist drivers can have a big impact in promoting road safety and reducing the risk of incidents. I am thinking of things such as autonomous emergency braking and so on. However, we are now looking to a future that not only involves those driver assistance mechanisms, but in which the ability to be in a car and travel from A to B may not depend even on having a driving licence in the form that we know it. The car itself—the vehicle itself—could be doing the driving for some or all of the journey. That has huge potential to improve safety, but again it is really important that the insurance consequences are got right. The Bill looks at how that can be done, and it is hoped that, if the Bill gets it right, that could contribute to falling insurance premiums as safety increases through automated vehicles. If we get it wrong, it could be another way of insurance premiums rising.

There are other things that a Green Paper could address if the Government produced one. The question of graduated licensing has come up again today. That involves looking at how and when new drivers or young new drivers can drive, having passed their test. There could be restrictions on the times of day when they could do so or on the number of passengers they could have in the car with them. It is not an easy question, and there are real concerns about what it could lead to, such as unreasonable curfews on young drivers. What if a graduated licensing scheme leads to a young driver being forbidden to travel at night and they work in a bar in a rural area? The wrong sort of graduated licensing scheme could restrict opportunities and be quite unfair.

**Mrs Main:** The hon. Gentleman is making some excellent points. My other concern about that proposal is this. We encourage people to car share, but if, for example, students were forced to drive their own cars individually instead of getting into a car with a group of other students to go off to college for lectures or whatever they were going to do, we would be increasing the number of cars on the road, which in areas such as mine is the last thing anyone wants.

**Richard Burden:** The hon. Lady is right: all aspects of graduated licensing need to be considered. A menu of different kinds of graduated licensing could be brought in. I will say this, though. Although it is right to be aware of the drawbacks of the different kinds, it is also the case that, in a number of other countries, the introduction of different forms of graduated licensing has promoted road safety and reduced the prevalence of new drivers and, in particular, young drivers being involved in incidents. That is why many safety organisations, the insurance industry and, indeed, research from the Government's own Transport Research Laboratory have said that it needs to be considered seriously.

We are back to why we need a Green Paper. A Green Paper is just that. It is not a blueprint or a set of specific proposals; it is a discussion document that lays out the kinds of option that need to be looked at and the kinds of area where Government action may be necessary, and puts that out to consultation. Given that the insurance industry, road safety campaigners and so many others have been calling for this for years and given that the Government themselves felt in 2013 that producing a Green Paper was the right thing to do, I simply do not see why we are still waiting for one to be published.

On road safety, there have been important initiatives in relation to the practical driving test: the greater focus on independent driving, including the use of sat-nav, as well as time spent on high-speed roads other than motorways. Anything that allows examiners to make a better assessment of a candidate's ability to drive on all types of road is important. All those things should be able to reduce the number of casualties and collisions on our roads.

The hon. Member for St Austell and Newquay was right in one of the first things he said: all too often, the driving test tests a driver's ability to pass the test, rather than their ability to drive. That is why we can be much more imaginative about how the driving test is developed. Part of that goes back to whether graduated licensing could come into it. It also raises questions about whether speed awareness can be incorporated more into the process of learning to drive, and whether the concept of appropriate speed, as well as the concept of speed limits, could form part of it.

Of course, hon. Members have also been right to say that, beyond the question of the test itself and learning for the test, there can be all sorts of other initiatives in relation to early driving to promote the idea that, when a young person gets their provisional licence, that will not necessarily be the first time they have sat in the driving seat of a car and been able to get some experience. I was really interested to hear about the early drive courses that take place up in Duns and the involvement of John Cleland. It is interesting that they are taking place in Duns: Charterhall was of course the circuit where one of the most famous racing

drivers of all time, Jim Clark, learned his craft. I am absolutely convinced that that kind of early drive course can help.

At the other end of the scale is the "Safe Drive Stay Alive" initiative talked about by the hon. Member for West Aberdeenshire and Kincardine (Stuart Blair Donaldson), who speaks for the Scottish National party. I have seen the work of "Safe Drive Stay Alive" and the impact of the really graphic way in which it portrays what happens if we lose a loved one in a road incident—the impact that that can have on young people in schools. Again, it is right that we support something that can contribute to reducing the number of incidents.

This issue has to be tackled on so many different fronts. My hon. Friend the Member for Liverpool, Riverside (Mrs Ellman) was right to draw attention to the Transport Committee's work on enforcement, because part of the picture is ensuring that the regulations that we have are properly enforced. It is very difficult to reconcile proper enforcement, on which the Transport Committee has done some really important work, with the cuts in the number of traffic police; they have been cut by about one third outside London. If we want to make our roads safer, part of that is about the way we train our drivers, part of it is about the way they are examined and part of it is about the technology available in motor vehicles, but a vital part of it is how we enforce the laws that are there. Frankly, the cuts we have seen in traffic policing are incompatible with that.

Another thing that is part of the equation and that we need to bear in mind is the question of road safety targets. If I am right that the strategy we need to employ to make our roads safer involves different agencies—examiners, local authorities, the police, the insurance industry and many others—is it not time that we have shared responsibility for making our roads safer? In other parts of the world and international bodies that we are part of, road safety targets are seen as something should be supported. We used to have road safety targets in this country until they were abolished by the coalition Government. They played an important role in focusing minds, and contributed indirectly to the fall in the number of people killed or seriously injured as recorded in the casualty statistics that we had in this country—those statistics are now sadly starting to level-off and there are worrying signs that they are starting to go in the other direction.

This has been a constructive debate and some important points have been made. There is no silver bullet. In conclusion, the elements that could help to address the issues we have talked about today are as follows. In the insurance industry, we could see far greater transparency at both policy level and the individual level. On the governmental level, it is time we had a Green Paper on young drivers so that Government can have a rounded look at what is required. That could, and should, include the potential of telematics and graduated driver licensing for improving safety on our roads and reducing incidents among young people. It is important that we get the Vehicle Technology and Aviation Bill right to ensure that it leads to the reduction of premiums for automated vehicles, and not the opposite. It is important that we look imaginatively at improvements to the driving test and at ways of educating young drivers before they have their provisional licence and in post-test learning. We need to ensure that the right numbers of traffic police are there to enforce the laws we have, and it is time that

we brought back road safety targets so that we can have a vision for zero being killed or seriously injured on our roads. Other countries have piloted and pioneered “Vision Zero” and there is no reason why we should not have it as well. Bringing in road safety targets is a direct way in which we can contribute to a strategy for achieving that vision.

6.13 pm

**The Parliamentary Under-Secretary of State for Transport (Andrew Jones):** I thank and congratulate my hon. Friend the Member for St Austell and Newquay (Steve Double) for opening this debate on the important subject of the cost of car insurance for young people. I also thank all hon. Members for the very good debate we have had this afternoon.

I reassure hon. Members that we take the cost of car insurance for young people—indeed, for all motorists—very seriously. Ultimately, the issue is about road safety and recognising that many people lose their lives or are seriously injured on our roads each year and that behind each statistic there is a shattered life and a shattered family. This is not just about numbers, but about people.

I congratulate the original petitioner, Rhys Michael Parker, who described his own experience of finding motor insurance costly to obtain as a novice driver. I recognise that, like Mr Parker, many young people use their cars to access work, education, caring responsibilities or even just the fun of social activities.

I remember receiving my driving licence—that moment might be 33 years ago to the week for my hon. Friend, but it is almost 36 years ago to the week for me; I took a moment to work that out. Getting a driving licence is a fantastic moment of opportunity in someone’s life and that is why we are committed to bearing down on the cost of car insurance for young drivers. In order to do so, the Government have identified the root causes of high insurance premiums and they are addressing them, as I will discuss.

The first root cause is the alarming rate at which fraudulent, minor and exaggerated whiplash claims have increased in the UK. The scale of the problem is highlighted by the fact that 90% of recent personal injury claims relating to road traffic collisions were labelled as whiplash or soft tissue injuries to the neck and back. The magnitude of costs that insurers inherit from whiplash claims are then often passed on to their consumers through higher insurance premiums. To tackle the issue, we recently introduced the Prisons and Courts Bill to Parliament; it is having its Second Reading today and includes measures to cut fraudulent, minor and exaggerated whiplash claims. That will generate estimated savings to insurers of around £1 billion per year. In this debate, colleagues have said that savings are not always passed on. We expect insurers to fully pass those savings on to motorists through lower premiums. The point was well made by colleagues. I am pleased to inform the House that three leading insurers have already committed to do that.

I would now like to address another of the root causes: the high levels of risk associated with younger drivers. Colleagues have highlighted the well-known fact that younger drivers are over-represented in road collisions. Car drivers aged 17 to 24 are four times more likely to be killed or seriously injured compared with drivers aged 25 or over. That is a terrible statistic and we should not in any way be complacent about it. Higher

levels of risk associated with younger drivers have resulted in higher insurance premiums. While we do have some of the safest roads in the world in the UK, we are determined to make them safer; addressing the cost of car insurance is one additional factor spurring everybody on.

I have been asked about a Green Paper, but frankly it has been overtaken by events. We have no intention of publishing a Green Paper because we published the British road safety statement in December 2015. It included proposals aimed at younger drivers—indeed, all drivers—for making our roads safer, such as improving the safety of young and novice drivers both before and after they take their test. It includes our intention to commission a £2 million research programme to test the effectiveness of a range of technological solutions and educational and behavioural measures, including telematics, to improve the safety of young and novice drivers. Those interventions will be designed with careful consideration of behavioural change.

It might be helpful if I explain a bit more about how telematics policies work and play an important role in helping young drivers to access lower insurance premiums. Telematics is a key part of the future and I strongly support the expansion of telematics products in the marketplace. Telematics devices allow information on driving styles and behaviours—such as speed, braking, acceleration and where and when the vehicle is being driven—to be monitored and considered alongside the traditional risk factors that insurance companies consider, such as the driver’s age, to set premiums that are more tailored to the risk of the driver than traditional motor insurance policies.

We are seeing an increasing take-up of telematics. The technology is increasingly being chosen by young drivers as a way of ensuring that their premiums are lower. In March 2016, the British Insurance Brokers’ Association reported that there were 455,000 live telematics policies in the UK—up 40% in just two years. However, that needs to be put into the context of how many policies there are in the marketplace to show how much progress we need to make to encourage their wider use. We are not in any way complacent, but I recognise that young people benefit from telematics.

A number of organisations have lobbied me about the insurance premium tax rate exemption for young drivers with telematics policies. It is important to stress that IPT is a tax on the insurer, and there is no guarantee that it will be passed on to the customer. I also have to say that taxation is a matter for Treasury colleagues.

We are focusing our efforts on a number of other measures to ensure that younger people are fit and safe to drive. We encourage learners to do more on-road, pre-test practice and to practise in a wider range of conditions. As has been mentioned, we have recently consulted on allowing learner drivers on to motorways—with an approved driving instructor, of course—and we are analysing the results. That is very important given that people can go along at a low speed and then suddenly encounter what can be very difficult driving conditions. It can be pretty scary, although it is worth noting that the strategic road network in this country is the safest it has ever been.

We are ensuring that driving tests assess the skills needed for safe, independent driving and are raising standards across the driver and rider training industries. Importantly, we are looking at changing driving tests, which evolve continually. We have been trialling more

[Andrew Jones]

free-flow driving and using fewer set pieces. Notwithstanding the parking issue that my hon. Friend the Member for Bexhill and Battle (Huw Merriman) mentioned, we are looking to remove some set pieces so that people have more understanding and experience of free-flow driving and are more road-savvy. That will include taking instructions from a sat-nav during the test. We are trying to make the test more reactive to current technology and the benefits that it can bring.

We are also looking to identify innovative applications, such as augmented and virtual reality, to improve drivers' hazard perception—that is, the skills required to correctly assess a situation. That could mean using technology from the games industry to complement the existing on-road practice and the testing regime. We are always looking at finding ways to get people better prepared for the marvellous freedom ticket that is their licence.

**Richard Burden:** I agree that looking at ways in which the test can evolve and exposing the person taking the test to the greater range of experiences that they face when driving are important. However, could I take the Minister back to graduated licensing? A focus of the call for a Green Paper was that the pros and cons of graduated licensing need to be weighed up and a decision made. If the Minister has turned his face against the idea of a Green Paper, does that mean that the Government have completely rejected the possibility of looking at graduated driving licences, or are they still prepared to look at it, but want to do it differently?

**Andrew Jones:** We have been considering the idea of graduated driving licences but I am not inclined to support them, because we want to strike the right balance in respect of freedom for young drivers. As we have discussed, many people need their vehicles, particularly in rural areas; rather than imposing post-test restrictions on novice drivers, our efforts are all about improving driver training and testing so that people are better able to benefit from a driving licence.

I am not looking to introduce a graduated driving licence system in the UK. We have heard from colleagues how that might impact on people who live in darkness for part of the year as they perhaps seek to get to shift work early. All those factors have impacted on and led to our decision not to go down the route of a graduated driving licence.

**Mrs Ellman:** I note what the Minister said about the need for better training. Does that extend to training after people have passed their driving test?

**Andrew Jones:** Yes. I am very keen to encourage people to do more learning. We continually learn as drivers and get better continually at assessing risk. I highlight the Pass Plus scheme, which colleagues have mentioned. Pass Plus has six modules, which broaden the range of driving skills that people need. It covers driving in town, in all weathers, on rural roads, driving at night, driving on dual carriageways and driving on motorways. The Driver and Vehicle Standards Agency issues people with a certificate to say that they have been through the course. That can often be used to access lower insurance premiums, so yes, I entirely agree with the principle.

A number of factors demonstrate that we are committed to improving the safety of all road users and especially those who are at greater risk, such as young drivers. I very much like the road safety training highlighted by the hon. Member for Berwickshire, Roxburgh and Selkirk (Calum Kerr). I am aware of other schemes around the country. He offered me a visit—well, he lives in a very nice part of the world and I like the idea of visiting, so if he lets me know, that might be a possibility. To make a cheeky comment, I like finding ways to show that our two fine countries are stronger together. I am very keen to take ideas from all parts of the world, not just all parts of the UK, if they can make our roads safer. I am aware of comparable schemes—including in London, again with links into motorsport—that are all aimed at younger drivers, and I recognise the importance of those.

We are seeking to improve the safety of all road users and especially younger drivers, who are more vulnerable and at risk of being in a collision. Nine out of 10 road collisions have an element of human error, so if we can cut the amount of human error, it will have a huge impact on road safety. I therefore agree with the points made by the hon. Member for Birmingham, Northfield (Richard Burden) about the Vehicle Technology and Aviation Bill, which is an important Bill that we have to get right for the future. The benefits of connected and autonomous vehicles will be profound, but the set of changes is also profound. The Bill is in Committee now.

We are seeking to lower the risk by making progress in ensuring that people are better able to drive and, through that, they will pay less for their insurance premium. My hon. Friend the Member for Bexhill and Battle asked about the discount rate, which has to be considered in the pricing of insurance. I am aware that the recent change in the discount rate and the likely impact on the insurance industry were discussed in some depth in the evidence session last month. I am therefore keen to set out the Government's reasons for the change and a number of actions being taken as a priority.

The Ministry of Justice leads on this issue, but let me explain: the discount rate is used to convert a compensation award made to an injured person for future losses into a present value lump sum payment, which reflects the return that the person could expect to earn if investing the lump sum today. Last month, the Lord Chancellor notified the market of a change in the discount rate from 2.5% to minus 0.75%. She made it clear that the decision was made in accordance with national law, given her legal duty to consider only the impact on injured parties. The decision was made following a Ministry of Justice public consultation in 2012, the report of an expert panel in 2015 and the responses of statutory consultees, Her Majesty's Treasury and the Government Actuary. The review process has been lengthy and extremely thorough, reflecting the complexity of the subject matter and the importance that is placed on the decision.

We recognise that the change is likely to have an impact on the insurance industry, resulting in a knock-on effect on some consumers but I must stress that, under law, the Lord Chancellor cannot consider the impact on defendants such as the insurance industry, only the impact on the injured party. I also stress that any effect of the change in the discount rate on the cost of insurance premiums, including car insurance premiums for young drivers, is a matter for insurers to consider.

**Huw Merriman:** I am grateful to the Minister for clarifying that point. Does he agree that more could perhaps be done to incentivise the payment of compensation awards annually rather than as lump sums, so that the risk of return would effectively remain with the insurer, which would then pay out? My understanding is that the legal profession is keener on lump sums; I believe it is said that lump sums mean greater fees for lawyers. As a former lawyer, I cannot believe that any lawyer would be guilty of thinking of themselves in such an instance, but perhaps we could do more to encourage a move away from lump sum payments of compensation.

**Andrew Jones:** My hon. Friend makes an interesting point. Notwithstanding the element of fees in the legal profession, I would expect the insurance and legal professions to sit down and work that out for themselves. What is insurance for? The point of it is that it is collective pooled risk in case something bad happens in our lives. How that is met is for the insurance companies to work out. We have a competitive and innovative sector, which I am sure will be listening to this debate, including to my hon. Friend's suggestion.

As a Government, we remain determined to address any knock-on effect on consumers caused by the change, which is why we will launch a consultation before Easter to review the framework under which the new rate was set, to ensure that it remains fit for purpose. My right hon. Friend the Chancellor of the Exchequer chaired a roundtable late last month with representatives from the insurance industry to launch discussion on the consultation.

Colleagues have mentioned the importance of driving licences in rural areas due to the difficulty of accessing public transport mechanisms. I recognise that as someone whose constituency, although not rural, certainly has some rural parts. We must ensure that other forms of transport are viable alternatives to motorcars for young people, particularly in rural areas. It is not easy. We understand the importance of affordable, accessible transport and recognise the extra pressures placed on local authorities throughout the country to provide those services, particularly as the lower the population density, the harder it can be for local authorities to do so.

That is why, during the spending review period, my Department will provide more than £1.5 billion to local authorities through the integrated transport block, which will provide capital investment in small transport improvement projects. It will also provide significant road maintenance budgets, which relates to the point made by my hon. Friend the Member for St Albans (Mrs Main). If her constituency is like mine, she will receive more correspondence on potholes than on any other transport issue.

The integrated transport block investment scheme reflects the Government's belief that local authorities are best placed to decide where investment should go in response to the needs of local communities. It is a local decision to solve a local problem. There are numerous examples of Government-funded road transport schemes throughout the country, such as voluntary car schemes. We have mentioned the Wheels 2 Work scheme and how it could help, although it has its limitations, and we have a £25 million community minibus fund, to name a few initiatives. Such initiatives are helping young people to

access work, education and so on. The Government recognise the need for investment in alternative modes of transport, alongside a commitment to road safety and to bearing down on car insurance premiums for young drivers.

To return to some of the questions asked, my hon. Friend the Member for St Austell and Newquay mentioned the driving test and how it is evolving. I do not think the question is about making it harder. He might be interested to know that, according to the Driver and Vehicle Standards Agency, the first-time pass rate for the 2015-16 financial year was 47.5%. It is not that high. People are not looking at the driving test and thinking, "Easy; piece of cake." More people fail first time than pass. It is a question of making the driving test more realistic and improving training before they get to it and after, as we discussed previously.

**Steve Double:** I take the point that the Minister is making. I was saying not necessarily that I think that the test is too easy, but that people are coached to pass the test rather than taught to drive well. He is making a point about the test being more comprehensive; that is where we need to go.

**Andrew Jones:** My hon. Friend is absolutely right to clarify that he was not asking for the test to be made easier; that is absolutely correct.

Colleagues from Northern Ireland, who are no longer in their place, made contributions. This is an entirely devolved matter in Northern Ireland, and my responsibilities do not extend there.

We heard from colleagues about the insurance market and how benefits can be passed on. It is important that we see all the signs of a good, thriving, competitive market, including people shopping around and competition on price and service. We do see that, but we also see inertia. From April this year, changes to the Financial Conduct Authority rules will require insurers to disclose last year's premium to the policyholder at the point of renewal, which should incentivise shopping around. The randomised controlled trials certainly showed that that prompted up to 18% more people to switch provider or negotiate a lower premium. It would be wise of me to consider following that example, rather than trying to renew on the very last day, as I did this year, only to find an enormous hike in my premium, unlike the hon. Member for Berwickshire, Roxburgh and Selkirk.

The issue of targets has been raised; it is raised frequently. I have no desire to reintroduce targets. They can help in other countries, as they have helped in our past, but the Government's clear determination to make progress on road safety is evident in the road safety statement that we published, the initiative in the autumn statement to channel funding into the 50 least safe stretches of road in our country and the changes that we made to the penalties for mobile phone use, which came into effect this month. By the way, that is most important; we know that 60% of people killed or seriously injured in an incident involving a mobile phone are younger drivers. This is about cultural change, and we are seeking it with the penalty change.

I will not consider reintroducing targets. If targets were the right answer to policy, then policy making would become remarkably simple, which I do not think it is. Frankly—to make a political point, which has not

[Andrew Jones]

been done in this debate—if targets were the answer to everything, Gordon Brown would have left us a very well-governed country, which I do not think he did. Policy is a little more complicated than targets.

At the heart of this debate is the potential cap on insurance premiums. It is a long-standing principle that insurers set their premiums according to their assessment of the risks involved, notwithstanding my hon. Friends' point about gender.

**Mrs Main:** I am pleased that my hon. Friend mentioned that. Is there any opportunity for us to consider the gender directive? If we are truly interpreting risk, suddenly hiking premiums for young women seems unfair.

**Andrew Jones:** Not right now, but who knows where the future will take us? We have some idea, but the detail will still need to be filled in. Opportunities will certainly arise and that may well be one of them.

I want us to get to the point where individuals are assessed according to their risk and where the Government do all we can to de-risk driving and incentivise safe driving. Motor insurers use a wide range of criteria to assess the potential risk associated with a quotation, including the age and driving experience of the applicant, the type of vehicle and where it is kept. The level of premiums is a commercial matter for individual insurers, because they use their own funds to underwrite the policies they issue. It is critical that the insurance industry takes such decisions for itself; the Government should not seek to control that market. However, I confirm to all who signed the petition, and to Mr Parker, its originator, that I am extremely sympathetic to their point. I hope that the explanations of our actions that I have given demonstrate our commitment to making progress.

**Calum Kerr:** I realise that the Minister is probably reaching the end of his speech, but there is one thing that I would like to ask him. I do not doubt the sincerity of his desire to improve the situation. Does he see a role for the Government—I appreciate that it would not be his Department—in introducing more formal qualifications to the school curriculum that could help to improve skills and create the outcome that we all desire?

**Andrew Jones:** It is important to capture people young and to instil road savviness among younger people. The hon. Member for West Aberdeenshire and Kincardine (Stuart Blair Donaldson) mentioned doing his cycling proficiency test at primary school. That scheme is now called Bikeability—we have Bikeability Plus, too—and it is thriving. We have protected its budget throughout this Parliament because it plays a critical role. The education of younger people in this area is important in making progress.

We have had a very positive debate. I am grateful to my hon. Friend the Member for St Austell and Newquay for introducing it, and to all hon. Members for their contributions to our stimulating discussion. I recognise that the cost of car insurance is important to young people. We are tackling fraudulent whiplash claims and making our roads safer for all drivers, including younger drivers. The motor market, including the motor insurance market, is among the most competitive markets in the UK. I trust that the insurers themselves have strong incentives to innovate and to deliver products targeted at younger drivers at a price that they can afford.

We are not at all complacent about this. We will continue to look at what we can do to address the cost of car insurance for younger drivers head on. It is right to tackle the issue by reducing risk. The Government are doing what we can to help our younger people to get about and get on.

6.42 pm

**Steve Double:** I thank all hon. Members for their contributions to this very positive and constructive debate. I again thank Rhys Parker and all those who signed the petition for bringing the matter before us today.

Let me summarise by mentioning some highlights of the debate. I was encouraged to hear a number of hon. Members say that this is a matter of social mobility and that there is a real need to help young people to be able to afford to drive, because of the benefits it brings. I was also very pleased by the number of Members who highlighted the importance of this matter in rural areas, because not being able to afford to drive affects young people in rural areas most severely. We need insurance companies to treat young people fairly. There is a case for greater transparency in the premiums charged to young drivers, and for companies to behave more responsibly.

As the Minister said, what we all want to see is young people being kept safe on the roads. We want them to be able to drive and to have access to insurance that they can afford, but we want that to happen in a way that keeps them safe and that sees the number of tragic accidents among young people reduced. I was encouraged by the Minister's response and I encourage him to continue to keep the issues, particularly the driving test, under review. It has been a positive debate and I thank all Members who contributed.

*Question put and agreed to.*

*Resolved,*

That this House has considered e-petition 166847 relating to the cost of car insurance for young people.

6.44 pm

*Sitting adjourned.*



# Written Statements

*Monday 20 March 2017*

## TREASURY

### ECOFIN: 21 March 2017

#### **The Chief Secretary to the Treasury (Mr David Gauke):**

A meeting of the Economic and Financial Affairs Council (ECOFIN) will be held in Brussels on 21 March 2017. EU Finance Ministers will discuss the following items:

#### *Early morning session*

The Eurogroup president will brief Ministers on the outcomes of the 20 March meeting of the Eurogroup. Ministers will discuss the current economic situation. The European Commission will present its review of national provisions adopted in compliance with the treaty on stability, co-ordination and governance in the economic and monetary union (the fiscal compact) conducted in accordance with Article 8 of the fiscal compact, followed by an exchange of views by Ministers.

#### *Reduced VAT rate for electronically supplied publications (e-publications)*

Ministers will discuss political issues in relation to the proposal for a Council directive regarding rates of value added tax applied to books, newspapers and periodicals. The proposal would give member states the ability to apply a reduced or zero VAT rate to e-publications and physical publications.

#### *General reverse charge mechanism*

Ministers will discuss the political issues in relation to the general reverse charge mechanism (GRCM). This is a proposal for an amendment to Council directive 2006/112/ on the common system of value added tax to allow the temporary application of a GRCM to supplies of goods and services above a certain threshold, with the aim of combating VAT fraud.

#### *Current financial service legislative proposals*

The Council presidency will provide an update on current legislative proposals in the field of financial services.

#### *European Semester 2017:*

##### *a) 2017 country reports and in-depth reviews*

##### *b) Implementation of country-specific recommendations (CSRs)*

Following a presentation by the Commission, Ministers will discuss the country reports published by the Commission on 22 February, including the assessment of CSR implementation and, where relevant, the framework of the macroeconomic imbalance procedure.

#### *Follow-up to the G20 meeting of Finance Ministers and Central Bank governors on 17 to 18 March 2017 in Baden-Baden*

The presidency and the Commission will inform Ministers on the outcomes of the G20 meeting.

#### *Any other business*

##### *a) European defence fund*

The Commission will inform Ministers about the Commission's European defence action plan, focusing in particular on the launch of a European defence fund. This item was delayed from February ECOFIN.

##### *b) Status of implementation of financial services legislation*

The Commission will inform Ministers on the status of implementation of financial services legislation.

[HCWS546]

## WALES

### UK Regional Investment

**The Secretary of State for Wales (Alun Cairns):** In March 2016, the Government committed to begin discussions on a city deal for the Swansea Bay city region. I can today inform the House that the Government have reached agreement with the Welsh Government and the four local authorities on a heads of terms city deal for the Swansea Bay city region which will create in excess of 9,000 jobs and bring almost £1.3 billion of investment to the region.

The heads of terms agreement paves the way for major infrastructure investment in the region, which seeks to support and further build on the area's strengths including health, energy and manufacturing. The deal will help boost economic growth in the region by attracting new investors, giving local business the support they need to grow and increasing the available skills base.

The deal will deliver almost £1.3 billion of investment to the region. Central to this is £115.6 million from the UK Government and £125.4 million from the Welsh Government. Alongside local public sector funding this is projected to attract £637 million from the private sector. This funding package will be provided over a 15 year period, subject to the submission of detailed business cases.

The UK Government's contribution to the fund will support investment in digital infrastructure and next generation technology, allowing the area to compete with some of the world's best cities. It will also support a partnership with Tata Steel to establish an innovation and knowledge centre for steel which will focus on zero carbon steel making and the future sustainability of the industry.

[HCWS545]

## WORK AND PENSIONS

### Pension Schemes Bill

**The Parliamentary Under-Secretary of State for Pensions (Richard Harrington):** Today I will deposit in the House Libraries a memorandum on the application of Standing Order No.83L of the House of Commons Relating to Public Business to the Pension Schemes Bill, as amended. This memorandum sets out that there has been no material amendment at Commons Committee, i.e. the outcomes of the analysis remain precisely the same as on introduction.

[HCWS544]



# Petition

Monday 20 March 2017

## OBSERVATIONS

### WORK AND PENSIONS

#### Implementation of the 1995 and 2011 Pension Acts

*The petition of residents of Blaenau Gwent,*

Declares that as a result of the way in which the 1995 Pension Act and the 2011 Pension Act were implemented, women born in the 1950s (on or after 6 April 1951) have unfairly borne the burden of the increase to the State Pension Age; further that hundreds of thousands of women have had significant changes imposed on them with little or no personal notice; further that implementation took place faster than promised; further that this gave no time to make alternative pension plans; and further that retirement plans have been shattered with devastating consequences.

The petitioners therefore request that the House of Commons urges the Government to make fair transitional arrangements for all women born in the 1950s (on or after 6 April 1951) who have unfairly borne the burden of the increase to the State Pension Age.

And the petitioners remain, etc.—[Presented by Mr Andrew Smith, *Official Report*, 15 March 2017; Vol. 623, c. 494.] [P002027]

*The petition of residents of Stone,*

Declares that as a result of the way in which the 1995 Pension Act and the 2011 Pension Act were implemented, women born in the 1950s (on or after 6 April 1951) have unfairly borne the burden of the increase to the State Pension Age; further that hundreds of thousands of women have had significant changes imposed on them with little or no personal notice; further that implementation took place faster than promised; further that this gave no time to make alternative pension plans; and further that retirement plans have been shattered with devastating consequences.

The petitioners therefore request that the House of Commons urges the Government to make fair transitional arrangements for all women born in the 1950s (on or after 6 April 1951) who have unfairly borne the burden of the increase to the State Pension Age.

And the petitioners remain, etc.—[Presented by Sir William Cash, *Official Report*, 15 March 2017; Vol. 623, c. 495.] [P002028]

*Observations from the Secretary of State for Work and Pensions (Damian Green):*

The pension system, along with the whole welfare system, needs to change to reflect the reality of today. In recent decades we have been living longer, and are able to work for longer as we become healthier.

The equalisation and acceleration of State Pension age for both men and women was necessary to ensure the system's sustainability in light of increasing life expectancy and increasing pressure on public resources, and the package now in place is balanced and affordable.

The changes to the State Pension age began with the gradual equalisation of State Pension age at 65 for both men and women, which was first set out in the Pensions Act 1995. This was necessary to meet the UK's obligations under EU law to eliminate gender inequalities in social security provision.

The increase of the State Pension age to 66 was set out in the Pensions Act 2007 and due to increasing life expectancy the Pensions Act 2011 accelerated this process to allow for a rise to 66 by 2020 for both genders and provided for the equalisation of the State Pension age to 65 by November 2018.

During the 2011 Pensions Act the Government made a concession which slowed down the increase of the state pension age for women so no one would face an increase of more than 18 months compared to the increase as part of the Pensions Act 1995. Transitional arrangements at a cost of £1.1 billion were made in order to lessen the impact of these changes for those worst affected, and for 81% of these women the increase will be no more than 12 months. This concession benefited almost a quarter of a million women who would otherwise have experienced delays of up to two years.

Reversing the 1995 Act would be unaffordable—costing a minimum estimate of £77 billion. Without equalisation, and in 2010, women would spend on average 41% of their lives in retirement with a State Pension age of 60.

These changes were fully debated and voted on in 2011 when legislation was before Parliament, and all those affected by increases in State Pension age by the 2011 Act were written to in the period between January 2012 and November 2013.

The Department for Work and Pensions provided a range of additional information in order for all individuals to find out their State Pension age and the conditions of their benefits.

Since April 2000, the Department has provided more than 14 million personalised State Pension estimates to people who requested them either online, via telephone or post, and encourages people to request these State Pension estimates as part of on going communications.

In addition, employment maximises people's opportunities to build up savings, helps to maintain social networks, and is beneficial to health provided the employment takes into account the person's broader circumstances. For most people work is beneficial not only because it provides an income, but also because it gives individuals greater control over their own lives. Independent analysis by the Institute for Fiscal Studies has shown that the rise in women's State Pension age since 2010 has been accompanied by increases in employment rates for the women affected.

For those who struggle to find employment and where people need it, there is a safety net in place through the welfare system.

Supporting individuals aged 50 years and over to remain in the labour market and tackling the barriers to them doing so is a key priority for this Government. By the mid-2030s the number of individuals aged 50 and over will represent over half of the UK adult population and employers increasingly need to employ and retain the skills and experience of older workers. To support these individuals the Default Retirement Age was abolished, so individuals can retire when it is right for them, and the right to request flexible working was extended.

This Government are deeply committed to ensuring that employers are aware of the wealth of skills and experience that older workers bring to the workplace, and on 4 October the Government announced the appointment of the Business in the Community Age at Work leadership team led by Andy Briggs, CEO of Aviva UK and Ireland Life, as Business Champion for Older Workers. Mr Briggs and this team of employers will spearhead the Government's work to support employers to retain, retrain, and recruit older workers.

Jobcentre Plus Work Coaches have the flexibility to offer all claimants, including older people, a comprehensive menu of help which includes skills provision and job search support. Work Coaches undertake extensive training before taking up the post, and build up a wide range of skills and in-depth labour market knowledge. Additional training modules are available for Work Coaches when they deal with older claimants to support them more effectively and in understanding the challenges older claimants face.

Older Claimant Champions were introduced, in April 2015, in the seven Jobcentre Plus Regional Groups to tackle the barriers faced by older claimants in getting back to work. Older Claimant Champions work with Jobcentre Work Coaches—and other staff—to emphasise the importance of supporting older claimants, share best practice and challenge out-of-date perceptions to support this group of people.

Where there are health conditions or disabilities, the Department has published the Work, Health and Disability Green Paper which looks at ways of better joining up the health, welfare and employment systems to support those seeking work as well as those in work. A Carers in

Employment pilot has been established across nine Local Authorities to explore how businesses can give employees with caring responsibilities more help, for example promoting flexible working patterns and setting up carers surgeries to help carers manage their caring responsibilities alongside their paid work.

In addition to increasing employment prospects for women above the age of 60, this Government have introduced the New State Pension. The system in place for people who reached their State Pension age before 6 April 2016 was extremely complex and the new State Pension brings greater clarity by helping people to understand their State Pension more easily. It is also much more generous for many women who have been historically worse off under the old system. On average, women reaching State Pension age last year get a higher state pension over their lifetimes than women who reached State Pension age at any point before them, even when the acceleration of State Pension age is taken into account. And, by 2030, over 3 million women stand to gain an average of £550 extra per year as a result of these changes.

The New State Pension works hand in hand with Automatic Enrolment, enabling many more people to save in a workplace pension. And, combined with reviews of the State Pension age, these measures are designed to form the main elements of a sustainable basis of retirement income in the decades to come.

The Government have already made transitional arrangements for those most affected by changes to their State Pension age and introducing further concessions cannot be justified given the imperative to focus public resources on helping those most in need.



## Ministerial Correction

Monday 20 March 2017

### EDUCATION

#### Apprentices: Financial Support

*The following is an extract from the response to the hon. Member for Luton North (Kelvin Hopkins) during the Westminster Hall debate on financial support for apprenticeships by the Minister for Apprenticeships and Skills on 8 March 2017.*

**Robert Halfon:** The hon. Member for Luton North said we were not resourcing apprenticeships, but I take issue with him on that. By 2020 apprenticeship spending will have increased to £2.5 billion, almost double what it was in 2015.

*[Official Report, 8 March 2017, Vol. 622, c. 312WH.]*

*Letter of correction from Robert Halfon:*

An error has been identified in the response I gave to the hon. Member for Luton North (Kelvin Hopkins) during the debate.

The correct response should have been:

**Robert Halfon:** The hon. Member for Luton North said we were not resourcing apprenticeships, but I take issue with him on that. By 2020 apprenticeship spending will have increased to £2.5 billion, almost double what it was in **2010**.

# ORAL ANSWERS

Monday 20 March 2017

	<i>Col. No.</i>		<i>Col. No.</i>
<b>EDUCATION</b> .....	619	<b>EDUCATION—continued</b>	
Apprenticeship Places .....	635	Pupils from Disadvantaged Backgrounds .....	629
Apprenticeship Programmes .....	626	School Exclusions .....	634
Freedom of Speech: Student Campuses .....	634	School Funding: Chelmsford .....	619
Further Education .....	635	School Funding Formula .....	631
Maintenance Loans .....	621	Selective Secondary Education.....	627
Mental Wellbeing .....	623	Social Mobility: School/University Students.....	633
Priority School Building Programme 2 .....	624	Topical Questions .....	636

# WRITTEN STATEMENTS

Monday 20 March 2017

	<i>Col. No.</i>		<i>Col. No.</i>
<b>TREASURY</b> .....	21WS	<b>WORK AND PENSIONS</b> .....	22WS
ECOFIN: 21 March 2017.....	21WS	Pension Schemes Bill.....	22WS
<b>WALES</b> .....	22WS		
UK Regional Investment .....	22WS		

# PETITION

Monday 20 March 2017

	<i>Col. No.</i>	<i>Col. No.</i>
<b>WORK AND PENSIONS</b> .....	5P	
Implementation of the 1995 and 2011 Pension Acts .....	5P	

# MINISTERIAL CORRECTION

Monday 20 March 2017

	<i>Col. No.</i>
<b>EDUCATION</b> .....	9MC
Apprentices: Financial Support .....	9MC

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

**not later than  
Monday 27 March 2017**

STRICT ADHERENCE TO THIS ARRANGEMENT GREATLY FACILITATES THE  
PROMPT PUBLICATION OF BOUND VOLUMES

Members may obtain excerpts of their speeches from the Official Report (within one month from the date of publication), by applying to the Editor of the Official Report, House of Commons.

---

**CONTENTS**

**Monday 20 March 2017**

**Oral Answers to Questions [Col. 619] [see index inside back page]**  
*Secretary of State for Education*

**Advisory Committee on Business Appointments/Ministerial Code [Col. 641]**  
*Answer to urgent question—(Ben Gummer)*

**Non-consensual Sex Exemption (Tax Credits) [Col. 654]**  
*Application for emergency debate under Standing Order No. 24*

**Prisons and Courts Bill [Col. 656]**  
*Motion for Second Reading—(Elizabeth Truss)—agreed to*  
*Read a Second time*  
*Programme motion—(Guy Opperman)—agreed to*  
*Money Resolution—(Guy Opperman)—agreed to*  
*Carry-over motion—(Guy Opperman)—agreed to*

**Income Tax [Col. 743]**  
*Motion—(Guy Opperman)—on a Division, agreed to*

**Universal Credit: Highlands [Col. 745]**  
*Debate on motion for Adjournment*

**Westminster Hall**  
**Car Insurance: Young People [Col. 221WH]**  
*Debate on motion for Adjournment*

**Written Statements [Col. 21WS]**

**Petition [Col. 5P]**  
*Observations*

**Ministerial Correction [Col. 9MC]**

**Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]**

---