

**Friday  
27 April 2018**

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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Friday 27 April 2018**

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# House of Commons

Friday 27 April 2018

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

## PRAYERS

*The Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).*

**Philip Davies (Shipley) (Con):** I beg to move, That the House sit in private.

*Question put forthwith (Standing Order No. 163).*

*The House proceeded to a Division.*

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I ask the Serjeant at Arms to investigate the delay in the No Lobby.

*The House having divided: Ayes 2, Noes 69.*

**Division No. 141]**

**[9.34 am**

## AYES

Fitzpatrick, Jim  
Grady, Patrick

**Tellers for the Ayes:**  
Gareth Johnson and  
David Morris

## NOES

Argar, Edward  
Baldwin, Harriett  
Bebb, Guto  
Bradley, rh Karen  
Brennan, Kevin  
Bruce, Fiona  
Bryant, Chris  
Cartledge, James  
Chalk, Alex  
Charalambous, Bambos  
Courts, Robert  
Crabb, rh Stephen  
Cryer, John  
Cummins, Judith  
Cunningham, Mr Jim  
Donelan, Michelle  
Dowden, Oliver  
Eagle, Maria  
Eustice, George  
Field, rh Mark  
Foster, Kevin  
Foxcroft, Vicky  
Ghani, Ms Nusrat  
Grogan, John  
Gyimah, Mr Sam  
Haigh, Louise  
Heapey, James  
Heaton-Harris, Chris  
Hillier, Meg  
Hollobone, Mr Philip  
Huddleston, Nigel  
Huq, Dr Rupa  
Hurd, rh Mr Nick  
James, Margot  
Knight, Julian  
Laird, Lesley  
Lynch, Holly

Mahmood, Mr Khalid  
McMahon, Jim  
Newton, Sarah  
Peacock, Stephanie  
Philp, Chris  
Pidcock, Laura  
Pincher, Christopher  
Pursglove, Tom  
Quin, Jeremy  
Rayner, Angela  
Rees-Mogg, Mr Jacob  
Reeves, Ellie  
Reynolds, Jonathan  
Smith, Cat  
Smith, Henry  
Smith, Laura  
Smith, Nick  
Stevens, Jo  
Stewart, Rory  
Stride, rh Mel  
Stuart, Graham  
Tami, Mark  
Thomas-Symonds, Nick  
Throup, Maggie  
Tolhurst, Kelly  
Tomlinson, Michael  
Tracey, Craig  
Walker, Mr Robin  
Warburton, David  
Wilson, Phil  
Wright, rh Jeremy  
Yasin, Mohammad

**Tellers for the Noes:**  
Wendy Morton and  
Rebecca Harris

*Question accordingly negated.*

# Assaults on Emergency Workers (Offences) Bill

*Consideration of Bill, as amended in the Public Bill Committee.*

## New Clause 1

### ASSAULTS ON POLICE CONSTABLES

“In section 89(1) of the Police Act 1996, leave out from ‘offence’ to end of subsection (1) and insert—

‘and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.”—(*Philip Davies.*)

*This new clause would make assaults specifically on police constables carry the same penalty as the new offence and not just the six months currently available to courts.*

*Brought up, and read the First time.*

9.50 am

**Philip Davies (Shipley) (Con):** I beg to move, That the clause be read a Second time.

**Mr Deputy Speaker (Sir Lindsay Hoyle):** With this it will be convenient to discuss the following:

New clause 2—*Assaults on police constables (No. 2)*—

“In section 89(1) of the Police Act 1996, leave out from ‘offence’ to end of subsection (1) and insert—

‘and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 24 months, or to a fine, or to both.”

*This new clause would make assaults specifically on police constables carry greater penalties than are currently available to match the new offence and also to ensure that Crown courts have greater powers of sentence for the offence than magistrates’ courts.*

New clause 4—*Assaults in prison*—

“In section 243A of the Criminal Justice Act 2003, after subsection (2) insert—

‘(2A) Subsection (2) does not apply if the prisoner has assaulted any person listed in Section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.’”

*This new clause would mean that a prisoner serving a sentence of less than 12 months who assaulted an emergency worker during that sentence would not be eligible for automatic release.*

New clause 5—*Assaults in prison (No. 2)*—

“In section 244 of the Criminal Justice Act 2003, after subsection (1A) insert—

‘(1B) Subsection (1) does not apply if the prisoner has assaulted any person listed in Section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.’”

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted an emergency worker during that sentence would not be eligible for automatic release.*

New clause 6—*Assaults in prison (No. 3)*—

“In section 246 of the Criminal Justice Act 2003, after subsection (4)(i) insert—

[Mr Deputy Speaker]

“(j) the prisoner has assaulted any person listed in Section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.”

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted an emergency worker during that sentence would not be eligible for early release.*

**New clause 8—Assaults in prison (No. 5)—**

“In section 247 of the Criminal Justice Act 2003, after subsection (2) insert—

“(3) Subsection (2) does not apply if the prisoner has assaulted any person listed in section 3 of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.”

*This new clause would mean that a prisoner serving an extended sentence under sections 227 and 228 of the Criminal Justice Act 2003 who assaulted an emergency worker during that sentence would not be eligible for automatic release after the requisite period.*

**New clause 9—Assaults in prison (No. 6)—**

“In section 243A of the Criminal Justice Act 2003, after subsection (2) insert—

“(2A) Subsection (2) does not apply if the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.”

*This new clause would mean that a prisoner serving a sentence of less than 12 months who assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for automatic release.*

**New clause 10—Assaults in prison (No. 7)—**

“In section 244 of the Criminal Justice Act 2003, after subsection (1A) insert—

“(1B) Subsection (1) does not apply if the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.”

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for automatic release.*

**New clause 11—Assaults in prison (No. 8)—**

“In section 246 of the Criminal Justice Act 2003, after subsection (4)(i) insert—

“(j) the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.”

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for early release.*

**New clause 13—Assaults in prison (No. 10)—**

“In section 247 of the Criminal Justice Act 2003, after subsection (2) insert—

“(3) Subsection (2) does not apply if the prisoner has assaulted any person listed in section 3(d), (e) or (f) of the Assaults on Emergency Workers (Offences) Act 2018 during the course of their sentence.”

*This new clause would mean that a prisoner serving an extended sentence under sections 227 and 228 of the Criminal Justice Act 2003 who assaulted a prison officer or anyone carrying out the same functions as a prison officer or a prison custody officer during that sentence would not be eligible for automatic release after the requisite period.*

**New clause 14—Assaults in prison (No. 11)—**

“In section 243A of the Criminal Justice Act 2003, after subsection (2) insert—

“(2A) Subsection (2) does not apply if the prisoner has assaulted a prison officer during the course of their sentence.”

*This new clause would mean that a prisoner serving a sentence of less than 12 months who assaulted a prison officer during that sentence would not be eligible for automatic release.*

**New clause 15—Assaults in prison (No. 12)—**

“In section 244 of the Criminal Justice Act 2003, after subsection (1A) insert—

“(1B) Subsection (1) does not apply if the prisoner has assaulted a prison officer during the course of their sentence.”

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted a prison officer during that sentence would not be eligible for automatic release.*

**New clause 16—Assaults in prison (No. 13)—**

“In section 246 of the Criminal Justice Act 2003, after subsection (4)(i) insert—

“(j) the prisoner has assaulted a prison officer during the course of their sentence.”

*This new clause would mean that a prisoner serving a fixed term sentence of more than 12 months who assaulted a prison officer during that sentence would not be eligible for early release.*

**New clause 18—Assaults in prison (No. 15)—**

“In section 247 of the Criminal Justice Act 2003, after subsection (2) insert—

“(3) Subsection (2) does not apply if the prisoner has assaulted a prison officer during the course of their sentence.”

*This new clause would mean that a prisoner serving an extended sentence under sections 227 and 228 of the Criminal Justice Act 2003 who assaulted a prison during that sentence would not be eligible for automatic release after the requisite period.*

**Amendment 2, in clause 1, page 1, line 3, after “battery” insert “including spitting”.**

*This makes explicit that this section applies to incidents of assault or battery that are spitting.*

**Amendment 9, page 1, line 10, leave out “12” and insert “24”.**

*This amendment would increase the sentence for the new offence from 12 to 24 months in Crown courts to allow for longer sentences and to ensure Crown courts have greater powers of sentence for the offence than magistrates’ courts.*

**Amendment 3, in clause 2, page 2, line 39, at end insert—**

“(aa) an offence under section 3 (sexual assault) of the Sexual Offences Act 2003”.

*This causes the fact that the victim was an emergency worker to be an aggravating factor in cases of sexual assault.*

**Philip Davies:** I am delighted to support the Bill today—a Bill that I have supported from the outset. I am pleased to be one of its sponsors. May I start by congratulating the hon. Member for Rhondda (Chris Bryant) on getting his Bill to this point and on using his customary charm to do so? I also congratulate the hon. Member for Halifax (Holly Lynch), who has played an invaluable role in supporting the hon. Gentleman in getting the Bill to where it is today. As we all know, she is a doughty supporter of the police, and I know that they appreciate her support greatly. While I am at it, may I thank the Minister, who has played a crucial role in ensuring that the Bill has got to this stage? We are all very grateful for the constructive way in which Ministers have engaged with the process.

My amendments begin with new clauses 1 and 2. I have quite a few to go through, but I will rattle through them as quickly as possible. [HON. MEMBERS: “Hear, hear.”] Well, everything is relative. I will also ensure that I do my amendments justice.

New clause 1 would make assaults on police constables carry the same penalty as the new offence in the Bill, not just the six months currently available to the courts. New clause 2, which I will discuss together with new clause 1, would make assaults on police constables carry a greater penalty than the new offence and ensure that Crown courts had greater powers of sentencing for the offence than magistrates courts. The two new clauses are alternatives—people may consider which one they think would do the job. I would be perfectly content with either.

In an ideal world, I would like to see the highest sentences possible given for offences against the police. Assaulting a police officer is currently a summary only offence that cannot usually be dealt with by the Crown court, and certainly no more than a six-month sentence can be given. I appreciate that assaults against police officers can be charged as other non-police offences of violence, but that is another story. It is relevant to the new clauses, but not something I want to dwell on. I believe that if we have an offence of assault against a police officer, it should attract a robust sentence, because in reality a lot of assaults against the police will be charged in this way.

I have been helpfully informed by the West Yorkshire Police Federation of the number of such assaults in West Yorkshire. Perhaps, in passing, I might praise Nick Smart from the West Yorkshire Police Federation, who does a fantastic job of representing the interests of his members. He is absolutely first class and has done a brilliant job in helping with this Bill. He gave me the Home Office figures that had been collated for April 2016 to March 2017, which showed that there were 1,240 recorded assaults on West Yorkshire police officers in one year. Those figures are not deemed 100% accurate, but they certainly give an idea of the number of assaults going on. The West Yorkshire police figures, based on recorded crime, show that there were 1,729 recorded assaults on police officers from April 2017 to March 2018.

I am sure everybody would appreciate that those are very high figures. They mean that nearly five West Yorkshire police officers are assaulted every day. To me, that is completely and utterly unacceptable, and it is one reason why the Bill is so worthy and important.

**Mark Tami** (Alyn and Deeside) (Lab): The hon. Gentleman talks about recorded cases, but does he accept that in their normal line of duty, there is an acceptance that police officers are roughed up and pushed around? Much of that is not even taken into account.

**Philip Davies:** The hon. Gentleman is absolutely right. The official figures and the recorded figures are likely to be the tip of an iceberg. Many instances will go unreported and unrecorded. Even though the figures are extremely high, they almost certainly understate the issue.

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): Are the five assaults a day generally carried out by five separate people or by the same people? If the Bill comes

into law and the people committing the offences are imprisoned, will that be a relatively small number of frequent offenders or a large number of people who have done it once?

**Philip Davies:** As always, my hon. Friend raises a very good point. I hope later to deal with part of that issue, because there are persistent offenders who assault police officers time and time again. Even when they are found to have done it time and time again, the sentences that are imposed can be derisory. If there is more robust sentencing, it is blindingly obvious that the more criminals there are behind bars, the fewer criminals there are out on the streets committing crimes. That would certainly apply here. The more of these characters we can send to prison, the less chance there will be of police officers being assaulted. My hon. Friend makes a pertinent point.

New clause 1 mirrors the Bill with 12-month sentencing powers in magistrates courts and Crown courts. Of course, magistrates do not yet have 12-month sentencing powers for one offence. In reality, they would be left with just the six months they have now. I hope that one day that will change so that magistrates can sentence people to up to 12 months for all the offences we are talking about today.

I say to the Minister that we have promised magistrates for many years that we will increase their sentencing powers to 12 months. The law has been passed; it just has not been brought into effect. The Government have promised magistrates those extra powers for many years, and the Select Committee on Justice has reported on that and said that it should be done straight away. It would certainly help in relation to this Bill. I hope the Minister will reflect on the fact that we need to give magistrates those additional sentencing powers, not least because it is much cheaper to prosecute offences in the magistrates court than to take them to the Crown court.

**Jim Fitzpatrick** (Poplar and Limehouse) (Lab): I seek a small clarification. When the hon. Gentleman says that “we” have promised magistrates an extension of their sentencing powers for some time, does he mean we the Conservative party, we the Conservative Government, we the coalition Government or we collectively as a Parliament?

**Philip Davies:** All of the above. Labour introduced this power in legislation, but did not enforce it. The Conservative party has promised it in manifestos and still has not delivered. The previous Prime Minister, David Cameron, promised it to the Magistrates Association personally and still did not deliver it. I hope that at some point somebody, whichever side of the House they are on, keeps the promise they have made to magistrates, because both parties are guilty of promising something and not delivering it.

New clause 2 would—

**Kevin Foster** (Torbay) (Con): Before my hon. Friend moves on to new clause 2, I want to raise a query about new clause 1. My reading of the Bill, particularly clause 3, is that it would cover an assault on a police officer. Does he not believe that prosecutors would look to charge under this Bill? Why is it necessary to amend the old legislation if the Bill will be available to a prosecutor in an appropriate case?



**Philip Davies:** Because the Police Act 1996 will still be on the statute book, so it will still be possible for people to be prosecuted under that Act. All that I am asking for is a common-sense new clause to even up the law. If we got this Bill, which says that the sentence should be up to 12 months, in statute, why on earth would we keep in law an Act that says that the maximum sentence for assaulting a police officer is six months? It makes no sense at all. My new clause would simply ensure that the law is tidied up. It is an inevitable consequence of passing this Bill, and I would hope that it is not particularly controversial, because it is simply about ensuring that the law is sensible. Otherwise we would have two separate laws, both supposedly dealing with the same thing and carrying different maximum sentences, which is the sort of thing that brings the law into disrepute.

10 am

New clause 2 would again mirror the sentencing already in the Bill, but it would also take into account amendment 9, which I will come to later, and its purpose is to increase the sentence available in a Crown court to up to two years. The Police Federation agrees with me that, although the Bill is worthwhile, it would much better for the maximum sentence to be two years rather than 12 months, so I suggested amendments to that effect. I tabled new clause 2 in the hope, rather than the expectation, that amendment 9 would be accepted, and if amendment 9 is accepted, new clause 2 would even up the law. When the Minister comes to sum up, I hope he will accept that new clause 2 is simply a sensible tidying up of the law. It is not designed to provide extra sentencing powers; it would simply ensure that the law is consistent. I hope he will accept it in that spirit.

The fact is that some serious assaults are being charged as an assault against a police officer. I heard of one case in which a police officer lost her finger following an attack by a female defendant, which absolutely should have attracted a higher sentence than the six months available to magistrates. The woman had attacked four other police officers on the same occasion, as well having previously been convicted of multiple previous assaults on police officers, which goes back to the point raised by my hon. Friend the Member for North East Somerset (Mr Rees-Mogg). That may be an under-charging issue, but it is one that we see time and again in the courts.

**Chris Philp** (Croydon South) (Con): I just want to clarify something. When my hon. Friend talks about an under-charging issue, does he mean that, in the example of an officer's finger being severed, a more serious charge could have been brought—grievous bodily harm, I would imagine—that would have attracted a much higher sentence? Therefore, it may not be primary legislation that needs to be changed, but simply the charging practices of the Crown Prosecution Service.

**Philip Davies:** That is all very well in theory, and I am pretty sure that that would do the trick in an academic dissertation, but the problem is what we see in the real world time and again. I would be astonished if any Member could not think of an example of a criminal who had committed a serious offence being under-charged and prosecuted for a lesser offence. The reasons for that are numerous, but the biggest one is as follows.

This country supposedly does not have the American system of plea bargaining, but we do in reality. No matter how much the criminal justice system would deny it, we do have that system. The CPS will say that it is going to charge somebody with a serious offence, and the person will say, "I am going to plead not guilty to that." The defence solicitor or barrister will no doubt then say, "I'll tell you what, if you charge them with a lesser offence, my client will plead guilty." So to avoid a trial or to save time or whatever, the CPS, which often feels overstretched, will say, "Oh, go on then. We will charge them for the lesser offence. It will not be the actual offence that they committed, but it will get them a criminal record and get us a guilty plea. It will tidy up our figures, and we will be able to say that we have brought somebody to justice." The CPS will then consider that a great success. Meanwhile, back at the ranch, the victim of the crime, who presumably is barely even considered in this box-ticking, target-driven agenda, sees the person who committed the offence against them being given a derisory sentence. That is what we see time after time. Anybody who thinks that we do not is not living in the real world, because it happens on a daily basis in the criminal justice system.

Although my hon. Friend the Member for Croydon South (Chris Philp) is right that the responsibility clearly lies with the CPS to charge people appropriately for the offence they have committed—nobody disagrees with that principle—we know that that does not happen in practice. Therefore, even if the CPS does what it seems to do on a regular basis and charges people for a lesser offence, it is beholden upon us to ensure that the judge or magistrate has an appropriate sentence to give out when the most egregious cases come before the courts. In the example that I just gave, a police officer actually lost a finger but the defendant was charged with assaulting a police officer, and we cannot let it stand that the sentence can be just six months, or even just 12 months.

**Alex Chalk** (Cheltenham) (Con): In that example, my hon. Friend shines a light on the potential issue here. Under the circumstances that he has indicated, there is no doubt that the defendant should be charged with grievous bodily harm with intent, which carries a maximum penalty of life imprisonment. If, under my hon. Friend's new clause, a defendant is charged with the maximum penalty of 12 months and pleads guilty, they will be entitled to a third off the sentence and would serve only half. In any event, the penalty would therefore be far less than he desires. The real issue here is whether the proper charging decision is made, because that is what makes the material difference to the sentence. This is about the difference between whether someone spends two months or three months in custody.

**Philip Davies:** I am delighted that my hon. Friend seems to be agreeing with amendment 9 and that he thinks that the sentence in the Bill should be more than 12 months, perhaps 24 months. I will take that as support, but I am unsure whether I have accurately deciphered what he was trying to say. However, he is right that the CPS should charge people for the appropriate offence, but the point is that it does not, and I can assure the House that things will be the same after this Bill comes into effect. The CPS will still prosecute people for offences that it knows will get a conviction. When someone goes before the courts for a particular

offence, we must ensure that the judge or magistrate has the appropriate sentencing powers to make sure that justice is done properly and is seen to be done properly. At the moment, however, that is not the case.

I wish that my hon. Friend the Member for Cheltenham (Alex Chalk) was right. I wish that the utopia he describes, in which the CPS accurately prosecutes people for the serious offences that they have committed every single time, was the reality. If that were the case, there would probably be no need for this Bill, but the fact is that the CPS does not do that. We have to deal with the world as it is, not as we would wish it to be. My hon. Friend has much more expertise in the criminal justice system than me—[*Interruption.*] On the right side of it, obviously. I respect my hon. Friend's opinion, but debates in this House on justice issues can often resemble a lawyer's dinner party. Things can be very interesting, but most people in the real world do not really give a stuff about that. They want to know about what is happening on the ground, rather than what the legal profession would like us to think is happening, which are two very different things.

**Jonathan Reynolds** (Stalybridge and Hyde) (Lab/Co-op): I agree with much of what the hon. Gentleman says about the reality of the prosecution system and how it operates on the ground, but this Bill is about a little more than just the legal mechanisms we want the Crown Prosecution Service to follow. It is about the signal we send out. It is about trying to change the culture. Right now, we have a situation in this country in which many people think it is okay to engage in this behaviour. Yes, we need to change the technicalities of the law, but we must send out a stronger signal on what is acceptable in society. There must be a change in culture, as well as in practice.

**Philip Davies:** I am not sure I agree. To be perfectly frank, I get rather tired of people passing legislation on Fridays just to send a signal. We could send a signal just by saying something, but we are in the business here of passing law. It would be a rather wasted opportunity if all we achieve today is sending a signal from this House that assaulting police officers and other emergency workers is a terrible thing. I do not want us just to send a signal; I want to see people who are guilty of these offences spend longer in prison. That is what I want to see: not a signal but a real, tangible difference. I am not sure that sending a signal will do the job. We will have achieved something when some of these terrible people end up with longer prison sentences, and that is what my amendments are designed to do.

In the case of the woman who caused a police officer to lose her finger, the maximum sentence on a guilty plea, as my hon. Friend the Member for Cheltenham intimated, is actually four months, even given the number of offences of assaulting other police officers. Of course, a maximum of only half the sentence would be served. So, actually, two months in prison is the maximum that person could face for assaulting numerous police officers, leading one of them to lose their finger. In this country we should be ashamed that that is the maximum sentence a court can impose on that person. In my opinion, and for many people in this country, that is a sick joke.

Again, as my hon. Friend said, two years is probably too little, but two years is certainly better than six months. Should the Crown Prosecution Service do what

it does day in, day out and undercharge people, surely we must all agree that giving the courts the opportunity to sentence a person to two years in prison is better than the current situation. The purpose of my new clauses is to make sure we can guarantee that, by whichever route a person ends up in court for this offence, a more appropriate sentence can be handed out.

Another more recent example of why the amendments could be helpful is the case of Leroy Parry, who was convicted this week of biting a police officer. He was sentenced to 22 weeks in prison, despite having six previous convictions for assaulting police officers among his 42 previous offences. The police officer, who apparently needed blood tests and antibiotics after being bitten, said that the level of violence exhibited by Parry was the worst he had seen in more than 14 years in the police force.

Increasing the sentencing options for this offence would ensure that magistrates and judges can take the offence more seriously, and much bigger sentences could then quite rightly be handed down by the courts. We would no longer be tying the hands of magistrates and judges, who I am sure also feel frustrated when they cannot pass the sentence they would want to pass. It would mean the seriousness of Parliament to ensure higher sentences for those who assault the police would be recognised, and hopefully sentences, overall, would be higher as a consequence.

This is necessary because the figures are incredible. I asked several years ago how many previous convictions for assaulting a police officer someone had managed to rack up without being sent to prison for doing it again, and the answer showed that, in one year, a person with 36 previous convictions for assaulting a police officer had assaulted at least one more officer and still avoided being sent to prison altogether. By anyone's standards, surely that is completely unbelievable and completely unacceptable. That is what we should aim to tackle with this Bill.

Such sentences do nothing to help the police, do nothing to deter criminals and do nothing to make our streets safer. If one of my amendments were to be accepted, it would at least assist in increasing the likely consequences of assaulting a police officer, which would hopefully deter some people or, at the very least, keep the culprits off our streets for longer.

10.15 am

Amendment 9 would increase the sentence available to Crown courts for the new offence from 12 months to 24 months to ensure they have greater sentencing powers than the magistrates courts. A magistrates court could then refer a particularly serious offence up to a Crown court for it to be taken more seriously.

Amendment 9 would therefore do two things: it would increase the maximum sentence for an offence against an emergency worker to two years; and it would create a clear differential between the sentence available to a magistrates court and the sentence available to a Crown court. As I have said, assaulting a police officer, a prison officer or someone working in the NHS—these people are protecting and saving the public—should be treated very seriously. Having the power to give an additional year's sentence would reflect that seriousness.

We are apparently going to have higher sentences for assaulting animals, maybe up to five years' imprisonment, and I am all for that. I am completely in favour of that

legislation—people who are cruel to animals are beneath contempt—but surely assaulting a police officer should come with a much more serious consequence, too. Surely we cannot say that assaulting a police officer is not serious. I am all for increasing sentences for all these things, and amendment 9 is necessary even if it only increases the sentence to two years.

In addition, the six-month sentence that will be available to magistrates for this new offence as things stand—of course, the maximum sentence magistrates can impose is six months until the Government pull their finger out and change it—is clearly only three months, because that is the maximum time a person can serve for a six-month sentence, even if they plead not guilty. It would be one thing if a six-month sentence were actually a six-month sentence but, because of our perverse system, a 12-month sentence is actually a six-month sentence.

If we had some honesty in sentencing, we might even be in agreement, because a 24-month sentence is really only a 12-month sentence, which is what the Bill currently allows a Crown court to pass. If we think people should serve 12 months in prison for this offence, they need to be sentenced to 24 months in prison because of our ludicrous system in which people are released halfway through their sentence, irrespective of how badly they behave in prison and irrespective of whether they are still a danger to the public. When we say we are passing a Bill to allow for a 12-month sentence, I am pretty sure any layman—most people—would think and hope that that means people will actually serve 12 months in prison.

My second reason for tabling amendment 9 is that a Crown court normally has higher sentencing powers than a magistrates court, otherwise what would be the point of sending a case to the Crown court for sentencing? Is any hon. Member aware of another offence that, on the face of it, carries the same penalty in both courts? With the array of expertise in the Chamber today, I am sure someone will be.

**Michael Tomlinson** (Mid Dorset and North Poole) (Con): Will my hon. Friend give way?

**Philip Davies:** Yes, my hon. Friend is an expert.

**Michael Tomlinson:** I made exactly this point on Second Reading and in Committee. My hon. Friend is absolutely right. I have not been able to find a single other offence in which the sentence in a magistrates court is exactly the same as the sentence in the Crown court, and I hope to develop that point in due course if I am given the opportunity to make a speech.

**Philip Davies:** I am grateful to my hon. Friend. As I said, he is an expert in this field. The fact that someone with his expertise cannot think of another offence that carries the same penalty in both courts says a great deal, so why would we do it in this Bill?

I hope the Minister is making profuse notes, because I feel I am scoring some runs here. I do not think many people would disagree if he were to say he is prepared to accept these new clauses.

I do not think there would be many Divisions on them. That raises a question: if he will not do that, why does he think that this offence should be unique in the criminal justice system by carrying the same penalty in

both the magistrates court and the Crown court, and why does he not believe that the Crown court should have powers for harsher sentencing, which happens, as we have just heard, in respect of every other offence we can think of? I hope the Minister will reflect on that during the debate and perhaps give us a positive response. My hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) said he mentioned this on Second Reading and the hon. Member for Rhondda said he hoped we would come back to this point on Report, so my amendment seeks to make sure that we do that.

**The Minister of State, Ministry of Justice (Rory Stewart):** I am interested in this fascinating speech. Perhaps to prefigure some of the arguments that will be made from the Dispatch Box, let me say that one issue about increasing the sentence to 24 months is that we would, in effect, be saying that somebody who assaults an emergency worker or police officer receives not twice but four times the maximum sentence that would be received were the attack to be on an “ordinary” victim. Is there not a question of proportionality in terms of the relationship between the equality of citizens in general and their right to be protected as victims, and the special status of a uniformed officer, if it is suggested that an increment of four is better than that of two?

**Philip Davies:** The Minister makes a reasonable point, but he is working on the basis that the existing general sentencing for assault is right and should be the benchmark by which we judge everything else. My argument is that most people would consider that maximum sentence to be derisory, so we would at least be making this one appropriate. If the Minister wants to follow through on his point, he could then increase the maximum sentence for assaults on everybody else. He would be happy, because the approach would be proportionate, and I would be happy because we would have some tougher sentences on the statute book—everyone would be a winner. I hope that he is moving in the right direction. If we passed my new clauses and amendment today and then changed the other sentences, I would be doing cartwheels.

I shall discuss new clauses 4 to 6, 8 to 11, 13 to 16 and 18 together—[HON. MEMBERS: “Hear, hear!”] I can sense the disappointment in the Chamber; can you, Madam Deputy Speaker?

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. Just for clarification, no, I cannot sense the disappointment. The hon. Gentleman has just made a very wise statement and he has the House with him.

**Philip Davies:** As usual, Madam Deputy Speaker.

As I have said until I am blue in the face, I would like all sentences handed down by the courts to be served in full. At the very least, however, offenders should not automatically be released halfway through their sentence. That was a scandal—

**Nick Smith** (Blaenau Gwent) (Lab): I understand why the hon. Gentleman has tabled these measures, and particularly new clause 4, because figures released yesterday show that prisoners attacked officers 2,327 times in the last quarter of 2017 alone. A guard is being hit every hour in our prisons.



**Philip Davies:** The hon. Gentleman is absolutely right to draw attention to this catastrophe in our prisons. It is appalling that our prison officers have to face that on an almost daily basis. We in this country and in this House should be ashamed of that. We should be ashamed that the people who commit those assaults on prison officers are not properly punished for doing so. When the last Labour Government introduced the law that automatically released every prisoner halfway through their sentence, it was a scandal. You were here then, Madam Deputy Speaker, so you probably recall that then Conservative Opposition were apoplectic, as they should have been, about the Labour Government introducing automatic release for people who were halfway through their prison sentence.

My right hon. Friend the Member for Arundel and South Downs (Nick Herbert), the then shadow Justice Secretary, made that particularly clear on Second Reading of the Bill that became the Criminal Justice and Immigration Act 2008. He said:

“We have said that there should be a policy of honesty in sentencing. The fight against crime depends on integrity in the criminal justice system and on courts that deliver swift, effective justice, with punishments appropriate to the crime and the criminal. In the Criminal Justice Act 2003, the Government introduced automatic release on licence halfway through the sentence for all determinate sentences of longer than 12 months. Combined with the early release scheme, this means that an offender sentenced to a year in jail is usually out after little more than five months. The policy amounts to a deliberate dishonesty. It damages the trust that victims and wider society place in the courts, and it encourages criminals to hold the system in contempt.”

If this were our Bill, we would introduce provisions to restore honesty in sentencing... We would ensure that convicted criminals served the full sentence handed down to them by the judge.”—[*Official Report*, 8 October 2007; Vol. 464, c. 79.]

That was magnificent, but since we got into government, there has been absolutely nothing.

We are still presiding over a system in which people who are sent to prison are automatically released halfway through their sentence, irrespective of whether they have assaulted a prison officer or not, of whether they have misbehaved in prison or not, and of whether they are still a threat to the public or not. They have to be released halfway through the sentence and that is an absolute disgrace. It defies belief that we in this House can sit here and allow that to continue. If any Member believes our constituents think that is an acceptable state of affairs, they are in cloud cuckoo land. People need to get out more if they think that that is what the public expect from the criminal justice system—it is an absolute scandal. We should be ashamed of the fact that the House is not doing anything about it. It is a recipe for disaster if early release is not linked to behaviour in our prisons, and it is wrong in principle to let everyone out early, regardless of their behaviour or concerns about their likely reoffending.

Perhaps the Government are not with me on that, despite having stood for this belief in the past, but my proposals would mean that prisoners who assaulted a prison officer would not be eligible for automatic release. That would be a minor consolation prize to offset the joke of our sentencing regime, and it would link release back to behaviour in prison in a small way.

To build on the point made by the hon. Member for Blaenau Gwent (Nick Smith), I should point out that the House of Commons Library stated last year:

“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.”

Even more worryingly, the Ministry of Justice’s most recent figures show:

“There were 7,828 assaults on staff, up 22% from the previous year. Serious assaults on staff reached 787 in the 12 months to September 2017, up 3% on the previous period. Assaults on staff in the latest quarter increased by 11%”,

as the hon. Gentleman said. According to the Ministry of Justice, in June 2017, there were 43,403 staff in Her Majesty’s Prison & Probation Service. Not all of them will have even come into contact with prisoners, and 8,758 were in the national probation service, but even taking the staffing figure at its highest, we still see a staggeringly high rate of assaults. The numbers have massively increased in the past 10 years, which coincides with people being automatically released halfway through their sentence irrespective of how badly they behave in prison. Someone does not need to be a rocket scientist to realise that if a criminal sees that they can get away with such behaviour yet still be released halfway through their sentence, it is not surprising that lots of people behave badly in prison.

**Tom Pursglove (Corby) (Con):** Does my hon. Friend see this through the prism of the fact that consideration for early release should be seen as a privilege and that, if someone abuses it, the bottom line is that they should lose it?

10.30 am

**Philip Davies:** My hon. Friend is right. I am perhaps a bit more hardline—[HON. MEMBERS: “No!”] When I was at school, those who behaved would be let out on time, but those who misbehaved would be kept in for longer. It seems to me that our prison system should reflect that. We should expect prisoners to behave well in prison. Those who do should serve the sentence handed out by the courts, but those who misbehave should serve longer. That is what I would like to see and, I think, what most of the public would like to see.

I certainly take the point made by my hon. Friend the Member for Corby (Tom Pursglove). If we are to allow people to be released early, that should be conditional on good behaviour in prison, rather than the automatic right that it is at the moment. That automatic right—the figures and the correlation are perfectly clear—is part of the reason behind the increasing number of assaults on prison officers, because there is no consequence for the prisoner.

**Nigel Huddleston (Mid Worcestershire) (Con):** I know that my hon. Friend thinks that I am a bit of a lefty on many things, so he might be surprised to hear that I have a great deal of sympathy with many of his points, particularly his last one. Long Lartin Prison is in my constituency. When we say that we want to be tough on prisoners, we are really saying not that we need to be unreasonably tough, but that we are treating them how they should expect to be treated in the light of their behaviour. My hon. Friend is making some valid points.

**Philip Davies:** I am very grateful to my hon. Friend; this is a red letter day.

**Dr David Drew** (Stroud) (Lab/Co-op): The one issue that the hon. Gentleman missed out is the lack of prison officers. As the POA will tell him, the numbers are insufficient and they are going down because of the problems in our jails. We need to recruit more prison officers.

**Philip Davies:** Madam Deputy Speaker, you would rightly start to pull me up if I were to go down the rabbit hole that the hon. Gentleman is trying to take me down, as that would not be relevant, particularly to these measures. However, I think that everybody has accepted that there is a shortage of prison officers. To be fair to the Government, they have done a pretty good job of recruiting quite a lot of additional officers over a fairly short timescale. I agree with the hon. Gentleman, but I would say that his point is one with which everyone agrees, which is why the Government have done something to increase the numbers. Whether or not that is enough is a different question, but we should give the Government credit where it is due.

There are 21 assaults on prison staff each and every day, two of which are serious. Prison officers have a hard and dangerous job, and I am sick of hearing about the pathetic additions to sentences for prisoners who assault them. Members might be as shocked as I was to learn that, in 2015, the average number of extra days given to prisoners who assaulted prison staff was 16—absolutely ridiculous! I believe that if someone assaults a prison officer, they should immediately lose their right to automatic release. Let the message go out that the Government are on the side of prison officers, and that those who assault them can expect to be properly punished, not just given the derisory slap on the wrist that they are given at the moment.

I have spoken to the Minister about this, so I know that he is passionate about protecting our prison officers. If he wants to do something tangible to stop assaults on prison officers, he should accept my proposal, because that will make the biggest single difference to reduce the number of such assaults. It would make an enormous difference if criminals knew that they would no longer be allowed automatic early release.

My new clauses in this group relate to three categories of people. The first set—new clauses 4 to 6 and 8—relates to prisoners assaulting all emergency workers, as defined in the Bill. The second set—new clauses 9 to 11 and 13—relates to all prison officers and those acting in a similar capacity in prisons. The third, which is new clauses 14 to 16 and 18, relates just to prison officers. The measures were designed to give the House the maximum range to choose from so that we could select the most appropriate route. The provisions would stop prisoners from being released automatically or early from various types of prison sentences if they assaulted a relevant person during their sentences.

I think that new clauses 4 to 6 and 8, which cover all emergency workers, fit best with the Bill because, of course, prisoners can come into contact with health professionals and other emergency workers, such as police officers investigating subsequent offences. It seems to me that an assault on those people should also be covered. If Members feel that only assaults on prison staff should be covered, however, they can pick alternative new clauses, and if they think that only assaults on prison officers should be covered, new clauses 14 to 16 and 18 are available.

Any of those approaches would be better than the status quo. They would mean that prisoners serving sentences of less than 12 months in prison could not be released automatically after six months or less if they had perpetrated an assault while in prison against any of the people I have mentioned. Prisoners serving fixed-term sentences of more than 12 months would also not be eligible for automatic release following an assault. Finally, the proposals would stop those who assault a relevant person from being eligible for early release.

In an ideal world, this would all be happening anyway—it would just be a matter of common sense—but I fear that common sense was thrown out of our criminal justice system an awfully long time ago. I understand that those serving life sentences and indeterminate sentences for public protection will already have any assaults and the like considered by the Parole Board before their release. I certainly hope that assaults are treated as a good reason not to release anybody, and that they would be a bar to people being released as early as would otherwise be the case. Otherwise, Parole Board hearings would be a farce, although some might argue that many already are.

If somebody has assaulted a person inside prison, they are perfectly capable of doing so outside prison, which is another thing that the Parole Board must bear in mind before release, and another reason why we should not automatically release such people early. At a time when assaults seem to be on the increase, we need much tougher action to protect those who come into contact with prisoners. Prisoners are clearly in prison for a reason. It is quite hard to be sent to prison these days, so those who are there, especially if they are serving long sentences, either have already committed a significant crime, or are repeat offenders. That is the only way to get incarcerated these days. If such people thought that they would have to serve their full sentence, rather than just a derisory extra 16 days in prison, they might well think twice about assaulting those who work in prisons to look after them and keep order. Anything that would reduce the number of assaults would surely be welcomed, and this would be a very effective deterrent.

I do not intend to speak to the two amendments in the group that were tabled by the hon. Member for Rhondda, as I am sure that he will do an excellent job of doing so, but I have added my name to them. They relate to spitting and sexual assault. I think we can all agree that spitting is absolutely disgusting and incredibly dangerous, particularly to the emergency workers who face it. I appreciate that spitting already constitutes an assault, but I certainly see no harm in highlighting it separately, as the hon. Gentleman has. The West Yorkshire police federation says that spitting affected 21% of all police officers in the latest year, so the Minister should not underestimate how big a problem it is. I absolutely agree with the hon. Gentleman that sexual assault should be covered by the Bill—it would be perverse if it was not. Any assault, including sexual assault, should not be tolerated at all, and making this an aggravating factor is a welcome move. I hope that the Government will accept both the hon. Gentleman's amendments.

**Chris Bryant** (Rhondda) (Lab): It is an enormous pleasure to follow the hon. Member for Shipley (Philip Davies). I thought that I was going to follow him a little earlier, not least because he told me on the phone the

other night that he was going to speak for 15 minutes, but we have loved every minute of it and inflation—*[Interruption.]* Yes, we were given a rather longer sentence than we anticipated. He is in favour of longer sentences—and paragraphs, clearly.

I will not go into the whole meaning of the Bill, as we are here today to discuss specific amendments. We are, after all, on Report. Before I go any further, I want to pay tribute to a significant number of Members on both sides of the House, not least my hon. Friend the Member for Halifax (Holly Lynch). I feel as if I am carrying the baton over the next stage, because this Bill very much started with her, so I want to pay tribute to her. In fact, there are Members in all parties in the House who support the legislation in broad terms. I hope that, by the end of today, we will have a Bill that is eminently suitable to go to the House of Lords and to be on statute book by the end of this year, preferably by the autumn so that the courts can start taking these matters more seriously. I will pay much fuller tribute later to the Ministers concerned depending on how they behave this morning. I am also grateful to the hon. Member for Shipley for referring to my charm earlier; I am not sure whether he entirely carried the whole House at that point.

I want to speak to two amendments in my name. Amendment 2 adds the words, “including spitting” as a way of helping to define the concept of common assault or battery, which is in clause 1. There are three different types of spitting to which the law might refer. The first is at or on a person. The second is at or on property, such as on clothing. This matter has often come before the courts, but the outcomes of such cases tend not to be very satisfactory. None the less, there are instances where spitting on property could constitute criminal damage. The third category is spitting in the street, which was, until 1990, an offence carrying a £5 fine. Incidentally, the local authority in Waltham Forest and one other in, I think, Enfield now have £80 fines for spitting in the street—this is not spitting at anybody, but just spitting in the street. Interestingly, at the Beijing Olympics, the Chinese authorities were very keen to try to prevent this as a matter of good manners, and I think that we would all agree that it would be good to stop that here. However, that is not what this amendment is about. This is about spitting at a person.

It is interesting that the deliberate act of spitting at someone, for instance at a football match, is deemed a threat of further violence, demeaning the sport, and bringing the sport into disrepute. FIFA, for instance, counts it as violent behaviour, which can lead to a player being sent off. The Football Association in the UK expressly includes it as a sending-off offence. Indeed, the West Ham player, Arthur Masuaku, has only just finished a six-month ban for spitting. If Members watch the incident in that match, they will see that it was particularly disgusting and despicable. I think that every supporter of football would agree that the ban was wholly appropriate.

Section 39 of the Criminal Justice Act 1988 includes the statutory reference to common assault or battery, but it has no specific definition of what constitutes common assault. It is an old common law offence, which has been brought into statute law. In one sense, that is good, because it means that the courts can take cognisance of precedence and that they can look at a whole variety of different issues, but it does also mean

that while the vast majority of people in this country would presume that deliberately spitting at another person constitutes assault, and there might have been some other physical element, which might be battery, it does not expressly say so in law.

By introducing a new offence of common assault or battery on an emergency worker, including all the emergency workers who are later defined in the Bill, we have effectively tried to bring that concept of common assault or battery from the Criminal Justice Act to apply to all spitting at emergency workers. The problem is that, as the statute does not expressly define spitting as being part of the offence of common assault or battery, there is anxiety in some circles that prosecuting authorities do not take the matter very seriously.

The truth is that there is a growing incidence of spitting at emergency workers. The West Midlands police, for instance, reported that in just one year—2016—there were 231 cases of police officers being spat at. Some of the instances are quite horrific. A few years ago, I was supporting legislation to ban foxhunting. There was a fundraising dinner in Cardiff for the Labour party, and many people who opposed foxhunting decided to come and protest outside. When they saw me arrive, from about 300 yards away, they decided to chase me down the street. The police bundled me into the back of a blacked-out van to protect me, and they locked the door. The slightly unfortunate thing was that they forgot that I was in the van and, four hours later, I was not able to get back out of the van. It felt as if I had been given a longer sentence than many others.

10.45 am

Later that evening, the police decided to try to get me into the building. They formed a phalanx of eight officers around me. One of the police officers was a woman of a Chinese ethnic background. Horrible racism was shouted at her by some of the protesters—really, really vile stuff—and because we were going through in tight formation, the spitting at the police officers was quite extraordinary. By the time we got through the door, the Chinese police officer’s face was dripping with saliva. Some of the people had deliberately bitten into their lips, so there was blood in the saliva. They were shouting and saying horrible things at the same time. It was deliberately offensive and intimidatory and designed to prevent the police officers from doing their work.

**Dr Drew:** I think I am correct in saying that these were supporters of foxhunting, rather than people who objected to foxhunting. Does my hon. Friend accept that one problem at the moment is the lack of clarity over spit hoods? Some forces have introduced them; others have not. This does not help the situation when arrests are being made. Does he agree with that?

**Chris Bryant:** Yes, clearly there is an issue. It is entirely appropriate that different police forces should have autonomous powers to be able to take these issues in the direction that they want. Different police forces face different challenges at particular times, then there is the issue of resources as well.

It is absolutely true that this is a growing issue. One problem is that, because police officers may sort of have got used to this behaviour, other emergency workers are now being treated in exactly the same way. Let me read one case from the east midlands last November:



[Chris Bryant]

“A man spat at a newly recruited police woman 24 times while under arrest in the back of an ambulance. The handcuffed man laughs as he spits at the officer who warned him he was being recorded on her body camera. He repeatedly targets her face as he sat on the bed next to a paramedic. The police woman was in her first year on the job when she became a victim of the vile attack.”

I think that every single one of us wants to send out an absolutely clear, unambiguous message from this House—I know that the hon. Member for Shipley does not like sending out messages, but sometimes declaratory legislation has an effect as well—that spitting at emergency workers is not on and that the full force of the law should be used against those who do it.

**Jeremy Quin** (Horsham) (Con): I agree with the hon. Gentleman: that is exactly what we do want to send from this House today. If he will forgive me, there has to be a slight torsion if I am to get in the point that I want to make, but it does follow the point that he has just made. I had an officer in my constituency who was giving first aid to someone whom he had to arrest, and he was spat at repeatedly while doing so—similar to the circumstances faced by the person to which the hon. Gentleman referred. When the case finally got to court, it was deemed that the officer had not been acting in his capacity as a police officer when he was applying first aid—that was beyond his remit—which seems to be an extraordinary situation to be in. As courts can look at our proceedings, may I invite the hon. Gentleman, as the proposer of this Bill, to confirm for the record that, in clause 2(b), we are seeking a wide interpretation of an emergency worker acting in the exercise of their functions as such a worker, as it is ridiculous that a court could rule on such a basis.

**Chris Bryant:** To be honest, when the law behaves in such a pernicky way as to be able to provide a ludicrous—*[Interruption.]* The hon. Member for Witney (Robert Courts), who has some legal expertise, is laughing at the idea of lawyers being pernicky. I know that that is sort of their job, but when we end up with loopholes being abused in such a way, the law ends up looking like an ass. It is therefore incumbent on us sometimes to draw legislation as widely as possible to ensure that all such offences are caught. That has been the deliberate intention of the Bill.

Incidentally, I hope that in drafting the Bill, with the assistance of Government draftspeople and ministerial help, we have managed to land on a piece of legislation that is more effective than the parallel legislation that exists in Scotland. Scotland may, in fact, want to look at our legislation and reshape its own law to reflect this.

**Gareth Johnson** (Dartford) (Con): Will the hon. Gentleman confirm that the Bill is not intended to be an exhaustive list of the instances where a court can find that aggravating circumstances apply? The last thing that we want is for a court to say that an incident is not covered by the Bill and therefore cannot find it to be an aggravated offence, because the perpetrator might then receive a lesser sentence than they would now.

**Chris Bryant:** There are two aspects to the Bill. The first is the offence of common assault, which I think is now drawn in such a way that the courts will be able to

circumvent some of the arguments that have thus far been used to prevent any kind of successful prosecution. The second aspect relates to the aggravated offence, and the hon. Gentleman is absolutely right that we have not included every single offence in the world. If amendment 3 is accepted this morning, I think that we will have included all offences that could relate to emergency workers.

The Minister was right to say that it is important that we take cognisance of the fact that, with this Bill, we are saying that emergency workers are going to be treated slightly differently in law from the rest of the wider public. It is not that I want to create great hierarchies in society, with some people being more important than others; it is that emergency workers are suffering these attacks and assaults because they are emergency workers, and that places a greater onus on us to ensure that they have the protections that they need.

I return to amendment 2 and the question of whether spitting is common assault. The Sentencing Council has in recent years looked at whether spitting increases the culpability and seriousness of the offence, and it removed spitting from each of those categories in 2012. Quite a lot of magistrates and judges have now started to say that this is one of the primary reasons that there has been a deflation in the number of successful prosecutions and in the sentences that are handed down. I regret the fact that spitting was removed by the Sentencing Council and hope that it will revisit that decision in the near future. I hope that the Minister might also be able to say something about how we can ensure that the courts take spitting seriously as a part of common assault offences.

There is an argument that putting the words “including spitting” in the Bill could mean that there is a danger that the courts in other incidents of common assault might say, “Well, it doesn’t include those words, so Parliament intends that not to include spitting.” I am guessing that the Minister may make that argument. If so, I am quite happy to listen to his point. It may well be that we will not need to divide the House on this, but I want to ensure that the courts are clear that common assault could involve merely spitting.

**Alex Chalk:** The hon. Gentleman is making an excellent speech, in which he is rightly drawing attention to the heinous act of spitting, which is upsetting and completely unacceptable. However, we should not lose sight of the fact that the Crown Prosecution Service already can and does charge people with spitting under the offence of common assault. I have prosecuted it myself, and I am aware that there is a case—not ancient—where someone was jailed for 21 weeks for exactly that. We should not gull ourselves into thinking that we do not have that scope already. The key thing is to ensure that this offence is properly prosecuted when it should be.

**Chris Bryant:** The hon. Gentleman is absolutely right. It is always a delight to have a lawyer in the House, but not too many, eh? *[Interruption.]* I think I have carried the House with that one.

The hon. Gentleman does, however, make a serious point. I tabled the amendment simply so that we could have this debate and the message goes out completely unambiguously from the House that merely spitting—I use the word “merely” legalistically; in other words, spitting alone—can constitute a common assault. That is true of



the Criminal Justice Act 1988, and spitting at an emergency worker of any kind should constitute an assault under this Bill.

My other amendment—amendment 3—relates to sexual assault. The major part of the Bill introduces an aggravated offence; that is to say that the Bill lists a series of different offences that, when perpetrated against an emergency worker, will be considered to be aggravated. When I drew up the Bill, I was primarily thinking of physical violence towards emergency workers. But the truth is that, since I have been working on the Bill, my hon. Friend the Member for Halifax and I have received lots of representations, particularly from health service workers, about the sexual assault of ambulance workers, nurses, mental health nurses, doctors and others. One difficulty, both for the Government and for us, has been that these statistics have never been gathered by NHS Protect, which no longer exists anyway. However, the numbers of such incidents reported by the trade unions working on this matter are quite dramatic, particularly given that the figures show increases.

Since 2012, such incidents are up 143% in the East of England ambulance service; up 40% in London; up 133% in the North West ambulance service; and up 1500% in Northern Ireland. Incidents have increased by 400% in South Central ambulance service since 2013; by 100% in the South East Coast ambulance service since 2015; by 400% in Yorkshire ambulance service since 2013; and by 500% in the West Midlands ambulance service since 2012. I wanted to say that is true that these are not large numbers, but there have been 238 reported cases of sexual assaults on ambulance workers in the East of England ambulance service. Parliament has to take cognisance of such figures and we have to act.

**Fiona Bruce** (Congleton) (Con): The hon. Gentleman is making an excellent point. This also happens to female police officers, as graphically described to the all-party parliamentary group on alcohol harm, which did a report on the issue. One senior officer said to us, “If I take a team through a club at night, by the time we have gone from one end of the club to the other, the female officer will have been felt up several times.” That is totally unacceptable.

**Chris Bryant:** It is totally unacceptable; more than that, think about the effect that it has on emergency workers. It destroys their sense of self-worth, and means that they have to summon up courage when they go to work and often live in fear when they are at work. It also means that additional resources may be needed. Of course we have to deal with this issue.

I have a wider set of concerns around alcoholism. My mother was alcoholic and it killed her in the end. I worry that we sometimes use legislation too readily to deal with such issues. It is depressing that, in 100 years, the only thing that we have really come up with to deal with alcoholism is the 12-step process, which does not work for a lot of people who find it difficult to believe in another being above and beyond them. I hope that we will one day have far, far more significant research into what causes alcoholism and how we help people out of it, but the truth is that we will continually have to address the role of alcohol in fuelling violence and sexual violence, particularly against young women.

11 am

**Fiona Bruce:** I thank the hon. Gentleman for raising that, because it is correct that alcohol plays a large part in assaults on emergency workers. Does he agree, therefore, that, while welcoming this Bill, we need to look further to address the issue of cheap alcohol as an underlying key cause of many of these assaults?

**Chris Bryant:** The hon. Lady is absolutely right. All too often, in some of our towns and villages, it is far too easy to get very cheap alcohol, and vast quantities of it. Under-age people are growing up with the expectation that they will be able not just to get half a pint of cider on a Friday night but to get a whole bottle of vodka, doing themselves irreparable damage. I have been doing a bit of work on traumatic brain injury of late, and in particular how it affects the criminal justice system. It is depressing that people who get violent after alcohol will often take enormous risks with their own personal safety or will get violent with others. The brain injuries that can result from alcohol develop especially between the ages of 14 and 21, when the executive function of the brain, which sits largely at the front of it, has not yet fully developed. The damage that is done is then seen in the criminal justice system, because we have thousands and thousands of people in our prisons who have brain injuries that were never properly looked at by medics and dealt with.

As the hon. Member for Shipley (Philip Davies) said, it would be bizarre not to include sexual assault when we are looking at other areas of assault. I know that the Government have been reluctant about this and have said that we want to treat sexual assault differently, but I think it is better for us to treat it in the same terms. Alcohol Concern recently said that between a third and a half of all emergency service people who responded to their research had suffered sexual harassment or abuse at the hands of intoxicated members of the public. Over half of ambulance service workers reported that they had been the victim of intoxicated sexual harassment or assault, and 41% of police had been sexually harassed by drunken people.

I do not want to pretend that legislation, of itself, solves a problem. That is true of the whole Bill, and I will say a little more about that when we get to Third Reading. After all, if legislation, of itself, ended offending behaviour, we would have no murder, no theft and so on. However, we need to send out a clear message that trying to touch up emergency workers, make inappropriate advances to them, or make even more advanced forms of sexual approach is wholly inappropriate behaviour. It prevents emergency workers from doing their job properly, undermines morale, and makes it more difficult for us to lead a safe life. That is why I very much hope that the Government will signify, first, on amendment 2, that they accept that spitting is part of common assault or battery; and, secondly, that sexual assault should be included as an aggravated offence.

**Michael Tomlinson** (Mid Dorset and North Poole) (Con): Let the lawyers’ dinner party commence! It is a great pleasure to follow the hon. Member for Rhondda (Chris Bryant)—I will say a few words about him in a moment—but an even greater pleasure to follow my hon. Friend the Member for Shipley (Philip Davies). I fear that he credits me with greater expertise than I possess, but there are real experts in this area in the

[Michael Tomlinson]

Chamber—other lawyers. I look forward to hearing from my hon. Friends the Members for Cheltenham (Alex Chalk), for Banbury (Victoria Prentis), for Congleton (Fiona Bruce), for Witney (Robert Courts) and for Torbay (Kevin Foster). There may well be others I have not named who have expertise. [Interruption.]

With regard to the hon. Member for Rhondda, who has just shouted across the Chamber from a sedentary position, it is a great pleasure to speak on his Bill. I congratulate him on the work that he has done, as has the hon. Member for Halifax (Holly Lynch). I myself piloted a private Member's Bill that fell at the final hurdle, Third Reading, so I know how difficult it is to get the balance right in order to ensure that such proposals become law. I therefore pay tribute to the hon. Gentleman for all his work behind the scenes and in this place. He put me on the Bill Committee—I think I was a last-minute substitute, or perhaps just the last person to fill a space, but it was a great pleasure to have served on that Committee.

I will not speak at great length, but I want to elaborate on the points that I made on Second Reading and in Committee. In particular, I will speak to new clause 2 and amendment 9. I pay tribute to my hon. Friend the Member for Shipley, because I had tabled an amendment framed in almost identical terms to his in relation to extending the sentence in Crown court from 12 months to 24 months. Very bravely, two weeks later I withdrew that amendment, so I am delighted that he has tabled it and that we have the opportunity to debate it today.

As I said on Second Reading and in Committee, under clause 1(2), a person guilty of an offence could potentially be sentenced to the same amount of custody whether the case is tried in the magistrates court or in the Crown court. The clause says:

“A person guilty of an offence to which this section applied is liable...on summary conviction, to imprisonment for a term not exceeding 12 months”

and “on conviction on indictment”—that is, in a trial in a Crown court in front of a judge and jury—is also subject

“to imprisonment for a term not exceeding 12 months”.

That is odd, which is why I raised it. I have done some research into this—my hon. Friend the Member for Shipley teed me up—and I cannot find a single example of another Bill that sets out exactly the same sentence for an offence tried in the magistrates courts as in the Crown court. We are breaking new ground, and it is therefore worth questioning whether that is appropriate.

I have challenged myself to find another offence against the person—assault-type—offence where the sentence in the Crown court is only 12 months. This where the expertise of my hon. Friend the Member for Cheltenham comes in. What do we as parliamentarians do when we come into the House of Commons first thing? We go and have a cup of coffee or a cup of tea in the Tea Room, and there I met my hon. Friend and challenged him to come up with another similar offence where the sentence in the Crown court was one of 12 months, and he too could not find one. I found two examples that may be relevant.

**Rory Stewart:** We have returned to the subject that my hon. Friend the Member for Shipley (Philip Davies) raised. Fundamental to this is not the question of the

precedent in the Crown court but the relationship between the maximum sentence that can be imposed for an assault on an ordinary member of the public, who has equal status as a victim, and the maximum sentence that can be imposed for an assault on an emergency worker. At the moment, the Bill proposes that somebody who assaulted an emergency worker could receive a maximum sentence of double the one that would be given in relation to an ordinary victim. Is my hon. Friend really proposing that it is appropriate that somebody should be punished four times as much for assaulting an emergency worker as an ordinary member of the public?

**Michael Tomlinson:** I am grateful to the Minister for that intervention, which gives me the opportunity to pay tribute to both him and the Minister for Policing and the Fire Service, who have engaged in this legislation and spoken personally to me about this issue.

No, I am not saying that. I am not proposing to press the amendment to a vote or say that the Bill should fall, or fail, merely because it states that the sentence should be 12 months rather than 24 months, 36 months or any other period. I am merely saying that the Bill is breaking new ground. It struck me as curious that we are passing legislation that has a sentence of only 12 months in the Crown court. I welcome the Minister's intervention and understand entirely what he is saying. He has worked tirelessly to ensure that the Bill passes through this place, and the last thing I would want to do is to put that in jeopardy. That is why I have been determined not to press the amendment. However, it is right to air the matter and debate it on the Floor of the House.

**Chris Bryant:** Let me explain briefly why we ended up with this process. If we had included only the aggravated offence element of the Bill, then there would have been no greater sentence for common assault. It seems to me that two years for common assault where there has been no lasting physical damage to the person might be thought by many people to be excessive. That is why we ended up with two tools for prosecuting authorities. I am sure that they would usually go for the second where they wanted to get a sentence of more than 12 months.

**Michael Tomlinson:** I am grateful to the hon. Gentleman for his intervention. People who know me know that I do not want sentence inflation. In fact, I disagree fundamentally with the approach of my hon. Friend the Member for Shipley. I do not think we should be locking up ever more people, and that is where I agree fundamentally with Ministers and the hon. Member for Rhondda; I see entirely his thought process. Locking ever more people up is counterproductive. I want to see more people rehabilitated and fewer people committing crimes in the first place. That will help the very victims whom my hon. Friend the Member for Shipley passionately wants to defend.

**Victoria Prentis (Banbury) (Con):** My hon. Friend echoes my thoughts exactly on the sentencing of prisoners. It might be helpful for him to look at the marvellous report prepared by the Justice Committee last year on the position of magistrates. I wonder whether magistrates should be given greater sentencing powers and whether we should worry less about differences between different types of court, and instead focus on what the offender has actually done.

**Michael Tomlinson:** My hon. Friend makes a powerful point, as she always does. I look forward to her speech.

**Victoria Prentis** *indicated dissent.*

**Michael Tomlinson:** If she is not going to make a speech, I am very disappointed. I look forward to her further interventions and certainly to her further work in the area of justice, because she speaks powerfully for it and is absolutely right in this case.

There are other examples of sentences in the Crown court where there is no penalty of imprisonment, but those fall into a different category. They are generally regulatory offences—exciting offences such as Town and Country Planning Act offences and the like, which get lawyers very excited and passionate, but perhaps no one else. In my research I could find no other equivalent, so it is worth pausing and reflecting on the fact that the Bill breaks new ground in that respect. My hon. Friend the Member for Cheltenham came up with one other example of where there is a sentence of two years—he will probably dwell on that in greater length and with greater expertise than I ever could—in relation to contempt of court and the like, but again, that is slightly different.

We are breaking new ground in the Bill by having the same sentence for the magistrates court and the Crown court. However, in case anyone has not been following closely, I add that clause 1(4) clarifies that until section 154(1) of the Criminal Justice Act 2003 is brought into force, the sentence will be six months rather than 12 months in the magistrates court. I am sure that that is part of the reason for the difference in sentences.

That brings me neatly on to the point that my hon. Friend the Member for Banbury (Victoria Prentis) made and to new clause 3 and amendment 11. I welcome the opportunity to touch briefly on both. My hon. Friend the Member for Shipley and I disagree fundamentally on many things about criminal justice and the criminal justice system, but he is right to say that there should be honesty in sentencing—we probably believe that for equal and opposite reasons, to be clear. He is also right to point out that the sections of the 2003 Act that would give magistrates this sentencing power have not been commenced.

One of two things should happen. Either we in this place should say that we want magistrates courts still to have the power to give sentences of six months and no more, or we should say that it is absolutely right to extend magistrates' sentencing powers from six months to 12 months. If that is the position—from the earlier exchange, I think that respective Governments have held that view—we should get on and do it. I know that some Members in the Chamber who have sat or currently sit on the Justice Committee have looked at that issue, and I want to hear from them in greater detail. New clause 3 is also attractive for that reason, because it draws attention once again to the fact that the law supposedly passed in 2003 is not yet on the statute book. If we think it is the right thing to do, we should get on and do it.

**Philip Davies:** Does my hon. Friend agree that it seems rather bizarre and pointless for the Government to agree to a piece of legislation that gives magistrates the power to send someone to prison for 12 months for a particular offence and then not give magistrates the power to send someone to prison for 12 months?

**Michael Tomlinson:** My hon. Friend comes back to his point, I suspect, about being honest and straightforward. We either think it is the right thing to do, in which case we should do it, or we do not, in which case we should say so, not do it and stick with the system we currently have.

I do not want to obstruct the safe passage of the Bill, but I thought it important to raise those issues and potential anomalies, and to acknowledge the fact that this Bill is breaking new ground.

11.15 am

**Holly Lynch** (Halifax) (Lab): It gives me great pleasure to speak on the Report stage of this Bill. It is a particular pleasure to follow the hon. Member for Mid Dorset and North Poole (Michael Tomlinson), who has been a friend of this campaign from the very start. He raised a number of interesting points, and I look forward to hearing Ministers' response. We have greatly benefited from his legal expertise throughout this process, and I am grateful to him for that. I am grateful to Members across the House who have recognised the role that I have played in initiating this campaign, but it has been a tremendous team effort, and I will thank a number of people on Third Reading.

I rise specifically to speak in support of amendment 3, which would add sexual assault to the list of assault charges in clause 2, so that it would become an aggravating factor within sentencing if sexual assault were inflicted on an emergency service worker. Having started this campaign with the Police Federation following the experience I had with a single-crewed police officer—a tale I have shared in the Chamber on several occasions—one of the deciding factors in broadening the campaign to cover more emergency service workers was having met female paramedics who had been subject to sexual assaults while on duty. That is why I am so keen to see this addition made to the Bill.

A very clear pattern emerged of female paramedics having to deal with male patients who are often under the influence of drugs or alcohol, as we have heard, in towns and city centres and predominantly on Friday and Saturday nights. I am grateful to Stacey Booth, an organiser with GMB—which I must declare is my trade union—from West Yorkshire who introduced me to a number of paramedics who recounted their experiences, which were worryingly similar.

One of those women was Sarah Kelly, who I am delighted has joined us in Parliament this morning, after taking the brave decision to share her story in the hope that it would help us to fix the broken system that has let her down. On some occasions, it was a combination of the patient being under the influence of drugs, alcohol or both, with a diminished capacity to determine right from wrong, and they took advantage of the situation, sexually assaulting a lone female paramedic in the back of an ambulance. On other occasions it was even more sinister: sexual predators, who have fine-tuned this approach, engineer a situation where they are alone in an ambulance with a female paramedic, with the specific aim of sexually assaulting them.

The risk to ambulance staff is heightened because, unlike the police, who have access to a certain degree of information about a person's previous criminal history prior to attending an incident, the ambulance service



[Holly Lynch]

does not. I have met female paramedics who have been dispatched to the address of someone who has only recently sexually assaulted them, pending a court appearance, which must be against all safeguarding and legal advice.

Sarah has led the way in Yorkshire, seeking to work with her trade union and her employer, the Yorkshire ambulance service, to implement the necessary changes from a grassroots level—to accurately report and record such attacks, follow up with support and advice in order to secure a conviction and to build up the data required to put protections in place so that unnecessary risks do not have to be taken in future. I commend her efforts. As we have reflected on many times over the course of the Bill's journey, the reason why we have to go that bit further on protections for emergency service workers is that we are the ones who ask them to run towards danger and persevere with individuals who seek to do them harm, because they simply cannot walk away.

Like other paramedics, Sarah, having been sexually assaulted by the perpetrator, had to continue to persevere with him in the back of the ambulance until they arrived at hospital, first and foremost because he needed medical attention, and she could not walk away or escape him. We owe it to Sarah to make this amendment a reality in law. She is not alone in her experience as a paramedic, nor are paramedics the only emergency service workers to be exposed to this particularly vile manifestation of assault, so I urge all colleagues to lend their support to amendment 3 and add it to the Bill.

I also support amendment 2, to which I have added my name, and I will return more specifically to the hideous act of spitting when I speak to amendments 4, 5 and 6. I am also sympathetic to a great deal of the work done by the hon. Member for Shipley, and I agree with a number of the points that he outlined in his new clauses. I look forward to hearing the Minister's response to the debate.

**Alex Chalk:** It is such a pleasure to follow the hon. Member for Halifax (Holly Lynch). She is a truly passionate defender of the interests of police officers, and she does that with great skill. I pay tribute to her and to the hon. Member for Rhondda (Chris Bryant) and my hon. Friend the Member for Shipley (Philip Davies).

I have a few observations, building on the points made by my hon. Friend the Member for Shipley. In his powerful submission he said that it is important that police officers—I know there are some in the Public Gallery—receive justice, and that that justice is not “a sick joke”. However, we must also ensure that we do not inadvertently replace one sick joke with another.

In my experience as a prosecutor, the biggest injustice for police officers was along the following lines. A police officer attends the scene of a serious robbery, for example, and he or she makes an arrest. During the course of that arrest, the defendant spits at the police officer, in an extremely upsetting and unpleasant incident. The defendant is taken to the police station, where he is subsequently charged with robbery and with assaulting a police constable in the execution of his duty. The case then comes to court, and the defendant says to the prosecutor, through his solicitor, “Alright. I will plead

guilty to the robbery”—that is technically a more serious offence and punishable with life imprisonment—“but do me a favour and drop the offence of assaulting a PC.” A lazy prosecutor—this point was raised by my hon. Friend the Member for Shipley—might say, “Oh for goodness sake. Let us carve this up. He is going to get a custodial sentence of two to three years for this unpleasant robbery. Is it really worth proceeding with the charge of assaulting a PC?”

What should happen in those circumstances? A conscientious and decent prosecutor would speak to the officer and say, “This is what is being proposed. What are your thoughts about it?” If in those circumstances the officer says, “I want justice to be done. I want this individual to have on their record not just that they are a robber, but that they have assaulted a police officer”, it would be wrong for the prosecution not to proceed with that charge and for justice not to be done. A prosecutor should already take into account the feelings of the victims, and I suggest that it would be in breach of their duty as a prosecutor not to proceed in such circumstances, and it would be a failed assessment of the public interest. In my experience, where those decisions have gone wrong and a case has been dropped, police officers rightly feel that their interests have not been taken into account.

**Chris Bryant:** The hon. Gentleman is speaking specifically about police officers, but there is already an existing offence regarding police officers in the Offences Against the Person Act 1861—a rather elderly piece of legislation. However, there is no similar provision for other emergency workers.

**Alex Chalk:** That is absolutely right. I was using that example to make a point, but whether we are talking about a police officer or an emergency worker, if this Bill becomes an Act—I would entirely support that—the principal potential for injustice is not the absence of legislation used to arrest, prosecute and convict an individual; it is where a prosecutor might make the wrong decision to drop a charge because, in an erroneous assessment of the public interest, he or she decides that it is not worth the candle. That is critical.

The second potential area of injustice is wrongful or erroneous charging. The example given was of a police officer who attends the scene of an alleged crime and her finger is bitten off. An offence for that already exists—causing grievous bodily harm with intent—and the maximum penalty is life imprisonment. If the defendant was convicted, Sentencing Council guidelines suggest that he or she should receive between nine and 16 years' imprisonment.

Why do I make that point? Let us suppose the defendant is inexplicably charged with assaulting a PC—maximum sentence six months. Under the current position, the defendant would plead guilty and those six months would be reduced to four, because a third of the sentence would be docked. He would then serve half that sentence, which is two months. That is the maximum penalty. It is vanishingly rare that anyone ever gets the maximum penalty, but let us suppose someone does in this case and receives two months. Under the new regime, he would have a maximum sentence of 12 months, but we take off four because of the guilty plea, so the sentence is down to eight months. He will then serve four months, which is a bit more.



The amendment tabled by my hon. Friend the Member for Shipley would make the maximum sentence 24 months, but let us look at what would happen in practice. If the defendant pleads guilty, 24 months is reduced to 16 months, and he will then serve half of that. We must be careful about this. The net effect is simply that the sentence would go from a maximum of two months in custody to eight months, even with my hon. Friend's amendment. The true area of injustice is not the absence of the offence; it is when a prosecutor makes the daft decision not to charge someone with the appropriate offence. Of course I support the Bill, but we must keep our eye on the real areas of injustice, which are upstream.

Finally, in my experience, police officers, and perhaps, in future, emergency workers, will take umbrage at the fact that if a defendant is convicted of, for example, a robbery, even if the court says, "Right. That's it. Two years for the robbery and four months for assaulting a PC", those sentences will invariably run concurrently, and a police officer could be left thinking, "What on earth was the point of that?"

**Chris Bryant:** That is another reason for structuring the Bill in this way. All too often, the courts might have borne in mind the fact that an offence was against an emergency worker when sentencing, but that might be completely unknown to the emergency worker. The mere fact that, because of the Bill that aggravating factor must be stated in court, will be of some comfort to the victims.

**Alex Chalk:** That is why I am prepared to support the Bill. It sends an important signal that I hope police and emergency workers will welcome. It is right that such an offence should be on that person's record. My simple note of caution is that, in my experience, the areas of injustice come from wrong charging decisions and the wrongful exercise of discretion on the doorsteps of court.

**Michael Tomlinson:** At the start of his speech my hon. Friend mentioned the disgrace of sentencing, which he said was a joke or a scandal or whatever. I want to ask about honesty in sentencing—he is coming on to that point. Can we have honesty in sentencing without having ever more inflation in the sentences that are handed down? My hon. Friend the Member for Shipley (Philip Davies) might be right in saying that we should have honesty in sentencing, but the net result need not be that people are locked up for an ever longer time. We need better communication about what happens with the examples given of a third of a sentence being knocked off and then another half. If the public understood that, they might well get behind such a measure and support it.

**Alex Chalk:** My hon. Friend makes a valuable point, and we must ensure credibility, understanding of, and basic confidence in the criminal justice system. My hon. Friend the Member for Shipley makes a pertinent point about what people feel if someone gets an eight-year sentence but are out in four years, and probably less. I accept that that causes concern, but it cannot seriously be suggested that we in this country are soft on imprisonment. In the United Kingdom we imprison around 95,000 people, but in Germany the figure is closer to 60,000, as it is in France. Of course there is an

issue of perception, but it would be a great mistake for the message to go out from this debate that we are soft on imprisonment because nothing could be further from the truth. The UK imprisons more per capita than any other western European country.

The hon. Member for Halifax (Holly Lynch) raised a point about sexual offences, and it is appalling to think that an ambulance technician or paramedic who goes to a nightclub, for example, to try to give first-aid to somebody who has been assaulted on a dance floor, might be sexually assaulted. If she has been sexually assaulted—let us be honest, it is probably a "she"—there is an offence under section 3 of the Sexual Offences Act 2003 that has a maximum penalty of 10 years imprisonment. It would be a very curious case if I, as a prosecutor, were faced with those facts—if a defendant put his hand up an ambulance worker's skirt in a context where she is trying to provide first aid to an individual—and the CPS then said, "Do you know, we have this new offence, so we are not going to bother with the Sexual Offences Act, section 3, which carries the maximum penalty." There is a risk that that ambulance worker would say, "What on earth is going on here? Why are they going for the easy option?"

11.30 am

**Chris Bryant:** However, the truth is that now, large numbers of ambulance workers never bother to report it because they feel that it will not be taken seriously. All too often, they have a sort of message from society, the law and prosecuting authorities that somehow or other, this is sort of part of their job. That is why it is important that we say, very firmly, "It is not part of their job and there should be prosecutions."

**Alex Chalk:** We should say it firmly, and if I may say, no one can say it more firmly and eloquently than the hon. Gentleman. That is great, but we have to be chary of using legislation to send a message. I do not have any difficulty with doing it—we are doing that and it is absolutely fine—but there is a risk of one sick joke being replaced by another. I would feel very aggrieved if my daughter, say, was an ambulance worker, and a defendant was charged with what might be perceived to be an easier and lesser offence in circumstances where if the same thing happened, for the sake of argument, to one of the nightclub's patrons who was not an emergency worker, the defendant might be charged under section 3 of the Sexual Offences Act. We rely on prosecutors using their judgment, and I am sure that they will continue to do so, but my simple point is that this has the greatest scope for injustice, and it should not be allowed to happen.

**Kevin Foster:** I am finding my hon. Friend's speech very interesting and thought-provoking. Does he agree that Parliament can make its intentions clear on this subject by making this an aggravating factor in the offences that he refers to, and not by looking to incorporate it as such into this offence? Of course, the intention may well be common assault, but this is about making it an aggravating factor in existing sexual offences and not about saying to prosecutors, "You went for this offence when you should have gone for the offence under the 2003 legislation."

**Alex Chalk:** I take that point entirely.

[Alex Chalk]

My final point is about the issue of grievous bodily harm with intent, which most right-thinking people would think is the appropriate offence to charge someone with who had bitten a police officer's finger, but a middle ground exists between grievous bodily harm with intent and common assault, which currently has a maximum sentence of six months—that is, assault occasioning actual bodily harm. Why do I mention that? As has been intimated, common assault is for offences that leave no mark at all. If any offence leaves a mark that, in the language of the Offences Against the Person Act 1861, is more than merely transient or trifling—in plain English, that is reddening of the skin—the defendant can be charged with assault occasioning actual bodily harm, whether the victim is an emergency worker or not, with a maximum penalty of five years. That would mean, once the discount for an early guilty plea is taken off, that someone could be inside for 20 months maximum.

This is my central point: let us support this Bill and let us send out the message that attacks on our emergency workers are heinous, that they are not to be tolerated and that the law should come down like a ton of bricks. However, let us also not forget that getting justice means selecting the offence so that the punishment will fit the crime—

**Holly Lynch** *rose*—

**Alex Chalk:** Just before I finish my peroration, I give way to the hon. Lady.

**Holly Lynch:** The hon. Gentleman is making an incredibly powerful speech and raising some really interesting issues. For me, when we are looking at how we can make a difference in this area, our role as legislators means that we are in some ways limited in how we intervene in the other areas of injustice that he has raised. My question to him, using his legal background and expertise, is this: once we have done our bit by amending the legislation—that will go some way to addressing this problem—how do we appropriately intervene to address the other areas of injustice that he also outlined?

**Alex Chalk:** The hon. Lady makes an excellent point. It would be a very dark day indeed if Members of Parliament in this place were effectively directing independent prosecutors how to exercise their discretion—I know she is not suggesting that for a second—so we have to tread extremely carefully. Ultimately, when a prosecutor decides which charge to choose, they will have to weigh two things: first, sufficiency of evidence—is there sufficient evidence to make it more likely than not that a jury properly directed would convict?—and secondly, is it in the public interest? They have to weigh certain factors in considering the public interest, ranging from the likely sentence at the end of a conviction to protection of the public, and all sorts of things. What we say in this Chamber, however, is capable of forming part of that public interest. If we send the message out that we expect condign punishment, to use a faintly pretentious expression, to be visited on those who assault our emergency workers, that factor can properly be weighed into the mix when prosecutors decide—in the circumstances

of the emergency worker who attends the nightclub or the police officer who has their finger bitten off—what offence to choose. The message will ring out from this Chamber that we expect our protectors to be protected.

**Mohammad Yasin** (Bedford) (Lab): It is a great honour to speak in this important debate and it has been nice to hear legal experts making some very important points.

In March, I received a letter from the Bedfordshire police and crime commissioner explaining why the Bill is so important to protect our emergency workers. In Bedfordshire, a police officer who has been assaulted is contacted by a member of the senior team within 72 hours of the assault. Sadly, such calls are a weekly event. Some 24,000 police officers were assaulted in 2016-17, as were more than 70,000 NHS workers and staff in England alone. Assaults on emergency workers should not be viewed as an occupational hazard. While some judges will add an additional penalty if an assault on an officer is proven in court, that is not automatic. CPS judges have historically viewed an assault in the course of arrest as to some extent just part of the job. We must not tolerate that any longer.

**Derek Twigg** (Halton) (Lab): My hon. Friend is making a very good speech and important points. He is right that some people seem to accept the situation, so as well as this being a matter for legislation, do we not also need to change the whole culture?

**Mohammad Yasin:** My hon. Friend makes an important point. We need to change the culture in this country because it is currently not acceptable.

We must put legislation in place to guarantee that a tough line will be taken on anyone who assaults an emergency worker. This must extend to spitting—a disgusting and aggressive attack—and sexual assault. The regional Crown prosecutor for Bedfordshire advises officers and staff to give the same amount of attention to their own witness statements as to those of other victims, and to provide personal impact statements to the court. The chief constable of Bedfordshire police has agreed to supply a supplementary personal statement in the event of any serious assault, detailing its impact on the force and colleagues, to add weight to the argument for the maximum penalty. However, such good practice is weakened if there is not legislation to back it up. That is why this Bill is so important and why I support it.

**Robert Courts** (Witney) (Con): It is a pleasure to speak in this very important debate and to follow so many knowledgeable and impassioned speeches. I join every other Member in paying tribute to the hon. Members for Rhondda (Chris Bryant) and for Halifax (Holly Lynch), who have campaigned for so long to bring forward this Bill, which I entirely support.

I will in due course speak to some of the amendments and new clauses, but I wonder whether I might be permitted to say a few words about my general support for the Bill, simply because I have not yet had the opportunity to address this matter. I simply would like to say—

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. The hon. Gentleman has explicitly told the House what he is about to say. He would probably have got away

with it if he had not been so explicit—since we are in this dinner party of lawyers atmosphere, I had better be careful, too, to live up to the name of lawyer. He cannot be general at the moment—he can be so on Third Reading—but this group does, of course, cover an enormous range of matters, and I am quite sure he will be in order in addressing them.

**Robert Courts:** I am grateful, Madam Deputy Speaker. As you rightly said, had I simply said what I intended to say—that we all owe a debt of gratitude to our emergency workers in the police, the ambulance service and everywhere else, and that it is important that they have the full weight of the law behind them—without preannouncing it, I would perhaps have finished that part of my speech by now.

As others have pointed out, there are some anomalies in the Bill. As my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) said, its sentencing provisions are unusual. Like my hon. Friend the Member for Cheltenham (Alex Chalk), I have prosecuted these offences and others like it, and it is strange to have the same sentence on indictment as for summary offences. Broadly put, anyone charged with an either-way offence can choose between a summary trial, which is quicker and relatively straightforward and carries the prospect of a lesser sentence, and a jury trial in a Crown court, which takes longer, with the trade-off being that if they are convicted, they face the prospect of a greater sentence. There is therefore an important tactical consideration for those who advise clients and defendants but, strangely, the Bill entirely removes that.

As I understand the Bill, it contains little to compel anybody to opt for trial on summary jurisdiction—everybody would go for trial by jury. That is fine, in that trial by jury is the gold standard—we are rightly proud of trial by jury in this country—but the difficulty is that there is a big backlog of such cases. The vast majority of cases in this country are dealt with on summary jurisdiction, and if we encourage people to opt for trial by jury, we will simply increase the backlog. I therefore have some difficulty with how the Bill is phrased.

I understand the reasons behind new clause 1, which was tabled by my hon. Friend the Member for Shipley (Philip Davies), and the basis for the Government's opposition, as I understand it, to his new clauses generally—it would be disproportionate to increase the maximum sentence on indictment by so much—but as my hon. Friend the Member for Mid Dorset and North Poole said, we ought to consider this anomaly, because it militates against the tactical concern that any lawyer will have when advising a client. There would be nothing to lose by going for a trial on indictment in front of a jury, which seems strange. It is also anomalous to have a 12-month sentence in a magistrates court, when, absent section 154 of the Criminal Justice Act 2003 being brought into force, most other offences brought before a magistrates court carry a six-month sentence. That is odd. As I say, I support the Bill, so I take nothing away from what it seeks to achieve, but those points ought to be made quite clear.

It is important that we are clear about what we are seeking to do in the Bill. My hon. Friend the Member for Cheltenham made an excellent point that I would like to emphasise. There is a danger of legislating for the

sake of doing something. We have had innumerable criminal justice Acts over the last few years. For those of us who have practised in the magistrates and Crown courts, it can be very difficult to keep up to date with the latest criminal justice sentencing Acts, in particular, and with the guidelines, which keep changing. There is a danger that in seeking to address a wrong, we legislate to do so, rather than simply insisting that the correct charging decisions are made, which is the point that my hon. Friend made. I understand the point about how we do that, which the hon. Member for Halifax made. There is no quick, easy answer. It is partly a matter of criminal justice guidelines being toughened in appropriate circumstances, and partly of the CPS working with its lawyers and training them to ensure that the correct decisions are made. It would be peculiar if, in the example given, when a police officer's finger was bitten off, that was not charged as a GBH offence, which it clearly is.

**Philip Davies:** It was not.

**Robert Courts:** I am not familiar with the background of the case. Perhaps there was a good reason; perhaps there was not. I simply make the point that we need to be careful not to complicate the statute book by introducing offences that cover every precise situation, rather than simply using the more serious offences that already exist. Such a point was also well made by my hon. Friend the Member for Cheltenham with regard to the Sexual Offences Act.

11.45 am

I do not object to the basis of the Bill—that is why I support it—because there are some cases for which we simply have to send out the message that it is absolutely this House's intention that emergency workers should be protected. As the hon. Member for Rhondda (Chris Bryant) said, police officers who are assaulted in the course of their duties have long been protected in legislation, and it is long since time that we extended that to those who work in the ambulance service, in particular, and all other emergency workers. I welcome the work that was done in Committee to extend the definition.

**Kevin Foster:** My hon. Friend is making an interesting and thought-provoking speech. He says that this is about sending out a message, but does he agree that this is actually about giving prosecutors an extra tool in their box by way of a new offence to deal with the problem? That offence could be enhanced by the measure on spitting.

**Robert Courts:** I entirely agree with my hon. Friend, and I am grateful to him for making that point. I was simply seeking to make it clear that while an offence that carries a greater sentence might exist for some cases, we should still have this offence, because it sends a message. As he said, an offence does not already exist for some cases, so it is right that we address that.

I wish to make a few comments about spitting, on which the hon. Member for Rhondda has tabled his amendment 1, with which I entirely agree. Spitting is a revolting act that I have both prosecuted and defended innumerable times. It seems to have become more prevalent



[*Robert Courts*]

over the past few years and is now a greater part of people's behaviour when they are faced with emergency workers. It is disgusting, and people who work in the police force or the ambulance service, for example, ought not to have to put up with it.

That is quite right, but it is more important than that, because spitting is deliberately intended to cause worry and to add a psychological wound to one that otherwise is relatively short-lived, because it is not a physical injury. It is right that we mark that because, as I have seen at first hand several times, the act causes immense worry to those in the emergency services, who are understandably extremely distressed far beyond the duration of the relatively short-lived incident. The worry about any contamination that might occur as a result of spitting lasts for weeks and sometimes months. That is what we are seeking to address, which is why I wholeheartedly support amendment 1.

**Maggie Throup** (Erewash) (Con): I am pleased to be able to make a contribution to this debate on dealing with assaults on emergency workers. Hon. Members might be pleased to know that I stand here not as a lawyer. I have been listening to the lawyers with great interest, because they put such a different perspective on things that I perhaps do not see, and I hope that I have learned a bit from them today. I wholeheartedly congratulate the hon. Member for Rhondda (Chris Bryant) on stewarding the Bill to this stage. I should also like to add my congratulations to the hon. Member for Halifax (Holly Lynch) on the work she has done on protecting police officers, even before the Bill was introduced. I congratulate my hon. Friend the Member for Shipley (Philip Davies) on his diligence and his commitment to this important Bill. He has taken a great deal of time to look into the details and to table a range of new clauses. I welcome the spirit of his new clauses 1 and 2 in particular, and his focus on police officers, but all Members will recognise the wide range of emergency workers whom we have a duty to protect through legislation to ensure that appropriate sentencing is applied for everyone. That is where I have some issues with the new clauses, in that I think they might be segmenting out certain emergency workers.

I have also listened to the arguments for the amendments tabled by the hon. Member for Rhondda, and to the arguments put forward by my hon. Friend the Member for Cheltenham (Alex Chalk), who demonstrated great insight into the Bill as it stands and the possible impact of the new clauses. I will take those views into account, along with the responses of the Minister, when considering what will really work in practice. What we want from the Bill is legislation that really works. We have a duty to our emergency workers to ensure that we have a really practical Bill that will lead to fantastic results. I will expand on my arguments about the new clauses in due course.

I am delighted to stand with emergency workers in Erewash and across the whole United Kingdom as we unite in the Chamber today in condemning those who attack our brave emergency workers, many of whom are regularly prepared to put their own lives at risk so that we can go about our daily lives in a safe and peaceful manner. I pay particular tribute to the emergency workers

in my constituency, including the great team of police officers whom I meet on a regular basis. Just last Friday, I visited one of my acute hospitals, the Royal Derby Hospital, where I met people in A&E and saw all the different aspects of their work. I met the ambulance people who work in conjunction with them, and I also went to the pathology department, but one of the great delights of my visit was to stand on the helipad on top of the hospital and look out all around Derbyshire. That was an amazing experience. We must also take account of emergency workers who go out in helicopters as we must ensure that we protect everybody.

I also have a Ilkeston Community Hospital in my constituency. Tomorrow it is organising a bed-push to raise funds through its league of friends. That bed-push will be on the high street, but the high street is on a hill, so once again our emergency workers are going above and beyond. There will be teams from the fire service, the ambulance service, Rotary, the Co-op and Tesco, as well as a team from the hospital itself. Nurses will be giving up their free time to help to raise extra funds. All our emergency workers, whether on or off duty, are very committed, and we have a duty to protect them in whatever way we can.

With the support of the Government—in particular the Minister for Policing and the Fire Service, my right hon. Friend the Member for Ruislip, Northwood and Pinner (Mr Hurd), and the Minister of State, Ministry of Justice—and the support of the whole House, I am certain that following today's debate and the Bill's safe passage through the other place, we will have achieved a practical piece of legislation that will afford our emergency workers the legal protection they so rightly deserve. However, while I commend the scope and principle of the Bill, once it receives Royal Assent, as I fully expect that it will, we should not view this simply as "job done". Instead, the Bill should become a catalyst for wider public debate—perhaps leading to further legislation—about how we best protect all those in public-facing roles who provide vital services to society.

I commend my hon. Friend the Member for Shipley for standing up for police officers through the tabling of his new clauses, but we need to consider emergency workers, and indeed all public-facing workers, as a whole. Many of the offences under the Bill are already criminal offences in existing law, as the lawyers among us have explained. This Bill differs by giving specific protections to emergency workers. I know that the hon. Member for Rhondda explored this earlier, but I must ask how I am supposed to console other public service workers in my constituency, such as the train conductor, the social worker, the teacher or even my own caseworker, whose contributions to society are just as vital but will not be afforded the same status or protection that emergency workers will receive under the Bill. That is something that we need to look at, and this is why I have some concerns about the new clauses.

I have spoken to countless people who carry out such public roles, and I am sure that all other Members have also done so in their time, both as MPs and during their previous careers. We know that they face many challenges from people who engage in unacceptable and abusive behaviour. All too often they find themselves in potentially dangerous situations, but they will be without the protection that the Bill gives to the emergency workers that it specifies. I think that we need to ensure that the Bill



covers all those who have put themselves forward as public servants. The House should acknowledge that, and examine the issue more closely to establish whether further action, including further legislation, is required. A failure to do so would leave us open to the accusation that we have prioritised the safety and the protection of one group of public workers over another.

This long-overdue piece of legislation will serve to protect our protectors. When emergency personnel have been attacked, we as politicians have been all too quick to respond with kind words and the promise of action, but no one has ever been comforted—or, for that matter, convicted—by rhetoric alone. Today we can finally deliver on that promise of action by passing practical measures that will make a real difference to our fantastic emergency workers on the ground, while also signalling the extent of our respect, support and admiration for the vital work that they all do.

**Jim Fitzpatrick** (Poplar and Limehouse) (Lab): I rise to speak very briefly in support of the efforts of my hon. Friends the Member for Rhondda (Chris Bryant) and for Halifax (Holly Lynch) in introducing the Bill and piloting it through Committee. It is clear from all the evidence that has been presented by many Members on both sides of the House over the past two and a half hours or so that it has the overwhelming support of the whole House, although Ministers may question some of the nuances and some of the amendments.

As Members will know, I spent 23 years in the London fire brigade. There are several former firefighters in the House: the right hon. Member for Hemel Hempstead (Sir Mike Penning), the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), and me. The fire service has not featured much in the statistics that we have heard this morning, but that is because it is a much smaller service than the others, so there are fewer incidences of assaults. It has, to an extent, a different culture. None the less, firefighters have been victims of assault on a number of occasions.

More than 20 years ago in Shadwell, which is in my constituency, malicious youths were setting fires or issuing malicious false alarms to get the fire crews to turn out, then took great delight in attacking them. As a result, the local fire station introduced an intervention scheme whereby young people, including some troublemakers, attended a five-day intensive course to enhance their skills and confidence. The young people were referred to the scheme by the police, the local authority referral service and others. Over the past 20 years we have seen fire and police cadets adding to the great work done by the sea, air and Army cadets. It is important that the service has that interventionist arm to prevent kids from going down the wrong road and getting into trouble. However, the purpose of the Bill is to deal with circumstances in which people cross that line.

Spitting is one of the problems. East London has been a tuberculosis hotspot for many years, and at one point during the past 20 years it was the ninth highest TB hotspot in the world—a stunning statistic. Airborne diseases can be transmitted in that way, and aerial transmission of TB is a considerable risk. In Tower Hamlets and Newham, “No Spitting” signs have been introduced in recent years. My hon. Friend the Member for Rhondda referred to London councils that have

reintroduced penalty charges to act as a deterrent. He also mentioned Masuaku, a member of the football team that I support, who incurred a six-match ban—not a six-month ban—for spitting. That demonstrates how seriously the football authorities take it, because such a ban is one of the heaviest punishments that can be meted out against professional footballers. The behaviour was completely unacceptable, and was deprecated by all concerned.

The hon. Member for Shipley (Philip Davies) said in response to my hon. Friend the Member for Rhondda that we do not want to send signals; we want action. I think he was being a little churlish, because he knows how important signalling is and how important signalling our intention is. However, he is right that it has to be backed up by action.

12 noon

I inferred from the comments of my hon. Friend the Member for Rhondda that the Government may not be totally on side in respect of his amendments on spitting and sexual assault. I will be interested to hear what their explanation is, but I assure him that if he and my hon. Friends are not satisfied with it and he presses the matter to a vote, most colleagues would, I hope, support them against the reservations of the Government. That will be determined by the strength of the explanation as to why the amendments are not acceptable.

This House is united in saying, as has been said by many hon. Members, that we need to protect those who protect us. It is positive that so many colleagues are here this morning, as was demonstrated by the number who voted on the procedural motion earlier, to ensure that the Bill goes through. I hope that it goes through with my hon. Friend’s amendments.

**Tom Pursglove:** It is always a great pleasure to follow the hon. Member for Poplar and Limehouse (Jim Fitzpatrick), who brings an awful lot of experience to the debate from his time employed in the fire service. I was interested to hear what he had to say.

I, too, put on the record my thanks and appreciation to the hon. Member for Rhondda (Chris Bryant). He is an effective and tenacious campaigner in this House and has pursued this issue with great vigour, alongside the hon. Member for Halifax (Holly Lynch). They have done their constituents and the country proud by bringing the Bill forward and getting it to this stage, and by working constructively with Ministers to get it right and reach agreement.

I was delighted to serve on the Bill Committee, where we managed to get through the Bill reasonably rapidly, because there is such support for it across the House. I will not repeat the points that I made on Second Reading, even though they are relevant to the amendments we are considering.

I would argue that a number of the points my hon. Friend the Member for Shipley (Philip Davies) made about his amendments—and I have heard all the scholarly and learned arguments that have been made by esteemed colleagues—were underpinned by quite a big dollop of common sense. I welcome much of the sentiment he has expressed through his amendments.

I would certainly support extending more opportunities and powers to magistrates, because that is something we have pledged to do as a Government. Not only is it right

[Tom Pursglove]

to empower magistrates and dispense justice as close to the people as possible; it is a cost-effective way of delivering justice and of doing so speedily. In Northamptonshire, we have had issues over the past few years with the streamlining of the magistrates bench. I therefore think that magistrates in Corby and east Northamptonshire would be very pleased to have additional opportunities and powers extended to them, so that they can uphold justice in our community effectively.

I know that all Members of the House have significant concerns about assaults, particularly on prison officers. This is a pressing issue. A very close family friend of mine is a prison officer, and he and his family are very concerned about this issue. I intervened on my hon. Friend the Member for Shipley to make the point that, whatever one thinks about the rights and wrongs of early release, it must be seen through the prism of early release being a privilege, not a right. I think that if someone assaults a prison officer, they should lose that privilege. It is as simple as that. My hon. Friend made the case for that robustly. I think the case speaks for itself, because there is no starker deterrent for a prisoner than knowing that if they do it, there will be consequences. That should be the bottom line.

If the public were polled on that proposition, I know what the numbers would look like. Opinion polls can be taken with a pinch of salt, but the vast majority of people in this country would think that that was right and proper. We should send the clear message that assaults on prison officers will not be tolerated. Finally, it is my view that it is right to be really clear about sexual assault. It is right to amend the Bill along the lines that the hon. Member for Rhondda has set out. It should be an aggravating factor, and amendment 3 would deliver that.

I made a point on Second Reading that relates to these amendments and new clauses and which was about the racial or verbal abuse of, for example, a police officer within a home. There is nothing that can be done about that at the moment, which worries me greatly. A dedicated officer in Corby, Candy Liverpool, was verbally abused in somebody's house, but nothing could be done about it. I am grateful to the Policing Minister for the interest that he has shown in the issue. He is willing to consider where the law could be tightened up to deal with that, which is the right thing to do. I would be interested to hear whether he will touch on that in his summing up to let us know how he is getting on.

In conclusion, it is important that this House sends a message, it is important that those who are prosecuting take the necessary steps, and it is right that the law takes such matters seriously. However, as my hon. Friend the Member for Erewash (Maggie Throup) said, that is not the end of the story, and we must continue to keep matters under review. We have to send a clear signal not just from this House, but as a society that we will not tolerate the abuse of the people who are ultimately trying to keep us safe.

**James Cartlidge** (South Suffolk) (Con): It is always a pleasure to follow my hon. Friend the Member for Corby (Tom Pursglove) and, indeed, the hon. Member for Poplar and Limehouse (Jim Fitzpatrick). He and I are members of a cross-party group on the IRA-Libyan

terrorist issue, which I became my involved in because I have a constituent whose sister was a WPC who was murdered in the Harrods bombing many years ago, and I am always struck by the thought of anyone who is cut down in the line of duty after being called out. The crimes that relate to new clause 2, which is what I will address, are far less serious than that, but the principle is that we should support those who are serving us on the frontline and are attacked, abused, spat at or assaulted in the process. Like everyone else, I the support the Bill's principle. This is the first time I have spoken on it, and I commend the hon. Member for Rhondda (Chris Bryant) for his efforts and thank the hon. Member for Halifax (Holly Lynch). Indeed, when I met representatives of the Suffolk Police Federation, they specifically wanted me to pass on my best wishes to her for the "Protect the Protectors" campaign.

This debate is timely for me, and the reason why I wanted to refer to the clauses that relate specifically to the constabulary is that, while we are concerned about assaults on anybody and on all emergency staff, Suffolk has seen a great spike in assaults on police officers of late. In fact, the number of incidents increased from 193 in 2016 to 281 in 2017, and there has been a 265% increase over the past few years. Assaults with injury reported to Suffolk constabulary's health and safety department involving broken bones, cuts, deep lacerations and black eyes more than tripled from 34 in 2014 to 124 last year. Those significant increases have caused a great deal of concern in the county and in my constituency.

I said that this debate is timely, and the headline in today's *East Anglian Daily Times* is "Concern over sharp rise in violent crime". We have seen a 29% increase in violent crime in Suffolk. We are talking about assaults on police officers, and I have been worried by an obvious, at least anecdotally, increase in violent crime, which has now been confirmed by the statistics. There were many ram raids in my constituency over the winter, particularly targeting Co-ops and other similar village shops. We had two ram raids on cashpoints in the same week in the historic village of Lavenham, and people are unsettled because many such attacks have occurred in the rural villages of my constituency. I mention that to add some context, because it seems to me that we may be entering more violent times.

The amendments and new clauses tabled by my hon. Friend the Member for Shipley (Philip Davies) are effectively deterrents. In any policy that is seeking to tighten up sentencing, deterrents should be the priority. We do not want to prosecute people for offences; we want to deter people from carrying them out in the first place. Suffolk Police Federation told me that it wants the Bill to contain greater deterrents, so that the message sent out is not just that we quite rightly condemn such attacks, but that if people commit such offences, they will suffer the appropriate penalty and will not get off lightly for serious offences.

It comes down to causality. We talk about deterrence because if criminals think they can get away with it, they will continue to carry out these offences. I have looked at this issue to try to understand why we are seeing more offences—we do not yet have any academic studies or other expertise—and I asked local police whether there is a link with the growth in county lines: the drugs traffic coming out of London that is starting

to hit rural areas. As hon. Members know, when the drugs trade becomes more competitive it becomes more violent. As drug gangs fight for territory, they tend to mark their territory with the greater use of force and a battle for who is, to be blunt, scarier. We have to increase deterrence in response.

Inspector Danny Cooper, who is in charge of Sudbury police, told me he cannot say for certain whether there is a link with the growth in county lines, although the most recent assault of a police officer in Sudbury, two days ago, was by a drug dealer. What assessment have Ministers made of the causes of what is happening? Is it linked to the drugs trade? Is it because of an increase in intoxication?

My hon. Friend the Member for Congleton (Fiona Bruce) spoke about alcohol. The *East Anglian Daily Times* ran a story about the spate of police assaults over the Christmas period in Suffolk, with eight police officers being injured. One of the most serious incidents followed a robbery, and when the officer concerned was asked why he thought there were more assaults on officers, he said that intoxication was certainly one of the key factors. We know more people drink during the Christmas period.

When we talk about crime, I always want to try to understand the trends. Obviously there are people who make political points, which may be valid, about funding, police numbers and so on, although I cannot help but feel that, when crime was falling sharply some years ago, police numbers were also falling. We have to try to understand why that was the case.

When I was first elected, I asked the then deputy chief constable what was responsible for the trend. Obviously we would like to take great political credit, but he pointed to certain societal trends, such as fewer people going out to pubs after the crash. There was therefore less violence and disorder at clubs and nightspots, and more crimes arising in the home and online, and so on, as people were spending more time at home.

My priority is to find out why this is happening so we can try to deal with it. I support the Bill, and I have only one modest concern. We heard earlier about the great dinner party conversation of our scholarly and learned friends. I am proud to sit with many people who have real-world experience they can bring to bear in adding value to these debates. My hon. Friend the Member for Cheltenham (Alex Chalk) said that we need to understand that there are other offences that cover serious crimes against emergency service workers. We have to be sure that the message we send is not purely a gesture but is meaningful in law and adds to the array of punishments and tools that can be used so that we tighten up the available punishments and send a message of deterrence.

I do not say that politically. Our police and crime commissioner is coming to Westminster next week to meet Suffolk MPs. He is doing all he can and is going to increase his precept to provide more resources to the frontline, but these are worrying times in Suffolk and there is no point beating round the bush. We are seeing an increase in violent crime and we are seeing more assaults on police officers. I want to understand why, then I want to see the Government take effective action. If they need stronger legislation and stronger sentencing, I will be one of the first to support them. In principle, I support this Bill and I congratulate all the hon. Members who have helped its passage.

**Nigel Huddleston:** If I may use the phraseology of my hon. Friend the Member for Corby (Tom Pursglove), let me say that it is a pleasure to follow the dollop of common sense that is my hon. Friend the Member for South Suffolk (James Cartlidge). *[Interruption.]* It is a positive thing. I also wish to congratulate the hon. Member for Rhondda (Chris Bryant), who is far from being a dollop in any way imaginable, on introducing the Bill and, most importantly, on the constructive tone he has taken in advancing it, working on a cross-party basis. That speaks volumes about his approach and the degree of respect in which he is held across the whole House.

12.15 pm

That brings me on to my hon. Friend the Member for Shipley (Philip Davies), who made some very valid arguments. As I said earlier, I am, surprisingly, in agreement with him. In particular, I have great sympathy with his new clauses 1 and 2 on sentencing penalties, and new clauses 4 to 6 on automatic release. I am keen to hear the Minister's response on those new clauses. I also wish to applaud the work done by the Public Bill Committee to broaden the scope of this Bill so that it goes beyond the original intent of addressing health work to cover the whole remit of emergency workers.

That this Bill is even necessary is regrettable, but sadly the statistics on the rise in assaults against emergency service workers suggest that the current law may not be going far enough in protecting those workers and demonstrating how serious an offence assaulting one is. A GMB survey of ambulance workers recently found that 72% have been attacked while on duty and 94% were aware of attacks on their colleagues. Since 2012, there have been 1,597 physical assaults reported by West Midlands ambulance workers alone, and physical assaults on NHS staff in England increased by 9.7% last year.

As I mentioned earlier, Long Lartin prison is in my constituency, so hon. Members will understand that I have a particular interest in assaults on prison staff. I therefore have sympathy with new clause 9, tabled by my hon. Friend the Member for Shipley, which would mean that a prisoner serving less than 12 months who assaults a prison officer would not be eligible for automatic release. I am also sympathetic to his new clauses 14 to 18, which are similar. An average of 23 attacks on prison staff are recorded every day in the UK, and the number of assaults on prison staff in England and Wales during the last three months of 2017 was the highest quarterly tally on record.

Unfortunately, I have heard from my own constituents about being assaulted while working in Long Lartin, which is a high-security prison and, as such, contains some of the most troubled and aggressive inmates in the country. It is a sad fact that this aggression is all too frequently targeted towards prison staff, and some attacks against Long Lartin staff have regrettably gained national attention. I would like to take the opportunity to thank all the prison officers and staff who serve with such professionalism at Long Lartin, and I take my responsibility seriously as an MP to help make sure that they can work in a safe environment—that means having both adequate resources and adequate laws.

Nationally, a police officer is assaulted every four minutes. Across my region of West Mercia there has been a 10% increase in incidents involving on-duty



personnel, and on average there are two incidents each day. In an effort to counter the increasing incidents involving police in West Mercia, my local police and crime commissioner, John Campion, has launched a campaign called “Behind the Badge” and explained that he has done so because he wants

“the public to see the person behind the police badge”.

Although statistics are useful in demonstrating the scale of the issue, it is important that we do not lose sight of the fact that each number represents an individual person. As a police constable in West Mercia, who was the victim of an assault, said,

“we are human, just like everybody else, and we have a job to do. If nothing else, just remember that I have got a family that I would like to go back to.”

**Jeremy Quin:** I am delighted to hear what my hon. Friend is saying about his local PCC. I have spoken about this Bill to my PCC, the excellent Katy Bourne, and I know that both she and the local police federation are keen to see it progress and be put on the statute book. Like in his area of rural Worcestershire, in my district we think of ourselves as being in a very law-abiding and civilised place, but we had 28 assaults on police officers in 2016-17. He is highlighting that this is not just an urban concern; there are concerns about the safety of emergency workers right across the UK. Obviously the Bill does not deal with the whole of the UK, but it covers England and Wales, and I very much hope that he will continue to support the Bill and that we will get it on to the statute book in due course.

**Nigel Huddleston:** I agree completely with my hon. Friend. One challenge we face in this place is that sometimes those of us who represent the more rural areas are perceived as representing some sort of rural idyll, where there are no problems and no concerns. That is far from the case, and we need to make sure rural areas are covered adequately too.

I will not try your patience much longer, Madam Deputy Speaker. I want to say in conclusion that it is my hope and that of many others in this House that the passage of the Bill will send a clear message to emergency service workers about how deeply they are valued, and provide some reassurance that they do not need to tolerate abuse and assault while carrying out their duties. I hope too that the Bill’s passage will send a message to the public that emergency service workers are protected by legislation and that those who are violent towards them will face the full force of the law.

**Craig Tracey (North Warwickshire) (Con):** I am delighted to speak in this debate, and I thank all Members who have contributed, particularly those who have tabled amendments. I have listened carefully, and I sympathise with many of the points that have been raised, particularly on extra support for police officers and the issue of spitting. I look forward to the Minister’s comments.

I am sure that we all agree that assault on anyone in any situation is awful, but to attack someone who is trying to help another person in an emergency is callous, heinous and totally unacceptable. Punishment for such assaults on emergency workers should fit the crime, and I believe that it is right and fair to give a judge the ability to take them into consideration as an aggravating factor in determining a sentence.

I congratulate the hon. Member for Rhondda (Chris Bryant) on introducing the Bill and add my support for amendment 3, which is a sensible addition. I also thank all the other Members who have put work into the Bill, particularly the hon. Member for Halifax (Holly Lynch). As we have heard, it takes quite a bit of work to get a Bill to this stage, and this is an important Bill.

Emergency workers are courageous and dedicated. Moreover, they are selfless in their endeavour to help people. There can be few more noble callings and no more worthwhile purpose. I see that clearly during my regular visits to the George Eliot Hospital, which serves my community in North Warwickshire and Bedworth and the surrounding area so well. I see it each time I meet local police across the constituency, never more so than recently when they responded professionally and decisively to the case of a hostage situation at a bowling alley. I have seen it when I had the pleasure to meet the North Warwickshire community first responders, volunteers ably led by Samantha Hall who give up their time because they want to help save lives. I know North Warwickshire is particularly proud of them, as am I. Samantha got married to her partner Graham a few weeks ago, and I pass on my congratulations to them, and I am sure that colleagues here today will join me in wishing them the very best for the future—[HON. MEMBERS: “Hear, hear.”]

The responders are volunteer members of our community, trained by the ambulance service to respond to emergency calls through the 999 system. They provide immediate care to patients and are mobilised by ambulance control. They are a part of their local community, serving an area of approximately 3 miles in radius from their base, which can be their home or place of work, so they can attend the scene of a medical emergency in a very short time, often arriving within a few minutes of the call and sometimes while the caller is still on the phone.

The team are trained to provide emergency life support and to treat patients suffering from a range of conditions. On the arrival of an ambulance, they form part of the team treating the patient. It is my understanding that the Bill will protect emergency workers including volunteers such as the North Warwickshire community first responders, as they are contracted to provide a service by the NHS, but I would be grateful if clarity can be provided on that point, as they certainly deserve the additional protection that this Bill will give to emergency workers.

It is repulsive to imagine any emergency service worker being attacked in the line of duty while saving and protecting, as their name makes clear, those most in need. However, this happens on an all too regular basis across the country. I was shocked to learn that NHS staff—those who are treating sick or injured people—recorded more than 70,000 physical assaults during the year 2015-16. It is worth dwelling on that figure for a moment, as it is the equivalent of 53 assaults per 1,000 members of staff. I am sure that all right hon. and hon. Members will agree that that is 53 assaults too many.

In our prisons, officer assaults have risen by more than 30% to more than 7,000 in the past year. However, I am encouraged by the fact that the Government are taking action to increase the number of prison officers. They have recruited 3,100 new officers, many of whom

will be in place by the summer, which will help to reduce the figure. None the less, I can see the sense in new clauses 4 and 9 in providing greater protection for prison officers. As I said, I look forward to hearing the Minister's response on that.

The Police Federation states that the latest welfare survey data

“suggest that there were potentially more than two million...unarmed physical assaults on officers over a 12 month period, and a further 302,842 assaults using a deadly weapon during the same period.”

It estimates that an assault on a police officer happens every four minutes. Those statistics are shocking and make it clear that action needs to be taken.

This crucial change in the law will send a clear message that attacks on emergency workers will not be tolerated. I welcome the cross-party work that is being done to ensure that those who are violent face the full force of the law. I draw parallels here with our armed forces, and I have previously said in this House that, to enable them to do their job and, more importantly, to give them our backing, we cannot allow spurious legal cases to linger in their minds, as that can reduce recruitment, morale and retention, and, critically, prevent them from doing the job that they have been so highly trained to do.

Similarly, we must guarantee that our emergency workers—those who are in the frontline of responding to life or death situations, or upholding the law—have full protection while carrying out their duties. Those personnel, from ambulance paramedics who are first on the scene to dedicated nurses who care for the sick and firefighters who run into burning buildings, have called for greater protection, and it is right that we deliver it for them. In February 2017, the Police Federation's campaign “Protect the Protectors” called for a change in legislation leading to tougher sentences for those who assault emergency service workers and more welfare support.

As I said at the start of my remarks, there is no excuse for assault of any kind, but an assault on an emergency worker, who is acting in the line of duty, simply cannot be tolerated. Shamefully, such occurrences are not uncommon and are happening every single day while people are performing their duties in protecting and saving our constituents.

This Bill may not deter every criminal from assaulting an emergency worker who is carrying out their duty, but the new offence will provide increased protection under the law for emergency workers who are assaulted in the course of their day-to-day work. Encouragingly, that increased protection will also extend to situations where an emergency worker is not at work, but is acting as if he or she were—for example, when an off-duty firefighter rescues someone from a burning building. I warmly support the reasoning behind the Bill and the improvements that it will bring in protecting those who dedicate their careers and lives to helping and protecting us.

**Michelle Donelan** (Chippenham) (Con): It is a delight to follow my hon. Friend the Member for North Warwickshire (Craig Tracey). I echo the gratitude that has been expressed to the hon. Members for Rhondda (Chris Bryant) and for Halifax (Holly Lynch) for all their sterling work on the Bill and their work with the Government to get us here today, and I hope that the whole House will support them.

I support the Bill, and I also support amendment 3 in particular, which I will talk about later. I also echo the support of some Members for the sentiment expressed by my hon. Friend the Member for Shipley (Philip Davies). He raised some very good points regarding automatic release, but that is a broader debate that we should have in a wider realm, as it would have many ramifications. We should look at that matter separately, rather than diluting and potentially destroying the Bill. Without these amendments and new clauses, the Bill will send a strong message to emergency workers that the actions we are discussing will not be tolerated, and it will give prosecutors powerful tools. That is the message that has come from the emergency workers across my own constituency. They have spoken to me about their own ordeals and about how they recognise the importance of our passing the Bill today.

It is true that attacking a person serving the public is already an aggravating factor in sentencing guidelines, but this Bill will put on a statutory basis a specific requirement to consider assault on emergency workers as aggravated. We have heard many stories today in the Chamber of heroes and heroines whose brave acts to protect us have basically been a part of their everyday jobs and lives, yet they have faced assaults for simply trying to do their job of helping others. That has happened in the Chippenham constituency, but it also happens up and down the country every year. It is only right that we stand up for our emergency service workers in the way they stand up for us. I hope that the Bill will help us to do that. The fact that it has cross-party support sends a message to emergency workers that we are supporting them and standing up for them. It is time for us to protect the protectors—a phrase used throughout the debate today—and ensure that they have the full protection of the law in carrying out their duties. The Police Federation used that apt phrase when it launched its own campaign.

12.30 pm

I will be supporting amendment 3, which would make a sexual attack on an emergency worker an aggravated offence. That is the right thing to do. Sexual assault is a heinous crime, as the amendment recognises. Shockingly, assaults on emergency workers are not uncommon, and assaults specifically on NHS workers have been rising, with 70,000 recorded attacks on hospital staff in 2016. According to Home Office figures, 2016-17 saw 738 incidents involving an attack on firefighters, resulting in 56 injuries. Unison and other unions have been calling for action in that respect. I echo the comments of Roy Wilsher, chair of the National Fire Chiefs Council, who said that

“any attack on firefighters is one too many and we cannot tolerate this continuing to happen. I am also deeply concerned by the number of attacks on our emergency service paramedic and police colleagues.”

I agree with him that one is simply too many. I welcome anything that this House can do to send a message and to provide more tools to combat such behaviour.

The Home Office has estimated that there were 24,000 assaults on police officers in England and Wales in 2016-17. The Police Federation's report suggests that there were more than 2 million unarmed physical assaults on officers over 12 months and a further 302,000 assaults using a deadly weapon. Those figures mean it is estimated

that there is an assault on a police officer every four minutes. It is not only the actual incident but the emotional and physical long-term effects that we need to think about. An incident can happen within five minutes, but the ramifications can last for five years. The human impact on our services is the most important things.

**Maggie Throup:** I am aware of incidents where police officers have been attacked and those attacks have not just affected them for five years; their career has been curtailed completely. Such incidents have a huge impact on emergency workers' ambitions and family life.

**Michelle Donelan:** Indeed. The other point that I was going to make is that these incidents can encourage people to leave their profession, because they are so distressed and every day is a dark reminder of the ordeal that they have been through. That is dreadful, because we need our emergency workers. If we continue to lose them because of these incidents, it will only lead to further shortages of people who play an invaluable role in society. Time is also lost when emergency workers are in hospital or when they take respite leave after an incident. Attacks on police officers between 2016 and 2017 were estimated to have caused six days of lost time on average.

Assaults on emergency workers also create an additional cost for the taxpayer. The annual estimated cost to the NHS of healthcare-related violence is £69 million, which is equivalent to the salary of 4,500 nurses. We could do a lot more with this money. A survey by the Royal College of Nursing found that 47% of its members who had been physically assaulted would not recommend a nursing career. That is the last thing we need when we are looking to recruit more nurses and doctors. A survey of violence against frontline NHS staff reported that 2% of workers a year in England hand in their notice or change their job because they have been physically assaulted.

I congratulate the Bill Committee on its work and the amendments it made, which broadened the scope of who is considered to be an emergency worker. I am delighted by that, because for too long we have forgotten or overlooked people who are on the frontline and are serving to protect and assist us every day. The provisions will now cover prison escort services and those working on the NHS frontline, and staff and volunteers will be protected by the Bill if assaulted while providing a service under contract from the NHS. As we have heard, the Bill will also cover those who are working off duty but are performing their roles. A firefighter is still a firefighter if they are assisting in a fire but not actually doing their day job.

We owe a debt of gratitude and respect to our emergency workers for the courage, commitment and dedication that they demonstrate in carrying out their duties. I am proud to support the Bill and amendment 3. Together, they will ensure that we stand up for those who stand up and protect us.

**Kevin Foster:** It is a pleasure to speak in this debate. I pay tribute to the work of the hon. Members for Rhondda (Chris Bryant) and for Halifax (Holly Lynch) in getting this Bill to Report stage. Having taken a private Member's Bill through the House myself, I know that, even when

the wind is fairly behind it, it is still quite a challenge to make sure that one gets something that can enjoy wider support.

It has been interesting to listen to the thoughtful speeches by my hon. Friends the Members for Cheltenham (Alex Chalk), for Mid Dorset and North Poole (Michael Tomlinson) and for Witney (Robert Courts), who applied their usual level of legal analysis to the Bill and helped to shape my understanding of some of the amendments.

It was particularly interesting, though, to sit through the, as always, robust speech by my hon. Friend the Member for Shipley (Philip Davies), who brought his own sense of common sense to this debate and to his new clauses and amendments. Sadly, however, I will have to express queries and concerns about one or two of his proposals. I will be interested to hear what the Minister says in response to them.

In my intervention on my hon. Friend on his new clause 1, I said that this Bill creates a new offence that we would expect prosecutors to look to in prosecuting common assault on emergency services workers. I accept that the thrust of the new clause is the idea of having different sentencing regimes for an older offence dating from 1996 as opposed to the new offence created by the Bill. I am not persuaded that it is the best idea to alter the old piece of legislation as well, because that gets us into a debate about whether we should be reviewing or removing certain provisions. It would be more useful to see what happens when the new offence comes in. We would rightly expect prosecutors to see the intention of Parliament in passing this specific new offence that covers assaults on emergency workers and look to use it rather than the old one. I would be tempted to look to see whether the old offence becomes redundant in future. Rightly, prosecutors will look to give the courts the sentencing powers available for this offence and consider the fact that Parliament has passed a new and more up-to-date piece of legislation. I was not persuaded by the arguments on new clause 1, but I will be interested to hear the Minister's comments.

**Philip Davies:** We have heard from some of our learned colleagues about how the Crown Prosecution Service sometimes makes mistakes when charging people. Would it not be absurd if it were to charge somebody under the wrong offence—the old offence of 1996 and not this one—and when it went before the court, the court could not give the person the appropriate sentence that this House thinks they should get because it will be working to an old piece of legislation? Surely it would make sense to even up the sentence for both, and then whichever offence they were charged with, the judge or the magistrate could do the job.

**Kevin Foster:** I thank my hon. Friend for his, as always, interesting intervention. I think it would make sense to see how the new law works out in practice. It would be quite bizarre if we saw a trend towards charging under the old offence rather than the new one. This is not about removing the ability to charge more serious offences. We need to be clear that this is about giving prosecutors an additional tool to deal with these issues. It is not about removing other offences. If someone attempts to murder a police officer, they clearly should be charged with attempted murder. If someone commits a serious assault on a police officer, they should be charged



with ABH or GBH. This is about covering those who behave in a completely unacceptable manner towards an emergency services worker but do not trigger those types of offence, and we must be clear that Parliament's intent is not for this to become a catch-all offence.

Perhaps in future there will be an appropriate time for a review. I am sure my hon. Friend the Member for Shipley will, as always, dutifully pursue the statistics on the use of this new offence, to ensure that prosecutors and courts have the powers to deal with those involved.

I sympathise with the call to up the sentence to a maximum of two years. I was interested to hear the contribution from my hon. Friend the Member for Mid Dorset and North Poole on that point, and particularly on the issue of either-way offences. Normally, trial on indictment in the Crown court carries a higher penalty than a summary trial in the magistrates court.

The only thing I did not find particularly persuasive was the reference my hon. Friend the Member for Shipley made to the proposed five-year sentence for animal cruelty. It is worth saying that that is the only charge available if someone has exhibited violence to an animal. We think of cases where animals have literally been tortured to death. At the moment, the effective maximum is about six months in jail, whereas this is not a catch-all offence. We are looking for more serious offences to sit alongside less serious ones.

I know from my experience last year of supporting Bills on that issue that my hon. Friend is a very strong supporter of appropriate sentences for animal cruelty. A sick thug who tortures a living creature to death should not be walking out of a court a free person; they should be heading down to the cells for a significant period of imprisonment. I just feel it appropriate to be clear that our intention is not for this to become a catch-all for a range of offences. For animal cruelty, that is the offence someone is charged with, and the court then reflects the seriousness of that offence in the sentencing.

**Philip Davies** *indicated assent.*

**Kevin Foster:** I see my hon. Friend nodding his head.

New clause 3 suggests a review after two years. I am interested to hear from the Minister what proposals the Government have to monitor this new offence and its use once it comes into effect. I am rarely persuaded that putting a requirement for a specific review into legislation is the best thing to do, not least given the abilities of Members of the House to question Ministers, have debates, look for information and commission research from the Library. I am interested to hear how the Government propose to deal with that.

On new clauses 4 to 8, tabled by my hon. Friend the Member for Shipley, I am probably more of the view of my hon. Friend the Member for Chippenham (Michelle Donelan); there is a debate to be had around the early release scheme. I certainly sympathise with the point made by my hon. Friend the Member for Corby (Tom Pursglove) that this should not be seen as a right, but should be based on the fact that someone has behaved appropriately. Similarly, if someone comes out of prison on licence, it should be a licence on their behaviour, and if they breach the terms of that licence, the remainder of their sentence awaits them back in prison.

The one slight concern I have is what supervision and requirements there are of people after they are released, having gone back to complete their full sentence or having completed their full sentence in prison. That was highlighted to me recently in a case in my constituency where someone had been released from jail on licence and had then breached the terms of that licence. They were recalled to prison to complete their sentence, and once they had done so, probation had no role on release. There is very little restriction on what they do, unless they are on the sex offenders register, which has certain restrictions. Likewise, some of the support mechanisms and things that are available to those on licence are, ironically, not available to those who have been required to complete their whole sentence.

**Philip Davies:** It was very lucky that the person concerned went back to serve their whole sentence, because we now have fixed-term recalls, as my hon. Friend will know. Usually, when someone commits an offence when they have been released halfway through the sentence, they do not serve the remainder of their sentence; they serve only 28 days or sometimes 14 days of the sentence. Not only are they being automatically released halfway through, but if they breach the terms of their licence, they go back in for only 14 or 28 days. The whole thing is a scandal.

12.45 pm

**Kevin Foster:** I thank my hon. Friend for his thoughtful intervention. I agree that if someone who has been sent to prison for an offence breaches the terms of their parole, that is a good indication that they are unlikely to be taking seriously their responsibility as a citizen to follow the law. My example is of a person who came to the end of their sentence and was released, but found that no support was available. It was a bizarre situation. They were trying to access some support and found it difficult, but had they not breached their licence, support and monitoring to keep them from offending would have been in place. Perhaps this discussion is not for today, as it would require more fundamental changes to how we operate the recall to prison system, licensing, and what we do with those completing their whole sentence. Nevertheless, it flagged up to me a requirement to ensure at least a minimum period of monitoring after someone comes out of prison, whether they have been released on licence or because they have completed their whole sentence.

I welcome the inclusion of spitting in amendment 2, but it is important to send the message that Parliament does not intend to exclude spitting from the traditional offence of common assault. The amendment is to clarify that spitting is included in the initial offence. I am clear that in my constituency the use of spit hoods is a matter for the Chief Constable of Devon and Cornwall, and if he believes that that is the right way to protect his officers, he should take that approach. I take the same view on issuing firearms and other protections to officers—it is for the chief constable to make an operational decision on the basis of the needs of policing and the safety of his officers. It should not be a political policy decision. Including spitting in the Bill gives a clear legal basis for an offence that carries up to a year in jail, but that can be prevented by the use of a spit hood. If someone is busy spitting at a police officer, that offence already

[Kevin Foster]

carries a year's imprisonment. There is a strong basis, beyond the protection of officers, for why it is right and proportionate to use a spit hood if someone is trying to spit at an officer, using the last way they can attack that officer once they have been restrained by other means.

I am conscious of time, Mr Deputy Speaker, and since I support the Bill I have no intention of trying to talk it out. I also welcome making a sexual assault on an emergency worker an aggravating factor in other sexual offences. We must be clear that Parliament's intention—certainly my intention, and I see other hon. Members nodding—is not to say, “This is the offence to use for a serious sexual assault”. Someone who sexually assaults an emergency worker would still be charged under the Sexual Offences Act 2003, particularly given the things that come with that, such as registration and monitoring, which are so vital when dealing with this issue. The amendment would mean that a court will consider that someone has abused the good will and position of someone who came to their aid, particularly medical staff in the NHS, and that is an abuse of trust. The amendment is therefore perfectly sensible, as it makes it clear that such an offence is an aggravating factor, not a replacement offence.

I am conscious that we want to hear the Minister's response so I will draw my remarks to a close. As always, I welcome the dogged determination of my hon. Friend the Member for Shipley to ensure that wrongdoers get their just desserts, that the Bill receives the scrutiny it rightly deserves, and that our courts and prosecutors know exactly what Parliament intended in passing this Bill today—intentions that I completely support.

**Rory Stewart:** It has been a great pleasure to sit on the Benches during this debate, and I begin by paying tribute to the extraordinary contributions that we have heard. This has been a very high-quality debate, with perhaps even more vigour and more interest than Second Reading.

I pay tribute to the strenuous, challenging empiricism of my hon. Friend the Member for Shipley (Philip Davies); the precision, energy and charm—to return to the word “charm”—of the hon. Member for Rhondda (Chris Bryant); the imagination, sincerity and courage of the hon. Member for Halifax (Holly Lynch); the precision and learning of my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson); the rigour, eloquence and intelligence of my hon. Friend the Member for Cheltenham (Alex Chalk), who is no longer in his seat; the empathy of the hon. Member for Bedford (Mohammad Yasin); the principled application of my hon. Friend the Member for Witney (Robert Courts); the emphasis on widening the circle of compassion from my hon. Friend the Member for Erewash (Maggie Throup); the emphasis on the medical and epidemiological aspects of the case from the hon. Member for Poplar and Limehouse (Jim Fitzpatrick); the emphasis that my hon. Friend the Member for Corby (Tom Pursglove) put on the symbolic charge of the Bill; the emphasis that my hon. Friend the Member for South Suffolk (James Cartlidge) put on the broader themes of violence in society; the pragmatism and hard-won experience of my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston); the focus from my hon. Friend the

Member for North Warwickshire (Craig Tracey) on the particular obligations that we owe public servants; the compassion and indeed, the concern for public finances that was expressed by my hon. Friend the Member for Chippenham (Michelle Donelan); and finally, the courtesy to other colleagues and dignity displayed by my hon. Friend the Member for Torbay (Kevin Foster).

This is a powerful Bill and we in the Government agree strongly with the principles underlying it. Nearly 20 separate amendments and new clauses have been proposed. Having listened carefully to the debate, we will be accepting one of those amendments but respectfully requesting that the other new clauses and amendments are withdrawn or not moved. That is not because we disagree in any way with the Bill's underlying principles, which should be clear to the whole House. They are that an assault on any individual or citizen in our society is a terrible thing, but that an assault on an emergency worker is an assault on us all. These people are our constituted representatives. They protect society and deliver services on our behalf. Therefore, an attack on them is an attack on us and on the state, and it should be punished more severely than an attack simply on an individual victim.

There is also strong agreement with the spirit underlying the new clauses and amendments. It should be absolutely clear that spitting is included within common assault—it is a particularly disgusting form of common assault. It should also be entirely clear that it is completely unacceptable to attack a police officer, a fire service officer, an ambulance worker, a prison officer or anybody in the emergency services—or indeed, any emergency worker as defined in the Bill—and that sexual assault should be included in the Bill. That is the amendment that we propose to accept, having listened carefully to the debate. It has been pushed very hard by Opposition Members and should be included as one of the things for which an assault on an emergency worker should be considered an aggravating offence.

Let me move specifically and relatively rapidly through the almost 20 new clauses and amendments that have been proposed to explain why the Government believe that it would be better to withdraw some amendments and new clauses to leave the Bill in a state more similar to that from which it emerged from Committee. I will take them in turn. Essentially, these new clauses and amendments try to do three things. They try to make the offence of common assault more specific—to specify the ingredients of common assault—or they attempt to further increase the penalty for common assault on an emergency worker, or finally, they attempt to widen the scope of the things that are dealt with through the Bill. I will deal with them in that sequence.

Amendment 2 seeks to make the offence of common assault more specific by putting on the face of the Bill that spitting should be included under common assault. As my hon. Friend the Member for Cheltenham made clear in his learned speech, we can already prosecute spitting under common assault. This month, in fact, there was a successful prosecution of 23 weeks for an individual who spat at a police officer. Including it in the Bill, although an admirable intention, runs the risk of casting doubt on other cases of common assault. An ingenious lawyer might argue that the House of Commons, by saying that common assault on an emergency worker includes spitting, is implying that common assault on

somebody else should not be considered to include spitting, and that therefore someone spitting on an ordinary member of the public could not be charged with common assault.

**Chris Bryant:** I hate the idea of an ingenious lawyer, but the Minister is right—I accept that there is a danger of that. Are there other things that the Government could do to ensure that the prosecuting authorities take spitting as common assault very seriously?

**Rory Stewart:** Absolutely. In return for the hon. Gentleman's sense and solidarity in not pressing the amendment, we will focus on making sure that the relevant authorities, particularly the CPS, are clearly instructed to consider spitting as included under common assault. I hope that in a small way this speech in the House of Commons will re-emphasise, in case anyone is in any doubt, that it is Parliament's intention that spitting should always be included within the offence of common assault.

That brings us to the amendment and various new clauses tabled by my hon. Friend the Member for Shipley, which would further increase the penalty for assaulting emergency workers, police officers and prison officers. This is a complex set of new clauses. New clauses 1 and 2 relate to the existing law—in particular the Police Act 1996, as it relates to a police officer in the execution of their duty—and seek to do two things. The first is to increase the maximum penalty from six months to 12 months. On that, we respectfully argue that if the Bill passes today, we will have already increased to 12 months the maximum penalty for such an assault on a police officer in the exercise of their functions. It would therefore be unnecessary to further amend the Police Act.

The aim of new clause 2 and amendment 9 is to double the maximum penalty from 12 months to 24 months either by amending the Police Act or dealing with the Criminal Justice Act 2003. The Government wish to resist this approach because we have to weigh up two principles. On the one hand, we believe very strongly that emergency workers are entitled to a particular form of respect and protection because they work on our behalf—they provide services to us; they represent us. The police officer courageously confronting the criminal and the prison officer courageously confronting an offender in a prison are both acting on our behalf, and an assault on them is an assault on us. On those grounds, it is absolutely valid that the maximum penalty for such an assault be doubled. This is an important moment in English law.

There is, however, a second important principle in English common law: we are all equal, and victims are equal. The victim of sexual assault should be remembered above all as a victim of sexual assault, not on the basis of their profession or occupation, or of the function they were engaged in at the moment of the assault. That is why we believe that the proper indication of our respect for public servants should be to double the maximum penalty, but to move beyond that and quadruple it would begin to create the kind of situation that exists in Russia, which I hope will never exist in the UK, whereby uniformed officers become a caste apart and go into a category of a superior form of human being with an entitlement to a quite separate form of protection.

On those grounds, we think that moderation and proportionality would require us to stick at 12 months, not 24, and we courteously request that my hon. Friend the Member for Shipley withdraws new clause 1, and does not press new clause 2 and amendment 9.

1 pm

**Jeremy Quin:** I realise that this is a sensitive point. I have spoken to police officers who would like to have a higher tariff in these circumstances, but what the Minister is saying has pith, because there are other people—be they council workers, social workers or clergy—who go out of their way as part of their duty to do things in our communities that put them in a vulnerable situation. We would be sending the wrong message if we were to draw too big a distinction between our valued emergency workers and other members of society who also conduct incredibly valuable tasks.

**Rory Stewart:** My hon. Friend is absolutely right. Many people who do things on behalf of the public in their daily lives are entitled to protection, but not all of them are covered by the Bill. There is a more fundamental point that relates particularly to sexual assault. We want to make it absolutely clear that what really matters in such circumstances is the brutal, undignified nature of that assault on anyone, regardless of their profession. That is why we have to get the balance right in sentencing.

This brings me to new clauses 4 to 18, which relate to assaults on prison officers. As a Justice Minister, I have strong empathy with the intention behind the new clauses tabled by my hon. Friend the Member for Shipley. Prison officers operate in an environment that the public are rarely allowed into. They have a dangerous and stressful job—I will touch on that a little more in my closing speech—and are entitled to a much higher degree of protection, but too often they do not receive it. We therefore think it absolutely right for them to be included among the emergency workers and for the maximum penalty for an assault on a prison officer to be increased from six months to 12 months. Beyond that, we want to do more to protect prison officers, including through the use of protective equipment and the devices they carry. We want to encourage the police and the Crown Prosecution Service to bring more prosecutions for assaults on prison officers. However, for two reasons, we do not think that this particular ingenious proposal—that someone assaulting a prison officer should have to serve twice the length of the sentence currently set out under the Criminal Justice Act 2003—represents an appropriate response.

The first reason, which is philosophical, is that if an individual has been put in prison for their original offence, they should be punished for that offence, with a subsequent offence judged and punished separately. For example, if an individual has been put in jail for 12 years for the importation of a class A drug, their punishment has been designed to fit that crime. If they then assault a prison officer, they need to be punished for assaulting a prison officer. Their initial crime of importing class A drugs should not be used to punish them for assaulting a prison officer.

The second reason, which is practical rather than philosophical, is that under the new clauses, someone who has been put in jail for 12 years would automatically get a further six years in jail if they assaulted a prison



[Rory Stewart]

officer. However, someone who had been put in jail for six months would, under my hon. Friend's proposals, get a further three months in jail, yet the assault that those two individuals had committed would be exactly the same.

**Philip Davies:** I think that the Minister might have slightly misunderstood my proposal, or perhaps he is not doing it justice. Much as I would like people to serve the whole of the rest of their sentence in full, that is not the actual proposal. I propose that they should not get automatic release halfway through their sentence, but it does not necessarily follow that they would have to serve their whole sentence. They just would not be automatically released halfway through their sentence, so they would have to spend a bit longer in prison, but that length of time would be determined by the Parole Board. I am not proposing that they would have to serve the whole of the remainder of their sentence, as the Minister seems to suggest.

**Rory Stewart:** I am grateful to my hon. Friend for that clarification. Nevertheless, the fundamental point remains that the individual committing an assault should be punished for that common assault. They should be prosecuted, judged and sentenced in accordance with that assault. They should not be punished for that crime by the extension of a sentence designed for a separate crime.

That brings me back to the question of widening the scope of the Bill to take account of sexual assault, as is proposed in amendment 3. We have resisted such an amendment in the past because of our concern to have an emphasis on the sexual assault and the equality of all victims of sexual assault, regardless of the functions they were undertaking. However, having listened carefully to the arguments advanced, in particular by the hon. Members for Rhondda and for Halifax, both today and over the preceding weeks, we as a Government are now convinced that it would be correct to insert sexual assault into the parts of the Bill that deal with cases in which an offence against an emergency worker would be an aggravating factor, especially given the astonishing increase in the number of sexual assaults on emergency workers. As the hon. Member for Rhondda pointed out, between a third and half of all emergency workers currently appear to be reporting such assaults. On those grounds, while respectfully requesting Members not to press the other amendments and new clauses, the Government are willing to accept amendment 3.

Let me end by paying a huge tribute to everyone who has spoken today for the statement that they have made to a wider culture, as public representatives—representatives of us as a Parliament, us as the public, and us as the state.

**Philip Davies:** This very good debate has featured a great deal of expertise, which I have welcomed.

I am delighted that the hon. Member for Rhondda (Chris Bryant) persuaded the Minister of his case in relation to sexual assault. He also spoke about spitting, as did the hon. Member for Poplar and Limehouse (Jim Fitzpatrick). When my dad—remarkably, unbelievably—became the elected Mayor of Doncaster, he introduced

a penalty for spitting, and I should like to think that more local authorities would do the same. I am sorry that we could not persuade the Minister on that issue, but an acceptance rate of 50% for the amendments tabled by the hon. Member for Rhondda is certainly better than my track record. The rule is, I think, that those who want the Government to agree to something should come at it from a left-wing perspective, as that usually gives them a better chance of success than the approach of coming from a more conservative perspective. That is something I have learned over many years.

I was grateful for the points made by my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) about the sentencing powers of magistrates, and for what he said about our breaking new ground and the possibility that, as I argued, the Crown courts should be given bigger sentencing options. I commend the hon. Member for Halifax (Holly Lynch) for her support for my new clauses: she proved herself, again, to be a doughty supporter of police officers.

My hon. Friend the Member for Cheltenham (Alex Chalk) made an excellent speech, although he let himself down somewhat by saying that we in the UK send lots of people to prison, which is a myth that is constantly propagated by the liberal elite. Just for the record, the fact is that for every 1,000 crimes committed in this country, we send 17 people to prison. That is one of the lowest ratios anywhere in the world. I challenge my hon. Friends to find any country that sends fewer than 17 people per 1,000 crimes committed to prison. They will struggle to find many, although there are some—*[Interruption.]* My hon. Friend the Member for Banbury (Victoria Prentis) is part of the liberal metropolitan elite. I repeat the fact—it came from the House of Commons Library, so I am sure she will not deny it—that for every 1,000 crimes committed, we send 17 people to prison. That is a fact. My hon. Friend may think that the proportion is too high; I rather think that it is too low.

**Gareth Johnson:** Will my hon. Friend give way?

**Philip Davies:** No, because I think we want to press on.

I was also grateful to my hon. Friend the Member for Witney (Robert Courts), who made the same point about the sentencing powers of Crown courts and magistrates. The Minister did not really explain why we are giving them the same powers.

**Rory Stewart:** I will answer that point very briefly. The process-led point that is being made about the difference between the magistrates and Crown courts is concealing the bigger issue, which is that we do not believe the sentence in respect of emergency workers should be quadruple that in respect of other citizens. It is the quadrupling rather than doubling that leads us to reject that argument.

**Philip Davies:** I do the Minister a disservice—he did make that point and I apologise.

As well as talking about spitting, the hon. Member for Poplar and Limehouse mentioned the fire service. I was pleased that he did, because that allows us not only to thank him for the service he gave for many years in the fire service, but to highlight the number of assaults

that firefighters face, which he rightly spoke about. That number is massively on the increase in West Yorkshire, which is appalling. His contribution allows us to highlight the fact that firefighters are included in this legislation, and rightly so.

I was heartened by the support I received from my colleagues, particularly my hon. Friends the Members for Corby (Tom Pursglove), for Mid Worcestershire (Nigel Huddleston), for North Warwickshire (Craig Tracey), for Chippenham (Michelle Donelan) and for Torbay (Kevin Foster), on my point about automatic early release, even if they did not all think that we should deal with it here and now in the Bill. I fear that the Minister has been slightly got at regarding this point either by his officials at the Ministry of Justice—they never want to send anyone to prison from what I can see, and certainly do not want any more people in prison—or by the Treasury. I cannot work out which, and perhaps it is both, but I hope, in all seriousness, that he will look at the issue again.

The Minister ought to be able to detect that there is widespread support in the House for not allowing people who assault prison officers to get automatic early release. If he will not do something about it as a Government Minister, I will certainly do what I did when the Prisons and Courts Bill was passing through the House before the last election and table an amendment to that effect. The Labour party kindly indicated that it would have supported that amendment, but we never got to it because of the election. The SNP kindly said that they would support that amendment to protect prison officers. I suspect that if the Government do not act on this, they will find themselves defeated if any such amendment is tabled to future legislation. I hope they will reflect on the strength of feeling that has been shown on both sides of the House to say that people should not be released from prison early if they assault prison officers. I hope he will go away and look at that issue again.

Finally, on new clause 1, which I am formally obliged to either press or withdraw, I am disappointed that the Minister has decided to leave on the statute book two pieces of law that have the same effect but carry two different sentences. He says there is no need for the new clause, but there is certainly no reason not to make the change to put both pieces of legislation in line and tidy up the law. I am sorry that he resisted such a modest proposal. Like other Members, however, I do not want to do anything to undermine the chances of the Bill getting through. It is a fantastic piece of legislation that I support wholeheartedly. With those reservations, I beg to ask leave to withdraw the clause.

*Clause, by leave, withdrawn.*

## Clause 2

### AGGRAVATING FACTOR

*Amendment made:* 3, page 2, line 39, at end insert—

“(aa) an offence under section 3 (sexual assault) of the Sexual Offences Act 2003”.—(*Chris Bryant.*)

*This causes the fact that the victim was an emergency worker to be an aggravating factor in cases of sexual assault.*

## Clause 4

### TAKING OF SAMPLES UNDER THE POLICE AND CRIMINAL EVIDENCE ACT 1984

**Chris Bryant:** I beg to move amendment 4, page 4, line 23, leave out clause 4.

**Mr Deputy Speaker (Sir Lindsay Hoyle):** With this it will be convenient to discuss the following:

Amendment 5, page 6, line 6, leave out clause 5.

Amendment 6, page 8, line 14, leave out clause 6.

Amendment 7, in clause 7, page 9, line 37, leave out from “only,” to end of line 38.

*This amendment is consequential on Amendment 5.*

Amendment 8, in title, line 3, leave out from “duty;” to “and” in line 6.

*This amendment is consequential on Amendments 4 to 6.*

**Chris Bryant:** I will not delay the House long on these amendments, but I should explain why I tabled them. They would take three clauses out of the Bill, which I am fairly confident will have the support of the whole House.

Although these clauses are about the taking of samples, in particular when an emergency worker is in danger of contracting an infectious disease by virtue of being spat at or through some other means, the aim of the Bill was never to take samples. The aim of the Bill was always to stop spitting. Thanks to the Minister’s earlier interventions, and to today’s debate more generally, I think we have had a clear statement from Parliament that spitting is included as part of common assault or battery.

1.15 pm

Consequently, there is a bigger question about whether clauses 4, 5 and 6 are necessary and proportionate and whether they would work. The honest truth is that some significant concerns have been raised. Those directly involved in working with HIV, AIDS, hepatitis and other infectious diseases are worried that, for two possible reasons, the clauses would not do what it was hoped that they might. First, if there is a real risk by virtue of what has happened to the emergency worker, either forced testing or testing after consent would make no difference whatsoever to the medical advice that would then be given to the emergency worker because, if the risk of infection was real, the prophylactic would be provided. That is a medical decision, and it should not be for a police officer, however senior, to decide whether to take a sample, whether intimate or not. Secondly, if there is no real risk, the test itself would merely tie up police time, create additional anxiety for the emergency worker and waste resources.

There has been some degree of misinformation at the heart of the debate about all of this. Some people seem to have the impression that HIV can be contracted from being spat at, but there is no evidence of that whatsoever. Indeed, the risk of HIV transmission through biting is estimated, in well-attested and peer-reviewed results from around the world, to be one in 17.5 million, and there have been only four cases in the whole history of the HIV epidemic. There has been not a single recorded case of HIV transmission through spitting. In other words, if there is no risk of infection, it would be wholly

inappropriate to cause some degree of anxiety to the emergency worker by suggesting that they might somehow, miraculously, be going to contract HIV and that tests therefore need to be taken from the other person. In addition, the advice on prophylactics would remain unchanged.

Some have suggested that samples might be useful in relation to hepatitis B. However, the risk of hepatitis B infection through spitting is one in 257 million, and we are aware of only one possible case. The risk of contracting it through biting is one in 43 million. In other words, the risk of transmission is very low. Anyhow, emergency workers should be provided with hepatitis B vaccinations so that they will not be affected. There is a worry among such workers about a shortage of the vaccination, and some are not receiving it when they should be, but that is not a matter for legislation; it is for NHS England and the relevant authorities in Wales. We need to do far better on ensuring that that protection is in place, but clauses 4, 5 and 6 would not in themselves provide it. There have also been no recorded cases of hepatitis C infection through spitting.

Various charities have written to me to say:

“New analysis of worldwide evidence published in April 2018 by the British HIV Association and the British Association of Sexual Health and HIV shows that there is no risk of transmission of HIV or Hepatitis C from spitting and negligible risk from biting in extremely rare circumstances. For Hepatitis B, risk from spitting or biting is also negligible to the point of being unquantifiable.”

Taking samples without consent is an invasion of the body of another person, which means we are in the territory of introducing legislation that would be neither effective nor proportionate, nor would it lead to better healthcare for emergency workers. Clauses 4 to 6 are therefore inappropriate and, on that basis, I have tabled these amendments to remove them from the Bill, not because I have any hesitation in declaring that spitting at an emergency worker is wrong and despicable, as we have heard many times today, but simply because the clauses would not be efficacious.

Clauses 4 to 6 therefore should not remain in the Bill.

**Holly Lynch:** I will rattle through my speech, as I know we are pushed for time. I entirely appreciate and sympathise with amendments 4 to 6 and, following our discussions with Ministers, I understand the practical challenges of clauses 4 to 6, but I want to push a little further. If we remove these clauses, what else can we do to mitigate some of the outstanding anxieties that will still persist?

As the hon. Member for Shipley (Philip Davies) has outlined, spitting makes up 21% of all assaults on police officers in West Yorkshire. For that reason, it is important we get this right. As my hon. Friend the Member for Rhondda (Chris Bryant) said, certain organisations advocate vaccination as one option to protect against some communicable diseases. Although I endorse that as part of the solution, there are two problems with it. First, I am uncomfortable that vaccination removes responsibility from the spitter not to spit in the first place, and on to the 999 responder to take precautions in preparation for being spat at. That is part of the reason why I am so supportive of amendment 2, which I am pleased was fully discussed in the previous group of amendments.

My second problem is that, as the Minister will know, most forces have an immunisation programme to vaccinate against hepatitis B. However, due to the global shortage of hepatitis B vaccines, forces have had to follow Government advice to suspend those programmes, which means people in roles identified as at increased risk, such as police officers, special constables, detention officers, PCSOs and crime scene investigators, are already going without this level of cover.

I am pleased that stocks of the vaccine are starting to become available again, but there is a backlog of immunisations. Some officers are particularly vulnerable during this window, making the types of mitigation we are now exploring all the more pertinent if we are to abandon clauses 4 to 6.

I also have concerns that the support and advice received by emergency service workers who have been spat at varies greatly. I would like the advice and support to be standardised for all those defined as emergency service workers, as per the definition in the Bill, so they can access the very best specialist medical advice within hours, allowing them to make informed decisions. That will restore the power balance and their dignity, which the spitter has sought to take from them.

Another criticism of these clauses is that the rates of transmission, and therefore the risks, are so low that there simply is not the evidence to warrant testing in the first place, yet we know that is not what is happening in practice. On Second Reading I told the story of PC Mike Bruce and PC Alan O'Shea of West Midlands police, who both had blood spat in their face as they tried to arrest a violent offender. They both received medical advice recommending that they undergo antiviral treatments, and they faced a six-month wait to find out whether the treatment had been successful.

As I explained on Second Reading and repeat now to reinforce the point, during that time PC O'Shea's brother was undergoing treatment for cancer. Because medical professionals deemed that the risk of passing on an infection was too high, should he have contracted a disease, PC O'Shea was advised not to see his brother throughout the intervening period. He was also advised not to see his parents, because they were in such regular contact with his brother. PC Bruce had a false positive result for hepatitis B and his young family were also then tested and faced a six-month wait for conclusive test results, which confirmed that they all had the all-clear.

Although those experiences are two of the most anxious and prolonged I have come across, they are not uncommon. I need to be able to look those two officers in the eye and say to them that we have not given up on making sure that no officer has to go through the same experience, rather that we are simply taking another approach. I look to the Government to work with us on making that happen, beyond the Bill, if we are to remove clauses 4 to 6.

**Stephen Crabb** (Preseli Pembrokeshire) (Con): The hon. Lady is making a powerful point. Does she agree that the clauses on spitting were some of the most popular measures in the Bill, as originally drafted, when we discussed it with constituents who are emergency workers, so if we are going to drop them, we need a strong statement from Ministers today on what more can be done to tackle this problem, which she clearly highlights?



**Holly Lynch:** I agree entirely with that point, and I am reassured by what the Minister said about seeking to toughen up deterrence in respect of the language contained in an earlier provision in the Bill. In the event that spitting does not cease with immediate effect, we will still have to ensure that we offer those protections relating to dealing with those anxieties, and offering clarity and support. The right hon. Member for Preseli Pembrokeshire (Stephen Crabb) is quite right: that is what I am looking to see from Ministers today.

**Alex Chalk:** Will the hon. Lady give way?

**Holly Lynch:** I certainly will—I will return the favour.

**Alex Chalk:** I am extremely grateful to the hon. Lady for giving way, just at this last moment. What was striking about the point she made was that in the instance that she cited a police officer was given medical advice that there was a risk, yet that medical advice appears, statistically, to run entirely counter to the statistics that were provided by the hon. Member for Rhondda (Chris Bryant). So part of resolving this, and giving clear protection and advice to officers, is about ensuring that consistent medical advice is given—does the hon. Lady agree?

**Holly Lynch:** I entirely agree. That goes back to the earlier point that we cannot fix everything through legislation. I agree entirely that where there are shortcomings with this legislative approach, even if we withdraw it, we will not fix the problem. So what alternatives—the hon. Gentleman has rightly reflected on those—do we need to put in place? I am open to any and all suggestions—but without that legislation I am looking for alternatives.

**Rory Stewart:** First, I very much welcome the fact that the hon. Member for Rhondda (Chris Bryant) has proposed that these clauses be removed from the Bill. To answer directly the case made by the hon. Member for Halifax (Holly Lynch) and my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb), let me say that at the core of this problem is a problem of anxiety. The individual who is spitting blood at the police officer is exploiting a myth—they are exploiting something that simply is not true. Public Health England is absolutely clear that the chances of contracting a blood-borne disease through somebody spitting at you is close to zero. This is unbelievably important, because the most significant way we can prevent this epidemic of spitting, is by making it clear to the people doing the spitting that the terror they are trying to communicate is a joke—it is absurd. These people are, in the traditional sense of the word, “terrorists”; their intention is to spread terror. What they are trying to do is psychological.

Putting into the Bill something that reconfirms the psychological fallacy that someone can communicate a blood-borne disease through spitting will simply encourage these people to spit even more. What they are trying to do by spitting, in some deranged way, is to make a death threat. They are trying to say, “By spitting at you with blood, I am giving you a terminal disease”, but they cannot do that. The best response to someone who is attempting to produce a fiction or magic, and is trying to intimidate you through magic, is to say, “This is nonsense. What you have done to me is disgusting. I’ve got a gob load of spit on me, but there is absolutely no way you’ve harmed my health by doing this.”

That needs to be made absolutely clear, because there are two separate problems involved in this. One relates to the risk of transmission and the second relates to the nature of these tests. The risk of transmission of a blood-borne disease through spitting is, as Public Health England says, close to zero. The second problem is with these tests. The hon. Member for Halifax gave an example of a false positive, but there are also many examples of false negatives, and these tests are not timely—they cannot communicate an early transmission. Consequently, the only way in which a medical professional should respond to these cases is by focusing not on a test result, which is irrelevant because it is not reliable, but on the mode of transmission. In other words, if somebody has been spat at there should not be any post-exposure prophylaxis treatment given, regardless of an apparent result of a test.

If, on the other hand, someone has been injected with a needle, in almost every case PEP should be allocated, again regardless of the result of the test as that result might show up too late for the PEP to be effective. The proper medical procedure is therefore to focus on the mode, not the test. That means that in this case it would not be of significant use to test somebody, it would not be strictly necessary, and it would not be proportionate in balancing the benefit and the cost. The right to know would therefore not trump the right to privacy in this case.

1.30 pm

It is therefore much better for us to communicate again to public health professionals through Public Health England that there is close to zero risk of transmission through spitting, to communicate that to police officers so that they do not form this anxiety and take these drugs unnecessarily, and, above all, to communicate to the people who are spitting that what they are doing is disgusting and trivial but in no way harmful to health. On that basis, we will take away their attempt to communicate terror through this particularly revolting action. We strongly support the removal of these clauses from the Bill.

**Chris Bryant:** As the Minister has mentioned, there are many fallacies and the biggest area of fallacy is that surrounding HIV infection. I think many people still have in their mind the images of tombstones and the advertising campaign run by the then Government way back when, and they fail to recognise that today HIV is a very different disease. Nowadays, the viral load of the vast majority of people who have had an HIV positive test will be so low because of the good medication that they will not be infectious at all. We need to abolish the stigma, as I said on Second Reading, so I hope that all hon. Members will be happy to remove the clauses from the Bill.

*Question put and agreed to.*

*Amendment 4 agreed to.*

## Clause 5

TAKING OF SAMPLES UNDER THE TERRORISM ACT 2000

*Amendment made:* 5, page 6, line 6, leave out Clause 5.—  
(Chris Bryant.)

**Clause 6**

## TAKING OF SAMPLES: RELATED AMENDMENTS

*Amendment made:* 6, page 8, line 14, leave out Clause 6.—(*Chris Bryant.*)

**Clause 7**

## EXTENT, COMMENCEMENT AND SHORT TITLE

*Amendment made:* 7, page 9, line 37, leave out from “only,” to end of line 38.—(*Chris Bryant.*)

*This amendment is consequential on Amendment 5.*

**Title**

*Amendment made:* 8, in line 3, leave out from “duty;” to “and” in line 6.—(*Chris Bryant.*)

*This amendment is consequential on Amendments 4 to 6.*

*Third Reading*

1.32 pm

**Chris Bryant:** I beg to move, That the Bill be now read the Third time.

I was in Morrisons in Porth in the Rhondda last Wednesday, and the chap behind me in the queue was saying “Shouldn’t you be in Westminster?” I said no, that there were no votes and so I was in the constituency, and then I started packing up my stuff, having paid, and I overheard the woman on the checkout say to the man behind me, “So, who is he? Is he someone important?” He said, “That’s Chris Bryant, he’s the MP for the Rhondda,” and she said, “Oh, not very important then.”

For the most part, we are not very important, but we do have an important power as MPs, which is to introduce legislation. I am and have been conscious in introducing this Bill that introducing a new offence should only be done after long and serious consideration. We do not want to fill up the statute book endlessly with new bits and pieces of offences, and when new offences are unnecessary one should not proceed.

I am very conscious that there have been an awful lot of lawyers in the Chamber today, and it is only a sadness that Henry IV’s injunction from 1404 that no members of the law should be allowed to come to Parliament has not been maintained ever since—*[Interruption.]* I think the lawyers called it the Parliament of Dunces, so perhaps we would be dunces without the lawyers. I am genuinely grateful to those who have spoken today.

Yesterday, the Minister tweeted:

“1870 Declaration of the National Prison Association of the United States... ‘It is the judgment of this congress, that repeated short sentences for minor criminals are worse than useless; that, in fact, they rather stimulate than repress transgression.’”

I completely agree with him, and several hon. Members have made similar points today. The aim of this Bill is not primarily to send lots more minor criminals to prison for short periods. What we want to do is send out a very clear message that assaulting an emergency worker is not a minor offence but a serious offence, and that we in Parliament take it seriously and expect the prosecuting authorities to take it equally seriously.

Why? Well, apart from anything else, there has been a very significant rise in the number of assaults in recent years. When there is a rising tide, the people’s representatives should take cognisance of that and take action. Too often,

magistrates I have heard tell of have said, or implied, that somehow policing involves a bit of rough and tumble and that police officers should just get over it. That is not the view of this House, and it should not be the view of our magistrates or our judges. That kind of mentality has all too often in recent years infected people’s understanding for other emergency workers as well. There is a sort of assumption that a mental health nurse should put up with a certain amount of physical violence. I simply do not accept that.

I was in the mental health unit of the Royal Glamorgan Hospital, Llantrisant, last month. Staff told me that they had had quite a few assaults recently where the police had refused to take any kind of action, even though a doctor had certified that the person concerned—the perpetrator of the assault—knew perfectly well the distinction between right and wrong and that there was no issue of mental incapacity. We want the whole of the criminal justice system to take these issues seriously.

I fully understand that just changing the law will not change the situation overnight. As the hon. Member for Cheltenham (Alex Chalk) made very clear, there are real issues around the decisions that are made at the point of charge, and subsequently when it comes to discussions between either side just before coming to court. If passing a law, or creating a new offence, stopped offensive and offending behaviour, then the world would see no murders or thefts.

However, this Bill will have a tangible effect: the courts will give more appropriate sentences; the prosecuting authorities will have another tool in their box to deal with this issue; and the victims—the emergency workers themselves—will hear in court that the fact that they are an emergency worker has made a difference to the sentence that is passed down.

Of course we have to do more. Understaffing in some of our emergency services certainly does not help. When those services are under excessive pressure, it makes it more difficult to protect staff. We will have to keep a very close watch on the statistics as they develop, because, with NHS Protect having disappeared, it will be more difficult to ensure that the work that we have done has some effect.

I wish to thank some hon. Members, particularly my hon. Friend the Member for Halifax (Holly Lynch). I have spent so much time with her over the past few years that I feel as if I am sort of married to her. I do not think that she wants to marry me. *[Interruption.]* I am a practising homosexual—one day I will be quite good at it! Well, my husband hopes so anyway.

I also thank the hon. Member for Shipley (Philip Davies). I have his telephone number now, so I expect that we will be co-operating—*[Interruption.]* I will not tell my husband that. Obviously, we will be co-operating on more pieces of legislation. I am grateful to the right hon. Member for Preseli Pembrokeshire (Stephen Crabb), because he has been a very strong supporter of this Bill. I am only sorry that he is somewhat incapacitated today; he is too old to be playing rugby now and he should stop. I pay tribute, too, to my hon. Friend the Member for Sheffield, Heeley (Louise Haigh), who has played a really important part in making sure that the Labour party is fully behind the measures in this Bill.

There are many organisations that I wish to thank, including Alcohol Concern, the GMB, which is my trade union, UNISON, Unite, the Police Federation,

and the British Medical Association. I also wish to thank the Welsh Assembly for bringing forward the legislative consent motion in plenty of time for this Bill to have full effect in Wales as it will in England.

I also thank the Ministers, particularly the Minister for Policing and the Fire Service, who is an admirably splendid chap. I know that he wants to do his best by the police, and that he has had many conversations with the Police Federation about how we can make sure that some of the things this Bill are fully implemented. The hon. Member for Esher and Walton (Dominic Raab), who is not now the Minister in charge of this legislation, was very helpful in getting the Bill to Second Reading and through the Committee stages, and I am grateful for that.

I also pay tribute to the Minister of State, the hon. Member for Penrith and The Border (Rory Stewart). We have disagreed in meetings on occasions, but we have managed to come to a very good accommodation today. I hope that this Bill is now in a state that means it will be able to go through the House of Lords at some speed, and I am grateful for all the support that he has provided through his officials. I also thank the Clerks of the House, who of course are always magnificent.

I could not finish without mentioning Erasure—a popular beat combo, m'lud, from your youth. “A Little Respect” was a great song, but more importantly, a little respect goes a long way in politics. All we are seeking to achieve with this Bill is a little respect for our emergency workers. It has also been a delight for us to be able to show a little respect for those on different sides of the House. I think that our constituents would, on the whole, prefer it if we were able to develop common solutions to common problems through legislation and other means, rather than by always shouting at one another. But I am not going to get too pious about that, because I do quite like shouting at Government Members.

This Bill is about saying to every single police constable, prison officer, custody officer, paramedic, nurse, fire officer, doctor, A&E consultant, lifeboat officer, A&E porter, ambulance driver and mines rescue officer, “We stand with you. We will protect our protectors.”

1.41 pm

**David Warburton** (Somerton and Frome) (Con): It is a genuine pleasure to follow the hon. Member for Rhondda (Chris Bryant) in the closing stages of this important and significant Bill.

We are also coming towards the closing stages of the parliamentary day. Hon. Members will be scurrying back to their many and various constituencies, and we will turn ourselves from parliamentary thoughts to constituency matters. Later tonight and over the weekend, Members up and down the country will no doubt be running around their patch and connecting with real people who do real jobs. I am sure there is not a single Member who does not, from time to time, meet those whose mission it is to put themselves in harm's way or to intervene in a crisis, including our ambulance service, nurses, NHS staff, police and firefighters. These emergency workers are exactly that: the people who turn up and are on hand when there is an emergency.

I cannot speak for others, but I have to say that when I meet such people on a regular basis, I am filled with what can only be described as a deep sense of personal

unworthiness. That is not just because my day job is pretty insignificant—squalid even—but because I really do not think that I could do what they do. People who run towards, rather than away from, an emergency are special. We need them, and we need to protect them.

I have been delighted to watch the progress of the hon. Gentleman's Bill, and I join others in paying tribute to him and the hon. Member for Halifax (Holly Lynch) for bringing it forward. The House will know the hon. Gentleman as an experienced, astute, often entertaining and charming—I heard him called that today—parliamentarian. I have no doubt that those skills will allow him to take this Bill through Parliament and on to the statute book.

The issue is far larger than we might expect. Whichever figures we use—Police Federation or Home Office figures, or somewhere in between—it is true that an astounding number of assaults on police officers take place every year. There may be hundreds or more each day. Every day also sees something like 20 assaults—one an hour, we heard today—on prison staff and nearly 200 assaults on NHS staff. That is indeed shocking. Although we have to tackle and drill down into the reasons why such appalling behaviour exists towards those who are working in difficult conditions to help us, it is essential that there is a clear message that this is not something that our society is prepared to tolerate. In fact, the Bill will not only send a message; it will have a tangible effect on anyone wanting to test the limits of acceptable behaviour. It will mean that they can expect some increase in the sentence they are likely to get.

I am delighted to see genuine cross-party support for the Bill; it is always a joy to see that. We are showing a unanimous front for those who protect us. Raising the bar in the way that the Bill will is nothing less than a step towards a greater civilising of us all. Recognising the special place inhabited by emergency workers can set the balance a little more in the right direction—a little more in their favour.

I am sad to say that this year, because of rising incident numbers, Avon and Somerset police introduced spit guards for trained officers for use in situations where someone has already spat, is going to spit, or has threatened to spit at an officer. We have heard about a lot of incidents like that. It is, to me, utterly shocking behaviour, not just because of the particularly distressing and disgusting nature of the act itself, but because of what is implied by the act about the relationship between the aggressor and people who are there to support and protect—and also, most shockingly, because it is sometimes used by those who know they are infected, or affect to be infected, as a weapon to frighten people. Barbarism of this sort cannot be accepted, even though, as we have heard, its effects are minimal or infinitesimal—almost non-existent. I cannot find words to describe how I feel about it, other than to say that there really must be a greater deterrent and more consequences.

With regard to assaults on NHS staff, again, words fail me. I am sure that many if not most of the attacks come from people who are a little over-refreshed, but that is not any kind of excuse and certainly no justification. Again, the police and the courts must be provided with the powers they need to deal properly with such incidents. While courts currently have the option to consider attacking an emergency worker to be an aggravating factor in sentencing, the Bill will put that on a statutory



[David Warburton]

basis, making it a specific requirement to consider such assaults to be aggravated. Similarly, by extension, those thinking about assaulting an emergency worker might currently consider the fact that their target is an emergency worker, but should this Bill succeed, they will have no option but to consider that fact when they are looking down the barrel of the sentence they will receive.

There is no debate to be had about the debt we all owe to those who work to protect us. As Members of this House, we all meet our local NHS staff, our local police and our firefighters—all those who put themselves on the frontline when the chips are down—and we are all in awe of the work they do for the rest of us. We must give them our support and our protection. That is, after all, nothing more than they give us every day: their support and their protection.

1.47 pm

**Judith Cummins** (Bradford South) (Lab): Thank you, Mr Deputy Speaker, for calling me to speak in this important debate. I pay tribute to my hon. Friend the Member for Rhondda (Chris Bryant) for his work on the Bill so far, along with my hon. Friend the Member for Halifax (Holly Lynch).

I know that time is short, but I wanted to share with the House my own experience. Last year, I joined West Yorkshire fire and rescue service and West Yorkshire police the night before bonfire night, together with my hon. Friend the Member for Halifax and the chair of West Yorkshire fire and rescue service, Councillor Judith Hughes. I was first placed in a pump and then moved to a fire car. The fire car is the unit that responds first to reports of incidents so that those attending can judge whether a pump is needed. We were also checking that bonfires on public land were not causing a hazard. We received many reports over the evening and checked quite a number of neighbourhood bonfires, where we were welcomed.

But there were two incidents where I saw at first hand the danger from attack that our firefighters and police officers face. The first such incident was when we were called to a fire where a mattress had been set alight against the wall of an end-terrace house. The house was down a narrow back road, with access restricted to a single line of traffic, and row after row of houses criss-crossed by unlit back alleys. Attending the incident, I saw the professionalism of our firefighters in assessing the situation. I also saw, when we were on our way back to the car, an officer shine his torch down a dark alley where a number of masked people were moving towards us with what I can only describe as malicious intent. It is not uncommon for a fire to be set with the intention of luring firefighters and police officers into dangerous situations in order to ambush them. That appalling fact will shock us all, and it is a vivid reminder of just how necessary the Bill is.

The second incident occurred when we attended a neighbourhood bonfire. Instead of a bonfire, we found what can only be described as a community burning of rubbish that coincided with bonfire night. There were mattresses, plastic sofas and other hazardous items all set on fire. Stood around the fire were about 20 young people. We were chatting to them, and then when someone

threw a firework into the fire, I was promptly ordered back into the car. While we were walking away, we were fired at with rockets placed in plastic tubing. The officer I was with sustained burn injuries across his head. The rockets continued to be launched at us in the car. We escaped without any further injuries, but the situation could have been so much worse.

I was shocked and scared, but that is an everyday occurrence for our firefighters, police officers and emergency workers. In West Yorkshire alone, there were 95 attacks on operational fire crews last year, up from 65 the year before—a shocking 50% increase. West Yorkshire police recorded nearly 2,000 assaults on employees, and there were 840 incidents of verbal and physical abuse against Yorkshire ambulance service staff.

One firefighter told me that his wife never sleeps when he works nights. I asked him what the worst thing that had ever been thrown at him was, and he told me he had once been attacked by youths throwing excrement in glass jars at him and the crew. These, I remind the House, are firefighters—firefighters who have no power of arrest; who time after time run into danger to save lives and protect the public; and who, as the campaign is aptly named, are more than a uniform and deserve our utmost respect and the full protection of our laws. These laws need to be strengthened so that our firefighters and all other emergency workers are properly protected from the attacks they face in the course of their duties, and so that those responsible are brought to justice. I am proud to support the Bill.

1.51 pm

**Stephen Crabb**: Thank you for letting me make this speech from a sedentary position, Mr Deputy Speaker. I will not keep the House long, and I am sorry that I was not able to participate in the earlier proceedings as fully as I wanted to.

As a sponsor of the Bill, I want to put on record how pleased I am to see it reach this point. I congratulate the hon. Member for Rhondda (Chris Bryant), who is a good friend and a great parliamentarian. When he took on the task of bringing this issue back to the House to put it on the statute book, building on the excellent foundational work of the hon. Member for Halifax (Holly Lynch), I was never in any doubt that he would be successful, because he would be working with the spirit of Back Benchers on both sides of the House. We knew from when the hon. Member for Halifax brought the issue to this place that there was a lot of support on both sides of the House for increasing penalties and seeing our emergency workers get the respect on the statute book that they deserve.

I would like to commend and congratulate the Ministers, without whom we would not be at this stage. Right from the very start, they were committed to seeing the Bill get through the House successfully. They have worked with the hon. Member for Rhondda and others across the House in an intelligent and pragmatic way, and they deserve an awful lot of credit for bringing the Bill to this point.

My constituency, Preseli Pembrokeshire, is in the Dyfed-Powys police force area, which is geographically the largest police force area in England and Wales. Statistically it is also the safest part of the United Kingdom in terms of crime rates. Nevertheless, I have

been staggered over the last six to nine months, since we embarked on the passage of the Bill, by the number of personal testimonies that I have received from serving police officers in the Dyfed-Powys police force area, PCSOs, firefighters and others about their experiences while they are out there serving their communities on the frontline as emergency workers.

A number of colleagues have made the point that the Bill is not perfect. It will not answer the totality of the issue of the assaults that these workers face, the personal trauma they go through and the psychological impact on them and their families—of course it will not, but it is a really significant step forward.

Probably the biggest thing I have learned from conversations with police officers and PCSOs, and from emails I have read, is the enormous psychological impact of incidents such as these on an emergency worker. Just because a police officer or firefighter is tough and strong does not mean that the impact on their mental health and emotional wellbeing is any less—quite the opposite on occasion.

The Bill sends a powerful message and signal. On Report my hon. Friend the Member for Shipley (Philip Davies) said that he wants legislation to do more than just send a signal, and I agree. We do not just pass symbolic legislation in this place, and the Bill will be more than symbolic. Yes, it will send out a powerful statement, but it will make a solid practical contribution to a better statute book for our emergency workers. It makes it clear that assaults, whether violent physical assaults, verbal assaults or the disgusting act of spitting, are not acceptable in our society. Our emergency workers deserve every bit of credit, respect and esteem that we can give them, and supporting this Bill is a practical way of showing that.

1.55 pm

**Holly Lynch:** It is an honour to follow the right hon. Member for Preseli Pembrokeshire (Stephen Crabb). He has been a fantastic supporter of this campaign from the start, which I and my hon. Friend the Member for Rhondda (Chris Bryant) have appreciated.

I start by paying tribute to my partner in crime fighting, my hon. Friend the Member for Rhondda, for his work in getting us here today. He is always incredibly generous in crediting me with starting this campaign, but the truth is that without his tenacity, his leadership, and his encyclopaedic knowledge of how this place works, we simply would not have made it this far. I know that blue-light responders, NHS workers, and prison officers all over the country are truly grateful to him.

For all our political differences in this place, and what can often seem like the glacial pace of delivering change in Westminster, to go from a harrowing experience in my constituency when out with West Yorkshire police in summer 2016, to being here today, just two years later, at Third Reading for a Bill that will create a new offence of assaulting an emergency service worker, is a showcase of Parliament at its best. That does not mean that getting here was easy, and unusually the journey between Committee stage and Report was the most trying period of the Bill's passage. It is not entirely the Bill that I hoped it would be for the reasons we explored on Report, but it is a massive step in the right direction.

We know that only a package of measures—legislative and otherwise—will bring about the societal change we want. That will involve working with the Crown Prosecution Service, the judiciary, employers, offenders, and emergency service workers to promote the reporting of such acts, ensure that appropriate support is provided, and that the consequences that follow reflect the seriousness of the crime.

It would be remiss of me not to pay tribute to PC Craig Gallant, the single-crewed officer who I shadowed on that fateful evening in Halifax. Not only did he narrowly escape potentially serious or even life-threatening injuries at the hands of an angry mob, but nothing quite prepared him for the trauma of me thrusting him into the spotlight as the face of a national campaign to protect emergency service workers, and the merciless ribbing that he took from his colleagues as a result. Thank you PC Gallant for allowing me to tell that story. I know that your colleagues understand and appreciate that they will be better protected in future because of it.

I also thank Lambeth police because, ironically and infuriatingly, during Second Reading my flat in London was broken into and robbed. When the police came to investigate, they told me that they would normally ask for more information about my whereabouts during the time the robbery took place, but that they knew exactly where I was because they had been following the debate. Fingers crossed that my flat is still intact when I return to it this evening. If not I will be joining the hon. Member for Shipley (Philip Davies) and revisiting sentencing guidelines across the board.

My biggest regret is that we could not agree on more concrete proposals to address the fears and anxieties of a 999 responder who has been spat at by an offender. I understand the practical problems with the clauses as originally drafted, and the limitations of testing, yet unless we establish evidence-based best practice that extends to all those covered by the Bill, I fear that the problems we are trying to overcome will persist. I want to ensure that those who have had either blood or saliva spat at them receive the best possible medical advice from a specialist, within hours of the incident. I am hopeful of that becoming a reality, based on earlier conversations and the contribution from the Minister at the Dispatch Box, and I hope for firmer proposals before the Bill completes its journey through both Houses. I am grateful to the trade unions representing emergency service workers that have been with us all the way on this journey—Unison, the GMB, the Prison Officers Association and the Police Federation. Again, I join the hon. Member for Shipley in paying particular tribute to Chief Inspector Nick Smart, the chair of the West Yorkshire Police Federation. He has been incredibly important in helping us to turn one incident into a national campaign for change.

We have had a good, constructive dialogue with the Government throughout this process. While we have encountered practical challenges and differences of opinion, I am pleased that we have been able to work through the vast majority of those in as collaborative a way as possible. I am grateful to both the Minister of State, Ministry of Justice, the hon. Member for Penrith and The Border (Rory Stewart) and the Minister for Policing and the Fire Service, the right hon. Member for Ruislip, Northwood and Pinner (Mr Hurd) for that relationship. I also thank the shadow Policing Minister, my hon.

[*Holly Lynch*]

Friend the Member for Sheffield, Heeley (Louise Haigh), who has made a series of speeches on the Bill from the Dispatch Box. Characteristically, she always got the tone and content absolutely right.

I say to all who have shared their stories with me, my hon. Friend the Member for Rhondda and other MPs who have supported the Bill, often when there was a difficult tale to tell, that those experiences have assisted with the shaping and fine-tuning of these law changes, and emergency service workers, NHS workers and prison officers, now and in the future, will be better protected because of it.

2 pm

**Jeremy Quin:** It is a great pleasure to follow the hon. Member for Halifax (Holly Lynch), who has done so much to push this cause over the last two years. I congratulate her for that and wish her well on her return to her flat—I trust it will be in good order when she gets back.

It was also a pleasure to hear the promoter of the Bill, the hon. Member for Rhondda (Chris Bryant), on Third Reading. He speculated about whether he was important to his constituents, but he is certainly important to this place, and he has done important work today. It is a pleasure to be here to support him, as it was to support him on Second Reading back on 20 October. In replying to the debate, the hon. Gentleman regaled the House with his story of being locked in a police van for his own protection by the police, who then unaccountably forgot about him. All I can assume is that no policeman will ever be so remiss again following the work done by him, the Ministers and all the House in helping to progress the Bill on to the statute book.

I am delighted that the Bill has made so much progress. The measure is supported firmly by my local police federation and by my excellent police and crime commissioner, Katy Bourne. Earlier, I did my district an injustice when I said that there had been 28 assaults on police officers in Horsham in 2016-17—there were 21. However, even one assault is one too many and we are sending a clear message this afternoon.

My interest in this issue was sparked before the debate came to this House by a constituent—a police officer—who wrote to me. He had responded to a call from a man who had been stabbed. On locating him, he found him with stab injuries in the neck, face and head. My constituent provided life-saving first aid, and while he was administering it, he was spat at, as was his colleague. My constituent was in full uniform—it was clear that he was a police officer—and he wrote to me, saying that due to the man's

“aggressive nature and the risk of injury he had to be handcuffed so we could...administer first aid.”

It is a disgrace that anyone has to go through that, and we are sending a message today that such behaviour is never, ever acceptable.

I thought it was iniquitous that after that assault, although the assailant could go home from hospital, my constituent had to wait for weeks for tests to be taken and results to come in. I was sorry that clause 6 had to be withdrawn, but I understand why the hon. Member for Rhondda said that that was the case. I urge the Government to do all they can with education or vaccines

to ease the situation for all our emergency workers who face these circumstances, but with that one proviso, I wish the Bill Godspeed.

2.3 pm

**Louise Haigh** (Sheffield, Heeley) (Lab): This is the first time that I have spoken this morning, not because of a lack of support for the Bill, but to make sure that it receives its speedy passage through the House of Commons. I reiterate my thanks and congratulations to my hon. Friends the Members for Rhondda (Chris Bryant) and for Halifax (Holly Lynch), who have run an absolutely fantastic, speedy campaign since my hon. Friend the Member for Halifax first introduced this through a ten-minute rule Bill last year. In that time, she has brought together the House of Commons, and the shadow Minister and Ministers, which is rarely done, in supporting this legislation. Hopefully today we will see the Bill pass through—amended, but all the better for it.

We have had a fantastic debate today, conducted in a comradely and collegiate spirit, with some real expertise on all elements of the criminal justice system. All have been united in the objective of getting this right and delivering protection for the people who go out every day and risk their lives to keep all of us safe.

Throughout the passage of the Bill, the most common comment I have heard from countless police officers and emergency service workers, to whom we have all spoken, is that over the years assault and sexual assault have come to be accepted and seen as the norm within the police and NHS. While this debate has been going on, the assistant chief constable of Devon and Cornwall police, Jim Colwell, has tweeted that overnight there were 10 assaults on the officers under his care, including kicks, punches, headbutts and spitting. He asks, how the public feel about this and whether they accept it. The House is saying today that it is absolutely unacceptable. It is not part of the job that he and his colleagues do. We as parliamentarians are saying that society has zero tolerance for anyone who assaults our emergency service workers.

The hon. Member for Shipley (Philip Davies) has made some important points, particularly about early release and behaviour, but in all his examples, as explained by colleagues, the CPS made the wrong charging decision. I accept the principle behind his amendments, but, as we have heard today, the CPS needs to be more accountable for what the hon. Member for Cheltenham (Alex Chalk) described as lazy prosecutorial decisions, and that applies equally when the CPS decides to charge someone when it should not have. A constituent of mine was recently charged and taken to court, but the magistrates threw the case out immediately because the decision to take it forward had been so ridiculous. The CPS should be held responsible and accountable for that decision, just as the police are held accountable, and rightly so, for the decisions they make that have serious consequences for the people they protect or charge. That is another point the House has made today. I hope the Minister will say how we can hold the CPS and prosecutors to account for their charging decisions.

I must comment briefly on the strain that our emergency services are under and which has played a part in the rise in the number of assaults. Very rarely have our



police and emergency services been under more pressure. The job is getting harder, and for those on the frontline it is becoming overwhelming. Our emergency services are increasingly relied upon not just as the service of last resort but as the service of first resort, as the gaps between the services that make up our social safety net and on which our communities rely get wider. The NHS is under unbelievable pressure and is struggling to cope with limited resources. Waiting times for A&E are up. Ambulance services across the country simply cannot meet demand. The police are increasingly single-crewed or inappropriately dispatched—for example, female officers being dispatched to incidents of serious and violent sexual assault. Our emergency services are increasingly dealing with people suffering from mental health issues unable to access the services they need.

In that climate, nobody would suggest that the Bill is a panacea for our emergency services. The strain, stress and complex range of factors behind this increasingly difficult climate will not be solved easily, but the Bill is important, and it is vital that it be passed today, because the right to go to work and feel safe is a right that has been too easily cast aside. Our emergency services are increasingly finding themselves in vulnerable situations, and all too often security at work is far from a reality. The offences and examples we have heard today are, as the Minister said, not just crimes against the person but crimes against our society. We ask these dedicated individuals to go out and serve our communities on our behalf, and the least we can do is afford them the protection that makes it clear that society views their being assaulted in the course of their duties with the utmost seriousness.

In conclusion, I again thank and congratulate my hon. Friends the Members for Rhondda and for Halifax. The Opposition are delighted to support the Bill and to see it pass safely through its Third Reading today.

2.9 pm

**Philip Davies:** I will be brief, because I think we all want the hon. Member for Barnsley East (Stephanie Peacock) to be able to speak to her Bill. I congratulate the hon. Member for Rhondda (Chris Bryant) on bringing forward this Bill and on the way he has gone about achieving success with it. I must say in passing that if anyone is thinking of bringing forward a Private Member's Bill, I would advise them to go and speak to the hon. Gentleman, because he has produced a perfect template for how such a Bill should be brought forward in such a way as to ensure that we have a good piece of legislation on the statute book, rather than simply producing a good idea that ends up being bad legislation. This has been a first-class example of that.

The hon. Member for Halifax (Holly Lynch) deserves equal praise, because she has shown that she is a doughty supporter of all the emergency services but particularly of the police, not just in word but in deed, and I know how much they appreciate that. I also want to thank the two Ministers, the Minister for Policing and the Fire Service, my right hon. Friend the Member for Ruislip, Northwood and Pinner (Mr Hurd) and the Minister of State, Ministry of Justice, my hon. Friend the Member for Penrith and The Border (Rory Stewart). They might not have gone as far as I would have liked—they seldom do—but without their constructive approach to the Bill, we would not be here today. We should not underestimate

the role that they have played in ensuring that that has happened. I should also like to praise my hon. Friend the Member for Daventry (Chris Heaton-Harris). He does an awful lot of work in ensuring that Bills such as these get to this stage. He usually works under the radar and he does not get the credit he deserves, but I know that he does an awful lot to ensure that these Bills get through.

Our emergency services are incredibly important to all of us. They put themselves in harm's way every single day, and we are all troubled by the rising tide of assaults that they face as they carry out their jobs. This legislation sends a signal that we support them, but it does more than that. I will celebrate every time a criminal who assaults an emergency worker gets a longer prison sentence as a result of this Bill. That is the reality of how this legislation will benefit people. It will ensure a longer prison sentence for those criminals who deserve to go to prison for longer, and that is a great outcome. I congratulate the hon. Member for Rhondda on the way in which he has brought about this legislation.

2.11 pm

**Robert Courts:** At this very moment, in all our constituencies, the emergency services are working hard to protect us. We owe them our gratitude, and we also have a duty to protect them. I have seen for myself the excellent work that the police do when I have been out on the streets of west Oxfordshire following them on the beat and visiting hospitals. On the late night shifts, I have seen some of the people they have to deal with, some of whom are drunk or violent. It is simply unacceptable that our emergency services should be treated with anything less than the highest respect.

In 2015, there were 800 assaults on NHS staff in Oxfordshire, with a conviction rate of only approximately 1%. We in this House cannot automatically control violence, but we can control some of the legislation that relates to it. It is important that we should provide that little extra protection to ensure that our emergency services know that they are being treated with the highest respect.

2.12 pm

**Kevin Foster:** This is a welcome Bill, and it will make a difference. The tweet that was referred to by the hon. Member for Sheffield, Heeley (Louise Haigh) is absolutely right. The assistant chief constable, Jim Colwell, has highlighted the assaults that officers in Devon and Cornwall are facing today. I hope that each of those officers will see, through their ACC highlighting that and it being mentioned today, that their experience has made some difference to changing the law to deal with those who think our emergency services workers are their target rather than people they should respect. This is a fantastic Bill and I look forward to it passing its Third Reading.

2.13 pm

**Rory Stewart:** I have very limited time—less than seven minutes—and I hope that hon. Members will take the comments that I made on Report as a proper tribute to the extraordinary work that has been done by the hon. Members for Rhondda (Chris Bryant) and for Halifax (Holly Lynch). Wonderful speeches have also

[*Rory Stewart*]

been made by other Members today. I hope that all members of the emergency services feel strongly the passion and support in this House for their work. In this limited time, I will be unable to pay as full a tribute as I would like to the extraordinary work that is done day in and day out by the police, the fire service, our NHS workers and other members of the emergency services. I would, however, like to focus on one service that has not received as much attention as it might have done in this debate, and I refer of course to the Prison Service.

Prison officers operate out of sight of society. They have the most extraordinarily challenging profession. It requires unbelievable resilience for a prison officer to walk into a cell knowing that, on many days, the individual in that cell might have self-harmed or even killed themselves. It takes astonishing courage for a prison officer to confront a prisoner who is coming at them with a broken broom or with a toothbrush in which are embedded nine blades. It takes astonishing decisiveness day in, day out, for a prison officer to deal with the crises and emergencies that happen in our prisons. It also takes great moral authority to act as a mentor, a teacher and in some ways a friend to help prisoners on the path to reformation. Yet these people are now being attacked more than 8,000 times a year. Their jaws are being broken, and they are being sent to hospital. They must be protected. That is why we welcome the Bill on behalf of all the other emergency services, but particularly on behalf of prison officers.

Let me say this, in the few minutes that I have left. An attack on a prison officer is an attack on the state. An attack on a prison officer is an attack on us. When an individual is attacked, it affects the entire operation of the prison. It affects that individual's willingness to take risks—to unlock a prison door, and to allow prisoners to engage in education or purposeful activity.

The response that we now have to such attacks, as a society, is much more limited than it once was. In the past, prison officers were able to depend on penalties that we would no longer want to introduce, for very good reasons. Corporal punishment has, of course, been removed. Solitary confinement has been removed. Restrictions on family visits have now been removed. The only serious sanction that remains when a prisoner assaults a prison officer is the law that we are discussing today, which is why we want to encourage the police to work with us to prosecute prisoners who assault prison

officers. We have heard today that very successful cases are being brought against people who spit at police officers, but almost no cases are being brought against prisoners who spit at prison officers. Too often, I am afraid, those in other parts of the criminal justice system seem to think it acceptable to assault a prison officer, although they would not think it acceptable to be assaulted themselves.

Let the House therefore be clear that we respect prison officers for their courage, for their decisiveness and for their moral example. Let the House be clear that all our progressive liberal instincts on reforming prisoners must be accompanied by respect for basic order and discipline. We should not be ashamed to say that prison officers ought to be able to exercise order and control, and that we will need a whole package of measures if our actions are to lead to purposeful activity. That package will include proper searches at the prison gates to ensure that drugs and weapons are not getting into the prisons, and a clean and decent environment in which the windows are not broken and the floors are kept clean.

We must make it absolutely clear that we respect the safety of prison officers, through the measures that we are taking in terms of protective equipment, the right kind of restraints, and the piloting of pelargonic acid vanillylamide and pepper spray. Everyone must understand that safety, security and decency do not get in the way of education or purposeful activity, but constitute the foundation without which purposeful activity cannot take place.

If we are to work with prisoners and if we are to reduce reoffending, we must ensure that, through this legislation, we show that we respect the honour and dignity of prison officers and members of other emergency services as public servants, and appreciate the service that they provide on our behalf; that we express the deep gratitude that we feel for everything that they do; and that we demonstrate through every single action that we take—this important Bill will double the maximum sentence for an attack on our emergency service officers—that an attack on them is an attack on us. That applies to an attack on the police, an attack on members of the fire service, an attack on health workers and, above all, an attack on prison officers, whose service is all too often forgotten but who do such extraordinary work on behalf of the public.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## Employment and Workers' Rights Bill

### *Second Reading*

2.19 pm

**Stephanie Peacock** (Barnsley East) (Lab): I beg to move, That the Bill be now read a Second time.

As a former officer of the GMB trade union, I refer Members to my entry in the Register of Members' Financial Interests.

It is no secret that our economy and the jobs that people do have changed rapidly over recent years, particularly in my constituency of Barnsley East. Coal once provided jobs for more than 30,000 people, but the economic landscape is now very different. We have seen a substantial increase in precarious work practices, such as zero-hours contracts, the gig economy and fake self-employment, where the guarantees of secure and well-paid work that people once enjoyed are no more.

Agency work has boomed, from retail and distribution through to the teachers and nurses filling the staff shortages in our public services. It is estimated that the number of agency workers will reach 1 million by 2020. Agency workers are some of the most exploited workers in our economy, and this employment practice is simply too one-sided in favour of those who hire them.

My Bill takes steps to change that. It will close the loophole that allows agency workers to be paid less than permanent members of staff undertaking the same role for the same company. After three months, agency workers will be able to request a contract of employment and the hirer will have a duty to assess it. After two years, agency workers will have the right to become a permanent employee.

**Ellie Reeves** (Lewisham West and Penge) (Lab): I welcome this Bill. I read clause 5 with great interest, as it seems to give an agency worker the right to become directly employed by the hirer after two years except in exceptional circumstances. Such a measure is long overdue. Will my hon. Friend clarify that it is her intention that workers would have continuous service from the date they started work with the hirer and would therefore have rights against unfair dismissal from the moment they reached two years, rather than the clock starting again?

**Stephanie Peacock:** My hon. Friend is right that these measures are long overdue. She is also right about the intention of clause 5.

I would like to share some examples with the House, particularly the case of agency workers in BT call centres, including the one near my constituency in south Yorkshire, and others who take 999 calls. The majority of them are kept on continuous assignments, working for years in the same role. In practice, they are nothing less than permanent staff, but they have no job security and are on lower pay than other workers. The nature of their contracts means that the equal pay exemption can be exploited. On average, they are paid about £500 a month less than their colleagues on permanent contracts. Some do not even take annual leave, because they simply cannot afford to do so.

There is the case of the lorry driver who has worked for the same national supermarket for the best part of 20 years but could be sacked by the hirer without notice, reason or redundancy pay. They would be left with no

legal recourse against the hirer to claim unfair dismissal. Take the warehouse worker in Barnsley who works up to 20 hours a day on their feet, but is constantly threatened with immediate dismissal if they do not hit their target. It even happens in the public sector. As a former teacher, I have heard of too many cases of agency teachers being paid less than those they teach alongside. It is simply unfair.

Financial security has been lost as hard-working people in my community live week to week, rota to rota, and pay packet to pay packet. Proper working rights, pay and conditions that truly benefit employees have been sacrificed in the name of flexibility for unscrupulous bosses.

The Bill is founded on the important premise that two people working in the same role, or doing the same job for the same company, should be entitled to the same fair and equal rights. It will simply level the playing field for agency workers in Barnsley East and across the country in the face of unfair working practices, and provide them with the proper workplace rights and pay that they are overdue.

2.24 pm

**Victoria Prentis** (Banbury) (Con): I welcome the opportunity to speak in the debate. Employment rights have always been close to my heart. For example, it was a genuine honour to sit on the Parental Bereavement (Leave and Pay) Public Bill Committee earlier this year. Ensuring that parents have the time to grieve the loss of a child without the pressure to return to work is vital and will make a real difference, and I remain indebted to my hon. Friends the Members for Colchester (Will Quince) and for Thirsk and Malton (Kevin Hollinrake) for their work in bringing that Bill forward.

As the hon. Member for Barnsley East (Stephanie Peacock) made clear, her Bill has two main elements. First, it would ensure equal treatment for agency workers by ending the equal pay exemption in the Agency Workers Regulations 2010, also known as the Swedish derogation. Secondly, the latter part of the Bill would tackle the exploitation of agency workers who are used by employers effectively as permanent staff to avoid the legal obligations afforded to normal employees.

According to the independent Taylor review, which was published last July and which I recommend to Members who have not already read it, robust data on the number of agency workers in the UK is sadly lacking. It is estimated that there are between 800,000 and 1.2 million such workers. The review made clear:

"Agency work has an important part to play in a vibrant, flexible labour market and many choose to work in this way. However, there is increasing evidence that some companies are relying on temporary workers to fill longer term positions, with the same agency worker doing the same job for years. This works for some people. They have the freedom to leave whenever they want with no notice whatsoever but for many, this level of uncertainty, not knowing whether work will be terminated and having no security of income, does not work. What is more, individuals in this situation can find it hard to seek work elsewhere, especially if they fear taking time off from the current contract may count against them in future allocations of work."

**Chris Stephens** (Glasgow South West) (SNP): Does the hon. Lady believe it is correct that more than 120,000 agency workers have been on an agency contract for over five years?



**Victoria Prentis:** I was beginning to expound my argument that we do not have sufficient information about exactly what agency workers do and what sort of contracts they are on in order for us to make decisions.

**Jo Stevens** (Cardiff Central) (Lab): One of the great disappointments of the Taylor review—there were many—was that it could have referred to the use of the ministerial power in section 23 of the Employment Relations Act 1999, meaning that we would not need the excellent Bill promoted by my hon. Friend the Member for Barnsley East (Stephanie Peacock). Why will the Government not support the implementation of that section?

**Victoria Prentis:** Of course I do not speak for the Government, but they are keen to gather further information before they take the necessary steps to implement the “Good Work” plan, about which they feel so strongly.

**Louise Haigh** (Sheffield, Heeley) (Lab): The hon. Lady is absolutely right that we do not have comprehensive research or assessments from across the country, but all Members will have been made aware of shocking examples. In my constituency, a man was forced to return to work as a lorry driver in the afternoon following an eye operation, which was dangerous not only for him, but for everyone else on the road. Are such examples not good enough for the Government and the rest of us to unite and take action now?

**Victoria Prentis:** The hon. Lady raises an extremely serious case. It is of course important that the Government collate and evaluate the information. It is vital that people work safely, both for their own health and for the health of the rest of us.

I will now quote further from the Taylor review, because it is important to note that it

“does not want to stop companies using agency staff but we propose to address situations in which companies use agency workers over a longer period of time as a substitute for effective workforce management. As such, we believe as well as a right to equal pay (discussed later in this report), agency workers should have the right to request a direct employment contract with the hirer when they have been engaged with the same hirer for 12 months.”

That does seem a reasonable expectation after 12 months, which takes us back to the point made by the hon. Member for Glasgow South West (Chris Stephens).

In the months since the Taylor review, the Government published their “Good Work” plan, which actually goes beyond many of the review’s recommendations. In seeking to set the direction for employment over decades to come, it is important that we get this absolutely right. It was for that reason that the Government launched the consultation on agency workers at the beginning of February 2018. The consultation will continue until 9 May, so all hon. Members have an opportunity to make their views known, as does everyone else. It is hoped that, in gauging the views of the industry, businesses and workers themselves—

2.30 pm

*The debate stood adjourned (Standing Order No. 11(2)).*

*Ordered,* That the debate be resumed on Friday 23 November.

## Business without Debate

### HOSPITAL (PARKING CHARGES AND BUSINESS RATES) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

### HOUSE OF LORDS (EXCLUSION OF HEREDITARY PEERS) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

### PRIVATE LANDLORDS (REGISTRATION) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

### WORKERS (DEFINITION AND RIGHTS) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 26 October.*

### AUTOMATIC ELECTORAL REGISTRATION (NO. 2) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 26 October.*

### TYRES (BUSES AND COACHES) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 15 June.*

### BBC LICENCE FEE (CIVIL PENALTY) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

### INTERNATIONAL DEVELOPMENT ASSISTANCE (DEFINITION) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

**BENEFITS AND PUBLIC SERVICES  
(RESTRICTION) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

**ELECTRONIC CIGARETTES (REGULATION)  
BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

**BRITISH INDIAN OCEAN TERRITORY  
(CITIZENSHIP) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 26 October.*

**PEDICABS (LONDON) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

**VOTER REGISTRATION (NO. 2) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

**KEW GARDENS (LEASES) (NO. 2) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

**RIVERS AUTHORITIES AND LAND  
DRAINAGE BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

**WILD ANIMALS IN CIRCUSES BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

**FORENSIC SCIENCE REGULATOR BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 11 May.*

## Dagenham Diesel Engine Production

*Motion made, and Question proposed, That this House do now adjourn.—(Chris Heaton-Harris.)*

**Jon Cruddas** (Dagenham and Rainham) (Lab): It is good to see you, Mr Deputy Speaker.

I rise to make the case for modern diesel engine production at the Ford Dagenham plant and to support the men and women who work there. The Dagenham plant has a proud history. It was built in 1929 and proved vital to our war effort. The factory was turned over to producing Bren gun carriers, vans, Army trucks and winches. It produced 34,000 Merlin aero engines and 95% of British tractors.

Post-war employment at the plant peaked at some 40,000 workers in 1953. The plant doubled its capacity in 1959, becoming the biggest factory in Europe. Unfortunately, vehicle assembly stopped in 2002, by which point nearly 11 million cars, trucks and tractors had been built at the plant. The decision was made to diversify into diesel technology—this move was very much in line with Government industrial and environmental strategy at the time. The Dagenham Diesel Centre, where the engines are both designed and manufactured, was opened by Tony Blair in 2003. Today, Dagenham produces 1 million engines annually, which is more than 50% of Ford's global diesel requirement. The engine plant and the diesel centre cover some 2.5 million square feet. We have nearly 1,800 engine plant employees, plus 650 in transport operations and 600 other contractors—this makes more than 3,000 in total.

**Julian Knight** (Solihull) (Con): I congratulate the hon. Gentleman on securing this important debate, and what he is saying rings a bell. In Solihull, we have just lost 1,000 diesel engine jobs. Does he agree that cleaner diesels are much less polluting than petrols and that the potential targeting of these vehicles by some councils with so-called "pollution charges" is wrong-headed?

**Jon Cruddas**: I support precisely what the hon. Gentleman has said; indeed, I was going to mention those 1,000 job losses and cover some of the issues he has raised in my remarks.

The number of 3,000 at the Dagenham plant sits alongside 1,500 UK engineers dedicated to the development of Ford's latest and future clean powertrain technology. The total turnover stands at some £1.75 billion. Dagenham is a strong export story for this country, as 89% of these engines leave our shores, and customers include Jaguar Land Rover, Peugeot, Citroen and Fiat. In 2014, Ford invested £490 million in the next generation of clean diesel engines, specifically designed to meet the new Euro 6 emissions standards. The engines will also satisfy Transport for London's ultra-low emissions zone. All Dagenham diesel engines will comply with the next phase of Euro 6 emissions standards—these will include "real driving emissions" requirements, not factory-based testing. Put simply, the plant is at the cutting edge of diesel technology and produces engines that comply with the most stringent emissions standards on the planet.

Today, however, there is a crisis of confidence in diesel vehicles and diesel technology, with many arguing that we are witnessing the demonisation of the technology. In the current climate, there is little or no separation between old and new diesel technology: between dirty

engines and state-of-the-art diesel technology. If this is allowed to continue, it will have disastrous consequences. Yesterday, it was widely reported that the number of cars built in UK factories in March fell by some 13%. The current debate—or, rather, panic—lacks both facts and nuance. The danger is that this will lead to unfair criticism of the engines built in Dagenham; will threaten many thousands of high-quality jobs in my constituency, and in others across our economy and our country; and will undermine the managed transition to 2040 and a world beyond the combustion engine

So today I speak up on behalf of Dagenham diesel engine production. Over the past months, I have been in talks with the company, the unions the Mayor's office and council leaders, and we all stand united on the need for new arguments for modern diesel—to push back against some of the current hostility to this technology—and to make the case for the Dagenham plant and the managed transition to 2040. This is not about defending the indefensible in terms of the older engines, which, paradoxically, the present debate might simply ensure stay on our roads for longer; it is about arguing for the most efficient modern diesel technology. Today I am just asking the Government to join this new partnership to push back against the demonisation of diesel.

In truth, Volkswagen has not done us many favours. Diesel appears to have become a dirty word since it emerged that Volkswagen had cheated regulators and misled customers by using software to suppress nitrogen oxide emissions during testing. In 2015, VW admitted it had fitted "defeat devices" in some 11 million of its cars worldwide, with about 1.2 million of those being in the UK. This cost Volkswagen £22.5 billion. What worries me is the collateral damage now being played out across the whole sector.

Today, there is a real danger that Britain's auto industry is on a cliff edge, with collapsing sales of diesel and the loss of thousands of manufacturing jobs and dealerships. Consumer confidence is vital and Government have a key role to play in that. In Dagenham, for example, plans to recruit for 150 new jobs in 2017-18 were shelved due to the fall in demand. Over the past few weeks we have heard more bad news, with Vauxhall revealing plans to slash UK dealerships, Nissan preparing to cut hundreds of jobs due to falling demand, and, as we have heard, Jaguar Land Rover cutting 1,000 jobs as it seeks to offset falling diesel sales. European diesel share continues to decline, now at 33% of sales compared with 50% in 2011.

**James Cartlidge** (South Suffolk) (Con): I congratulate the hon. Gentleman on securing the debate, which is very relevant to me. In my constituency, we have a large company called Delphi Diesel Systems, and we will lose 500 jobs in Sudbury. It points to precisely what he is talking about—the forecast falling demand in Europe because of the much tougher measures that are being introduced. To an extent, I accept some of that, but my concern is that if that is going to happen, we need to see the strongest possible strategy from the Government—much of which we will see, I think—to support the new technology and ensure that investment goes into plants such as his and mine and those all around the UK.

**Jon Cruddas**: That shows the cross-party agreement on some of the points I am making today. The trouble is that in the UK, Germany, France and Spain—the markets



where anti-diesel rhetoric is highest—diesel consumption is declining fastest. Sales of diesel cars have slumped as regulators and politicians announce plans for bans, levies and additional taxes in many cities.

In truth, we in Dagenham fear that diesel has become a bit of a political football. In 2001, Gordon Brown introduced a new system of car tax aimed at protecting the environment—a sliding scale to make it cheaper for cars with lower CO<sub>2</sub> emissions. That helped stimulate a dash for diesel after its introduction in 2001 and its extension in subsequent years. There are now some 12 million diesel cars on British roads, while back in 2000 there were only 3 million.

In recent years, diesel has accounted for around half of the new car market. In 2000, by comparison, only one in seven new cars was a diesel model, yet following a 2017 BBC report on the dangers of diesel, the Environment Secretary jumped into the debate to make political capital:

“The dash for diesel was pursued under a Labour government...This is yet another example of a Conservative government having to clean up Labour’s mess...We are taking action...ending the sale of new diesel and petrol cars and vans by 2040.”

Political game playing should have no role, given the challenges facing the sector, as reflected in the comments made by colleagues across the House today.

Since the 2015 VW revelations, cities have taken the lead over national Governments. Berlin banned the oldest, highest-polluting diesel cars from its centre, Paris, Madrid, Mexico City and Athens have said they plan to ban diesel vehicles from city centres by 2025, and Sadiq Khan ordered the replacement of the capital’s diesel bus fleet and enforced a £10 toxicity charge, or T-charge, on the highest-polluting cars as of October. The measures are part of a wider plan to create an ultra-low emissions zone in central London from April 2019. I do not dispute the push back against older diesel vehicles—it has to be the right way to proceed—but the danger is that we throw the baby out with the bathwater and fail to challenge the wholesale demonisation of the technology.

**Julian Knight:** The hon. Gentleman is being very kind in giving way. He talks about older diesel, but actually this is about very recent diesel—my own diesel, for instance, is from 2013. It has fallen in value by 70%, which will probably mean that it is more sensible to run it into the ground, effectively meaning that a more polluting car will stay on the road.

**Jon Cruddas:** That is precisely the point that I will make, and I totally agree with the hon. Gentleman about the paradoxes that create incentives to retain older, dirtier diesel technology on our roads, resulting in great harm to our economy, possibly to our future consumers, and to British workforces.

Given all this, what do we actually know? Overall, the CO<sub>2</sub> emissions of a diesel car tend to be lower, diesel fuel contains more energy per litre than petrol and diesel engines are more efficient than petrol engines, especially in rural environments. Modern Euro 6 diesel cars are the cleanest in history: they capture 99% of particulates and emit 84% fewer NO<sub>x</sub> emissions than in 2000. So, we know that new diesels do not compare to the older ones.

We also know from data from the Society of Motor Manufacturers and Traders that average CO<sub>2</sub> emissions from cars sold in 2017 were higher than in 2016, reversing a near 20-year decline. They blame that increase on the demonisation of diesel since 2015, which means that we cannot take for granted the progress made in reducing CO<sub>2</sub> emissions since 2000. We are heading in the wrong direction, as diesel sales have fallen by 37% since last year.

Mike Hawes, SMMT chief executive, criticised the autumn Budget, which increased taxes on sales of new diesels. He commented that people were concerned about these tax increases and were

“holding off buying new diesel cars because of the confusion and that means older, dirtier diesels are staying on the roads.”

That is precisely the point made by the hon. Member for Solihull (Julian Knight).

Nick Molden, chief executive of testing company Emissions Analytics, agreed that, rather than impose higher taxes on new cars, the oldest cars and dirtiest diesel cars should be targeted instead. His company’s real-world driving tests has shown that some of the newest diesels produced less pollution overall than petrol vehicles. He said:

“The most efficient diesel engines continue to improve while some of the worst remain on the market, meaning the confusion for consumers increases rather than diminishes. Diesel sales are falling as a result, and this may lead to cities and governments over-compensating and restricting diesels more than is justified by our evidence. The danger is that motorists who bought genuinely clean diesels—together with the manufacturers who made them—suffer the consequences of the general confusion and loss of confidence.”

I know that the Government recognise the need to act quickly to improve the UK’s air quality, but they must also accept that we cannot do so at the expense of increasing our carbon dioxide emissions. Surely, therefore, the most effective way to achieve both aims is by encouraging consumers to adopt new technologies or to update to the cleanest specifications. Clearly modern diesel has a role to play here, and, with help, we can get the old diesels off the road. For example, Ford’s “new for old” scrappage scheme enables drivers to trade in any passenger car or commercial vehicle registered before 1 January 2011. It guarantees to take every pre-2011 vehicle off the road permanently by scrapping them.

Modern Euro 6 diesel cars are the cleanest in history, and the latest generation of diesel engines have a crucial role to play in improving air quality and reducing CO<sub>2</sub> emissions, particularly in the commercial vehicle market. London is facing a challenge in its air quality, and it is here in London that we make the latest Euro 6 diesel engines—just down the road in Dagenham. These engines comply with the world’s toughest ever real driving emissions standards. Recent correspondence with the Mayor of London has confirmed that he gets this and that he supports the modern case for Dagenham.

Dagenham-built engines are powering the UK’s best-selling and cleanest ever Transit commercial vehicles and developing the next generation of commercial vehicles. Today I make the case for Dagenham modern diesel technology. We have to push back against the demonisation of diesel. As have I said, the Mayor of London is responding positively, and I ask for the Government’s support in making the case for Dagenham diesel. To date they have been too quiet, thereby endangering the

[Jon Cruddas]

country's industrial performance and the lives of my constituents. This is about planning for the future. The combustion engine will not last forever. I want to help transition the Dagenham plant to embrace future technologies, but to do so we require stability today and in the near future, and that has to be based around the most efficient diesel technology ever produced.

Speaking of the future, Ford has announced a global investment of some \$11 billion to produce 40 different types of electrified vehicle by 2022. We all need to secure Dagenham's future by transitioning into new technologies—a future beyond both petrol and diesel. To do that, we need to resist the wholesale demonisation of technologies and make the case for modern diesel.

Let me put this simply. We have made significant progress recently in reducing CO<sub>2</sub> emissions. The danger is that, in the current climate, we will panic, hit the rewind button, ignore the facts, harm our economic base and undermine a successful transition to the technologies of the future. Dagenham has as much of a role to play in our industrial future as it has in our past, and the Government have a role in helping to secure that future. I ask for their help today.

2.48 pm

**The Minister for Energy and Clean Growth (Claire Perry):** May I start by congratulating the hon. Member for Dagenham and Rainham (Jon Cruddas) on securing a really important debate, the subject of which is very much front and centre of the discussions that we are having with industry and with colleagues across the parties? We are all trying to deal with the conundrum of how we move to a lower-emission, cleaner-air future without causing harm to an industry that, as we know, has been hugely successful.

I share in and amplify the tribute that the hon. Gentleman paid to the men and women of the Dagenham plant. The industry employs 170,000 people, who have delivered a highly productive sector and good industrial relations. Its exports in 2016 were the highest we have ever seen, and of course we absolutely want that to continue. As the hon. Gentleman said, Ford has been a good partner to the UK through times of peace and war, and remains an absolute cornerstone of our automotive landscape.

I also pay tribute to my hon. Friend the Member for Solihull (Julian Knight), who spoke up for his constituency, my hon. Friend the Member for South Suffolk (James Cartledge), with whom I have discussed this issue many times, and my hon. Friend the Member for Daventry (Chris Heaton-Harris) who cannot speak here, yet speaks up so eloquently for his constituents in Daventry. A really important group of people have come together today.

I want to provide some reassurances and a sense of where we are going in the future. This is a concerning time. Auto companies right across the country ask us, "What does this future transition look like?" Of course, the engines made at the plant in the constituency of the hon. Member for Dagenham and Rainham are almost all destined for export; they go into Transits that I believe are assembled in Turkey. There is a Europe-wide question about the future.

It is right that we are working really closely with the industry through the Automotive Council and the company. The Secretary of State and the Prime Minister have met senior management regularly to understand the future strategic direction that the company sees itself taking in the UK. We want to reassure the company that, as well as the technical transition that I will discuss later, the Government are really working with the industry in a way we have never seen before, through the industry strategy. We are co-investing with industry through, for example, the Faraday challenge to ensure that we take a leadership position in new technology. We are also working out what more we can do on a research and development basis to go forward together.

Ford has demonstrated time and again its commitment to manufacturing in Britain by regularly upgrading its investment. It is quite right that we use opportunities such as this debate to reassure the company and the hon. Gentleman's constituents that we understand this transition and that we are not trying to demonise diesel. I will explain that a little more later.

We have set out our aspirations in the clean growth strategy for a lower-carbon future and in the clean air proposals that the Secretary of State for Environment, Food and Rural Affairs is bringing forward, because it is clear that we have to tackle this problem in a sensible way. The dash for diesel that the hon. Gentleman mentioned was encouraged by the scientific evidence at the time, but it has resulted in some consequences, particularly in the least well-off parts of the country, where there are unacceptable air quality issues in playgrounds and gardens and on balconies. It is absolutely right that we work out how to create cleaner air for our families and children, and the hon. Gentleman mentioned work that is being led locally on that.

It is right that the Government continue to be on the front foot in their support for ultra-low emissions vehicles. The hon. Gentleman mentioned the Budget, in which the Chancellor announced the plug-in car grant, investments in electric vehicle charging infrastructure and the £246 million that the Government are making available over four years to co-invest with industry so that we can own and create the best manufacturing base for where the world is going, which is towards having a fleet of ultra-low emissions vehicles. This country does not want to be making the last diesel engine ever sold in Europe. We want the men and women of the Dagenham plants and plants around the country to have the investment and skills to lead the manufacturing of a new generation of cars. Of course, we already make one in five electric vehicles sold in Europe.<sup>1</sup>

The 2040 target—to have no new vehicles on the roads that are not ultra-low emissions vehicles—was carefully discussed and delivered with the industry to give it sufficient time to adapt and to make the transition calmly. We have committed substantial funds to future technology, but we are equally committing funds to the current technology. For example, we have committed more than £1 billion to the Advanced Propulsion Centre over 10 years. As the hon. Gentleman says—he may be a right hon. Gentleman, so I hope he will forgive me if I have got that wrong—this is about how we adapt to the diesel engines of today. [Interruption.] Well, perhaps he will be a right hon. Gentleman one day.

This is about how we invest, within the guidelines that the EU has rightly brought forward, to create the next generation of much cleaner diesel. The point was

1. [Official Report, 2 May 2018, Vol. 640, c. 3MC.]

made that this needs to be tested in a real-world environment. My concern is that consumers have lost confidence in diesel because they sometimes feel that the companies have not been straight with them about emissions. It is right that we have a medium-term investment strategy to create the lowest possible emissions from diesel engines, but we must also work with the industry to migrate these engines in the future.

Since we put in place the 2040 target and made it clear what we think the direction of travel is, we have had a whole series of positive announcements from auto companies in the UK that are reaffirming their commitment to manufacture here. PSA-Vauxhall said two weeks ago that it is going to reinvest in the Luton plant to build the Vivaro from 2019. Toyota announced in February that it is going to build the next-generation Auris at the Burniston plant. Nissan says that it is going to spend half a billion pounds in Sunderland to secure the future of the factory there. BMW has chosen Oxford as the place where it is going to manufacture its electric Mini.

We have seen a very big and ongoing increase in automotive investment. From working with the industry and representatives of the Automotive Council, it is clear that these companies understand, both in Europe and globally, that the world is going towards a much

more low-emissions future, as is absolutely right. I would submit that we are probably one of the most front-footed Governments in working with industry to drive this transition. Again, I refer to the investments we have made through the Faraday challenge and in the Advanced Propulsion Centre.

To give the hon. Gentleman some reassurance, there is no demonising of diesel. There is a calm reflection that ultimately we have to phase out polluting fossil fuels over several decades, giving companies time to plan their models and invest in their production lines. He is right to pay tribute to the workforce—the men and women who work so hard in these factories and have delivered a superb success for British manufacturing—and I join him in doing so. People who say we do not make things here should go and visit the auto plants in his constituency, or the plants in Swindon near mine, to see what the workforce has delivered. We want those jobs to be maintained. We want this investment to continue. Ultimately, we all want that to result in cleaner air for our children and our grandchildren in future.

*Question put and agreed to.*

2.56 pm

*House adjourned.*





# Written Statements

Friday 27 April 2018

## TREASURY

### ECOFIN

#### **The Chancellor of the Exchequer (Mr Philip Hammond):**

An informal meeting of the Economic and Financial Affairs Council (ECOFIN) will be held in Sofia on 27-28 April 2018. The Council will discuss the following:

*Working Lunch - Deepening of the economic and monetary union*

Based on a presidency issues note, the Council will exchange views on the ECOFIN Council roadmap of June 2016 on completing the banking union. This will be followed by an update from the Eurogroup president on reform of the European stability mechanism.

*Working Session I*

The Council will then be joined by Central Bank Governors for the first working session.

*a) Convergence in the EU - Inside and outside the euro area*

Following a presentation from the Centre for European Policy Studies, the Council will discuss the possibilities to increase convergence in the EU among both euro area and non-euro area member states

*b) Further reducing fragmentation within the capital markets union*

Following a presentation from Bruegel on deepening the capital markets union, the Council will discuss measures to further reduce capital markets fragmentation.

The Council will then be briefed on the outcomes of the G20 Finance Ministers and Central Bank Governors meeting on 19 -20 April.

*Working Session II - Improving revenue collection and fighting tax fraud in the single market*

The Council will exchange views on improving revenue collection and fighting tax fraud in the single market.

*Working Session III - Corporate taxation and tax challenges of the digital economy*

Following the recent publication of Commission proposals regarding fair taxation of the digital economy, the Council will exchange views on the approach to corporate taxation in the single market and the tax challenges arising from digitalisation of the economy.

[HCWS652]

## FOREIGN AND COMMONWEALTH OFFICE

### Sanctions and Anti-Money Laundering Bill: EVEL

**The Minister for Europe and the Americas (Sir Alan Duncan):** I am pleased to announce the publication of our analysis of English votes for English laws in relation to Government amendments tabled to the Sanctions and Anti-Money Laundering Bill for consideration at Report stage.

The English votes for English laws process applies to public Bills in the House of Commons. To support the

process, the Government have agreed that they will provide information to assist the Speaker in considering whether to certify that Bill or any of its provisions for the purposes of English votes for English laws. Bill provisions that relate exclusively to England or to England and Wales, and which have a subject matter within the legislative competence of one or more of the devolved legislatures, can be certified.

The memorandum provides an assessment of Government amendments tabled to the Sanctions and Anti-Money Laundering Bill, for the purposes of English votes for English laws, ahead of its Report stage in the House of Commons. The Foreign and Commonwealth Office's assessment is that the amendments do not change the territorial application of the Bill, for the purpose of Standing Order No. 83L of the Standing Orders of the House of Commons.

This analysis reflects the position should all the Government amendments be accepted.

The memorandum will be published on the Bill documents page of the Parliament website and I will place a copy in the Library of the House.

[HCWS651]

## INTERNATIONAL DEVELOPMENT

### Syria: UK Response and Brussels Conference

#### **The Secretary of State for International Development**

**(Penny Mordaunt):** The Syrian regime's continued and systematic blatant disregard for international humanitarian and human rights law has resulted in an unprecedented humanitarian catastrophe. Medical facilities, schools and aid workers appear to have been deliberately targeted, aid has been blocked to starve communities into submission, and rape and sexual violence have been deployed as routine weapons of war.

13.1 million people are now in need of humanitarian assistance, including 5.6 million with acute needs. In addition, over half of Syria's population has been displaced by the violence, with 5.6 million seeking refuge in neighbouring countries.

Since the conflict began seven years ago, the UK has been at the forefront of the international response. We are the second largest bilateral donor to the crisis. Our support to Syria and the region since 2012 has provided humanitarian assistance to 17 million people, including over 27,000,000 monthly food rations and over 10,000,000 vaccines, and helped over 7.1 million children gain a decent education.

But now, in the eighth year of the conflict, the humanitarian needs of the Syrian people remain as grave as they have ever been. It is clear that the regime has no intention of ending its people's suffering. The barbaric chemical weapons attack in Douma on innocent civilians, including young children, was yet another example of the regime's flagrant disregard for its responsibility to protect civilians.

We must not turn our backs on their suffering. That is why at this week's Brussels conference for Syria and the region, I announced that the UK will provide at least £450 million this year, and £300 million next year

to alleviate the extreme suffering in Syria and provide vital support in neighbouring countries. We have now committed £2.71 billion to the Syria crisis since 2012, our largest ever response to a single humanitarian crisis.

Our pledge will help keep medical facilities open so doctors and nurses can save lives, and will help support the millions of Syrian refugees sheltering in neighbouring countries.

Our friends in the region, Jordan, Lebanon and Turkey in particular, continue to demonstrate extraordinary generosity in opening their doors and communities to millions fleeing the conflict in Syria.

We must continue to offer them our fullest support. Not least because as the trajectory of the Syrian war has worsened, our collective interests in a stable and prosperous region have increased. Jordan's resilience and prosperity are critical to the long-run interests of the region. That is why, in addition to the support to the region provided in our pledge, I announced that the UK will host an international conference with Jordan in London later this year: to showcase Jordan's economic reform plans, its aspiration to build/enable a thriving private sector, and to mobilise support from international investors and donors.

But money alone is not enough. We continue to support the UN-mediated process as the surest path to peace. But while we work towards a political solution in the future that can end this suffering once and for all, we must not give up on improving conditions in the present. In this spirit, I called upon those present at the conference to join the UK in calling for concrete actions to enable greater protection for civilians and aid workers now. That means an immediate ceasefire and immediate safe access so that brave aid workers and medical staff can do their jobs and help the most vulnerable and the most desperate without fear of attack.

The UK is a global leader within the Syria response. I am proud that at this week's conference, we demonstrated clearly that we will not turn away from the suffering of the Syrian people—we will continue to lead the response in working with others to call out atrocities, mobilise funding, demand access for aid, protect civilians and ultimately, work towards a solution that can put Syria on a path to peace.

[HCWS654]

## TRANSPORT

### Ministerial Correction

**The Minister of State, Department for Transport (Joseph Johnson):** I wish to inform the House that an error has been identified in the closing speech of the end-of-day debate on Thameslink upgrades across the south-east. [*Official Report*, 18 April 2018; Vol. 639, c.431]. The correct information should have been:

“As part of this upgrade, a fourth track and other improvements are being built north of Bedford, which will provide space for an additional train path from December 2020. Unfortunately, until

these works take place, some difficult decisions have to be taken. East Midlands Trains' fast peak-time services will not call at Bedford or Luton from May 2018 to December 2020.”

[HCWS650]

## WORK AND PENSIONS

### Universal Credit and Child Tax Credit

**The Secretary of State for Work and Pensions (Ms Esther McVey):** I can today announce that we will extend the existing support within universal credit and child tax credit for children who would otherwise be likely to be in local authority care, including children who are adopted or looked after by non-parental carers, also known as kinship carers.

The policy to provide support in child tax credit and universal credit for a maximum of two children ensures parents in receipt of benefits face the same choices as those supporting themselves solely through work.

We recognise that not all parents are able to make the same choices about the number of children in their family. That is why exceptions have been put in place to protect certain groups. Exceptions apply to third and subsequent children who are part of a multiple birth; adopted or in non-parental caring arrangements when they would otherwise be in local authority care; or likely to have been born as a result of non-consensual conception.

For children who would otherwise be likely to be in local authority care, these exceptions will be applied regardless of the order in which they joined a household.

The Government recognise the immense value of the care that non-parental carers and adoptive parents provide. The role that those parents and carers play in helping to bring children up who could otherwise find themselves in local authority care is vital. It is for this reason that we are ensuring that they are supported by enabling them to access benefit entitlement in the same way as birth parents.

Since becoming Secretary of State, I have been reviewing this issue carefully to ensure that the exceptions, as they apply to non-parental carers and adoptive parents, provide the right level of support.

Last week, I welcomed the High Court ruling that the policy to provide support for a maximum of two children was lawful overall. I have considered the part of the judgment that pertains to non-parental carers alongside internal reviews that the Department for Work and Pensions carried out in parallel to the legal case, and I consider that it is right that this change should be extended, not just to those in non-parental caring arrangements, but to include children who are adopted who would otherwise be in local authority care.

This change will reassure those non-parental carers and parents who adopt and are eligible for this child support, that it will be available to them regardless of the order in which their children joined the household.

[HCWS653]



# WRITTEN STATEMENTS

Friday 27 April 2018

	<i>Col. No.</i>		<i>Col. No.</i>
<b>FOREIGN AND COMMONWEALTH OFFICE</b> .....	35WS	<b>TRANSPORT</b> .....	37WS
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