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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Tuesday 27 November 2018

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

HEALTH AND SOCIAL CARE

The Secretary of State was asked—

Local Pharmacies

1. **Michael Tomlinson** (Mid Dorset and North Poole) (Con): What steps he is taking to support local pharmacies. [907848]

The Secretary of State for Health and Social Care (Matt Hancock): Community pharmacies play a vital role in our health service, but we know they can do more, and we are determined to see them do more, to keep people healthy.

Michael Tomlinson: I am grateful to the Secretary of State for that answer, because he is absolutely right in what he says. The Dorset Local Pharmaceutical Committee is very active and is promoting the policy of Pharmacy First, which should help to relieve pressure on our general practitioners, and even on our accident and emergency facilities. What is he doing to support that policy?

Matt Hancock: I agree very much with my hon. Friend that pharmacies can play an increasing role in helping to make sure that people get their healthcare where they need it, and in keeping the pressure off GPs and off secondary care by making sure that people can help themselves to stay healthy. We are piloting 111 directing people to pharmacies as well as to GPs and, where appropriate, to secondary care, and encouraging people to use pharmacies for minor ailments, but there is much more we can do together on this.

Julie Cooper (Burnley) (Lab): The NHS Confederation has warned that, following Brexit, the supply of some medicines and medical technologies may be delayed in reaching patients, and some may not be available at all. The chief executive officer of the Association of the British Pharmaceutical Industry has been clear that we cannot stockpile the amounts we are going to need, because we do not have sufficient cold warehouse storage. The Medicines and Healthcare Products Regulatory Agency is worried therefore that diabetics will not be able to access insulin. What steps is the Minister taking

to ensure that community pharmacies are able to supply vital medical supplies post Brexit, particularly in the event of no deal?

Matt Hancock: Community pharmacies, like everybody else, should support the Prime Minister's deal, which will make sure that that eventuality does not occur.

NICE Guidance: Head Lice

2. **Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): What assessment he has made of the potential merits of reversing NICE guidance prohibiting the prescription of head lice treatment by GPs. [907849]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): In the year to June 2017, the NHS spent approximately £569 million on prescriptions for medicines that could be bought over the counter from a pharmacy or supermarket. That is why, following public consultation earlier this year, NHS England issued guidance to reduce the routine prescribing of some medicines for minor, short-term ailments, including head lice treatment.

Emma Hardy: Yesterday, I met people from the charity Community Hygiene Concern, which provides cheap, reusable and effective bug-busting kits for less than £5. However, because of these NHS prescription guidance changes, these kits are no longer available, which threatens an epidemic of head lice in our schools. Surely head lice should not be considered a minor ailment. Will the Minister please write to Simon Stevens to encourage him to meet me and Community Hygiene Concern to look at this issue again?

Steve Brine: I have been itching all morning while thinking about this answer. I do not believe there is an epidemic because of NHS England's actions. Clinical experts in the NHS advise that head lice can be safely and effectively treated by wet combing; I have very recent personal experience of doing this, as I am sure do many parents in this House. Chemical treatment is recommended only in exceptional circumstances. I had not heard of the charity the hon. Lady mentions, but as we discussed before questions, I am happy to facilitate that interaction.

Michael Fabricant (Lichfield) (Con): In France, where head lice are more common per capita than in the UK, people make good use of pharmacies, because it costs money to visit a general practitioner and because the state promotes the role of pharmacies. May I therefore ask the Minister why do we not advertise that we should be using pharmacies more often than not, instead of going to a GP?

Mr Speaker: Unfortunately, that has nothing to do with the matter of head lice. [*Interruption.*] It seemed to be slightly tangential, but never mind. The hon. Gentleman was at least attempting to shoehorn his preoccupation into the question, but I will err on the side of generosity. I know that he knows all about heads and all about hair—

Michael Fabricant: But not lice!

Mr Speaker: Indeed.

Steve Brine: I do not know whether my hon. Friend is familiar with wet combing his hair.

Michael Fabricant: Only with my gel.

Steve Brine: Only with his gel. He is absolutely right that, as the Secretary of State just said, community pharmacies are experts in so many minor health matters, and Pharmacy First can absolutely be used when it comes to head lice as well.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op) *rose*—

Mr Speaker: Is the hon. Gentleman feeling jumpy or does he wish to contribute?

Mr Sheerman: I was just nit-picking.

Mr Speaker: Ah, the House is in a very jocular mood. Long may it last.

Steve Brine: It will soon be Christmas.

Public Health Funding (Local Authorities)

3. **Mike Amesbury** (Weaver Vale) (Lab): What recent representations he has received on the potential merits of increasing public health funding to local authorities. [907850]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): We have had lots; it is just that none come with any idea of how that might be paid for. The Government have a strong track record on public health. Local authorities in England have received more than £16 billion in ring-fenced public health grants over the current spending period. Decisions on future funding for that area of spending are of course for the next spending review.

Mike Amesbury: On current projections, over £800 million will have been cut from public health budgets by 2021, £2 million of which has been cut from vital services in my constituency relating to sexual health, and to tackle obesity and smoking. Will the Minister guarantee that the new NHS long-term plan will reverse the cuts to public health budgets?

Steve Brine: I know that Opposition Members like to pretend that the past eight and a half years did not have to happen, but there is a reason why they had to happen—the economy was crashed—and eight and a half years is not a long time to clear up the mess of the last Government. But we are very clear, as the hon. Gentleman should know, that a focus on prevention will be central to the long-term plan. He mentions child obesity—[*Interruption.*] Opposition Members may wish to listen. The public health grant remains ring-fenced and protected for use exclusively on improving health, but local government spending on health is not just about the public health grant. The Government spend money on many other things, including around the child obesity plan and vaccinations, and that is all around prevention and public health.

Mr Speaker: Far too long.

Mr Philip Hollobone (Kettering) (Con): As local government is reorganised in Northamptonshire ahead of May 2020, will the Minister consider whether it may

not be appropriate in all cases for local councils to manage public health budgets, and whether in some cases it might make sense for the NHS to regain control?

Steve Brine: There are active discussions going on between my right hon. Friends the Health Secretary and the Secretary of State for Housing, Communities and Local Government about this, but the bottom line is that Parliament legislated through the Health and Social Care Act 2012 for local authorities up and down the country in England to be public health authorities. We believe that they are well placed to make these spending decisions with the ring-fenced grant—£16 billion—that we have given them.

Tim Farron (Westmorland and Lonsdale) (LD): The underfunding of public health in Cumbria means that the NHS spends only 75p per child per year on preventive mental health care. Added to that, over three quarters of young people with eating disorders are not seen within the target time of a month, and in the event that they are seen, there is no specialist one-to-one eating disorder service to see them, despite the Government promising three years ago that there would be. Will the Minister meet me and our local NHS so that we can get a better deal for our young people on all three of these points?

Steve Brine: The hon. Gentleman will remember, of course, that £1 billion extra was put into mental health in the Budget last month, but I would absolutely be interested to hear from him. There are very good things going on up and down the country in local authorities with the ring-fenced £16 billion that we have given them. We are very interested to hear about where there are good examples of things going on, and the long-term future discussions around them will take in the spending review, as I have said.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): The Secretary of State claims that prevention is one of his top three priorities, yet this year alone the Government have slashed public health budgets by £96 million. That includes cuts to smoking cessation services, sexual health services, obesity and addiction services and many more. This affects the most vulnerable in our society, so will the Minister do the right thing today and cut the rhetoric, commit to reversing these damaging cuts to public health, and put funding in the long-term plan?

Steve Brine: The hon. Lady—my shadow Minister—knows that I have a great deal of respect for her. She mentioned smoking; smoking rates in England are at their lowest ever levels. We hear spending commitment after spending commitment from the Labour Government; it is like the arsonist turning up at the scene of a fire. I will take very seriously, as I am sure will the Treasury, her bid towards the spending review discussions, but yes, prevention is better than cure and it will be at the heart of the long-term plan.

Healthier Lives

4. **Jim Shannon** (Strangford) (DUP): What steps he is taking to support people to lead healthier lives. [907851]

17. **Robert Neill** (Bromley and Chislehurst) (Con): What steps he is taking to ensure that people take greater personal responsibility for leading healthier lives.

[907867]

The Secretary of State for Health and Social Care (Matt Hancock): Prevention is indeed better than cure. As well as having a right to expect NHS services to be free at the point of use, we all have responsibility for our own health, and to use the NHS responsibly.

Jim Shannon: I recently met Breast Cancer Now—the Secretary of State will be aware of it. It has 10 priorities for the NHS long-term plan. Has he made an assessment of the impact of the real-terms 5% cut in public health budgets on reducing the incidence of cancer?

Matt Hancock: There are many things we need to do to diagnose cancer early, and of course public health is part of that, but there is a much bigger agenda, and that includes more screening. We have seen an increase in the number of people invited to screening, but we need to get the screening right, so I have instituted a review of all our screening processes for cancer and other diseases.

Robert Neill: Will my right hon. Friend look at the work done by Connect Well Bromley, a partnership funded by the local clinical commissioning group but delivered by Bromley Third Sector Enterprise and Community Links Bromley? That partnership sets out what is in effect a social prescribing programme of activities and services to deal with wellbeing issues at an early stage. Is that a model for elsewhere in the country?

Matt Hancock: Yes, it is. I have been briefed on the example that Bromley is setting, which has been brought to my attention by its brilliant local representative, my hon. Friend. Social prescribing systems such as this one are on the rise, because the evidence shows that social prescribing helps to keep people healthy and out of hospital.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): A fortnight ago, during his statement to the House on prevention and how the Government intend to keep our nation well, the Secretary of State told me that he would look at my Health Impacts (Public Sector Duty) Bill, which had its Second Reading on Friday. Unfortunately, on Friday, the Government objected to my Bill. Which elements of the Bill did the Secretary of State object to?

Matt Hancock: I know the hon. Lady has done an awful lot of work on this, and I respect that work. We did look at the Bill, but we thought it was, unfortunately, technically deficient. I know she cares a lot about this, however, as do I, and I want to work with her to see what we can do.

Dan Jarvis (Barnsley Central) (Lab): According to Office for National Statistics figures, over the past five years, there have been 150,000 excess winter deaths—a mortality rate twice that in Germany and Norway. What specific work is the Secretary of State doing to reduce the number of deaths this coming winter?

Matt Hancock: This year, since I became Secretary of State, we have put an extra £420 million in to make sure we are as well prepared as possible. The NHS is of course under pressure, although it is performing exceptionally well, in terms of how much it does for the money going in, and from next year, we will put in the extra £20 billion. I want part of the long-term plan to be about how we can plan for the long term, instead of having this annual cycle of winter pressures.

Tracey Crouch (Chatham and Aylesford) (Con): Earlier this year, I had the pleasure of joining volunteer leader John Goodwin and others on a health walk around Capstone park in my constituency—one of a number of health walks supported by Medway Council. Will the Secretary of State join me in encouraging more GPs to prescribe walking as a gentle, low-impact form of exercise that is suitable for all ages and abilities?

Matt Hancock: With enthusiasm, I endorse the call from my hon. Friend, who did so much work on this at the Department for Digital, Culture, Media and Sport, both before I was in that Department and when I was Secretary of State there. She made the case brilliantly, and she continues to do so. She is absolutely right.

18. [907868] **Stephen Gethins (North East Fife) (SNP):** Everyone in the House is indebted to public health workers, who help us to lead healthier lives, be they in local authorities or the NHS. Many of them are EU nationals. Does the Secretary of State share my concerns about the term “queue jumpers”? Will he apologise for it, and will he go further and make sure that no public health worker faces additional costs to remain in their home in the UK?

Matt Hancock: Every EU worker across our health and social care system—whether in the NHS, or working in public health, in local authorities or in social care—is welcome here, and is supported to be welcome here, and we look forward to the settled status scheme rolling out. We are grateful for their service.

Theresa Villiers (Chipping Barnet) (Con): GP appointments are vital for many to lead healthy lives, so will the Secretary of State give his strong personal support to the work of our fantastic GPs, and encourage the NHS to put general practice at the heart of the £20 billion future plan?

Matt Hancock: Yes. General practice will be at the heart of the long-term plan. GPs are the bedrock of the NHS. We will put an extra £3.5 billion, at least, into primary and community services to help keep people healthy and prevent them from going to hospital.

Jonathan Ashworth (Leicester South) (Lab/Co-op): The Secretary of State got into a muddle last week with his GP figures, so may I suggest that he download an exciting new app to his phone? It is called a calculator. He has said that there will be more for community and primary care by 2024. Can he guarantee that there will be the extra GPs and district nurses to provide the services that he is promising?

Matt Hancock: Yes, I can; given that we have the money coming into the NHS, we are doing everything possible to ensure that we have the people to do the work. I am delighted to say that we have a record number of GPs in training right now.

Jonathan Ashworth: But GP numbers have gone down by 700 in the last year, have they not? There are 107,000 vacancies across the NHS, acute trusts are closing accident and emergency departments overnight, the closure of chemotherapy departments is being considered, and Health Education England’s training budget is the lowest that it has been for five years, with more cuts to come next year. Does the Secretary of

State agree that if the long-term plan that he will publish next week is to be credible, he must reverse those training cuts and deliver the staff that our NHS needs?

Matt Hancock: That was a bit of a surprise, because the hon. Gentleman is normally such a reasonable fellow. I thought that he would welcome the record number of GPs in training, and the record number of nurses in the NHS. Because we love the NHS, of course we want to do more, and we will.

GP Access: Learning Disabilities

5. **Marsha De Cordova** (Battersea) (Lab): What assessment he has made of the ability of people with learning disabilities to access GPs. [907852]

The Minister for Care (Caroline Dinenge): People with learning disabilities still face significant health inequalities. Data from 2017 shows that about half of patients with a learning disability received an annual GP health check, and our target is 75% by 2020. We will shortly consult on plans to introduce mandatory learning disability and autism training for all health and care staff.

Marsha De Cordova: There are shocking health inequalities between people with learning disabilities and the general population, and that is recognised by GPs: 60% say that they have received less than a day's training in how to meet the needs of patients with learning disabilities and autism, while 98% say that they would appreciate more training. The Government are clearly failing people with learning disabilities. Will they commit themselves to ensuring that every new GP who is trained in England is also given training in how to meet the needs of people with learning disabilities and autism?

Caroline Dinenge: Yes. That is already part of the training framework. As I have said, however, we are consulting from early next year on plans to make training on learning disabilities and autism mandatory for all health and care staff, not just medical professionals.

David Duguid (Banff and Buchan) (Con): Let me start by thanking my right hon. Friend the Secretary of State for his support last Thursday on 22q Awareness Day; 22q11 deletion syndrome is second only to Down's syndrome in its prevalence as a genetic condition, but perhaps surprisingly, there is a remarkably low level of awareness among GPs of this condition, which can lead to avoidable mental health issues in children. Will the Minister meet me to discuss options to increase awareness in the first instance, but also to improve early diagnosis and treatment?

Caroline Dinenge: I congratulate my hon. Friend on all the excellent work that he is doing to draw attention to this condition, and I should be happy to meet him.

Health Inequalities (England)

6. **Debbie Abrahams** (Oldham East and Saddleworth) (Lab): What assessment he has made of recent trends in the level of health inequalities across England. [907853]

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): We know from recent trends reported to the public health outcomes framework that health inequalities persist in this country. We already have world-leading programmes to address the root causes of poor health, including programmes to deal with childhood obesity, control tobacco and prevent diabetes and heart disease. The Prime Minister has set an ambition to ensure that people can enjoy at least five extra healthy independent years of life by 2035, while narrowing the gap between the experiences of the richest and the poorest, and next year the Secretary of State will set out further plans to achieve that in his prevention Green Paper.

Debbie Abrahams: We have known for decades that poverty and economic inequality drive health inequalities. The richer people are, the longer they live, and the longer they live in good health. In addition to the economic analyses of the Prime Minister's Brexit deal, what assessment has the Minister made of the deal's impacts on health inequalities, and on life expectancy and healthy life expectancy, which we know are already falling in some parts of the country, and among some groups of people?

Jackie Doyle-Price: The reasons for health inequalities are complex, but obviously we encourage people to make the lifestyle changes that enable everyone to live longer. I simply do not accept that the direct causality that the hon. Lady has outlined is as clear as that. We will focus on programmes that help people to lead healthier lives with better diets; that tackle tobacco control; and that prevent diabetes.

Andrew Selous (South West Bedfordshire) (Con): As it is the most deprived children who are most overweight, will the Minister call on Kellogg's to follow the example of Nestlé and put traffic light colours on all its products so that people can make healthier choices?

Jackie Doyle-Price: My hon. Friend makes an excellent point. Clearly the more we can do to educate people to make informed choices to improve their diet, the better. He is absolutely right: poor health among children used to be indicated by being underweight, but now being overweight is very much an indicator. I congratulate any food manufacturer that is taking action to address the problem.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Minister and the ministerial team know that many working-class people do not have good access to GPs, and that GPs treat them differently from more middle-class people, as demonstrated by the number of people from poorer backgrounds with atrial fibrillation who are wrongly diagnosed. If they are diagnosed with an irregular heartbeat or pulse, they are given the wrong drugs. That happens to many ordinary people in this country: there are still all these wonderful GPs prescribing aspirin that will do no good at all. What is going on with GPs and poorer people?

Jackie Doyle-Price: Our NHS is full of people who are doing their best to deliver the best possible care for all their patients. It is important that GPs and any health practitioners consider the holistic needs of all their patients—

Mr Sheerman: They're killing people.

Jackie Doyle-Price: The hon. Gentleman says they are killing people; that is not the debate I want on the NHS.

Luke Graham (Ochil and South Perthshire) (Con): Scotland has the lowest life expectancies of all parts of the United Kingdom, with the figures falling for the first time in 35 years. The average life expectancy in 2017 was 77 years for men and 81.1 for women, compared with 79.2 for men and 82.9 for women in the rest of the UK. What can my hon. Friend do to support the devolved Administration to ensure that Scotland is not left behind the rest of the United Kingdom?

Jackie Doyle-Price: My hon. Friend is right to draw attention to that. I am always very keen to work with the devolved nations to both learn from what they do well and to share our expertise and experience where we are doing better, and I hope we will all co-operate to do exactly that.

Alison Thewliss (Glasgow Central) (SNP): Initiating breastfeeding at birth can help reduce to health inequalities. Due to the actions of the Scottish Government, breastfeeding rates in Scotland are at a record high, whereas in England they are falling back dramatically because of local cuts. What will the Minister do to increase breastfeeding rates in England?

Jackie Doyle-Price: I commend the hon. Lady for her leadership on the issue, and she is right that this is one of the most significant public health interventions we can make at the earliest point in life. I will happily line up with her to do more to champion breastfeeding, and there is certainly a lot further to go, not least in ensuring that society is more tolerant of the practice and that women really do enjoy their right to breastfeed.

Childhood Obesity

7. **Luke Hall** (Thornbury and Yate) (Con): What steps he is taking to tackle childhood obesity. [907855]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): In June we published chapter 2 of our child obesity plan, which built on the world-leading measures we introduced in 2016, including bold new measures to halve child obesity by 2030.

Luke Hall: Will the Minister join me in welcoming the launch this week of South Gloucestershire Council's Reach programme? It is an evidence-based service for obese and overweight children aged between four and 16 in South Gloucestershire and their families, aimed at improving the wellbeing of young people and building their esteem, and raising issues of weight gain between and among families.

Steve Brine: I certainly will; we need a collective effort to achieve the national ambition of halving child obesity by 2030, and that means we need local initiatives such as the Reach programme to support families and help them make positive lifestyle choices. I pass on my congratulations to South Gloucestershire Council on its programme.

22. [907872] **Chris Evans** (Islwyn) (Lab/Co-op): Many children who are referred for treatment with problems related to being overweight might be suffering from eating disorders. Eating disorders come in all shapes and sizes, from anorexia right through to body dysmorphia. However, a recent ombudsman report says many people are facing longer waiting times and not receiving the help they need. Will the Government now prioritise ensuring people with eating disorders get the treatment they need?

Steve Brine: Through our work on parity of esteem for physical and mental health, we take eating disorders very seriously. That is not directly related to the child obesity plan, but we are absolutely determined to tackle weight challenges at either end of the scale, because I know that they affect a lot of people.

Nic Dakin (Scunthorpe) (Lab): Obesity is now one of the biggest risks to health and a significant cause of cancer and other conditions. Is it not time to look at restricting the advertising of junk food up to 9 o'clock?

Steve Brine: I have a lot of time for the hon. Gentleman and do a lot of work with him. He knows that we published proposals in the child obesity plan to launch a consultation on a pre-9 pm watershed ban, and we will be bringing that forward before the end of the year as promised.

Young Cancer Sufferers: Costs of Travel

8. **Robert Halfon** (Harlow) (Con): What estimate his Department has made of the number of children and young people with cancer who are unable to access treatment due to the cost of travel. [907856]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): No child or young person with cancer should be unable to access the treatment they need because of the cost of travelling to hospital. Through the healthcare travel costs scheme, which is part of the NHS low income scheme, parents in receipt of a qualifying benefit or on a low income can claim for the reimbursement of travel costs for their children's treatment. To date, the scheme has helped some 337,000 people.

Robert Halfon: CLIC Sargent, the charity for children with cancer, has shown that families in my constituency with children with cancer can face a 54-mile round trip to get to their nearest treatment location, which can cost them up to £161.58 a month. Families are incurring thousands of pounds of debt paying for parking and driving their children to their cancer treatment. Does my hon. Friend acknowledge that only 6% of parents of children with cancer are reported as having received financial help from the NHS healthcare travel costs assistance scheme? Does he recognise that the scheme is not designed to meet the needs of children and young people who need highly specialised treatment—

Mr Speaker: Order. Far too long.

Steve Brine: Yes, we do recognise that there is a challenge there. I gave evidence to the all-party parliamentary group on children, teenagers and young

adults with cancer, and I have a copy of the “Listen Up” report here. CLIC Sargent is part of the secretariat for that group. We are looking at this issue through the long-term plan, and I look forward to meeting my right hon. Friend along with CLIC Sargent in the next few weeks as planned.

Mr Speaker: An exemplar of eloquent brevity: Helen Jones.

Helen Jones (Warrington North) (Lab): Access to services is very important for those in the poorest areas of my constituency. Warrington Hospital has been losing services over time, but it has now sought to become a cancer hub for north Cheshire. Will the Minister ensure that, in the case of such applications, access to services for the poorest people is considered along with other factors?

Steve Brine: Yes, we are interested in access to services for all people, wherever they are on the income scheme. The hon. Lady is right to raise that issue. We need to do better on cancer diagnosis, so I would be interested to hear more about the cancer hub that she mentions.

Sexual Health Services

9. **Nick Smith** (Blaenau Gwent) (Lab): What recent assessment he has made of trends in the level of demand for sexual health services. [907858]

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): Since 2013, when local authorities took on responsibility for these services, attendance has increased from 2.9 million to 3.3 million. Tests for sexually transmitted infections and access to long-acting contraception have also increased, which shows that people are taking their sexual health seriously and that services are responding.

Nick Smith: Unfortunately, syphilis and gonorrhoea diagnoses are up 20% since 2016. What are the Government going to do to address this growing trend, given that sexual health services are at their limit?

Jackie Doyle-Price: The evidence I have is that sexually transmitted infection rates are stable, that rates of teen pregnancy are falling, that rates of abortion are stable and that rates of HIV testing are increasing. However, the hon. Gentleman raises an important point, and I will look into it. The most important thing is not necessarily where or how people access their services, because we want to make tests and long-term contraception available online too. We will keep the issue under review.

Diana Johnson (Kingston upon Hull North) (Lab): Does the Minister agree with the chief medical officer, who said in her evidence to the Health and Social Care Committee that she thought the cuts to sexual health services had gone too far?

Jackie Doyle-Price: As I said in my previous answer, the important thing is to look at outcomes. We can see that levels of teen pregnancy and sexual infection are stable and that more people are accessing contraception. We need to ensure that people can access contraception in the most convenient way for them, and we can see that rates of access are on the increase.

Community Hospitals

10. **Sir Hugo Swire** (East Devon) (Con): What his policy is on the future of community hospitals. [907859]

The Minister for Care (Caroline Dinéage): Community healthcare plays a vital role in helping people stay independent and healthy. Last week, the Prime Minister set out a major new investment in primary and community healthcare worth £3.5 billion a year by 2023-24.

Sir Hugo Swire: I am extremely grateful that my right hon. Friend the Secretary of State came down to East Devon on his first visit outside London. He was able to visit the health and wellbeing hub that we have created in Budleigh Salterton, learn about the beds that we have kept in Sidmouth and Exmouth, and see Ottery St Mary Hospital. Will the Minister instruct all her officials to work collectively with us and the local community in Ottery St Mary to ensure that the hospital has a great future and fits in with the rest of local healthcare provision?

Caroline Dinéage: First, I congratulate my right hon. Friend on his elegant Movember facial decoration. I very much recommend that he keeps it.

My right hon. Friend the Secretary of State was delighted to visit the East Devon constituency recently, where he was impressed by the work at some of the existing community hospitals and care hubs and discussed with Royal Devon and Exeter NHS Foundation Trust how it will work on a sustainable future for the constituency’s community hospital in Ottery St Mary.

Helen Goodman (Bishop Auckland) (Lab): Since the Department says that it likes community hospitals, why are services and wards closing at the Richardson in Barnard Castle?

Caroline Dinéage: We know that patients prefer to be treated in their local area, which is much better for preventing hospital admission and getting people out of hospital for longer. However, such clinical decisions must be taken at a local level in consultation with local people.

Dr Sarah Wollaston (Totnes) (Con): Dartmouth has lost its much-loved community hospital. Unfortunately, that loss has been compounded by the closure of River View nursing home, which had been due to house some replacement facilities. The total loss of community beds in isolated coastal communities such as Dartmouth is causing a collapse of trust in such programmes. Will the Minister meet me to discuss the situation in Dartmouth and the loss of nursing home and community beds?

Caroline Dinéage: I will of course meet my hon. Friend. She is right that we need to keep such valuable local resources right in the community, where they are most needed and where they keep people out of acute hospital services and surrounded by their friends and family.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The usage of Caithness General Hospital in Wick in my constituency is way below what it was originally

designed for, causing my constituents great anxiety if they have to travel over 200 miles to Inverness and back. Mr Speaker, you will tell me that such matters are devolved, so will the Government share best practice on community hospitals with the Scottish Government and NHS Highland?

Mr Speaker: What a wily fellow to get the question in order. Well done, man.

Caroline Dinéage: I am happy to work with our colleagues in Scotland to push forward best practice in helping to support community facilities and to ensure that they are investing in facilities at the heart of people's local areas, which is where they are needed.

Mr Edward Vaizey (Wantage) (Con): Wantage Community Hospital was built and opened by the local community in 1927, but it has been closed for two years. Moves are afoot to improve both our local health centre and health facilities in Didcot, but all that must be joined up and the community needs an answer. Will the Minister use her power to convene a meeting of local stakeholders and her officials to find a way through the maze and a future for our hospital?

Caroline Dinéage: I am always happy to speak to my right hon. Friend about such things. I understand that the intention is now to move to a more place-based approach to health and care planning in his local area, but all such changes are subject to consultation.

Alison McGovern (Wirral South) (Lab): I will be honest, I am confused. We have heard the Minister say several times that community approaches are important, but our walk-in centre in Eastham is yet again being threatened with closure. Which is it—do this Tory Government want crowded A&Es or proper walk-in centres that will prevent people from unnecessarily ending up at A&E?

Caroline Dinéage: I do not think I can make it any clearer: this Government are committed to providing community services right where people need them, and we are putting our money where our mouth is. Last week, the Prime Minister announced a major new investment in primary and community healthcare of £3.5 billion.

A&E Targets

11. **Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab):** What the timetable is for the NHS to meet its target of seeing 95 per cent. of A&E patients within four hours. [907860]

The Minister for Health (Stephen Hammond) rose—

Hon. Members: Hear, hear.

Stephen Hammond: Thank you very much.

The Government's mandate to NHS England for 2018-19 clearly sets out A&E performance, and it will see performance improve. So far this year 18 million more attendances have been seen within the standard, and the NHS is introducing more options for urgent patient care. Of course, as the hon. Lady will know, the extra £20 billion a year that is going into the health service will ensure that more patients are seen in A&E.

Gill Furniss: According to a recent poll of doctors by the Royal College of Physicians, almost six in 10 doctors report feeling very worried or worried about the ability of their hospital to deliver safe patient care over the winter period. What is the Secretary of State or the Minister doing to help our hard-working NHS staff provide the best possible care for patients?

Stephen Hammond: The NHS faces a challenging winter, but it has been planning throughout the year for this winter. It has been supported by an extra £420 million to redevelop A&Es, improve emergency care and help patients get home quicker. Those plans, more directly, include reducing the extended hospital stays we saw last year, increasing access to GP appointments and increasing the volume of cases that can be treated by emergency dentists.

Jeremy Lefroy (Stafford) (Con): Last week I visited the A&E at County Hospital, Stafford, which achieved 95.8% on the four-hour target in the week beginning 22 October and has consistently achieved over 95% for the past few months. Will the Minister come to Stafford to see what a great job it is doing, and to see how we can use County Hospital more and bring more services into it?

Stephen Hammond: My hon. Friend has always been an assiduous advocate for his constituents and their concerns. He is right to make that case today. He is also right that, thanks to the hard-working staff in his hospital and across the country, the four-hour target continues to be met for nearly nine out of 10 patients. I will be delighted to come to Stafford.

Mr Gregory Campbell (East Londonderry) (DUP): Does the Minister agree that what considerably exacerbates A&E waiting times at the weekend is when, on occasion, our highly valued NHS staff come under attack? We should have a zero-tolerance approach to any attacks on those highly valued members of staff.

Stephen Hammond: The hon. Gentleman is absolutely right. There can be no statement other than complete condemnation of attacks. We have changed the law, and it came into force earlier this month.

Justin Madders (Ellesmere Port and Neston) (Lab): I welcome the Minister to his place. Although he is new, he will know that the A&E waiting target is not a recent initiative. It is a key part of the NHS constitution, but it has not been met for over three years. If he cannot make a commitment today on when the target will be met, will he accept that, at least for this winter under this Government, the NHS will once again be underfunded?

Stephen Hammond: As I said in my earlier answer, we recognise that this winter will be challenging. We recognise that the A&E performance standard is not currently being met, but, as the hon. Gentleman knows, we are investing an extra £20 billion in the NHS to ensure that the standards are met. The NHS will use that investment to treat 250,000 more patients and to improve A&E performance across the country.

Nursing Higher Education

12. **Mr Laurence Robertson** (Tewkesbury) (Con): What recent estimate he has made of the number of people entering nursing higher education; and if he will make a statement. [907861]

The Minister for Health (Stephen Hammond): The latest UCAS data from October 2018 show that demand for nursing courses remains strong, with applications exceeding the number of places available this year. The number of acceptances to nursing and midwifery courses in 2018 is consistent with earlier years at approximately 22,000. The final data will be published in December 2018.

Mr Robertson: Does the Minister accept that student nurses face pressures from the long hours they have to study and the long hours they spend on placements, which makes it very difficult for them also to carry out paid work? Is there any more the Government can do to support student nurses financially as they go through college?

Stephen Hammond: As my right hon. Friend the Secretary of State said earlier, we recognise the vital role that nurses play, and we are determined to support them. We are determined to have more nurses in training and more nurses treating patients. At the moment, a student on the loan system typically achieves 25% more in their pocket than they would have had on the bursary, but the Government recognise that there are still pressures, which is why we have the learning support fund, the exceptional hardship fund and support for mature students.

Karin Smyth (Bristol South) (Lab): I talk to local employers who desperately want to support nursing apprenticeships as an alternative to the higher education route, but the uptake of apprenticeships is very disappointing. The levy can be used only for training costs, and trusts have been asked to plug the shortfall in funding for wider capacity building and to cover the 20% of time for which apprentices have to go to off-the-job training. Does the Department recognise this problem? What is being done to address it?

Stephen Hammond: The hon. Lady is right that the number of trusts that currently use the levy is not as high as it should be. We hope that all will do so. It continues to be a priority for us to broaden the routes into nursing. We will address in the long-term plan the specific matter about which the hon. Lady talks.

NHS: Workforce Vacancies

13. **Sandy Martin** (Ipswich) (Lab): What estimate he has made of the level of workforce vacancies in the NHS. [907862]

The Minister for Health (Stephen Hammond): The NHS employs more staff now than at any other time in its 70-year history. It has recruited 18,200 more doctors and 11,000 more nurses are in our wards since 2010. NHS Improvement publishes vacancy rates using provider information. As the hon. Gentleman will know, the record investment that the Government are providing will ensure that the number of vacancies reduces.

Sandy Martin: With Suffolk's only psychiatric intensive care unit having been closed down from April to October this year because of lack of staff, and with a two-to-three-month waiting list for counselling, does the Minister not understand that his reassurances do not bear much relationship to people's lived experience?

Stephen Hammond: I am aware that the local trust has had a number of problems and that there were a number of bed closures—both temporary and permanent—earlier this year. The trust is closely monitoring how those closures are affecting services and patients. The hon. Gentleman will know that beds are being reopened—five beds have been reopened recently—and that there is a plan to put in place the staffing so that the whole ward can reopen in the near future.

19. [907869] **Jeff Smith** (Manchester, Withington) (Lab): The Department's own statistics show that more than 23,000 mental health staff left the workforce last year. That is an eighth of the total mental health workforce. How can we possibly get parity for mental health when more than one in 10 posts are vacant and staff are leaving?

Stephen Hammond: The hon. Gentleman will know that the Government are committed to having more nurses and more staff in training, that we are putting in place extra measures to ensure that specialities are supported through that training process and that the extra £20 billion in the long-term plan will ensure that there are the staff and nurses needed to fill those vacancies.

Mr Speaker: We are running over time, so very briefly, please, Dr Philippa Whitford.

Dr Philippa Whitford (Central Ayrshire) (SNP): Last week, the Secretary of State claimed that the number of GPs in England had increased by more than 1,000 from June to September, when the data actually showed a drop of 10 full-time equivalent doctors. In 2015, his predecessor promised an extra 5,000 GPs by 2020, but so far there are 1,000 fewer, so how does the Secretary of State plan to meet that target in just the next year?

Stephen Hammond: As the hon. Lady knows from a previous answer, we are committed to making sure that 5,000 extra GP places are available. There are more GPs in training than before, and 52,000 nurses are now in training. We will ensure that the number of GPs in training meets the target.

Dr Whitford: I find that hard to believe when there is only a year left of the five-year promise.

Scotland has 30% more GPs per head of population, but last year we lost 14% of our EU doctors, and England lost 19%. Does the Secretary of State recognise that the hostile language of the Brexit debate is making the UK seem unwelcoming and making it harder for all four UK health services to recruit?

Stephen Hammond: There are currently more doctors from the EU treating patients in the national health service than on referendum day. We are committed to the 5,000 target.

NHS: Long-term Funding

14. **Jack Brereton** (Stoke-on-Trent South) (Con): What steps he is taking to ensure that the NHS has sufficient long-term funding. [907863]

The Secretary of State for Health and Social Care (Matt Hancock): We are increasing the NHS budget by £20.5 billion in real terms over the next five years. It is a major investment to make sure that the NHS is there for us all.

Jack Brereton: Royal Stoke University Hospital continues to be in financial special measures, and local clinical commissioning groups are now projecting significant overspends in their budgets. How will the Secretary of State ensure that stressed health economies such as those in Stoke-on-Trent and Staffordshire get a significant share of the additional £20.5 billion?

Matt Hancock: Clearly, part of the £20.5 billion of extra funding that taxpayers are putting into the NHS over the next five years is for ensuring that services can be put on a sustainable footing, and that includes some of the highly stressed services such as those in Stoke.

Dr Paul Williams (Stockton South) (Lab): How do the Government plan to use funds to better identify perinatal mental health problems? Half of all women with perinatal mental health problems say that the current system does not identify their need.

Matt Hancock: I very much agree with the premise of the hon. Gentleman's question. We need to do much more on this subject. It is incredibly important, and there will be more to hear in the long-term plan.

Leaving the EU: Medicines and Medical Equipment

15. **Mr Adrian Bailey** (West Bromwich West) (Lab/Co-op): What assessment he has made of the effect of the UK leaving the EU on the ability of the NHS to access medicines and medical equipment. [907864]

20. **Emma Reynolds** (Wolverhampton North East) (Lab): What assessment he has made of the effect of the UK leaving the EU on the ability of the NHS to access medicines and medical equipment. [907870]

The Secretary of State for Health and Social Care (Matt Hancock): The deal that the Prime Minister struck to leave the EU will ensure access to medicines and medical equipment, so it is another good reason to vote for the deal.

Mr Bailey: In the event of no deal, what steps would be taken to secure the supply of medicines beyond the six-week stockpile that has been recommended by the Government to the drug companies?

Matt Hancock: Well, of course, while voting for the deal is the best way to ensure the unhindered supply of medicines and medical devices, as a responsible Government we are also planning for the unlikely event of no deal, and that planning includes ensuring that we can continue to get unhindered access after the six weeks for which we are making sure that supplies are available.

Emma Reynolds: We are currently an influential member of the European Medicines Agency, which gives patients access to new medicines six months sooner than non-members. Given that the political declaration reduces us to exploring the possibility of co-operation with the EMA, will the Secretary of State admit that there are no guarantees for patients and that it is very likely that they will have to wait longer?

Matt Hancock: No, because in the event, under any circumstances, we will make sure that there are no further burdens on ensuring that medicines can get licensed here so that patients can use them, but it is another reason why the hon. Lady should vote for the deal.

Anna Soubry (Broxtowe) (Con) *rose*—

Mr Speaker: I will call the right hon. Lady on the condition that she can ask her question in one relatively brief sentence. [*Interruption.*] No? Go on, you can do it.

Anna Soubry: Many people say that the much-heralded £20 billion extra for the NHS is some sort of Brexit dividend. In the event that our country remains in the European Union, will the Secretary of State confirm that that extra 3.4% a year will continue and that £20 billion will be made available to our NHS?

Matt Hancock: I am afraid that I will have to let my right hon. Friend know that we are leaving the European Union on 29 March.

Traditional and Western Healthcare

16. **David Tredinnick** (Bosworth) (Con): Whether he has made an assessment of the effectiveness of integrated traditional and western medicinal healthcare services in (a) the People's Republic of China, (b) France and (c) India for the forthcoming NHS 10-year plan. [907865]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): The NHS long-term plan, backed by the extra investment by 2023 and confirmed by the Chancellor in the Budget, will set out a sustainable vision for the NHS to make strides towards it being the safest, highest-quality healthcare system anywhere in the world, learning from everywhere and anywhere in the world over the next 10 years.

David Tredinnick: According to the flyer for the post-launch party, the integrated care systems will be considered. Will the Minister make sure that he looks at the use of homeopathy by French pharmacists, the three quarters of a million doctors using traditional healthcare in the Ayush Ministry in India and the 55,000 state hospitals using acupuncture in the People's Republic of China?

Steve Brine: The NHS should always look to learn from the best healthcare systems and practices anywhere in the world provided they are backed by evidence.

Topical Questions

T1. [907873] **Luke Hall** (Thornbury and Yate) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health and Social Care (Matt Hancock): This month, we launched our vision for the prevention of ill health that sets out measures to help increase life expectancy by at least five years because prevention is better than cure. We need to give people responsibility for their own health, while empowering them to make the right decisions in the right way. We are also saving more than £1 billion on the NHS drugs budget and committing more than £3.5 billion to primary and community care. Next month, we will publish the long-term plan for how we spend the extra £20 billion committed to the future of the NHS.

Luke Hall: 19 November marked the three-year licence of the cystic fibrosis drug, Orkambi, in the UK, which is still not available on the NHS. Will the Secretary of State confirm whether there has been any further consideration to provide interim access to this treatment for patients, such as my constituents Annabelle Brennan and Cameron Jameson, while these negotiations continue?

Matt Hancock: The NHS and the National Institute for Health and Care Excellence have written to Vertex, the company involved. I am determined to see progress. We have made the largest ever proposal to Vertex, at half a billion pounds. It needs to engage with this very generous offer, which will mean that everyone wins, most of all those suffering from this awful condition. The ball is in Vertex's court.

Barbara Keeley (Worsley and Eccles South) (Lab): The learning disabilities mortality review—the LeDeR—investigated 1,000 early deaths of people with learning disabilities in hospital settings, but today major concerns have been raised by the parents of Oliver McGowan about the way in which some deaths have been investigated. The Secretary of State knows that 40 autistic people and people with learning disabilities died in assessment and treatment units, and he has called for a year-long review of the use of seclusion in ATUs. But that is not urgent action. Will he commit to stopping the use of ATUs immediately and to looking urgently at how early deaths are being investigated, particularly that of Oliver McGowan?

The Minister for Care (Caroline Dinenege): I have met Oliver McGowan's mum, Paula, on a number of occasions, so I am more than aware of this case. I have spoken to her about the deeply distressing report she has had on Oliver's death. The NHS is looking into this case and will continue to work with Bristol University to further develop and improve guidance and local review teams.

T4. [907876] **Johnny Mercer** (Plymouth, Moor View) (Con): The Secretary of State and I spent the night together at Derriford Hospital down in Plymouth, so he will be aware of the unique challenges facing that hospital, which has not had an infrastructure expansion since the 1970s. We have a bid in at the moment. Can we hear whether we have done well before Christmas?

Matt Hancock: I can recommend to anybody spending the night with my hon. Friend in Derriford Hospital, where we learnt a huge amount. The team there were absolutely amazing and it was a brilliant experience. I also learnt a lot about the capital bid, which I have been keeping my eye on very closely. My hon. Friend should hear shortly.

T2. [907874] **Kerry McCarthy** (Bristol East) (Lab): My niece Maisie turned 14 last week, and she has cystic fibrosis. It is not enough for the Secretary of State to say that letters are being sent back and forth between the drugs company and NICE. Will he get the relevant parties in a room, with him chairing the meeting, so that teenagers such as Maisie can have the drugs that will certainly change their lives, if not save them?

Matt Hancock: I have a huge amount of sympathy for the hon. Lady's point. We did act to ensure that the parties came together. The offer has been made and the response from the company has frankly not been good enough. It needs to come to the table; the ball is in its court.

T5. [907877] **Mr Philip Dunne** (Ludlow) (Con): Does the Minister agree that last week's success by Shrewsbury and Telford Hospital NHS Trust management in securing sufficient qualified clinicians to keep the A&E and Telford's Princess Royal Hospital open 24/7, rather than closing it overnight, is a positive first step on the journey out of special measures?

The Minister for Health (Stephen Hammond): My hon. Friend is right. I welcome the trust's recent announcement that it now has enough middle-grade doctors and nurses to keep the Prince Royal Hospital's A&E open 24/7. It has been receiving some excellent support from NHS Improvement, and I hope that it will achieve similar success in improving the quality of care as that support continues.

T3. [907875] **Lisa Nandy** (Wigan) (Lab): It has been eight months since the child abuse inquiry that the Prime Minister set up recommended urgently that compensation be paid to the survivors of the child migration programmes. The Prime Minister said that she would act; she did not. The Minister said that she would respond; she has not. Twenty-two people have died since that report was published. How can we believe a single word said by the Government today, when so many promises to people who deserve better have been broken? Where is the response to this report?

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): The hon. Lady makes a very good point. When we last discussed this matter over the Dispatch Box, I said that it was my ambition to come back to her as soon as possible, but we have to agree a cross-Government response, which is imminent. However, she is quite right; we really need to respond as soon as possible.

T6. [907879] **Andrew Bridgen** (North West Leicestershire) (Con): Last week, I had the pleasure of visiting Oakthorpe Primary School in my constituency to celebrate its gold award for mental health and wellbeing from Leeds Beckett University. Will the Minister outline to the

House what further support the Government are offering schools to help them deal with children's mental health issues?

Jackie Doyle-Price: My hon. Friend will be aware that we have brought forward proposals to have a mental health lead in all schools. We are also introducing a brand new workforce to support schools and improve mental health provision. The first wave of staff are being recruited for training now, and we have 210 applicants for the first wave of places.

T8. [907882] **Mr Ben Bradshaw** (Exeter) (Lab): To mark the 30th World AIDS Day on Saturday, will the Government commit to a more ambitious, but completely achievable, target of ending all new HIV infections by 2030?

Matt Hancock: I join the right hon. Gentleman in celebrating World Aids Day and ensuring that we redouble our commitment to making sure that we do everything we can. I will certainly look into the precise commitment that he asks for to make sure not only that it is deliverable but that we work not just here but around the world to end this scourge.

Kevin Hollinrake (Thirsk and Malton) (Con): Everyone in this place has lost someone close to them to the terrible and terrifying disease that is cancer. How will the NHS 10-year plan help to improve detection rates?

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): The Prime Minister will set out our ambition that three quarters of all cancers will be diagnosed early, up from just half today. Our cancer survival figures are our best ever, but we do not have world-class outcomes yet, as we must and want to. That is why early diagnosis will be absolutely at the heart of the NHS long-term plan—for instance, in radically overhauling the screening programmes that the Secretary of State mentioned earlier.

Mr Speaker: I do slightly worry about the staying power of some colleagues. I will not say who, because it would be unkind, but there was a Member I was about to call who has beetled out of the Chamber. People have got to be a bit patient.

Mrs Emma Lewell-Buck (South Shields) (Lab): South Tyneside District Hospital recently surpassed targets for waiting times, yet this Government's forced cuts under the guise of sustainability and transformation plans have left my constituents fundraising to fight the downgrading of key services in court next month. Why is the Secretary of State presiding over this destruction by stealth of our high-performing hospital and the NHS?

Matt Hancock: Of course, the STP proposals have to be clinically led and consulted on and discussed with local people. It is right that the allocation of services and exactly how they are configured locally is led locally, so that we can get the best services to people in Tyneside and across the country.

Tom Pursglove (Corby) (Con): In England, over 80,000 people have a stroke each year and about 20% of them die within a year. Can my right hon. Friend reassure me, the House and my constituents in Corby and East Northamptonshire that he not only wants to drive down that figure but has a plan to do so?

Steve Brine: Yes, I can. I feel very passionately about stroke and the impact that it has on people's lives and the health service. We are working very closely with the Stroke Association to develop the new national plan for stroke in England as part of the long-term plan. That plan will build on the success of the Department's stroke strategy, which ended last month, and look at how we can improve stroke care across the pathway. It will also, critically, include prevention so that we can protect more people from stroke in the first place.

Stephanie Peacock (Barnsley East) (Lab): Despite the Government's reassurances on the new NHS pay deal, it has left one of my constituents actually taking less money home at the end of the month and being required to pay money back. When I wrote to the Department, the Minister had the audacity to simply respond with a generic factsheet. Does he think this acceptable, and if not, will he give a meaningful reply to my constituent, who has done 30 years in the NHS?

Matt Hancock: Yes, of course. We value everybody who works in the NHS. I would love the hon. Lady to take up this individual case with me directly, and I am very happy to look into it.

Andrea Jenkyns (Morley and Outwood) (Con): I have recently been contacted by a constituent who works as a paediatrician in a nearby hospital. Last Friday, tragically, a baby died in their ward. The cause of death is unknown. Owing to the lack of a coroner service at the weekend, the baby had to stay for three nights with breathing tubes fixed in. For the parents, these are the last memories of their child. What steps will the Minister be taking to guarantee that the seven days NHS requirement also applies to coroners and histopathologists?

Matt Hancock: My heart goes out to the parents of this child, my hon. Friend's constituents, as I am sure it does from everybody in this House. Of course I will happily take up this individual case. But she raises the broader point, too. I am meeting the Justice Secretary on this topic to discuss what further we can do. It is technically a matter for the Ministry of Justice, but I understand entirely why we need to work together to make progress.

John Woodcock (Barrow and Furness) (Ind): Is not the Secretary of State alarmed that fake psychiatrist Zholia Alemi was revalidated in 2013 under the supposedly strengthened revalidation process? Why did the Government not act on the findings of the Sir Keith Pearson report in January last year, which pointed out this exact weakness in the system?

Stephen Hammond: The hon. Gentleman raised that matter with me last week. He knows that the Government take it very seriously and that we are asking the General Medical Council for an immediate review of that case, but I am happy to meet him to discuss it further.

Robert Courts (Witney) (Con): I welcome the new early diagnosis ambition for cancer, but does the Minister agree that for the people of West Oxfordshire, this is about delivery and having the people available to implement the strategy that he has worked so hard to produce?

Steve Brine: My hon. Friend is spot on, as always. Just last week, I spent time with the heads of all 19 cancer alliances in England, which are doing so much to deliver the strategy on the ground, including his Thames Valley cancer alliance, led by Bruno Holthof of Churchill Hospital in Oxford. The alliance was clear that we need more people across the board in “team cancer”, as I call it, and that is right. We especially need more radiographers, and we are working through that with Health Education England in the beyond 2021 plan.

Ruth George (High Peak) (Lab): Today’s report on the amount of police time spent dealing with emergency mental health cases without support from mental health professionals is echoed by police in my constituency, who say that it takes up almost 40% of their time. Will the Government recognise that this crisis should not be dealt with police officers, far less in cells, and sort it out?

Jackie Doyle-Price: First, I pay tribute to the work that the police do in dealing with people who are in mental health crisis. They view it as part of their core work, but clearly they should not be picking up the slack where services do not exist. I am working closely with the police service and other interested parties to ensure that we have sufficient crisis care, to enable the police to discharge their responsibilities adequately and in a safe way. We will continue to do that.

Kevin Foster (Torbay) (Con): My constituent Alice Sloman died during what should have been a routine MRI scan, following complications with the general anaesthetic that had been administered to her. Will the Minister agree to meet me and Alice’s parents to discuss the possibility of people, particularly those with existing conditions, having routine heart checks before such procedures?

Stephen Hammond: The Government express sincere condolences to my hon. Friend’s constituents. I would of course be happy to meet him and his constituents.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Will the Minister support Plymouth’s Peninsula Dental School in training more dentists and encourage use of the underspend in the south-west dental spending pool?

Steve Brine: Yes. I would be interested to hear more about anything that can increase access to dentistry in the hon. Gentleman’s part of the world.

James Cartlidge (South Suffolk) (Con): Next year marks 10 years since the passing of the Autism Act. What more can the Government do to support people who suffer from autism?

Caroline Dinenge: To mark the fact that it will be 10 years since the Autism Act was passed, we will start a formal review of that piece of legislation and the autism strategy, to ensure that they remain fit for purpose and heading in the right direction.¹

Hannah Bardell (Livingston) (SNP): My constituents Kirsteen and Wilma Ord have had their lives blighted by the Primodos hormone pregnancy drug. The review that the Government undertook was a whitewash, and now the further review, led by Baroness Cumberlege, will focus only on people in England. She has said that she will consult groups in Scotland, but drug regulation is reserved. What will the Minister do to promise that my constituents will not be let down again?

Jackie Doyle-Price: I met Baroness Cumberlege just last week, and I know she would be open to hearing representations from constituents in Scotland, to add to her understanding of this issue. We are determined to make full use of that review, so that we can learn lessons from this tragedy.

Several hon. Members rose—

Mr Speaker: Order. I am sorry, but we must now move on.

Ukraine-Russia Relations

12.38 pm

Mr John Whittingdale (Maldon) (Con) (*Urgent Question*): To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on Russian action in the sea of Azov and the subsequent declaration of martial law in parts of Ukraine.

The Minister for the Middle East (Alistair Burt): I thank my right hon. Friend for his question. As my right hon. Friend the Foreign Secretary stated yesterday, we condemn Russia's aggression against the Ukrainian vessels that sought to enter the sea of Azov on 25 November. We remain deeply concerned about the welfare of the Ukrainian sailors detained by Russia and call for their release urgently. Russia has again shown its willingness to violate Ukraine's sovereignty, following the illegal annexation of Crimea and the construction of the Kerch bridge.

The United Kingdom remains committed to upholding the rules-based international system, which Russia continues to flout. Our position is clear: Russia's actions are not in conformity with the United Nations convention on the law of the sea or the 2003 Russia-Ukraine bilateral agreement, which provides free passage in the sea of Azov, including for military ships. The United Kingdom ambassador reiterated that position at emergency meetings held yesterday at NATO, the European Union, the Organisation for Security and Co-operation in Europe and the UN Security Council.

In response to Russian aggression, the Ukrainian Parliament agreed to impose martial law in 10 Ukrainian regions for 30 days, commencing at 09:00 local time on 28 November. We welcome President Poroshenko's reassurances that martial law will not be used to restrict the rights and freedoms of Ukrainian citizens, and that full mobilisation will be considered only in the case of further Russian aggression. We also welcome the Ukrainian Parliament's resolution confirming that presidential elections will go ahead on 31 March 2019.

Mr Whittingdale: Does my right hon. Friend agree that this represents a serious escalation of the ongoing conflict between Russia and Ukraine, which has already led to over 10,000 deaths in Donbass since 2014? Will he recognise that we, as signatories of the Budapest memorandum, have a special responsibility? May I therefore welcome the support we are already giving, including the announcement by the Defence Secretary, following his own visit to Donbass very recently, that we will be deploying HMS Echo to the Black sea in 2019?

May I also welcome the Minister's statement that what Russia has done is a clear breach of international law? Will he now specifically seek to find opportunities for the Prime Minister to discuss this with President Poroshenko? Will he reiterate his call for the immediate release of the 23 sailors now being held by the Russians, some of whom we understand are now in Simferopol in occupied Crimea and six of whom are badly wounded?

Will the Minister also look at imposing personal sanctions on the military personnel who have already been shown to be involved in co-ordinating this operation, as well as at increasing the economic sanctions on Russia, at least to the level that Canada and the United States are already imposing?

Alistair Burt: Again, I thank my right hon. Friend. Yes, he refers to a serious escalation that the recent incidents have illustrated, and the UK Government absolutely agree with him on that. I am pleased that he mentioned the recent visit of my right hon. Friend the Defence Secretary. On other proposals, we have no plans to change our conduct of activity in the area.

My right hon. Friend asked whether this is a breach of international law. The United Kingdom's assessment is that, under the UN convention on the law of the sea, states can require any warship not in compliance with the laws and regulations of the coastal state to leave immediately. However, Russia's actions in ramming, boarding and seizing vessels do not conform with the law of the sea. Russia's actions were disproportionate, particularly as the ships had left the area and were returning to the Black sea. The 2003 sea of Azov bilateral treaty between Ukraine and Russia provides for the free passage of the military and civilian vessels of both states through the Kerch strait and in the sea of Azov, so my right hon. Friend is right to suggest that this is a breach of international law. I know the Prime Minister has today received a request to speak to the Ukrainian Prime Minister and that, in her busy timetable, she will be giving that urgent consideration.

On sanctions, measures have been taken in the past in relation to previous activity by Russia and sanctions were recently considered in relation to both the Crimea annexation and of course the building of the Kerch bridge. Any further sanctions will be considered in co-operation with European partners and others. It is very important that there is a sense of unity in response to what has taken place. The United Kingdom was active in calling a meeting of EU partners yesterday, and the other meetings that took place also saw a very strong response from the United Kingdom and others.

The House is right to see this as a serious matter, and it is important that it is not escalated further. That is why we have indeed called for the immediate release of the sailors, and we ask that all parties act with restraint but certainly recognise where the act of aggression came from in the first place.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): Thank you, Mr Speaker, for granting this urgent question. I also thank the right hon. Member for Maldon (Mr Whittingdale) for securing it. The shadow Foreign Secretary, my right hon. Friend the Member for Islington South and Finsbury (Emily Thornberry), sends her apologies for not being here to respond, but she is attending the annual lunch of the Labour Friends of Israel.

The events of the past 48 hours have been deeply troubling for all of us who want to see a return to peace, stability and the rule of law across the whole of Ukraine. Instead, incidents such as this make an already intense situation worse and risk widening the conflict. As the NATO spokesman said yesterday, we need to see calm and restraint on both sides and we need both sides to commit to de-escalation. In particular, Russia must abide by international law, as the Minister just stated, which means allowing Ukrainian ships unhindered access to Ukrainian ports on the sea of Azov. There is no excuse for blocking that access, let alone firing on the ships and seizing them. Will the Minister confirm whether he or his colleague will speak to their Russian counterparts and make clear when that discussion will take place?

[Mr Khalid Mahmood]

At the same time, it has been worrying to see the reaction of the Ukrainian Government in declaring martial law. The Minister has said that he has secured agreement from the President that that will not lead to a cessation of any elections that are due to take place in the new year. While these issues are going on, proper democratic structures need to continue robustly to entrench Ukraine on the democratic footing from which we want it to move forward.

The Minister will agree that if the elections do not take place, that will be a backward step—not just for democracy, but for peace, stability and the rule of law, which we want to see across the whole of the region.

Alistair Burt: I am grateful to the hon. Gentleman for his recognition that the Government's basic position on international law and our response to this are correct. This recent action has come on the back of further disruption over a lengthy period. Since May 2018, Russia has conducted more than 200 stop-and-search boarding operations of civilian vessels transiting to or from the Ukrainian industrial ports of Mariupol and Berdyansk. The regularity of these boardings has increased over the summer, with Russian border guards deliberately delaying merchant vessels transiting the Kerch straits, and this activity culminated in what we saw the other day. It is important for there to be a strong and united international action.

The hon. Gentleman mentioned what he called a “worrying” response from Ukraine; I am not sure I would necessarily say that. In response to aggression from Russia, the Ukrainian Parliament has taken its own decision to impose martial law in 10 Ukrainian regions for 30 days. Bearing in mind the pressure that Ukraine is under, I should have thought that the position of this House would be strongly to support Ukrainian responses in situations of difficulty.

The United Kingdom did not secure President Poroshenko's reassurance that martial law would not be used to restrict rights and freedoms—that decision was made absolutely by Ukrainian authorities; we did not need to secure it. I can reassure the hon. Gentleman and the House that the Ukrainian President also made the decision that elections would be unaffected on 31 March, so continued progress in relation to the democratic principles may continue.

We support the action that Ukraine has had to take in relation to this aggression, and our concern about Russia's international position is clear, which is why we welcome the calls for de-escalation so that these matters do not get worse.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I congratulate my right hon. Friend the Member for Maldon (Mr Whittingdale) on securing the urgent question, and—not that you need it from me—I congratulate you, Mr Speaker, on seeing that this is a very urgent matter that needs to be dealt with.

We are now dealing with a country, in Russia, that is a pariah state. It occupies large sections of Ukraine illegally, and the very fact that it illegally occupies Crimea means that it has no rights under international law as regards this channel or any interventions to shipping that it has been making, notwithstanding the violent intervention made recently.

May I urge my right hon. Friend the Minister and Her Majesty's Government to make a very big deal of this internationally at the UN, and as loudly as they possibly can? Will they say that this now means that we must have the highest level of sanctions and interventions because this country, which has intervened in Syria and in almost every other area of the conflict in the middle east and now in Ukraine, has to be brought to book—and that we have to do it now?

Alistair Burt: I am grateful to my right hon. Friend for that. I reiterate that we strongly condemn Russia's act of aggression against Ukrainian vessels entering the sea of Azov. As he said, that act of aggression is a further example of Russia's ongoing violation of Ukraine's sovereignty and territorial integrity, following its illegal annexation of Crimea and illegal construction of the Kerch bridge earlier this year.

We remain clear in our support of the rules-based international system, which Russia continues to flout. Russia must not be allowed to establish new realities on the ground. We expect all parties to act with restraint and Russia to de-escalate the situation immediately, and we are indeed discussing with partners what concrete measures we can collectively take in response to Russia's actions.

The EU has recently strengthened sanctions related to Crimea by listing individuals and entities responsible for the construction of the Kerch bridge, which connects Russia with illegally annexed Crimea. By acting in unity with our allies and partners, in the UN and the EU, we can achieve much.

Stephen Gethins (North East Fife) (SNP): I, too, thank the right hon. Member for Maldon (Mr Whittingdale) for securing this urgent question. First, let me be clear that we in the Scottish National party absolutely condemn the aggressive actions of Russia and its clear violation of international law. We join the Minister in calling for the release of sailors and others involved as soon as possible. May I also take this opportunity to commend the work of Ambassador Judith Gough and all her colleagues, as she does fantastic work in Kiev?

We know that Ukraine is aware that we are stronger because of respect for human rights, the rule of law and the right of opposition to question Governments. That is something Russia fails to understand—not just in Ukraine, but in the Russian Federation. Will the Minister set out what work is being done with European partners, given our relationship and how important Ukraine is to EU security? Will he set out what his co-operation is with EU partners? Will he also set out more details on how he is looking at individual sanctions, which have been mentioned?

Alistair Burt: I am very grateful for such a clear statement from colleagues on the other side of the House—in particular, the condemnation of Russia's actions and the unequivocal call for the urgent release of the sailors. We welcome that. I thank the hon. Gentleman also for the support he gives to our ambassadors, not only in the region but at the UN, where Jonathan Allen made a particularly strong statement at the Security Council on this matter yesterday.

On the hon. Gentleman's questions, the EU Political and Security Committee is meeting today to consider the EU's practical response. As I said earlier, we are

discussing with partners what concrete measures we can collectively take in response to Russia's actions. He can be in no doubt, because of the clear statement by the Foreign Secretary yesterday and clear statements made by ambassadors, that we will continue to do exactly what it takes to try to de-escalate the situation but make clear where we believe the fault lies.

Tom Tugendhat (Tonbridge and Malling) (Con): May I, again, thank you for giving adequate time to this urgent matter, Mr Speaker? This is not the first time we have found ourselves discussing Russia's pariah nature in this House, nor is it the first time we have seen Russia committing acts of aggression—or, indeed, warlike acts—against countries in the region. We have even debated its warlike acts in our own country. So this is a matter not about a foreign nation about which we know little, but about ourselves and our own security.

Does my right hon. Friend the Minister agree that every time we see one of these acts, we see a moment of Russian weakness being expressed through violence, we see a falling oil price being covered up by an act of aggression, and we see riots about the pensioners who have been stripped of their assets by this brutal regime being covered up by further acts of war? Does this not mean that we must stand with the Russian people? We must stand with the democrats, the journalists and the civic activists in Russia, and defend their interests. By doing so, we stand against those who seek to profit off them—not only the warmongers, but those in our own House, even, who are profiting from Russian business in this country and in the United States.

Alistair Burt: My hon. Friend the Chair of the Foreign Affairs Committee makes a series of strong and clear points. He sets out again the concerns the UK shares about a series of actions that has also caused concern abroad. He also made the wider point about the impact of actions on the people of Russia. I should add that Ambassador Jonathan Allen concluded his statement on Ukraine yesterday by saying:

“As my Prime Minister recently made clear, like others here today we remain open to a different relationship with Russia: one where Russia desists from these attacks that undermine international treaties and international security and desists from actions which undermine the territorial integrity of its neighbours and instead acts together with the international community to fulfil the common responsibilities we share as Permanent Members of the United Nations Security Council. And we hope that the Russian state chooses to take this path.”

He sets out clearly why that should be the case, and why a different relationship is open to Russia, but it must entail a change in behaviour.

Mrs Madeleine Moon (Bridgend) (Lab): I welcome the Minister's statement. I particularly welcome the description of the ongoing and consistent provocative actions. This has not been an isolated incident; this has been happening and escalating for some time. I endorse the call for unity, calm and restraint, but we must be aware that Russia is seeking other consequences: a wider destabilisation of the region. It is important that we in this House and across the NATO alliance are unified in calling not only for freedom of navigation, and for the release of the ships and the sailors, but for Russia to understand that actions have consequences. We need to be willing to stand by those consequences.

Mr Speaker: I think the question was a rhetorical one, and therefore it requires an even shorter reply than the Minister might otherwise be inclined to offer to the House.

Alistair Burt: I will offer a very brief answer, but first, let me say that I am sure that the whole House welcomes the fact that the hon. Lady is the new president of the NATO Parliamentary Assembly. We all congratulate her on that. It is a singular honour for not only her, but this House, and we know that she will conduct herself extremely well. The way in which she put her question and the issues that she raised demonstrated that she has a very clear grasp of the facts, and she will be an important addition in that role.

Sir Michael Fallon (Sevenoaks) (Con): Will Ministers look again at what further practical assistance we can give to Ukraine, either by increasing our military training or, given Russia's interference with maritime trade in the sea of Azov, by helping to strengthen vulnerable ports such as Mariupol by, for example, improving the railway links? That will make it less vulnerable to Russian pressure.

Alistair Burt: As luck would have it, I have some information here about the UK's support to Ukraine, and I fully support my right hon. Friend's comments. The UK is providing some £30 million this year to Ukraine to support a range of areas, including governance reform, accountability, communications and human rights. The UK is also providing £14 million in relation to conflict, security and stability projects to bolster Ukrainian defence reform. We have provided up to £3 million of new funding this year for developing independent media and countering Russian disinformation, alongside £2 million provided through existing projects. The Defence Secretary was there recently, as my right hon. Friend will know, and he is having further talks with his US counterpart this weekend. On practical support for Ukraine, including on the defence side, the UK will certainly continue to be committed to Ukraine's independence, sovereignty and territorial integrity. Defensive non-escalatory military training delivered through Operation Orbital is fundamental to that support.

John Woodcock (Barrow and Furness) (Ind): President Putin's actions have redrawn, by force, the borders of a European nation for the first time since the second world war, and we must never forget or normalise that. We are discussing just the latest in a series of acts of aggression, so will the Government commit to ensuring that they will do everything they can, and to ensuring that their influence on other European nations will not be lessened when—if—the UK comes out of the EU next year?

Alistair Burt: The hon. Gentleman, who has great knowledge of these matters, puts it extremely well. He references the latest in a pattern of acts of aggression, and welcomes the UK's support in responding to it, in co-ordination with others. He can take it from me—I say this very clearly—that there will be no diminution in our support and our working with European partners, no matter what happens in relation to other events next year.

Dr Andrew Murrison (South West Wiltshire) (Con): In 2015, following a great deal of international pressure, France cancelled two Mistral-class amphibious assault ships that were destined for Russia because of the situation in Ukraine. What more will be done at the European Union Political and Security Committee, to which the Minister referred, to impress on our European partners in particular that it is wholly unacceptable at this time to be engaging with the Russian Federation on arms sales?

Alistair Burt: I am grateful to my hon. Friend for his description of what happened. He emphasises how important it is for united and collective action to be taken on this issue. It is important that nations work together on this, and his comments about dealing with the sort of supply that was involved with Mistral are well taken. The United Kingdom will be pressing this point to the various committees that we are attending as we speak.

Stephen Pound (Ealing North) (Lab): The Foreign Secretary made an extremely powerful and well received speech yesterday at the launch of the holodomor exhibition, sponsored by the hon. Member for Mid Derbyshire (Mrs Latham), in which he referred to the close, supportive relationship between the United Kingdom and Ukraine. In that context, will the Minister agree to send on behalf of the House our profound sympathy and support to the friends and families of all the sailors who have been injured and imprisoned illegally? What assistance can we offer in the elections in March to support the restraint shown by President Poroshenko?

Alistair Burt: I thank the hon. Gentleman for mentioning the Foreign Secretary's appearance at the holodomor event; it matters greatly to the United Kingdom and the Foreign Secretary, which is why he was there. The hon. Gentleman's message of support to the families caught up not only in this detention but in others is well made, and it will certainly be conveyed to them. On support for governance, we are already providing £11 million to support reform in Ukraine through the good governance fund, and there are a wide range of programmes to help Ukraine drive forward governance, economic and political reform, and promote greater accountability and transparency. All that will help to make sure that the election process is exactly what this House would expect.

Theresa Villiers (Chipping Barnet) (Con): Sadly, Ukraine suffered hugely at the hands of the Russian and Soviet authorities in the last century, including through the unspeakable cruelty of the holodomor. Does my right hon. Friend share my sense of sadness that in the modern era, when we really all should know better, Ukraine is again on the end of unjustified violence and aggression from Russia?

Alistair Burt: My right hon. Friend's concerns are echoed throughout the House. The support for Ukraine in its present difficulties is well expressed both by Members and the actions of Her Majesty's Government.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): For six months, Russia has been stopping and inspecting vessels entering and leaving Ukrainian ports in the sea of Azov. That leads to delays and greatly

increased costs, and it affects not only Ukrainian vessels, but those flying EU flags. Will Her Majesty's Government first make the strongest representations to Russia that it should desist from this practice, and secondly seek legal advice on what financial recompense the owners of these ships can seek?

Alistair Burt: I am grateful to the hon. Gentleman for his question. On the economic damage, we estimate at present that Mariupol and Berdiansk have seen economic throughput reduce in their ports by some 43% and 30% respectively in the past nine months, so the actions that he referred to have had a profound effect. I am not personally aware of the legal position on redress, but I am sure that the United Kingdom Government will do anything that they can to provide support.

James Gray (North Wiltshire) (Con): HMS Echo is due to be deployed to the Black sea in the new year in support of Ukraine. She is a lightly armed oceanographic survey vessel. Would not it be a strong message to Russia if we were to bring that deployment forward, and perhaps also, without any form of escalation, consider deploying her to the Azov sea?

Alistair Burt: I am not aware of any plans to change any of the deployments that have been planned and considered. Of course, while we must continue to do exactly what we have said we will, no one is looking for any escalation in these circumstances.

Jim Shannon (Strangford) (DUP): Ukraine-Russia relations have deteriorated to an all-time low. There have been evidential reports of the persecution of Christians in eastern Ukraine, occupied by Russia. Pastors of churches have gone missing and nobody knows their whereabouts, and churches have been desecrated and destroyed. I ask the Minister gently: has he had the opportunity to highlight and raise these issues with Russia, and to confirm support for Ukrainian citizens expressing their faith and worshipping their God in the way they wish to?

Alistair Burt: I am grateful for my hon. Friend's question; no one could be a more determined supporter not only of the rights of Christians in other countries, but of freedom of belief and religion for all, which he champions. The United Kingdom believes that Russia must uphold its obligations under international humanitarian and human rights law, and we call on Russia to release immediately over 70 political prisoners detained in Russia and Crimea. I will ensure that his comments about minority faith prisoners and detainees are conveyed to the Minister responsible.

Sir Desmond Swayne (New Forest West) (Con): Who benefits?

Alistair Burt: No one benefits from actions that are contrary to international law. No one benefits from disruption. The only people who benefit are those who can demonstrate a clear and concise response to such aggression in an effort to return the world to a rules-based system, where there will be de-escalation, and collective security for all because it is not provoked by unreasonable actions.

Mr Speaker: I hope that the right hon. Member for New Forest West (Sir Desmond Swayne) will have his question framed, but I give him due warning: if he does not, I will.

Stewart Malcolm McDonald (Glasgow South) (SNP): To follow the point made by the hon. Member for North Wiltshire (James Gray), would it not be better to revisit that deployment—not necessarily its time or place, but the type of ship that we send? HMS Echo is a survey ship. Would it not be better to send a ship that can defend itself in these waters, given the events at the weekend? Do those events not also show that it is time for Her Majesty's Government to have a more muscular and robust policy on Nord Stream 2?

Alistair Burt: The Under-Secretary of State for Defence, my right hon. Friend the Member for Bournemouth East (Mr Ellwood), who is sitting next to me, assures me that the survey ship HMS Echo has appropriate armament, but we have to be very careful. I make it clear that there is no change planned to any deployments at this stage, which is important, and I have no instructions on any such action, but it would have to be considered extremely carefully. What the United Kingdom wants to do is stand up for international law, urge others to do the same, see a release of the sailors who have been detained, make it very clear to Russia what it is doing by risking the actions that it is taking and, while not seeking to escalate anything further, be very firm in supporting an international response, because we must see an end to these actions.

Mary Robinson (Cheadle) (Con): There is real concern that the escalation of Russian action in Crimea will lead to real human suffering, and much more of it. What more can be done to ensure access to Crimea for the United Nations High Commissioner for Human Rights, so that they can look into this?

Alistair Burt: My hon. Friend is right: we are very keen for that access to be given, and it is unfortunate that it has not been. Colleagues at the United Nations mission in New York will certainly continue to make this point very strongly.

Nick Thomas-Symonds (Torfaen) (Lab): More than two years have elapsed since Ukraine referred the issue of access to the sea of Azov to the International Court of Arbitration at The Hague. Why does the Minister think that the process has taken so long, and what can he do to try to speed that up to a conclusion?

Alistair Burt: As a former lawyer, I have only a possible explanation of why some of these things—particularly, technical actions in respect of the law of the sea, where claim, counter-claim and many other things need to be discussed—take so long. I have no specific information about why this in particular has taken so long, but the Minister for Europe and the Americas will respond to that by letter. If these claims cannot be decided and international arbitration does not work, the international rules-based order falls to the ground, so it is to the benefit of all states—even those who feel that a resolution might not be to their advantage—to do everything in their power to see these matters resolved.

Mr Bob Seely (Isle of Wight) (Con): The Minister has eloquently told us what the FCO thinks the situation is. Will he explain what the FCO thinks the situation may become? Is what has happened recently just a continuation of low-level aggression? Is it a ramping up of economic warfare by a blockade of Berdiansk and Mariupol? Or is it part of a shaping operation for a more violent assault on Mariupol? If it is one of the last two, what contingency measures is the FCO thinking of taking?

Alistair Burt: I know that my hon. Friend has a deep-rooted knowledge of this subject, but he asks the UK Government to speculate on a series of potential outcomes, which I do not think would be wise. The point of his question, however, is to illustrate that from the actions already taken there could be further more serious consequences. Given the concern with which he asked his question—concern that I am sure is echoed by the House—I should be very clear that the UK does not want further escalation. Risks have been taken in the actions we have seen, and it is essential, if those risks are to be de-escalated, that Russia recognises its actions and the concern they have caused, and changes them.

Carol Monaghan (Glasgow North West) (SNP): We know that Russia has been flexing its muscles across the Black sea region for quite a while now, so it was disappointing that the Black sea was not a specific agenda item at the NATO summit in Brussels in July. Can the Minister assure the House that he is pushing NATO allies, including Turkey, which has in the past shown sympathy for Russia, to develop a coherent NATO strategy for the Black sea?

Alistair Burt: As I indicated earlier, there were meetings yesterday of the UN Security Council, NATO, EU and the Organisation for Security and Co-operation in Europe. I cannot give a clear answer, because I do not know the technical answer, but given the current level of aggression in the Black sea and the degree of concern raised, and given that the international community responded so quickly yesterday, I suspect that the Black sea is very much a topic of concern. It certainly is for the UK, and it will indeed be pressed.

Leo Docherty (Aldershot) (Con): What are we doing to keep open the Kerch strait?

Alistair Burt: As far as I am aware, the strait is open, but it will be essential to demonstrate that there is free passage without hindrance, and in the near future all actions will be carefully scrutinised. There are ways of ensuring a good international presence and that sea lanes stay open, but any action must be taken collectively. My hon. Friend's point was well made.

Stephen Kinnock (Aberavon) (Lab): The Minister has done an excellent job, as always, of answering our questions, but this does smack a little of complacency. Let us remember that 10,000 people have died in the Ukraine conflict, and that Ukraine has been crying out since 2014, since the annexation of Crimea, for us to do something about the sea of Azov. Its economy is being strangled by the economic blockade. What measures are being taken to support the Ukrainian economy? It is very welcome that the House passed the Magnitsky

[Stephen Kinlock]

amendment, but what steps have been taken, if any, to follow up on that amendment, to draw up a list of individuals who should be sanctioned, and to put the amendment into practice? To date, we have little or no evidence of the Government doing anything about that.

Alistair Burt: In all fairness, the fact that I answer carefully and honestly in relation to these actions must not be considered any form of complacency. I am keen to set out for the record the action the UK has already taken in response to this incident: our convening of the EU meeting, the meetings at the UN, NATO and the OSCE, the clear statement by the Foreign Secretary yesterday, the statement by Jonathan Allen at the UN Security Council, and the work already done on sanctions, including the sanctions on individuals, and the sanctions following the annexation of Crimea and the construction of the Kerch bridge. In addition, the EU's Political and Security Committee is meeting today, and further action is being considered in company with others. All that is a clear and definitive response to what has happened. Action has been taken against individuals, and further action can be considered, but the point I was making was that collective action was the most important thing. The international condemnation is clear. There is no complacency in anything I have said.

Helen Whately (Faversham and Mid Kent) (Con): This latest act of aggression is yet another reminder that Russia does not care about rules, only realpolitik. That fact must inform the UK's approach. Will my right hon. Friend say more about the steps we are taking together with our allies to make sure that Russia is practically deterred from further action?

Alistair Burt: I hope that the actions the UK has taken quickly, in convening meetings of states and speaking very clearly at the UN Security Council yesterday—I commend to the House the statement by our deputy permanent representative Jonathan Allen yesterday, and I will make sure that a copy is placed in the Library so that colleagues can see it—made clear our concerns, and how we are using our international position and our position on various bodies to bring other states together, because collective action is needed.

Chris Law (Dundee West) (SNP): The Russian ambassador to the UN, Dmitry Polyanskiy, claims that Ukrainian ships “illegally crossed Russia's border” and that the “responsibility lies with those who gave the illegal order”.

This completely ignores the fact that the Kerch strait and the sea of Azov are shared territorial waters, as designated by a 2003 treaty. Will the Minister call on Russia, both directly and through the EU, to allow the backlogged civilian cargo ships to pass through the Kerch strait, as they are legally permitted to do?

Alistair Burt: We do not agree with the interpretation of the law of the sea offered yesterday at the UN Security Council. The deputy permanent representative said about the action and the use of military force:

“This further demonstrates Russia's ongoing contempt for Ukraine's sovereignty and territorial integrity and its contempt for the global rules-based international system which this organisation serves to uphold”.

The Government fully support that statement.

Andrew Bridgen (North West Leicestershire) (Con): What representations were made to the Russians during their illegal construction of the Kerch bridge, the completion of which has allowed President Putin to tighten his grip on the whole region and precipitated this latest illegal act?

Alistair Burt: I do not have that information, as I was not in this position at the time, but I can make it very clear to the House, as I did earlier, that action was certainly taken subsequently by way of sanctions imposed on those responsible for the building of the illegal bridge. I have no knowledge of what representations were made at that time, simply because I was not there.

Nick Smith (Blaenau Gwent) (Lab): I congratulate the Minister on his calm and measured tone. Does he know whether there will be any NATO vessels in attendance to provide mutual support to HMS Echo when it is in the Black sea in the new year?

Alistair Burt: I understand from the Under-Secretary of State for Defence, my right hon. Friend the Member for Bournemouth East (Mr Ellwood), that there are NATO vessels in the area, but I am not aware of any particular deployment to support HMS Echo. That would be a matter for further consideration.

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): As the Minister is aware, I sit on the Council of Europe, which Russia is trying to get back into. Will he please ensure that serious consideration is given in the Council of Ministers, through our representative there, to only allowing the Russians back if they fulfil their national and international obligations and do not break them?

Alistair Burt: My hon. Friend's intervention makes clear what the House wants to see. The House is not in conflict with the people of Russia, but as the deputy permanent representative made clear yesterday, actions taken by Russia make it difficult, if not impossible, to have the sort of relationships that are necessary and that my hon. Friend is looking for. The UK is open to that and urges Russia to respond to international concerns and to set out to our mutual advantage a new relationship with other states based clearly on a rules-based international system.

John Grogan (Keighley) (Lab): As well as the exhibition in the House, does the Minister agree that it is resonant that last weekend there were many commemorations of the holodomor across the UK, including in St Anne's cathedral in Leeds, and that one lesson is that just as fearless independent journalism was needed in the 1930s from people such as Gareth Jones and Malcolm Muggeridge to expose the holodomor, so it is now needed to expose the fake news coming from the Kremlin?

Alistair Burt: As I mentioned earlier, we are supporting the provision of money for journalism that is based on the truth and counters disinformation, but the hon. Gentleman's remarks about the importance of investigative journalism are clear. We support the actions of correspondents who go to the most difficult areas of conflict at great personal risk, and we support campaigns designed to make sure that journalists are not targets.

Mr Jonathan Djanogly (Huntingdon) (Con): Incredibly, Russia still denies having a military presence in Ukraine, although we know that Russian troops and tanks are there in very significant numbers taking part in a war that is claiming some dozen Ukrainian lives every week. Now that we have seen this blatant, unacceptable and proven act of Russian aggression, can my right hon. Friend confirm that the UK will take firm action, including the provision of hard military support?

Alistair Burt: As I have reiterated throughout, it is essential that responses are co-ordinated and collective. The United Kingdom has made its position extremely clear at the United Nations, in collective meetings today and yesterday, and in the Foreign Secretary's statement. We will work in concert with our partners in seeking to reverse these actions and achieve our objective, which is stability and mutual security in the region—mutual security that is based on respect for territorial integrity and a rules-based international system.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): On the back of the Russian Federation's illegal and immoral actions in Ukraine, the President of Ukraine is flirting with martial law. Once assumed, martial law powers are rarely given up willingly, and unconsolidated democracies that take them rarely survive. In that context, can the Minister assure the House that the links between the President of Ukraine and Vladimir Putin's right-hand man, Viktor Medvedchuk, will be fully investigated and exposed, and that we, as a member of the European Union—while we still are—will fully push the rest of the European Union to get its act together and ensure that more solid sanctions are imposed on the Russian Federation?

Alistair Burt: As I mentioned earlier, the imposition of martial law by the Ukrainian Parliament was announced yesterday, and will come into effect tomorrow at 0900 hours. We welcome what the President said in relation to the limitation of those powers, and we are monitoring very carefully what the impact and effects may be.

Mr Philip Hollobone (Kettering) (Con): Sending an oceanographic survey ship sometime in 2019 does not exactly strike me as a robust response to Russian aggression against a friendly state. Russian ships and submarines go up and down the English channel unimpeded all the time. Can the Minister tell the House whether a NATO ship has ever gone under the newly constructed Kerch strait bridge, and when the next NATO vessel will visit the sea of Azov?

Alistair Burt: I am grateful to my hon. Friend for asking such detailed questions. I do not have that information, but I will ensure that he is written to.

Mr Speaker: I hope that we will have a copy in the Library of the House.

Alistair Burt: A copy will be placed in the Library of the House at your request, Mr Speaker.

Mr Speaker: Thank you. It will be for the wider delectation of colleagues.

John Howell (Henley) (Con): May I urge my right hon. Friend not simply to ignore the Council of Europe when he considers European action? Will he support the work that I and others have been doing to prevent the readmission of Russia to that organisation?

Alistair Burt: As my hon. Friend will know, I do not ignore anything related to Europe—either the European Union or the Council of Europe. I welcome the collective action that we take through our friends, and will continue to do so. I value the Council of Europe, and my hon. Friend's expression of support for it is well made.

Kevin Foster (Torbay) (Con) *rose*—

Robert Courts (Witney) (Con) *rose*—

Mr Speaker: What a rich choice—I call Mr Kevin Foster.

Kevin Foster: Thank you, Mr Speaker. There was the usual contest for last!

The Minister will be aware of the many parallels with past situations. Vladimir Putin's approach seems similar to the process of heating a frog in water: if he keeps pushing up the heat, it will not produce an instant reaction. Can the Minister reassure me that he is talking to other nations about what will happen if Putin continues to push down this power? We obviously do not want to see an escalation, but let us be clear that it is Russia that keeps escalating these situations.

Alistair Burt: I know from my experience in other parts of the international field that what my hon. Friend has said is correct. There is always concern if a state seeks to demonstrate its power through means that are questionable, or sometimes downright illegal. States will sometimes push the envelope. The risk is that at some stage there will be a miscalculation and a confrontation. The United Kingdom will do all in its power to prevent such a thing, but the risk is taken by others, and my hon. Friend's point is well made.

Robert Courts: Persistent attempts to destabilise Ukraine's economy are clearly unacceptable. What further practical assistance can we offer Ukraine?

Alistair Burt: As I illustrated earlier, there is direct support for economic reform in Ukraine and direct support to assist other reforms, including those relating to good governance and technical matters. Support is also being given in relation to information gathering and the need to combat disinformation. In all those respects the United Kingdom's support is clear, as has been our response to these particular incidents. My hon. Friend may be assured that our concern will continue, and that further support will be made available to Ukraine as and when the United Kingdom judges it necessary.

Minimum Service Obligation (High Street Cashpoints)

Motion for leave to bring in a Bill (Standing Order No. 23)

1.25 pm

Huw Merriman (Bexhill and Battle) (Con): I beg to move,

That leave be given to bring a Bill to require banks to provide cash machines to be made available on designated streets; to enable local authorities to designate streets that require cash machines in towns of more than 5,000 residents; and for connected purposes.

While that may not roll off the tongue, at a time when 2.2 million people in the UK rely almost entirely on cash it is critical that people can gain access to their money easily and free of charge, particularly people on low incomes, older people and people in rural areas. However, figures show that since the beginning of the year, free cash machines have been closing at an unprecedented rate. That has alarmed consumer groups, the Federation of Small Businesses, and, as their support for the Bill demonstrates, Members of Parliament.

I was inspired to introduce the Bill by the experience of residents of Battle, in my constituency in East Sussex. That historic town was the scene of the battle of Hastings. In 1066, Norman invaders marched from the constituency port of Pevensey to give King Harold and his men six of the best. Nowadays, Battle residents are having to make a similarly lengthy journey if they merely wish to access, and spend, the cash in their bank accounts. That is largely due to the withdrawal from Battle's High Street of the big four banks—with them went their cash machines. The last to go was NatWest.

I wrote to Royal Bank of Scotland, the owner of NatWest, asking it to retain the cash machine. It refused, pointing to the 24/7 provision of a machine outside another store. When that machine, the last 24/7 cashpoint in High Street, was lost this month, I asked RBS to reinstate its cash machine or move one up the road from an out-of-town petrol station. It refused. That demonstrates the need for the Government to take action and require the financial services industry to provide at least one 24/7 cash machine in the high street of every town in the United Kingdom with a population of at least 5,000. I make that suggestion in the hope that the Ministry of Housing, Communities and Local Government will accept it as one of the key strands of the forthcoming review and remodelling of the high street that was announced in this year's Budget.

It may help if I try to put my finger on the reason for the decline in cash machines, and hence the reason why intervention in the shape of the Bill is needed. Earlier this year, LINK, the UK's largest cash machine network, announced that it would go ahead with plans to cut its interchange fee by 20% over the next five years. Hundreds of free ATMs have already closed as a result. The interchange fee is the amount that is paid every time a customer uses a free ATM, which funds the entire free-to-use ATM network.

The change was designed to reduce the number of machines in areas where there were too many, while retaining the geographical coverage of ATMs across the UK. That has failed. In 2018, analysis of LINK data showed that in the six months following LINK's initial

announcement—from November 2017 to April 2018—the rate of cashpoint closures increased significantly. It went from about 50 a month in 2015 to 300 a month during that period. LINK's own figures show that between January and June this year, 500 cashpoints closed every month.

In January 2018, the consumer group Which? conducted a study of ATM provision across the UK, and identified more than 200 communities with poor ATM provision or no cash machines at all. The survey also demonstrated the impact that a potential reduction in the number of free-to-use ATMs would have on the millions of consumers who use the network. Overall, it identified heavy consumer dependency on ATM usage: just under half those surveyed used a cashpoint at least once a week, while four out of five said that access to the free-to-use network was important to their daily lives and payment for goods and services. The removal of free-to-use access would leave one in 10 struggling to make payments, shutting many consumers out of local shops and services. A reduction would also lead to one in seven being deterred from using outlets that accept cash only, placing a strain on consumers and retailers alike.

The threat of ATM closures is particularly pertinent in the context of widespread bank branch closures across the country. Research shows that free ATMs are an important alternative for consumers trying to access their cash when their local branch closes, but latest figures show that bank branches are closing at a rate of 60 a month, leaving people struggling to access the financial services they rely on across the UK.

The UK has lost almost two thirds of its bank branches in the past 30 years. According to parliamentary records, there were 20,583 branches in 1988, but analysis of current account providers shows that there are just 7,586 today. So far this year 670 branches have closed or are scheduled for closure, putting us on course to overtake the number of 2017 closures.

While there has been a decline in cash use, cash remains immensely popular and important for consumers. Almost three quarters of adults in the UK say they use cash at least two or three times a week.

Some might say that cash provision should be taken up by the post office network. I know that the Government recognise the important role post offices play by providing access to cash and banking services. Under the banking framework, 99% of UK personal banking customers and 95% of UK business banking customers can do their day-to-day banking at the post office. That agreement, in operation since January 2017, marked the biggest expansion of face-to-face banking access in a generation. However, post offices and postmasters and postmistresses do not feel that the banks are remunerating them properly for these transactions, and I fear that many will stop providing the service, just as LINK has ceased providing cash machines.

High street banks have a very special place in my heart. I spent my vacations during A-levels and university working as a cashier for Abbey National in Buckinghamshire. I was responsible for the morning refill of the cash machine—a job they might not have given me if they had known I would become an MP. Many a happy hour was spent with my customers, from “accidentally on purpose” setting off the cashier security screens when a customer was rude to colleagues, to repeatedly asking our customer, Mr R. Head, to produce

his identification so that we could roll about on the floor laughing when his driving licence showed his first name to be Richard, to taking a phone call from an irate customer concerned about overdraft charges and then phoning the cheque centre with the opening line of “Some old bag is complaining about racking up charges” only to be informed by the voice at the other end of the line, “This is the old bag speaking. I suggest you reimburse the charges or I will have you fired.” I had rung the customer back by mistake—a schoolboy error.

Fortunately, my pursuit of customer satisfaction has improved steadily over the years prior to me becoming my constituency MP. When vulnerable constituents, who are the most in need of our support, cannot access their cash and spend it in support of the stores that make up our vibrant high streets then something is not only wrong, but something needs to be done. I therefore beg to move that this Bill becomes law.

Question put and agreed to.

Ordered,

That Huw Merriman, Simon Hoare, Stephen Crabb, Kevin Hollinrake, Daniel Zeichner, Dr Sarah Wollaston, Frank Field, John Lamont, Henry Smith, Ian Paisley, Sammy Wilson and Louise Haigh present the Bill.

Huw Merriman accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 25 January 2019, and to be printed (Bill 297).

Courts and Tribunals (Judiciary and Functions of Staff) Bill [Lords]

Second Reading

1.34 pm

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

It is a great pleasure to move the Second Reading motion. It is possible that in Westminster at the moment other matters are catching Members’ attention and that the focus of the House has not been sufficiently on the Bill. But I am delighted to have the opportunity to move the motion. The Bill has already been considered in the other place and takes an important step forward for our courts system.

Our judiciary, together with our courts and tribunal service, are rightly regarded as among the finest and most independent in the world. However, the way our courts and tribunals work cannot stand still. They must be able to meet the demands of delivering modern-day justice, meet the needs of the society they serve, and administer justice in the most effective and efficient way.

The justice system must work for all those who use it, as well as for the judges and legal professionals who work in it. That means realising the huge potential of new technology and the law tech revolution to improve people’s experience of and access to the justice system and open up new routes to justice. It is certainly my determination that the UK should be seen as being at the forefront of adopting new technology, whether in our courts and tribunal system, which is the issue before us today, or more widely, with legal professionals making use of technology. That is one of the reasons that we have instituted a law tech committee, led by Christina Blacklaws of the Law Society, which is designed to take us forward in that area. It is an important part of what we need to do.

John Howell (Henley) (Con): My right hon. Friend may be aware that I did an Industry and Parliament Trust fellowship in the law with judges, and my experience of the different courts I went to showed the enormous gap between the commercial courts, which were technologically very superior, and the tribunal system, where we might as well have been using a quill pen. Is this going to solve that problem?

Mr Gauke: Our court reform programme as a whole, which I will come on to, will ensure that we use technology wherever possible. It is right that we embrace that. The Bill is part of the process—it is not all of the process—that will ensure that we modernise. I have quoted in the past ways in which artificial intelligence, for example, is being used within the legal profession. An example I have given is a case where AI was used to check a number of contracts to spot potential errors. The rate of success of the AI was somewhat better than that of the experienced lawyers, and if I remember rightly the task was done in 26 seconds rather than 92 minutes. I make that point to illustrate the opportunities that exist in terms of technology and the law.

Alex Chalk (Cheltenham) (Con): Innovation and modernisation are vital, but will the Secretary of State take this opportunity to recognise that the single most

[Alex Chalk]

important strength of our judicial system is the judiciary who work in it and that everything must be done to ensure that we have a broad pipeline of talent so that they continue to be the best in the world?

Mr Gauke: I very much agree. We have a judicial system that is widely respected around the world for its independence and excellence, and that must long continue. I suspect that my hon. Friend is hinting at the question of how we can get more outstanding candidates to apply to the judiciary. It is right that we should address that challenge. He is right to suggest that this is one of our strengths as a country. It will be important in the years ahead as we leave the European Union that our legal system should continue to be widely respected. I believe that there are great opportunities for the UK to become even stronger as a legal centre, and I am keen for that to happen.

Robert Neill (Bromley and Chislehurst) (Con): Will the Secretary of State give way?

Mr Gauke: I will certainly give way to the Chair of the Justice Committee.

Robert Neill: The Secretary of State makes an important point about the balance that needs to be struck in these areas. He has given an example of the use of artificial intelligence being appropriate for the checking of documents, and work on dealing with disclosure parameters has already been successfully piloted by the Serious Fraud Office. Would he concede that there is a distinction to be drawn between those essentially transactional but important operations, such as disclosure searches, and the application of human judgment that should be brought to, for example, a charging decision by the SFO? Does he agree that any determination of the facts or issues of a case should clearly be done by a human judge, having heard the arguments, and that their workload could be slimmed down but not replaced by the use of AI?

Mr Gauke: I agree. I note that my hon. Friends are all quick to make the case for the importance of the skilled human being in these circumstances, and rightly so. We must remember that technology is our servant and not our master.

I make these points because our court reform programme is being undertaken in the context of an embrace of technology and the Bill is an aspect of that programme. I will digress no further because it is not essentially a technology-based Bill. However, to follow up on the point made by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), the importance of skilled individuals will continue to be key, and the Bill will ensure that the time of our most skilled individuals—our judges—is deployed as efficiently as possible.

Nigel Huddleston (Mid Worcestershire) (Con): I have to say that innovation and modernisation are not normally things that we associate with our courts. Given the feedback that has already come in on things such as making responses on juries online, does my right hon. Friend agree that this is not only useful to the courts but makes life easier for the public?

Mr Gauke: Absolutely; that is a key point. Perhaps my hon. Friend has set my Department the challenge of ensuring that people associate the modernisation of technology with the court system. We will know that we have succeeded when he tells us that that is the case. He makes the strong point that this is ultimately about delivering justice. We need to have strong support for the process involved and ensure the satisfaction of those who need to resolve a dispute or to undertake a process. The early signs from our work with online divorce processes are encouraging, and the feedback has been very positive.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I rise as the co-chair of the Justice Unions Parliamentary Group. I am interested in what the Secretary of State is saying about artificial intelligence, but it seems to me that one of the driving forces behind the Bill is not necessarily to improve the administration of justice but to cut costs by pushing workloads down the grades so that staff will be taking on additional work above their current grade without additional remuneration. Surely he should recognise that making savings in the application of justice comes at a cost to staff and to the public's experience of justice.

Mr Gauke: I do not think that the hon. Lady is correct in the association that she makes. The reality is that we have to ensure that our resources are deployed as efficiently as possible. That is to the benefit of the system as a whole. I will make the case in more detail as to why the steps taken in the Bill to give authorised staff greater responsibility to undertake some roles that they are currently unable to undertake will be to the benefit of the system as a whole. I make no apology for wanting to find efficiencies within the system, but this is in the context of a £1 billion court reform programme. Those efficiencies can improve the experience of the users of the system, and could also ensure that judges will be able to use their time in the areas that are most useful to them. Indeed, the experience of authorised Courts and Tribunals Service staff will be a more positive one, as they will be able to make a greater contribution to the efficient running of the court system.

Simon Hoare (North Dorset) (Con): Setting aside the whys and wherefores of the Bill, may I invite my right hon. Friend to confirm from the Dispatch Box that the independence of the judiciary and the separation of powers between the judiciary and Parliament will be absolutely sacrosanct and at the heart of everything that he, his ministerial colleagues and the Department will do? This is an issue of great concern to many people, irrespective of the Bill, and people always need to have faith that this central pillar of how we are governed in this country will remain intact, protected and preserved.

Mr Gauke: I am grateful to my hon. Friend for giving me the opportunity to respond to that point. The independence of the judiciary is at the heart of our system and a long-standing part of it. It is as important, if not more important, than it has ever been that we reiterate that and support those institutions. As I was saying a moment ago, this is a big part of what our nation is about, and in the years ahead, after we have left the European Union, one of the most important

institutions to us will be our independent judiciary. It is a large part of what the UK is about and of how we should project ourselves around the rest of the world.

Jeremy Lefroy (Stafford) (Con): My right hon. Friend is making a strong case. Perhaps this is for another time, but in the context of having a strong, independent judiciary, will he look again at the rather arbitrary cap of the age of 70 for magistrates? We have many really qualified people who wish to contribute to the independent justice system of this country but who are prevented from doing so simply because of their age.

Mr Gauke: I am grateful to my hon. Friend for making that point, although he takes me away a little from the terms of the Bill. I realise that there is a debate about that matter, and there are arguments either way about the current age limit. I have certainly received representations calling for an increase on the current age of 70, and we continue to look closely at those arguments. I believe that there has to be an age limit, and it is a question of judgment as to what it should be. I would be delighted to discuss this with my hon. Friend in the Tea Room if the opportunity to do so should arise.

Alex Chalk: Building on the point that was well made by my hon. Friend the Member for North Dorset (Simon Hoare) about independence, may we have an assurance that under the Bill the procedure rule committees that decide what the authorised staff can do will be able to exercise that discretion free from any interference from the centre, so that they can ensure that only those jobs that ought properly to be delegated to those staff are so delegated, and that extraneous considerations such as cost need not be forced upon them when they make their decisions?

Mr Gauke: My hon. Friend brings me back to the Bill and makes a good point—one which came up on several occasions during the deliberations in the other place about the extent to which we should be prescriptive, or whether powers should be left with the rule committees. I share his instinct that as much as possible should be left to the rule committees, because they are best placed to make such assessments. Indeed, that leads to points made by distinguished retired judges in the other place about not being over-prescriptive. Such matters may be a point of discussion this afternoon or at the Bill's later stages.

I now turn to the Bill in greater detail. The measures will help to provide the greater flexibility and responsiveness that we need within our court system. That includes freeing up judges' time from the most routine tasks associated with court cases. The Bill will build on existing powers that already enable staff in most courts and tribunals to be authorised to exercise some of the functions of judges. It will continue to allow appropriately qualified and experienced staff in the civil, family and magistrates courts, the High Court, the Court of Appeal, the Court of Protection and tribunals to be authorised to carry out uncontroversial and straightforward judicial functions under judicial supervision. The Bill will enable those arrangements to be extended for the first time to the Crown court, where court officers can only currently undertake formal and administrative matters. Allowing court and tribunal staff to exercise a wider range of judicial functions will potentially free judges up from

undertaking more regular tasks, such as changing the start time of a hearing or changing a pre-trial preparation hearing date, so that they can focus on the more substantive matters of the case.

Sir Edward Davey (Kingston and Surbiton) (LD): I welcome the Government's amendments in the other place to paragraphs 32 and 44 of the schedule, which were secured by my noble Friend Lord Marks, because they ensure that only a judge will have the power to deprive people of their liberty or eject them from their family home. As we give court staff some more powers, it is important that we set down some markers for the types of decisions that should be reserved for trained professional judges.

Mr Gauke: Indeed, and I will turn to that point in a moment. I hope that the clarification provided by those amendments will be widely welcomed in this House. The passage of this Bill in the other place was characterised by a constructive and co-operative approach from both sides, and I hope that that will continue to be the case—I suspect it will, but we shall see—because the point of those amendments was to provide particular protections. Other issues debated in the other place included suggestions about being more prescriptive. As I said to my hon. Friend the Member for Cheltenham (Alex Chalk), it is right that we use the judicially led rule committees in many of those areas, but the right hon. Member for Kingston and Surbiton (Sir Edward Davey) makes a perfectly fair point.

Luke Hall (Thornbury and Yate) (Con): My right hon. Friend is being generous in giving way. He is talking about the use of judicial time, so will he explain in a bit more detail how the measures will address the problem of the backlog of cases and what effect the Bill is likely to have on improving the current situation?

Mr Gauke: My hon. Friend raises a good point that comes back to how we ensure that judges' time is used most effectively, freeing them up from the most routine tasks, such as changing the start time of the hearing, and enabling them to focus on more complex matters. They could then ensure that case preparation and management was resolved proportionately and at an appropriate level. That could also help to improve the overall efficiency and effectiveness of the court tribunal system. There is an opportunity to ensure greater consistency in the current arrangements, and it is right that we strengthen safeguards, as has already been touched upon.

It is important to guarantee the independence of all authorised staff when they are exercising judicial functions. Clause 3 will bring authorised staff under the leadership of senior lawyers. Although we are removing the post of justices' clerk from the statute, the functions that such clerks undertake will continue to be carried out by heads of legal operations, who have a much greater leadership role across all jurisdictions. The change will ensure that we make all authorised staff ultimately accountable and subject to the direction of the Lord Chief Justice and the Senior President of Tribunals.

John Howell: My right hon. Friend is being generous with his time. The place where these changes can have the most effect is in the tribunal system. I have sat

[John Howell]

through tribunals that have lasted for days for no good reason, tying up three independent assessors. Surely, it is there that the changes he proposes can have the biggest effect.

Mr Gauke: My hon. Friend may well be right. The Bill of course relates to courts and tribunals, and it is important to bear in mind the impact on tribunals. Tribunals perhaps do not always attract the attention that they might, but they play a vital role within our justice system. If we can find ways to improve their efficiency, we should all welcome that. That is a key part of what this Bill is about.

Kevin Hollinrake (Thirsk and Malton) (Con): My right hon. Friend mentioned the start times of hearings. As he will know, Northallerton magistrates court, which serves many of my constituents, is due to close under these reforms. It is important that people can get to a hearing on time, so will requiring people to travel further to a more distant court be taken into account? Will there be mitigation, such as video links, and will those things be in place and operating before the court closes?

Mr Gauke: Journey times are taken into account. I am conscious that substantial issues can arise in rural areas, but journey times are considered. As for technology, if I remember correctly, the change at Northallerton magistrates court is conditional upon ensuring that the technology is properly in place. In the context of this Bill, authorised staff will be able to play a bigger role in determining start times, for example, and one hopes that that might enable the process to run as smoothly as possible and ensure that people's concerns about when they can get to court can be properly considered.

Bambos Charalambous (Enfield, Southgate) (Lab): With the distance between courts being a factor not just for claimants and defendants but for witnesses, does the right hon. Gentleman agree that witnesses may sometimes choose not to go to a court if it is too far away, which can cause hearings to be cancelled?

Mr Gauke: The hon. Gentleman takes me further in the direction of the debate about the court closure plan, but we need to ensure that our resources are deployed as efficiently and effectively as possible. In that context, we have reduced the number of courts, but that money makes a contribution to our overall finances and can be reinvested as part of the court reform programme. We have to take every opportunity to make use of new technology to ensure that the experience of the justice system—the hon. Gentleman rightly highlights that witnesses are important in many cases—is as positive as possible.

I have touched on this already, but safeguards are important. Clearly, the delegation of certain judicial powers to court and tribunal staff needs to be done sensitively and sensibly, and with appropriate safeguards. Independent, judiciary-led procedure rule committees, which govern the rules within courts and tribunals, will determine which functions court staff may exercise in each jurisdiction and what qualifications and experience they will need. Those rules will then be subject to parliamentary scrutiny. All staff authorised to exercise

judicial functions will ultimately be accountable to, and subject to, the direction of the Lord Chief Justice or the Senior President of Tribunals.

I am grateful for the valuable insight that Members of the other place brought to debating and scrutinising the measures in the Bill, particularly in relation to the exercise of judicial functions. Many of them drew on their own wealth of judicial experience and expertise in considering the practical issues of implementation.

Concerns were raised in the other place about the safeguards in delegating judicial functions to authorised staff. For example, concerns were raised that certain powers, particularly those that affect the rights and freedoms of citizens, should only ever be directly discharged by the judiciary. Indeed, the right hon. Member for Kingston and Surbiton raised that point.

We have listened to those concerns, and we tabled amendments in the other place that will prevent specific judicial functions from being undertaken by authorised staff, including authorising a person's committal to prison; in most cases, authorising a person's arrest; granting certain injunctions; making orders for repossession of residential property, where the orders are contested; and making search orders.

We tabled amendments that will require the procedure rule committees, when making rules to allow authorised staff to exercise judicial functions, to consider whether the rules should include a right to judicial reconsideration of decisions made by such staff. The amendments will also require that, if a procedure rule committee decides against the creation of such a right, the committee will have to inform the Lord Chancellor of its decision and of the reasons for it. This will ensure much greater transparency and accountability.

The measures in the Bill strike the right balance between creating a framework for the delegation of judicial functions to authorised staff, with appropriate safeguards, and giving discretion to procedure rule committees and the senior judiciary to make the arrangements work in practice.

Alex Chalk: Does my right hon. Friend agree that the principle of delegating functions to authorised staff is not, of itself, new? There has been a successful history, particularly in the magistrates courts, of delegating powers to justices' clerks to carry out a number of functions, which even include such matters as issuing summonses or requesting pre-sentence reports. The principle is in place but, of course, the execution is vital.

Mr Gauke: My hon. Friend is right, and his experience is a benefit to the House. He knows of what he speaks. This principle is not new, but it is one where we think we can go further, to the benefit of the courts and tribunals system and of the users of that system. He is absolutely right.

A balance needs to be struck on the safeguards, and we believe we have found the right balance. Indeed, the position was strongly supported in the other place by Lord Thomas, the former Lord Chief Justice, and Lord Neuberger, a former President of the Supreme Court, both of whom have a wealth of experience in this area, having chaired procedure rule committees. The combination of Lord Thomas, Lord Neuberger and my hon. Friend the Member for Cheltenham, very distinguished lawyers all, is one that should reassure the House.

Lord Thomas warned on Second Reading against putting too much detail into the Bill:

“Experience has shown that detailed restrictions on procedure are a very real fetter on the administration of justice.”—[*Official Report, House of Lords*, 20 June 2018; Vol. 791, c. 2039.]

Similarly, Lord Neuberger warned in Committee of placing

“a potential straitjacket on the ability to appoint the appropriate people to make appropriate decisions.”—[*Official Report, House of Lords*, 10 July 2018; Vol. 792, c. 882.]

Lord Marks also warned against setting too high a bar on the qualifications of court and tribunal staff exercising judicial functions:

“It seems...that the purpose of this part of the legislation is to increase efficiency and...to everybody’s advantage...the speed of decision-making... Having a legislative requirement that all delegated decisions must be taken by qualified lawyers with a minimum experience requirement runs the risk of frustrating this objective.”—[*Official Report, House of Lords*, 16 October 2018; Vol. 793, c. 414.]

I make those points in anticipation that this may be an issue that we debate further this afternoon, but I think the case is persuasive.

Kevin Hollinrake: Will the Bill make it easier to set up a new tribunal? I speak in the context of my role as chair of the all-party parliamentary group on fair business banking and finance, which has the idea of setting up a financial services tribunal. We are not seeing a level playing field in our courts between banks and small businesses, and we feel such a tribunal may be a solution. Will the Bill make it easier to establish such a tribunal, or will it not have any relevance in that area?

Mr Gauke: As it stands, and I do not want to encourage my hon. Friend to table amendments, the Bill will not necessarily do that. He has taken a great interest in this issue, and he has been speaking to my hon. Friend the Economic Secretary to the Treasury. I know my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) will pursue the matter with his customary tenacity, and I do not wish to discourage him from doing so, unless he considers that the best way to manifest it is by tabling amendments to the Bill, in which case I would urge him to look elsewhere. I thank him for his intervention.

I draw the House’s attention to additional important safeguards in the Bill. It will provide a guarantee of the independence of staff and their decision making, by applying the statutory independence and immunities that currently apply to justices’ clerks to all authorised staff when exercising judicial functions. A member of staff will be able to exercise judicial functions only once authorised to do so: by the Lord Chief Justice or his nominee, for the courts; or by the Senior President of Tribunals or his delegate, for the tribunals. The Bill includes protections for authorised persons from legal proceedings, costs in legal proceedings and indemnification in respect of anything they do or do not do when exercising judicial functions in good faith.

The Bill also includes measures to enable greater flexibility in the deployment of judges across our family and county courts, the first-tier tribunal and the upper tribunal. For example, it will permit recorders to sit in the upper tribunal, enable senior employment judges to sit in the first-tier tribunal and upper tribunal and

enable presidents of the employment tribunals for England, Wales and Scotland to sit in the employment appeal tribunal. This will make best use of the experience and skills of serving judges, and it will give the senior judiciary more flexibility to respond to sudden changes in demand and to manage case backlogs in particular jurisdictions. It will also allow judges to gain experience of different types of cases, which will help with career progression. The Bill also contains provisions relating to the amendment of judicial titles, which will ensure consistency and will help to avoid confusion for court users.

The measures in the Bill are an important part of our wider £1 billion reform programme, which will see our courts and tribunals modernised for the 21st century and our digital age. New online services are already providing new routes to justice for many. For example, of all applications for divorce from unrepresented citizens, more than six out of 10 are now made online, after the new service was launched in May. That amounts to more than 20,000 people in just over six months. It has saved time, cost and effort for them and the system. Reforms in the criminal justice system—from making pleas online for low-level offences, to the piloting of a new digital system to allow the police, Crown Prosecution Service, courts, judiciary and defence to have a single shared view of case information online—are making it work better for everyone, too.

The Bill is an important part of our wider reforms to make our justice system work better for those who use it and those who work in it. It also makes an important first step in the legislation that will underpin our reforms. We will introduce further courts legislation as soon as parliamentary time allows. With the appropriate safeguards in place, the Bill will allow our judiciary, courts and tribunals to operate more flexibly, responsibly and efficiently, and it will ultimately improve people’s experience of justice and put our courts and tribunals on a sound footing for the future. I commend the Bill to the House.

2.11 pm

Yasmin Qureshi (Bolton South East) (Lab): Before I open my speech, I wish to tell the House that today is Lancashire Day. On 27 November 1295, Lancashire sent its first Member of Parliament to attend King Edward I’s model Parliament. The day is well marked and celebrated in Lancashire.

We have been waiting for the arrival of court-reform legislation ever since the Government promised in the Queen’s Speech last June a Bill to modernise the court system. One can imagine that expectations were high, but instead we were left disappointed when this wafer-thin Bill, which is both narrowly constrained and obscurely drafted, was finally published. Indeed, most of its provisions were included in the Prisons and Courts Bill that was shelved more than a year ago. That Bill devoted 38 clauses and 13 schedules to the courts and judges, whereas this Bill has just three such clauses followed by a single schedule. As Lord Judge once said of another Government move, it is

“a little too late and...quite a lot too little”.

Robert Neill: I intervene only in fairness to the distinguished legal journalist Mr Joshua Rozenberg, for that was his phrase that the noble Lord Judge was quoting.

Yasmin Qureshi: I thank the hon. Gentleman for that helpful intervention.

Rather conveniently, the Government have left out measures that would provide a legislative framework for the increased use of online technology in the courts—their justification for closing so many courts and axing so many court staff. Indeed, we know that Her Majesty’s Courts and Tribunals Service is working at pace on the introduction of online justice services: the civil money claims service was made available to the public in April 2018 and the online divorce-application procedure was rolled out nationally in May this year.

Although we would, of course, not seek to refute the fact that modern technology has undoubted benefits, we do have to ensure that it is used carefully and without generating more confusion or distress around the process. It should be about investing to improve our services; it should not be a smokescreen for cuts and closures. As such, it is only right that the effects of digitisation should be researched intensely and costed to ensure the best possible outcome. The Government have not yet confirmed that that has happened and still seem intent on this path, without considering potential concerns.

We are by no means against modernisation. We all want justice to be done in the most cost-effective manner and we all believe that the court system must meet the demands of the 21st century, but there is real concern that the Government are trying to bypass necessary legislative scrutiny in this policy area. We must see a thoroughly researched digitisation programme included in primary legislation, to ensure that written and online processes are undertaken appropriately.

The Bill is a missed opportunity. It should have included clear principles to guide the future of online court procedures and a modernisation programme that could have been fully debated in the House today. Instead, we are told that more legislation will eventually follow to encompass all that. This fragmentary approach—or what has been described by one legal commentator as a “legislative drip-feed”—is deeply unsatisfactory. In May 2018, the National Audit Office published a report that concluded that delays in the introduction of primary legislation have created a significant degree of uncertainty, and that Her Majesty’s Courts and Tribunals Service “faces a daunting challenge” in delivering the technological and cultural change needed to modernise our courts and tribunals.

Since 2010, the Government have closed literally hundreds of courts and cut thousands of vital staff. Our research suggests that 80% of the courts sold so far have on average raised little more than the average UK house price. That causes concerns about long-term damage to access to justice for civil litigants and, indeed, victims of crime. It will also have an obvious and long-lasting effect on the principle of local justice. The cuts have led to an increase in the number of people forced to represent themselves, a problem further compounded by cuts to legal aid. When unrepresented members of the public turn up to seek justice as litigants in person, it increases costs and delays for everyone. As we have said in the past, it is the most vulnerable who will bear the heaviest costs—young mothers who are unable to find childcare, the elderly who find long journeys difficult, or the disabled. The court closures will prohibitively reduce access.

Will the Government pause their programme of court closures while new technologies and online courts are being tested and wait to see the full findings of their pilots to assess the impact of the changes to our courts system? Will the Lord Chancellor commit today to restarting the programme of court reforms only once the House has finally had an opportunity to fully scrutinise the plans in primary legislation? We have concerns about the Bill as it stands and will not be supporting it today, but we will table amendments in Committee.

As we heard from the Minister, clause 3 delegates judicial functions to authorised staff. This provision must be understood through the lens of a wider austerity agenda that seeks to make significant cuts. These cuts are being made through a process of court closures and through savings on judicial salaries. Other proposals include the relocation of many case-management functions, which, as we know, currently take place in court buildings, with the benefit of on-site judicial supervision.

Our concern is that decisions would move to new off-site service centres. There is an implication that, given that off-site nature, those service centres would be supervised by authorised staff, not judges. That is deeply problematic for us, not least because we would have scenarios in which authorised staff who were not subject to the training, experience, ethos and oaths that a member of the judiciary is, would be performing direct judicial functions while being employed directly by Her Majesty’s Courts and Tribunals Service.

The issue raises obvious questions about accountability and independence. It is also worth noting concerns that the people involved may be subject to administrative pressures that require the meeting of targets. Given the ideological cuts agenda driving this reform, it is vital that the Bill makes provision for safeguards to protect the standard of decision making by authorised staff, to ensure that the quality of the judicial process and the experience of those who use the court are maintained.

Although we accept that there is some scope for freeing up judges by allowing the most straightforward decisions to be delegated to authorised staff, the intended future limits to any such delegation do not appear to be in the Bill. Instead, they are supposed to be decided by the procedure rule committee. That means that if the Bill passes in its current form, there may be limited external scrutiny of how widely judicial functions are being carried out by people who are not in fact judges, but who work for Her Majesty’s Courts and Tribunals Service.

I wonder whether the Lord Chancellor is aware of the serious implications for the rule of law and the independence of our judicial decision making. In his opening speech, he touched on the fact that our judicial legal system is considered to be one of the best in the world and is used by many countries, many companies, and many litigants; it makes up about £28 billion-worth of trade. Will that be affected by this downgrading of our judiciary? We believe that such a shift would not meet the expectations held by members of the public about the level of experience and the independence of those making judicial decisions about their rights. Unless limits are placed on those who can be authorised and on what powers can be given to those authorised persons, the Bill could change the very nature of our justice system.

Mr Gauke: The hon. Lady is right to raise the importance of our judiciary, but I hope that we can reach a consensus on that. Does she not recognise that the Bill has the support of the judiciary? Senior retired judges have spoken in support of it in the other place, and it has been welcomed by the senior judiciary.

Yasmin Qureshi: I accept that the senior judiciary, some of whom are in the House of Lords, have said that the Bill is a good thing. However, practising lawyers, barristers, solicitors, the Bar Council and the Law Society have said that it is not right, and that the amendments that we will propose should be considered.

There is disagreement in the judicial community about the Bill. [*Interruption.*] I will just wait until the Lord Chancellor has dealt with his question. The Lord Chancellor and the practitioners here must be aware that, when judges are involved in delegated functions or non-court sitting judgments, they are making judgments on difficult issues and complex matters of law—for example, a case management hearing, or even something such as asking for an adjournment. We do not know, but, at the moment, the Bill suggests that such work could be done by delegated staff.

When someone asks for an adjournment, all kinds of complications could be involved; there could be issues relating to failure of disclosure and so on. According to the Bill as it stands, many issues would be given to a delegated person. That is one reason why we are asking for clarification about who those people will be, what powers they will be given, and, more specifically, what training they will be given. Although some senior members of the judiciary in the other place have said that the Bill is a positive development, the practitioners on the ground, at the moment, do not agree.

Robert Neill: I understand what the hon. Lady is saying, and I am not unsympathetic to her point, but, in fairness to the senior judiciary, is it not worth pointing out what was said by the two noble lords who spoke on this matter? Lord Neuberger of Abbotsbury, the recently retired President of the Supreme Court, counselled that it would be unsatisfactory to reduce the flexibility of these proposals, pointing out that there will be many decisions where requisite experience is required, but others where less experience is necessary. Lord Thomas of Cwmgiedd, the previous Lord Chief Justice, pointed out that the procedure rule committee had practitioners on it who acted independently. He said:

“Experience has shown that detailed restrictions on procedures are a very real fetter on the administration of justice.”—[*Official Report, House of Lords, 20 June 2018; Vol. 791, c. 2039.*]

Those are very serious counsels by two very distinguished recently retired judges.

Yasmin Qureshi: I have respect for the senior judiciary, of course, but Parliament should have control over what is being delegated. Taking away judges’ positions and powers is a matter that should be debated in this House. We do not think that it is a matter for the procedure rule committee. We would have a much better idea about what it should be looking at. I think that we will disagree on this issue.

Jess Phillips (Birmingham, Yardley) (Lab): Does my hon. Friend share my concern about always listening to eminent legal practitioners in the Lords? I am certain that, quite recently, they have made some mistakes.

Yasmin Qureshi: I thank my hon. Friend for her intervention. Those things do occur.

Let me go back to my earlier point. We believe that limits should be placed on those who can be authorised and on what powers can be given to those authorised persons. The Bill will change the very nature of our judicial system. We want a system that requires transparent and public scrutiny of the scope of future delegated powers by those in this House. That is important and I am surprised that hon. Members who are democratically elected wish to take away that element from the Bill.

We on the Labour Benches are seeking to push for a number of safeguards, the first of which places limits on the delegation of these judicial powers to non-judicial personnel. We intend to press for further oversight and accountability and will be laying down amendments to that effect. It should also be noted that the procedure rule committee has, for many years, undertaken some excellent work, but the delegation of judicial functions cannot be thought of as a simple procedural matter for a rule committee—rather, this is something worthy of secondary legislation in this House.

The reforms that the Government are seeking to introduce through the Bill are designed primarily to cut costs, but, as the Bill stands, there is a risk that the procedure rule committee will be placed in the difficult position of balancing pressures to save costs against maintaining fundamental rights. Amending the Bill so that the procedure rule committee must at least consider the impact on rights would provide important protections both for the rights of the citizen and for the integrity of the committee. We ask the Government to consider that any decision made by someone who has been delegated judicial functions should be open to a full reconsideration or review by a judge. That would guarantee that purely procedural matters could be dealt with more efficiently; if any decisions were deemed contentious, however, they could be reviewed by an experienced and appropriately qualified judge.

We also note that the Government’s late amendment in the other place obliged the procedure rule committee to consider making rules to determine which of the functions performed by authorised staff could be subject to a party’s right of reconsideration by a judge. However, that does not satisfy our concerns. Indeed, it is simply replicating the fundamental problem of the Bill. By placing the obligation on the rule committee, it delegates a legislative duty to the same unaccountable body. Consequently, we will be pushing ahead with our amendment, supported by the Law Society and the Bar Council, that proposes a statutory right to judicial reconsideration for any party to a decision by an authorised person. We will also seek to ensure that, in drawing up the rules on reconsideration, the rule committee must consider which functions and decisions will be clearly capable of having a material impact on the substantive rights of the parties. I reiterate that we respectfully disagree with the noble and learned Lords in the other place.

In the Ministry of Justice’s explanatory notes on delegation to staff, it is stated that decisions are unlikely to involve contested matters, yet this is not in the Bill. I remind the Lord Chancellor that case management decisions are essential judicial functions that should not necessarily be delegated. We need to ensure that the decisions that impact on the fairness of the process remain within the remit of the judges.

[*Yasmin Qureshi*]

We also have concerns about the lack of minimum qualification for the authorised staff, particularly where staff are not legally qualified or sufficiently experienced to undertake such functions effectively. The Law Society has suggested that the requirements for qualification, training and experience should be set at three years' post-qualification, as a solicitor, barrister or chartered legal executive for all types of functions, and that that approach should be consistent across all courts and tribunals. I know that the Lord Chancellor has disagreed with this, but I ask him again to agree with the Law Society's recommendation that a minimum requirement of three years' post-qualification as a solicitor, barrister or chartered legal executive is appropriate for court staff who are to be delegated judicial functions. Will he also provide assurances that provisions in the Bill that allow the delegation of judicial functions will only be considered where staff have appropriate legal qualifications?

A further omission from the Bill—this point has been made by Women's Aid—is the provision prohibiting the cross-examination of victims of domestic violence that we all looked forward to in last year's aborted Bill. The stark evidence from groups such as Women's Aid is that this gap in the law is being used as a further means of control and abuse. We are concerned that such provisions are not now in the Bill. Will the Lord Chancellor tell us when the Government will bring this particular provision to Parliament so that we can deal with it and have a law in our statute book to bar people from cross-examining victims of domestic violence?

Jess Phillips: Those of us who have campaigned were expecting to see in the Bill some of the things that have been promised, such as the banning of cross-examination. Senior members of the judiciary have themselves called for that measure, but find that current legislation ties their hands. Given that it is not in this Bill, I am certain that Ministers will tell us that it will be in the domestic abuse Bill that will be brought forward. Why will women have to suffer this experience between now and whenever that legislation comes forward? Why is the provision not in this Bill?

Yasmin Qureshi: I thank my hon. Friend for her work on raising these issues. She is absolutely right. Why is the provision not in this Bill? It was in last year's Bill, which was aborted because of the general election. It should not be that difficult to put it into a legislative framework.

Let me give an example of something that happened a few months ago in the family courts. Two spouses had an issue about the custody of their child. The female plaintiff had made allegations of domestic violence and sexual abuse against her husband, and it was obvious that the male respondent wanted to cross-examine her. However, the judge had to step in to ask the question on behalf of the male respondent. The case then went to the High Court, where the judge said that it was really not appropriate for members of the judiciary to have to intervene in such cases. The provision should already be on the statute book. We have talked about it for so long and it is not that difficult; it should be on the statute book as soon as possible.

To truly understand the impact of the Bill, we must look at it in the context of the Government's wider austerity agenda. As it stands, the Bill has the potential

to have a profound impact on our justice system. The double delegation of powers that the Government are intent on introducing is a slippery slope that, without proper controls, puts rights at risk. Without further careful scrutiny and additional safeguards, the Bill has the potential to erode long-established legal rights.

The amendments that Labour tabled in the other House were reasonable, sensible and practical, and we really cannot see why the Government cannot adopt and accept them. The Bill has limitations. The Government should listen to us and others who want to improve it, and accept our amendments, which have the support of the Law Society and the Bar Council, so that we protect our judicial system.

2.36 pm

Robert Neill (Bromley and Chislehurst) (Con): It is a pleasure to follow the hon. Member for Bolton South East (*Yasmin Qureshi*) and my right hon. Friend the Lord Chancellor.

In this debate, there is a danger of allowing the ideal to become the enemy of the good and the deliverable. I rather share the regret of the shadow Minister that this is not a larger Bill. I was a great supporter of the Prisons and Courts Bill that was lost prior to the 2017 election, as were all Members on the Treasury Bench today. There were clauses in the Prisons and Courts Bill that I hope will be brought back soon, and the prevention of cross-examination of victims in domestic abuse cases is certainly one of them. It is important not only that that issue be resolved, but that the court-appointed advocates who undertake that work be properly remunerated, and I say that in the context of the ongoing review of legal aid. It will be necessary for those advocates to prepare the cross-examination with particular care, because such cases always require a particular degree of sensitivity.

Removing the ability of the complainant in person to cross-examine is right and proper, but proper means—proportionate with the equality of arms—must be put in place and properly funded to enable the trial to be conducted fairly. I understand the Lord Chancellor's point that it may not be appropriate to put that in this Bill, but that is not a reason not to bring forward the fully thought through and worked out provisions at the earliest possible opportunity. That is a digression from this worthwhile Bill, which does a number of valuable things, some of which I will mention.

Reference has been made to the debates in the Lords. The Lord Chancellor was right to say that proceedings in the Lords were conducted in a particularly constructive and co-operative spirit. Maybe that was because of the very high percentage of lawyers participating in the debates in the other place. It was a civilised and careful consideration of the Bill, in which I think there was—with respect to the Opposition Front Bench—rather less attempt to politicise some of these provisions than we have heard this afternoon. Many of the measures in the Bill are important and technical reforms that require a statutory basis, and should be welcomed.

I noticed the discussion of changes to judicial titles during the debates in the other place. If I have a slight regret about this Bill, it is one that I share with the noble Lord Mackay of Clashfern about the abolition of the title of justices' clerk. I can understand why that is proposed, but having practised in the criminal courts

for 30-odd years, I have a certain affection for the title, as did Lord Mackay. But that change goes with this Bill, so maybe it is a price that has to be paid for modernity. Perhaps I am being uncharacteristically reactionary in regretting the disappearance of the title of stipendiary magistrate as well. I always thought that “Mr St John Harmsworth, stipendiary magistrate at Marlborough Street” had a greater ring to it than “Mr St John Harmsworth, district judge (magistrates courts)” might ever have done, but I suppose the change did give a certain degree of standardisation.

We have been talking about appropriate levels of qualification. There was a time when justices’ clerks did not have to be legally qualified. I do not say that was a good thing. I remember appearing quite often, as a very young barrister, at Billericay magistrates court in Essex in front of the last non-legally qualified justices’ clerk in the country. He had some sort of grandfathered rights that went back to a time when one could do 10 years as a justices’ clerk and that was regarded as giving one the qualification for appointment. *[Interruption.]* I see that my hon. Friend the Member for Cheltenham (Alex Chalk) is much shocked by these things. We had to be terribly robust in those days. I remember that I managed to persuade that justices’ clerk to dismiss a case at half time on the basis that a rice flail was not an offensive weapon per se, because it might have had a legitimate use for flailing rice. Whether that was going to happen on Basildon high street, I am not sure.

We have moved on, and the justices’ clerks are much more professional now, and much more fully integrated, so despite my regret about the loss of the title, the new one does reflect more adequately the role that they now have as legal advisers to a very important part of our system—the lay judiciary. In fact, the Justice Committee heard evidence from representatives of the Magistrates Association today regarding the updating of our previous report on the magistracy. They can play a critical role in this. I think that they broadly welcome the attempts at modernisation of practice and procedure that this Bill will assist.

Alex Chalk: Like the Chairman of the Justice Committee, I welcome these measures to modernise the process. However, this should not be allowed to distract from what remains a fundamental problem, which is that there are not enough people coming into the judiciary. We need to ensure that they are properly incentivised to do so and rewarded for doing so, because the backlog of cases in the Court of Appeal and elsewhere will not be resolved by these measures alone. Does he agree?

Robert Neill: I totally agree. These are useful, practical measures on their own, but they are by no means a solution to the problem. In fact, they are but a very small part of the solution.

I am bit concerned by some of the Law Society’s suggestions in briefings that some of the broader programme of courts reform is posited on making savings in judicial posts and appointments of about £37.5 million. I hope that the Lord Chancellor—or the Under-Secretary of State for Justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer), when she responds to the debate—will be able to set our minds at rest on that. We can make savings by using staff qualified at the appropriate level

in what one might term purely interlocutory or procedural matters, but all the decisions on issues of substance in any case—whatever the sum involved or whatever the nature of the charge, in a criminal case—have impacts on the individuals concerned, and they should, in my judgment, be taken only by properly qualified lawyers in an open court process. That is important.

We cannot allow the valuable nature of this Bill to take away from the fact that we need an injection of resource into the criminal justice system. We are seeing a shortfall in appointments to the High Court bench on a regular basis. A number of hon. Members have talked about the integrity of our justice system and the importance of its legal standing, and the quality of the judiciary is key to that. We also see difficulties in making sufficient appointments—full time, at any rate—to the circuit bench. It is easier with recorders, I grant, because they are able to sit part time, but there is a real issue there.

There is also a real issue, as my hon. Friend the Member for Cheltenham knows, about morale. I think that the Lord Chancellor and the Under-Secretary of State understand that and take it on board. I do not expect them to be able to wave a magic wand and solve everything overnight, but it is important to stress these things. Technical changes are useful as far as they go, but they cannot underpin what is essentially a people-based system.

Ms Harriet Harman (Camberwell and Peckham) (Lab): I pay tribute to the excellent work that the hon. Gentleman’s Committee does on these and many other issues. I agree that there were perhaps things in the Prisons and Courts Bill that have not found their way into this Bill. He may agree that we should, none the less, take the opportunity of this Bill to try to sort out the problem of the previous sexual history of victims in rape trials being dragged through the court and used by the defence in an irrelevant way to undermine the complainant’s evidence, sometimes when applications are not even made to introduce this material. Does he agree that this Bill is an opportunity to deal with that problem? We know that this is happening, and it undermines getting rape convictions.

Robert Neill: I very much respect the point that the right hon. and learned Lady is making, but I must say to her frankly that I am not convinced that this Bill is the appropriate vehicle for dealing with that issue, although it is a real one, simply because the Bill is very tightly drawn in scope and relates to function. What she wishes to do—I understand why she may wish to do it—would have significant impacts on the operation of the law of evidence, which is a consideration that deserves to be looked at on its own. We probably have a shared view as to what we might want to achieve, but I am not sure that this Bill would be the right one to achieve it.

We do need to look very carefully at the whole approach to the way that previous sexual conduct is dealt with in rape and other sexual offence cases, but we also have to bear in mind—I say this as somebody who prosecuted and defended in these cases—that we should not assume that these issues will never be relevant to the key issue in the case. A balance has to be struck, and very often that is a decision that can only be taken by the trial judge in the light of the submissions made by the parties. I would not want us to restrict the ability of the trial judge to make that decision, because they are

[Robert Neill]

best placed to do that. However, the right hon. and learned Lady's point about failure to follow the procedures and make proper application in advance, and enforcement of those procedures by the judiciary, is an important one that we certainly ought to take forward.

Ms Harman: Can I go back to plan B, then? Even if the hon. Gentleman thinks that the Bill is not the right place to address such a considerable evidential problem—and there is controversy around this—would he not, at the very least, like to see tucked in under clause 3, “Functions of staff”, an obligation on staff to record, when an application under section 41 of the Youth Justice and Criminal Evidence Act 1999 is made, what evidence was brought forward and what the result of the application was? There is an absence of evidence about what the courts are actually doing. That enables them to say that there is not a problem, when evidence such as that brought forward by Vera Baird, the police and crime commissioner for Northumbria, says that there is a problem. Does he agree that this Bill could at least get us recording that very important information?

Robert Neill: That is a very interesting and constructive point, because we do want to have an evidence base. Again, the only caution I have is this: is it appropriate to do that through a form of statute, or is it better done through placing that requirement in the criminal procedure rules? I am going to talk about the procedure rules in a moment. Either way, there should be a means of capturing that information, and I am very sympathetic to doing so. Perhaps the right hon. and learned Lady and I could talk with others about the best way forward on achieving that, because it should certainly be possible, with modern court technology.

John Howell: May I take my hon. Friend back to where he left off? Does he agree that the threat to the use of English law around the globe comes about from the efficiency or otherwise of the judges, and that the more that judges are unable to be efficient in giving a judgment, the more there is a threat to the use of English law? Does he agree that this Bill goes a long way towards trying to sort that out?

Robert Neill: Yes, I do. That is very important, and that is why it is not surprising that experienced former judges have expressed a view on this. We have referred to the former President of the Supreme Court, Lord Neuberger, and the immediate past Lord Chief Justice, Lord Thomas of Cwmgiedd. I note also the observations of Lord Thomas's predecessor, the noble Lord Judge. They all supported the thrust of this Bill in enabling more flexible deployment of judges within tribunals and the assignment of procedural matters to non-judicial court staff. They also warned about not unduly fettering the ability of the court procedure rules committees, which have on them practitioner representatives who are able to set matters in the light of their practical experience. That is absolutely right, and it in no way contradicts the point made by my hon. Friend the Member for Cheltenham about the need to have the requisite number of top-class members of the judiciary. I agree with my hon. Friend the Member for Henley (John Howell) that this is a sensible and proportionate Bill.

I want to touch on a couple of other points that relate to the issues legitimately raised by both the Law Society and the Bar Council. It is possible to meet their concerns in a proportionate way. I think it is fair to say that the Bar Council and the Law Society's main issue, in terms of the scope of the Bill, has been the relationship to authorised staff. They make a fair point about the underlying issue of the courts modernisation programme, which I will touch on later. There was an acceptance in the other place that some types of procedure and hearing do not require a legally qualified person to deal with them.

However, we have to ensure that when the procedure committee draws up the rules around this—I welcomed the Government's amendment, which gives greater clarity about how that will operate and makes it easier to achieve—it is not, as my hon. Friend the Member for Cheltenham said, placed in the invidious situation of trading off access to rights against costs. I have sympathy, therefore, for what underpinned the concern raised by the hon. Member for Bolton South East (Yasmin Qureshi), though I do not advocate the same solution. That balance cannot be allowed to be swayed unduly in terms of the transactional or the financial.

The right of reconsideration is worthy of consideration, and I hope the Government will look seriously at it. It is a question of the appropriate level at which to pitch that. Some of the matters that it is proposed be delegated are almost entirely procedural in nature. We should distinguish between delegating to a court official a procedural matter, such as granting an extension in time, which many of us probably think is not the sort of thing where the fundamental rights of a party are so affected that it requires reconsideration, and something that goes to the issue of the case, such as a summary judgment. The way forward is to give the rules committees the ability to reflect those distinctions, rather than to try to spell things out too much in statute.

It has been suggested that there should be a form of benchmark against which the rules and procedures operations are carried out. That may be worthy of consideration by Ministers, and it may be discussed in Committee. I would not want to tie people's hands, but we could have some form of benchmark against which that is done, without falling into the trap that Lord Thomas, Lord Judge and Lord Neuberger counselled against, of overly restricting, over-legislating and tying the hands of the judges.

I take issue with the Opposition on this point. It is not right or desirable for politicians—who, by their nature in our system, are partisan animals—to seek to constrain too much the operation of the rules or procedure of the desirably and deliberately independent courts. We have to be careful about how we achieve a balance. Our job is to set the policy and legislative framework within which the courts operate, but if we get too far into the detail, we run the risk of trespassing on judicial independence, and also on efficiency.

There are good aspects to the Bill that I hope the House will take forward. I intervened on the hon. Member for Bolton South East to point out that it was Mr Joshua Rozenberg, the well-known journalist, who coined the phrase

“it is a little too late and quite a lot too little.”

In fact, to be wholly accurate, it was Lord Marks, a Liberal Democrat shadow Minister, who quoted it in the other place. It is a very good phrase, but it is harsh

on the Bill. The Bill does good work within the scope that it seeks, but that does not mean we should not support the Lord Chancellor and his Ministers when they seek, as I am sure they will, to find the appropriate legislative time to bring forward measures on a number of other aspects of the former Prisons and Courts Bill, which was lost in the Dissolution.

The right hon. and learned Member for Camberwell and Peckham (Ms Harman) and I have discussed some matters of criminal and family law in domestic violence cases that it is important for us to tie up. I stress strongly that much of these reform proposals stem from the excellent reports of Lord Justice Briggs and Lord Justice Leveson. Their reports were seminal in suggesting a modernising way forward, but taking that way forward requires the underpinning of statute. I urge the Lord Chancellor, who has been very patient in listening to us all, to make it a priority to persuade the business managers to find time for the legislative vehicle that will enable the modernisation of the court procedure rules on all civil matters to be brought forward. The Leveson proposals could have statutory underpinning in the same Bill. There is a real sense of uncertainty, referred to by the Law Society and the Bar Council, about the statutory underpinning for this ambitious courts programme. That was also picked up by the National Audit Office in its inquiry.

I welcome the Bill, and I support it as a valuable and worthwhile step forward, but—I think the Lord Chancellor would be the first to accept this—it is only one part of the programme that we need to deliver. We ought to get the Bill through the House as swiftly as possible and then move on to the next step. I note that Second Reading in the Lords lasted just under two hours, which shows that we can be both erudite and remarkably brief, which is perhaps an improvement on some debates we have here.

2.56 pm

Thangam Debonnaire (Bristol West) (Lab): It is an honour to follow the hon. Member for Bromley and Chislehurst (Robert Neill), the Chair of the Justice Committee, who gave us an awful lot to think about. I agree with him that there is a great deal in the Bill that is good and that I would not wish to speak against, but I want to draw attention to a couple of its aspects about which I have concerns. As a non-lawyer, I am happy to be corrected if I have got something wrong and to be reassured by the Under-Secretary of State for Justice, the hon. and learned Member for South East Cambridgeshire (Lucy Frazer), when she makes her concluding remarks. I wish to raise a couple of areas of concern, particularly in relation to the rights of refugees and asylum seekers in the legal process, but also about the context in which these proposals are being made.

There is a sign on a wall near my constituency office in Bristol that says:

“Injustice anywhere is a threat to justice everywhere.”

I am sure all Members will know that those are the words of Dr Martin Luther King, and they are as relevant now as they were when he first wrote them in his letter from Birmingham jail in 1963. I quote them because a reduction in justice for any of us is a reduction in justice for all of us. When a court closes, as is happening in many of our towns and cities, making it

harder for witnesses to travel to give evidence and for members of the public to hear court proceedings; when someone gets inadequate advice from someone supposedly giving them legal advice; or when the powers of the court to act fairly and impartially are compromised anywhere in our system, it is a potential threat to justice for all of us. I know that the Lord Chancellor and the Minister would not wish to do that, so I pose my questions to ask whether we are sure we are doing everything we can to maintain the spirit of that quote.

We may be the victim of a crime or the witness to a crime. We may be accused of a crime, or we may know someone who is wrongly accused. We may have a constituent who needs our help. For all those things, we need our courts to work properly. I am truly concerned about the Bill. While it has good points, there are a couple of places where there are questions to ask.

First, I am concerned that these changes are being pushed through Parliament at a time when Members are understandably focused on other matters and when, as far as I know—the hon. Member for Bromley and Chislehurst may correct me if I am wrong—there has not been prelegislative scrutiny. I would like to know when there will be some form of legislative scrutiny by the Justice Committee. There are provisions in the Bill that provide for regulations to be made through statutory instruments. That has been attended to in the other place, but those instruments provide for very limited scrutiny. Again, this is in a context where we will be overwhelmed by Brexit-related statutory instruments in the coming months and years.

Then there is the background of cuts to legal aid. I recognise that that is outwith the scope of the Bill, but it has an impact on the effect of the Bill. The wider context is that the justice system is under great strain. If the Lord Chancellor or the Minister has read the book “The Secret Barrister”, they will know the context I am referring to. I am also alluding particularly to refugees and asylum seekers, because I am concerned that they may be the people for whom the supposedly straightforward administrative advice that the Lord Chancellor mentioned may turn out to be more complicated and have a more far-reaching impact.

I need more reassurance from the Minister that there will not be an impact on immigration claims and appeals cases, which are sometimes already affected by perhaps less than great legal advice or legal aid cuts, and that the system will not be put under further pressure. That would mean that people who genuinely need our help, and who are entitled to sanctuary, could be failed and may be returned to places where they would face further danger. I would like some reassurance or clarification on that from the Minister, or perhaps an undertaking to look at it during the Bill’s further stages.

On legal qualifications, I refer hon. Members and the Minister to the comments of the noble and learned Baroness Butler-Sloss in the debate on the Bill in the other place. She said:

“My Lords, as a former judge of the family court, I wonder in what circumstances such judges—district judges, circuit judges or even possibly High Court judges—might need the advice of those who were not themselves qualified lawyers. I find that difficult. I see no difficulty with justices of the peace—that is perfectly obvious—but at the moment I cannot see how any family court judge, at any level, should be advised on legal issues by someone who is not legally qualified.”

[Thangam Debbonaire]

She continued:

“I would be grateful to the noble and learned Lord for explaining what he sees this applying to, and in what circumstances.”—[*Official Report, House of Lords*, 16 October 2018; Vol. 793, c. 416.]

It would be helpful if the Minister could give this Opposition Member, as well as others who may be more knowledgeable than me and certainly the non-lawyers in this place, an idea of the answer to the questions that the noble and learned Baroness asked.

When our Front Bencher in the other place withdraw the Labour amendment on qualifications, she did so reluctantly. I note that she said she was withdrawing it with “a somewhat heavy heart”. I am therefore particularly concerned that the concerns she raised in the other place may not yet have been dealt with adequately. I would like some reassurance from the Minister on that.

As I have said, I am concerned, drawing on my casework as an MP, about the potential impact on appeals in immigration and asylum cases, which may be put under strain if there is any question of administrative information being given by people who are not legally qualified. Those affected are multiply vulnerable: they are usually traumatised, they may have little English, and with the best will in the world, they may not be capable of understanding the legal advice or administrative information that they are given. This may seem a tiny, nit-picking and technical point—and perhaps I have got it wrong—but I really think it is worth checking that we have not unwittingly put asylum seekers and refugees in a position where administrative advice may have a more far-reaching consequence than I am sure the Lord Chancellor intends.

On cost cutting, in Bristol we have a well-appointed court in the centre of the city, but I understand from colleagues who represent towns and smaller cities that they have experienced court and tribunal closures, resulting in increased journey times for victims and witnesses and reduced access to visible justice. The Law Society and others have already expressed great concerns about that, and the hon. Member for Bromley and Chislehurst mentioned the National Audit Office in that context.

Does the Minister recognise the concerns of those who see this Bill in the round—in the context of the wider cuts to court staff and court closures—about it being a move towards justice being delivered at a reduced rate? As I said, there are good things in the Bill. What is at issue is not that, but its impact and how it fits into the wider context.

The Bill does not in my view satisfactorily address the context of the cost cutting programme in courts, which is undermining access to justice and is being pushed through without proper scrutiny. I urge the Minister, if she has not already done so, to add “The Secret Barrister” to her Christmas reading list. I have not finished it, truth be told, but I will undertake to finish it if she will, because that may be useful for all of us. I am concerned that the Bill could be an attempt, in places, to cut corners and weaken safeguards, and I am concerned about delegating powers to possibly underqualified court staff without adequate training. I urge the Minister to consider Opposition Front-Bench amendments to that effect.

I urge the Government and the Minister to remember what I said at the start. I repeat those words:

“Injustice anywhere is a threat to justice everywhere.”

I would like the Minister’s reassurance that she is truly convinced that this Bill does not, even in the smallest way, represent any threat to justice.

3.5 pm

John Howell (Henley) (Con): It is a great pleasure to follow the hon. Member for Bristol West (Thangam Debbonaire), not least because, like her, I am not a lawyer. I think the more non-lawyers who speak in this debate, the better it will be, because we bring common sense to such a debate, which I am afraid from time to time legally qualified Members do not.

I was, however, completely entranced by the description of justices’ clerks given by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill). I thought that my opportunity had now come, because these were non-legally qualified people who had a role to play, and I thought, “This is an opportunity for me when I finish here”. Sadly, however, even that has been taken away from me.

If I may, I will just pick up on one of the things that the hon. Member for Bristol West mentioned when she talked about other things distracting us from our examination of this area. I think this is just the sort of Bill that we need to concentrate on. I do not think we should be distracted by other things, because the Bill is crucial to the management of justice and of our courts.

Thangam Debbonaire: I just wish to clarify my point about Members being distracted. I agree with the hon. Gentleman that this is exactly the sort of Bill we should be focusing on, but my concern is that Members are distracted by the wider constitutional impact of the word beginning with B, which I will not mention.

John Howell: I am sure some Members are distracted by that, but I am incredibly pleased that neither she nor I are, and that we are going to concentrate on the Bill in a very big way.

I mentioned in an intervention on the Lord Chancellor that I was actually the first Member of Parliament to go on the Industry and Parliament Trust fellowship in law. It was a particularly enlightening experience. I cannot remember the number of days that I was allocated, but I doubled the number of days I spent on it, because I spent most of the time sitting alongside judges, on the bench, listening to what they did. The number of different courts I saw was tremendous—I remember starting in the commercial courts, which I will come back to in a little while. They represented such a technological advance on all the other courts I sat in on, and that was a really good thing to see.

To go back to a point I made to my hon. Friend the Member for Bromley and Chislehurst, the first thing that came out of that experience of sitting alongside judges was an absolute admiration for their integrity and for what they did and how they did it. The second thing was an understanding of how overworked they are. As non-lawyers, we perhaps tend to think of judges just turning up, sitting and listening to the case, and giving judgment, but the amount of preparation that goes into hearings is phenomenal. That was a good thing to see and experience, and it applied whether it was the bankruptcy court or the Court of Appeal, in which I sat on two occasions.

The point I made to my right hon. Friend the Lord Chancellor earlier was about the speed of justice. I am not a great advocate of speed in itself, but I think there is a threat to English law: not Brexit, but the ability of our courts to dispense justice on a timely basis. When I sat in with judges, I saw that they were often so preoccupied with the minor administrative elements of their role they did not have time to dispense justice in what I would consider a timely manner. That was the case whether I was sitting in a higher court or, in particular, in a tribunal—I will come on to tribunals in a moment. Efficiency in making judgments and delivering English justice is one of the hallmarks of the justice system and one that we lose at our peril. If that point alone is made, it is made well.

One issue I would like to raise, which may at first not seem immediately applicable to the Bill, is the age of judges. I believe it does apply to the Bill, because consideration is being given to other people taking on judicial functions. The point about age has also been raised in relation to the magistracy, and it also applies to lords justices and others. When the Lord Chief Justice appeared before the Justice Committee last week, we asked him about the age of justices and he explained that there were mechanisms by which they could be extended beyond the age of 70 in certain capacities. However, that is an artificial cut-off—if we were stopped from being MPs at 70, I think there would be shouts of horror. Some of us—I am nowhere near that age now—would consider that we were being cut off in the prime of our life. The same is the case with judges. They have acquired a tremendous amount of experience, principally as barristers. They have had a lot of judicial experience, and they are just coming to the point where they can use that experience in the best possible way. I therefore think it is necessary to look at extending the age at which judges retire to beyond 70. To be able to do that, we must look at the courts in a holistic way.

Robert Neill: My hon. Friend makes an important point. The coalition Government, as I am sure he will know, increased the age at which members of the public could sit as jurors to 75. It seems quite bizarre that a lay person who is fit, healthy and willing to serve can sit as a juror up to the age of 75, but people of that age cannot sit as a judge of the High Court, the Court of Appeal or the Supreme Court—unlike in the United States, where they can go on for a considerable time.

John Howell: I am not sure I would like to follow the experience of the United States in this matter, but my hon. Friend makes an absolutely first-class point. There needs to be a consistent approach to the age at which we can use people or force them to retire.

There is a lot to be said for the system in the Bill that would enable people to undertake some activities undertaken by judges. As an aside, I said that I am a non-lawyer, but I am currently seeking to extend my ability to undertake arbitration—I hope that that does not cut across or invalidate what I am saying. Such an ability is an important element of the mix that needs to be taken into account when we are looking at the judicial system as a whole.

When I was involved in sitting with judges for the fellowship, I was very much aware of the difference between courts in digitalisation and technology. In the

commercial court, the system was utterly brilliant. I sat with a judge who was listening to an English law case in Portuguese. The transcript of the English translation appeared almost instantaneously on his laptop on his desk in front of him. The use of technology to get information out was absolutely fantastic. As I said to the Lord Chancellor, however, employment tribunals might as well have still been using the quill pen, they were so antiquated—not the judgments being made, but how the courts were organised and delivered justice. If we want access to justice, it is absolutely essential that the process of digitalisation in courts is seen through to the end. It materially influences access to justice.

When I sat in the Court of Appeal, prisoners appealed their sentences via video link. It was clearly not a good idea to bring the prisoners into court, so video links were used all the time to great effect, enabling judgments to be made. There were some discrepancies. For example, it took some time to get the focus right for some prisoners. I understand that that was due to the camera equipment, rather than the features of the prisoners.

When I started my work as chairman of the all-party group on alternative dispute resolution, I had the opportunity to speak to Lord Briggs about his proposals for the justice system as a whole. The Bill moves us closer towards what Lord Briggs was after, but it does not take us all the way to it. For example, the digitisation of divorce is welcome, but his proposal for online courts is very valuable. I know that that is controversial among lawyers, but it is important to enabling both the delivery of justice and access to justice. I would like that process to be extended beyond the scope of the Bill, so that we can receive and transmit electronic evidence in the handling of individual court cases. Anything that can move the legal profession into the 21st century is to be welcomed.

If I may, I would like to give a plug to the Industry and Parliament Trust fellowship. Having been the first to go on it, I recommend that hon. Members absolutely do so. The experience of sitting alongside judges is absolutely first class. My first appearance in court—if I can put it that way—was in a commercial court. I went to the court with the judge. We were just about to go through the door and I said, “I shall just go and sit at the back of the court.” He said, “What do you mean? You’re sitting up next to me in the court.” It was a great shock to me—

Robert Neill: A great shock to the defendant.

John Howell: It was a great shock to the barristers, particularly when I sat in the planning court and the barrister was well known to me. We played a little trick on him by coming in through different doors so that he was unaware of who we were.

The point of all that is that it is a very valuable training scheme. The more that people can go on it, the more there will be an understanding of the issues raised in the Bill and of the need to bring the courts into the 21st century.

3.20 pm

Jack Brereton (Stoke-on-Trent South) (Con): It is an absolute pleasure to follow my hon. Friend the Member for Henley (John Howell), and I am very pleased to

[Jack Brereton]

speak on Second Reading of the Bill, which is part of a wider programme of reforms to our judicial system. In 2016, there was a joint statement about the reform programme from the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals saying that the reforms would combine

“our respected traditions with the enabling power of technology. The vision is to modernise and upgrade our justice system so that it works even better for everyone, from judges and legal professionals, to witnesses, litigants and the vulnerable victims of crime. When they have to engage with the system, we want everyone to have available to them the finest justice system in the world.”

That is absolutely right. That is what we want from these reforms; we want a system that works for everybody and is more accessible to everybody.

I also want to bring the attention of the House to what Susan Acland-Hood, the chief executive of the Courts and Tribunals Service said about this:

“Our ambitious programme of court reform aims to bring new technology and modern ways of working to what is—and will remain—the best justice system in the world.”

That is absolutely right. We want to make our fantastic and world-renowned justice system the best in the world. She also says:

“We know our systems and processes haven’t always kept pace with the rapid technological developments...around us.”

That is the key point that is so important for our courts, our tribunal services and our justice system. They very much need to remain relevant, in time and in touch with technological change and it is important that we have that as we move forward.

The Bill is about delivering on those significant reforms to the Courts and Tribunals Service. It includes proposals to develop high-quality digital services, which are so important as we move towards a more digitised age. People are now so used to using digital technologies.

Mr Jim Cunningham (Coventry South) (Lab): I hope that the introduction of new technology will mean speeding up casework, because for far too long there has been a large gap before something comes to court. I do not think that that is fair in terms of justice or for the individual concerned. Does the hon. Gentleman agree with me?

Jack Brereton: I absolutely agree. Like many Members, I have had a number of constituents come to me to raise concerns about the timeliness of hearings, going to court and how long it takes to get to court. That is so important. I am pleased that it is one of the key things that will, I hope, be addressed by the Bill, which will speed up that process so that we see a much more efficient system of getting into court and getting through the court process.

Unfortunately, at the moment, much of the court system is clunky and bureaucratic. Many of the processes used are over-complex and labour intensive. Another word we might use is counterintuitive, as some of the processes are not entirely logical. We need to reform the process to make it more effective and more efficient, and to deliver more for my constituents, those of the hon. Member for Coventry South (Mr Cunningham) and constituents across the country. We need to ensure that we have a system that remains relevant.

Other things will particularly be improved through digitisation. The public can now apply for non-contested divorces, respond to a jury summons, track social security appeals and issue a response to civil money claims online. The move towards more of these services being offered online is really important, and it is positive to see encouraging and positive feedback from the public about the new services that have been introduced and the work that has been done to encourage more digitisation.

The Bill will continue to build on the reforms, making better use of the skills and experiences of the cohort of judges in our criminal and judicial system. It is important that judges’ time is used to the most advantage and the greatest effect and that we direct judges to the most serious cases, where their expertise can be used to best advantage. We should be ensuring that they are freed from some of the more mundane and routine tasks that can be done by lower-level staff who will be appropriately qualified and experienced to deal with such matters. Senior judges should not be dealing with such issues.

The provisions in the Bill will move forward the process of building efficiency and effectiveness and speed up the turnover of cases, which, as I have already said, is extremely welcome to constituents up and down the country, particularly my constituents in Stoke-on-Trent South. On a number of occasions, I have had to write to the chief executive of the Courts and Tribunals Service and Ministers in the Department about speeding up some of these cases and trying to get some of them to court in a timely way. I know that Members across the House have issues with that.

The Bill is very much about how we can improve the judicial system not just for the people who use it but for the people working in it, making it a much more effective system for judges and all the other very qualified staff who work in it. I am particularly pleased to see that Stoke-on-Trent and Birmingham have been announced as the first two new locations for the Courts and Tribunals Service centres. It is fantastic to see that my own area will benefit from greatly improved services, with faster services for our constituents and better guidance to help the public and professionals understand and use the court process much more effectively. That is very important; the court process needs to be accessible to all our constituents. It should not just be for those who are well informed on these matters.

I am pleased that Stoke-on-Trent will be one of the first two locations. The Courts and Tribunals Service centres have completed the process of organisational design and job design and are commencing the internal selection process for staff to take up roles in the two projects. I want to go into a bit more detail about what that will entail. It will reshape how the Courts and Tribunals Service works, ensuring that it is a much more effective organisation in providing services that our constituents need. Our courts and tribunals will be much more focused on supporting trials and hearings, and it is so important that they do that. The roles of clerks will change. They will be able to support judges and users of courts in more ways, such as by using technology to support their core role. The courts and tribunals will also have listing officers where they do now and staff to support judges, including with more delegated powers, where that is agreed by the judiciary.

This is about making our judicial system and the Courts and Tribunals Service much easier, more accessible and more transparent, and reducing many of the complexities that have unfortunately existed in the judicial system. It is also about cutting down on some bureaucratic and administrative processes, and moving to a much more efficient service, ensuring that we have a service that is providing a first port of call for members of the public who want information on their cases. It is so important for constituents to be able to access information about cases and services as easily as possible.

The first two Courts and Tribunals Service centres, which will begin by supporting our first reformed services—divorce, probate, the single justice service, and social security and child support—will open in Stoke-on-Trent and Birmingham in January 2019. I very much look forward to that and hope that this will move forward easily now. Reforms will involve moving the location of some services in the future. The report talks about the importance of buildings and about the Courts and Tribunals Service learning lessons where we are selling off property or where property is changing, so that we take on board the views of the communities involved. Many of these buildings are important assets to their communities. Many of them are historic buildings in the heart of their communities, and I want to make Members aware of what has been experienced in Stoke-on-Trent.

The magistrates court in Fenton in my constituency was one of 93 courts in England and Wales that were identified for closure and it subsequently did close, in 2012, as part of measures to save about £41 million. As Members can imagine, that provoked a significant outcry in the community. The magistrates court was based in the former town hall in that community, which is a fantastic Victorian building. I am pleased that campaigners have been able to save the building for community use. There are significant lessons to be learned on how we dispose of these buildings and how we can bring them into effective community use. That building, which was used for many, many years as the magistrates court, is now a real hub for the community, providing spaces for local businesses and community groups, a café and an art gallery. These fantastic facilities have been brought back into use for the community because things have been done in the right way. The Department has to be congratulated, following the significant pressure that was put on it by the community, on the fact that that site is now back with the community.

Justin, a descendant of William Meath Baker, the person who built Fenton town hall, bought the town hall and is gradually restoring that building and bringing it back into use for the community. Once fully completed and restored, that building, which was built in 1888, will be a fantastic part of the community, and I hope it will continue to be used for many decades to come by the community. As we move forward with these reforms—with the digitisation and the moving of courts to different locations—it is important to take account of the places we have had previously and the changes that were made. It would be great to see former courts up and down the land that are no longer needed, because of the efficiencies that have been made, being used for community value and in productive ways for our communities.

I wish to finish by giving a few statistics about what this process will mean for the Courts and Tribunals Service. More than £1 billion will be invested in transforming

the system, which will include 21st-century technology, online services and digital working, while making sure that our justice system remains the most accessible justice system possible for constituents such as mine. There is a real opportunity to make the system much more accessible to our constituents. The measures in the Bill will enable direct financial benefits of around £6 million per annum and enable wider court reforms, which will save around £200 million per annum once fully implemented. Over 65,000 people have used the pilots of new courts and tribunal services and received straightforward digital access to courts for the first time. Those statistics demonstrate the benefits of the Bill. That is why I am very pleased to support it today.

3.35 pm

Imran Hussain (Bradford East) (Lab): I draw hon. Members' attention to my entry in the Register of Members' Financial Interests, and I start by acknowledging some of the excellent contributions from Members across the House. My hon. Friend the Member for Bristol West (Thangam Debonaie) passionately made a plea, and a very important point, on the impact on some of the most deprived and how we should always mitigate that. The hon. Member for Bromley and Chislehurst (Robert Neill), the much respected Chair of the Justice Committee, made a very important point about the right to reconsideration, which I will come on to in greater depth.

Robert Neill: I am grateful to the hon. Gentleman for giving way, because it gives me the chance to do justice to his hon. Friend the hon. Member for Bolton South East (Yasmin Qureshi), and to remind the House of my entries in the Register of Members' Financial Interests, which I should have done before. The hon. Lady and I had a minor debate about whether Lord Judge or Lord Marks quoted Joshua Rozenberg. We have now worked out between us that Lord Marks quoted him in a debate on this Bill, but that Lord Judge quoted him in a debate on another occasion—so they both quoted him, and he has been quoted twice here.

Imran Hussain: I am grateful to the Chair of the Justice Committee; he has saved me some time, because my hon. Friend the Member for Bolton South East (Yasmin Qureshi) asked me to clarify that matter in my speech.

I also acknowledge the contribution from the hon. Member for Henley (John Howell), who rightly made the point about a consistency in approach across the judiciary and did so very well. The hon. Member for Stoke-on-Trent South (Jack Brereton) spoke passionately about making our justice system the best in the world—which it already is, although we can improve it through further and better technology.

When the Government brought the Prisons and Courts Bill to the House, they declared an intention to reform our courts and judicial system. When that Bill fell because of the Prime Minister's ill-fated decision to call a general election, they restated their intention for reform and brought this Bill before us. In opening the debate today, the Lord Chancellor spoke about court reform, new and innovative technology, and sweeping modernisation, yet the content of the Bill does not match his words. It is devoid of any substantial change

[*Imran Hussain*]

that will encourage greater access to justice, and it wilfully omits—and even seeks to avoid—debate on the huge, pressing concerns present in our courts system. When seen in the wider context of the Government's austerity agenda and cuts to the justice system, it seems to be less about reform and more about squeezing as much money as possible from the courts.

Even at first glance, this is a minimal, even empty, Bill—a view that is vindicated upon reading it in more detail. It contains provisions to extend the redeployment of judges, to rename some of the judiciary and to allow an increased use of the delegation of judicial functions to non-judicial staff. While all those measures have value, in no way do they capture all that is needed to reform our courts and judiciary. They are measures taken by a Government intent on introducing a drip-feed of legislation in the absence of their parliamentary majority, avoiding scrutiny. Not only have they omitted anything substantial, but they have drafted the Bill to avoid some of the most pressing issues facing the justice system. It makes no mention of measures to address legal aid cuts, court closures, judicial vacancies or the protection of domestic abuse victims. It is here where the real failures of reform lie.

On legal aid cuts, access to justice has been decimated. Spending has fallen by one third from £2.5 billion to £1.6 billion per year, and the number of civil legal aid cases has fallen from more than 500,000 in the year to April 2013 to just under 150,000 in the year to April 2017. Vulnerable people are being left unable to defend themselves in areas as fundamental as housing, employment, immigration and welfare benefits, and unnecessary costs are being created for the taxpayer as cases are going to court that could have been resolved earlier. Further costs for the public purse arising from cuts are causing issues such as poor health, homelessness and debt. When people lack the money or knowledge to enforce their rights, those rights are worth nothing more than the paper they are written on, yet the Bill fails to mention legal aid or the urgent need to reverse the changes imposed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

On court closures, the Bill is silent and has closed down discussion on this equally vital issue for people's access to justice. It fails to address the significant £1 billion-plus courts reform programme that is being pushed through, as the Lord Chancellor stated earlier—but without any proper scrutiny. Since 2010, the courts and tribunals estate has changed significantly, with hundreds of courts having been closed in the name of austerity, and that has hampered people's ability to access justice.

Many claimants and defendants must now travel miles to access justice and uphold their rights, the Government having closed their local courts, but many lack either the transport or the finances needed to do so and as a result have lost what should be their guaranteed right to justice. The Government argue that their modernisation programme reduces the need for an expansive courts estate, but we are clear that courts reform should increase access to justice, not ignore its erosion, and that any modernisation of our courts system must not be a smokescreen for cuts and closures that will cause long-term damage to access to justice.

As mentioned earlier, the Bill should have done much more to address the appalling situation of victims of domestic violence being subjected to questioning by those who assaulted them. Women's Aid found that almost one in four of survey respondents had been cross-examined in this way. That unacceptable situation puts the victims of abuse through yet more torment and hardship, for no conceivable reason. It is cruel and barbaric. Measures to prevent it from happening and protect victims are supported by campaign groups on women's rights and domestic violence, including Women's Aid, but yet again such measures are absent from the Bill, despite having been in the Prisons and Courts Bill. There is no excuse for the Government's not having included such measures in the Bill: that should shame them. I hope they can explain when such measures will be introduced to rectify the situation.

Where there is change, it is change that the Government have failed to impose with sufficient protection, and it is here that we will seek to amend the Bill. On a point of clarification, I should say that my hon. Friend the Member for Bolton South East did not mean to say earlier that we opposed the Bill: we will be abstaining today and tabling amendments in Committee. We are determined to deliver change and reform to the courts and judiciary, even if through the Government's piecemeal efforts, but we are equally determined that it not be done at the expense of the judiciary, legal protections or judicial independence.

As the Government seek to delegate judicial functions to non-judicial staff, they must be careful of their use; they must not overuse non-judicial staff or use them as substitute judges to fill the significant number of judicial vacancies, which have risen to critical levels on their watch. Judges must absolutely remain at the top of their hierarchy in the courts, and their position must not be undermined by non-judicial staff assuming more and more of their functions. Granting further powers to non-judicial staff not only risks undermining the judiciary, but runs the even more dangerous risk of delegating serious judicial functions to unqualified staff.

It is important for the Bill to contain provisions that prevent excessive delegation, protect the reputation of the judiciary, and protect claimants, prosecutors and defendants from unqualified decisions. The Government ceded amendments to impose in primary legislation some restrictions on the type of judicial functions that authorised staff can discharge, but we need a strong further commitment; I hope that the Lord Chancellor and the Minister will strengthen their stance in that regard.

There are also insufficient protections for the expertise of our judiciary. Those would be provided through the imposition of a minimum standard on staff to whom decisions are delegated. The Government argue that authorised staff will not be making substantial decisions, but in his review of efficiency in criminal proceedings Sir Brian Leveson states that even non-contested elements of cases require experience, and Lord Briggs has said in his report that even if authorised staff are legally trained and qualified, they will not benefit from years of judicial experience in delivering the quality of services that is currently delivered by judges.

It is therefore extremely important that the decisions being delegated to authorised staff are appropriate to their experience and qualifications, as the prospect of

non-qualified, inexperienced staff carrying out judicial functions is all too real and worrisome. When such staff make decisions, it is also vital for those decisions to be subject to a statutory right to judicial reconsideration.

The Government state in their factsheet that the functions and responsibilities delegated to authorised staff will be uncontested, but it is easy to see how that could shift in the future to authorised staff making contested decisions, particularly in the absence of a clear definition of what delegation can be given. Justice has said that some of the functions anticipated for authorised staff, such as extending time for service and taking pleas, may well give rise to contested matters and have consequences for cases. It is therefore essential for the Government to impose a statutory right to reconsideration for decisions taken by authorised staff—a view supported by the Bar Council. In not imposing such measures when the public have a real and reasonable expectation that significant contested decisions in a court will be made by a judge—or, if not, that there will at least be a right of appeal or review before a judge—the Government are also playing fast and loose with the public’s trust in the judiciary and the rule of law.

The Government may claim that the procedure rules committees could and would impose similar safeguards in any rules that they produce, but that is simply not good enough, given that their amendments fail to offer sufficient guarantees of a right of review. We think that, and so does the Bar Council, which believes that a further amendment is necessary to abate its concern that the Government could exert pressure on the PRCs to reduce the right of reconsideration to increase the turnover of cases and clear the backlog. We are adamant that any backlog must not be cleared through the removal of a fundamental legal right of reconsideration.

Let me end by confirming that we will abstain today, but look forward to the Government’s seriously considering our amendments in Committee. The Lord Chancellor opened the debate in a spirit of collaboration. I assure him that all our amendments are very reasonable, and I am sure that he is an amiable chap who will view them in the same light. If the Government want to deliver a worthwhile Bill, they must listen to these arguments, not throw them aside. They must consider them in Committee before returning the Bill to the House.

3.49 pm

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): It gives me great pleasure to respond to the debate on this Bill, which, as many have said, is a small but important step in our court reform programme. As the Lord Chancellor set out in his speech, our courts together with our judiciary are respected throughout the world, but our courts and tribunals need to move with the times, and we have heard some excellent points today on how this Bill will improve our efficiency. I wish to respond to some of them.

As the excellent Chair of the Select Committee, my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), said, the Bill’s measures are important technical reforms that require a statutory base. He highlighted the importance of the judicial process in general—the importance of each case to the individual whose case it is. These are important points that the Ministry of Justice must always bear in mind.

My hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) was right to point out, as I have, that this is but one part of a suite of measures of court reform. I was grateful to the hon. Member for Bristol West (Thangam Debbonaire) for saying there is a great deal that is good in this Bill, and she asked a number of questions that I am happy to answer. She said it is important that there be no reduction in justice over all, and was concerned about court closures. As 41% of our courts are used at less than half their available capacity, we must think about whether it is sensible to spend more money on the court estate as opposed to other things; at present a fifth of our budget is spent on the court estate. The hon. Lady suggested that we were pushing through this legislation at a time when the House is thinking about other things. That is patently untrue; its measures were included in the Prisons and Courts Bill, which was going through this House but fell at the general election.

The hon. Lady also raised concerns that must be addressed about the immigration tribunals. I highlight to her the measures we are introducing to give court staff the ability to undertake some judicial and other functions. They are already in operation in some tribunals. In the first and upper tier tribunals, for example, there are already three tiers of staff authorised to exercise different judicial functions; the most basic functions of issuing standard directions at commencement of a case can be carried out by authorised staff members at some chambers; slightly more complex functions are undertaken by caseworkers; and the most complex of the delegated functions are generally reserved to registrars, who are legally qualified. The hon. Lady asked whether I have read “The Secret Barrister”, and I am happy to confirm that the Lord Chancellor and I read it many months ago, just as we read many other publications that affect our Department.

The hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) thought the measures were a cost-cutting exercise. They absolutely are not; we are asking ourselves how to use resources in the best way possible, how to deploy our judges as efficiently as possible, and how to ensure people get fair and swift judgment. That is not just our view; this is the view from Members across the House. As Lord Marks said in the other place,

“It seems to us relevant that the purpose of this part of the legislation is to increase efficiency and—hopefully, and to everybody’s advantage—the speed of decision-making within the court and tribunal systems, while making some cost savings in so doing.”—*[Official Report, House of Lords, 16 October 2018; Vol. 793, c. 414.]*

There are three key clauses in this Bill. One is clause 3 on authorised functions, which allows appropriately qualified and experienced court staff in civil, family and magistrates courts and the High Court, Court of Appeal, Court of Protection and tribunals to continue to carry out uncontroversial and straightforward judicial functions under judicial supervision. My hon. Friend the Member for Cheltenham (Alex Chalk) made an important point that I highlighted to the hon. Member for Bristol West: some court staff in these jurisdictions are already carrying out certain of these functions, but we are extending that to the Crown court and freeing up judges from the most routine tasks, ensuring that case preparation and management tasks are distributed at the appropriate level, or reserved to judges when that is proportionate.

[Lucy Frazer]

As the right hon. Member for Kingston and Surbiton (Sir Edward Davey) highlighted, the Bill prevents certain judicial functions—for or example, committing someone to prison or serving injunctions—from being undertaken by authorised staff. As his colleague Lord Marks said in the other place, it is right that these should not be delegated.

The hon. Member for Bolton South East (Yasmin Qureshi) suggested that there would be limited scrutiny of officers. This ignores the reality of the Bill, because their tasks will be set by the rule committee, which will be independent, judicially led and therefore best placed to determine the functions of staff. The committee will have a broad membership, including judiciary, representatives of court users and legal professionals. Lord Thomas said in the other place that

“it is important to stress the degree of control inherent in the Bill by the use of the rule committee. I was a member of and chaired...the Criminal Procedure Rule Committee, which I can assure you is a highly representative body with many representatives of the legal profession.”—[*Official Report, House of Lords*, 20 June 2018; Vol. 791, c. 2039.]

The hon. Lady asked for three years’ post-qualification experience, but qualifications for staff giving legal advice should be set out in regulations, as they have been since 1979. Qualifications ought to depend on the functions involved, and many of the functions that staff currently exercise are straightforward and routine and do not require a legal qualification. An example would be the fixing of hearing dates. She also said that she wanted a statutory right for reconsideration, but many rule committees in the civil and judicial jurisdictions already have a right to reconsideration built in. Magistrates and family courts already have mechanisms for reviewing decisions. This is up to the rule committee, and if it decides not to create such a right, it must give its reasons to the Lord Chancellor, as the Bill states.

My hon. Friends the Members for Cheltenham and for North Dorset (Simon Hoare) talked about the independence of staff. The Bill introduces a statutory guarantee of independence from the Lord Chancellor for authorised Courts and Tribunals Service staff in all jurisdictions, and makes staff answerable to the Lord Chief Justice or the senior president of the tribunal, rather than the Lord Chancellor.

This has been a wide-ranging debate in which the technical matters of the Bill have been raised along with a large number of other matters, which I shall mention briefly. My hon. Friend the Member for Bromley and Chislehurst talked about the wider Bill; I should stress that the Lord Chancellor and I are keen to bring forward wider legislation in relation to courts, and we will do so as soon as parliamentary time allows. My hon. Friend the Member for Henley (John Howell) rightly advocated for the industry and parliamentary placement scheme, which the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) also raised with me in oral questions recently. It is an excellent scheme, and I encourage all those who are interested in joining it to do so.

My hon. Friend the Member for Cheltenham spoke about the importance of the judiciary, and he was absolutely right to highlight that point. Our judiciary is respected throughout the world, and we need to continue

to attract the best talent to it. My hon. Friend the Member for Henley mentioned the importance of digitisation. We have a number of schemes in which we are bringing digitisation to our courts. For example, people can now apply online for probate, and petition online for divorce, and we are also bringing a significant amount of technology to the social security tribunal.

I would like to end by responding to the points raised by the hon. Member for Bolton South East and the hon. Member for Bradford East (Imran Hussain) on the shadow Front Bench. They suggested that we were not addressing the bigger issues, but I would like to remind the House that we have been looking at the important question of legal aid for a number of months. We are in the middle of a legal aid review, and we are aware of the issues that are being raised. We will report on that by the end of the year. Hon. Members also raised the issue of domestic violence. As they will know, we have recently consulted on that issue, and we will be bringing in a domestic violence Bill. As they are also aware, cross-examination in the courts will be covered by that Bill.

Finally, we recently consulted on our approach to court closures, and I would like to clarify a number of matters raised today in relation to court closures and finance. The hon. Member for Bolton South East suggested that petty sums were being raised by our court closure programme, which is not true. Since 2015-16, we have recovered £122 million from the court closure programme, all of which is being reinvested in our justice system, and have spent approximately £170 million on capital maintenance.

The Ministry of Justice is committed to continuing to protect the individuals who go through our justice system, and to making their experience better, speedier, fair and just, and it is on that basis that I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

Business without Debate

COURTS AND TRIBUNALS (JUDICIARY AND FUNCTIONS OF STAFF) BILL [LORDS] (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Courts and Tribunals (Judiciary and Functions of Staff) Bill [Lords]:

Committal

- (1) The Bill shall be committed to a Public Bill Committee.
- (2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 6 December 2018.
- (3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

(4) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

(7) Any other proceedings on the Bill may be programmed.—
(*Gareth Johnson.*)

Question agreed to.

**COURTS AND TRIBUNALS (JUDICIARY AND
FUNCTIONS OF STAFF) BILL [LORDS]
(MONEY)**

Queen's recommendation signified.

*Motion made, and Question put forthwith (Standing
Order No. 52(1)(a)),*

That, for the purposes of any Act resulting from the Courts and Tribunals (Judiciary and Functions of Staff) Bill [Lords], it is expedient to authorise the payment out of money provided by Parliament of any expenditure incurred under or by virtue of the Act by the Lord Chancellor.—(*Gareth Johnson.*)

Question agreed to.

DELEGATED LEGISLATION

Madam Deputy Speaker (Dame Eleanor Laing): With the leave of the House, we shall take motions 5 to 7 together.

*Motion made, and Question put forthwith (Standing
Order No. 118(6)),*

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES)

That the draft Short Selling (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 9 October, be approved.

That the draft Deposit Guarantee Scheme and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 9 October, be approved.

**EXITING THE EUROPEAN UNION (CONSUMER
PROTECTION)**

That the draft Timeshare, Holiday Products, Resale and Exchange Contracts (Amendments etc.) (EU Exit) Regulations 2018, which were laid before this House on 22 October, be approved.—(*Gareth Johnson.*)

Question agreed to.

**SELECT COMMITTEE PRACTICE AND
PROCEDURE (EFFECTIVE WORKING)**

Resolved,

That this House approves the recommendation of the Liaison Committee in its First Report, Changing committee practice and procedure: enhancing effective working, HC 922 regarding the attendance of a member of one committee at another by invitation; and accordingly orders that Standing Order No. 137A be amended by adding the following sub-paragraph to paragraph (1): “(e) to invite members of any other committee to which this order applies to attend any meeting and, at the discretion of the chair, ask questions of witnesses or otherwise participate in its proceedings; but no member of another committee so invited may move any motion or amendment, vote or count towards the quorum.”—(*Andrea Leadsom.*)

PETITION

A National Carers Strategy for Unpaid Carers

4.2 pm

Barbara Keeley (Worsley and Eccles South) (Lab): I rise to present a petition on the behalf of residents of the United Kingdom who are unpaid carers, including Katy Styles. Carers Rights Day is on Friday 30 November, and it is important that we show that unpaid carers are valued, and that we consider their need for a proper national carers strategy.

The petition states:

The petition of residents of the United Kingdom,

Declares that unpaid carers require a National Carers Strategy; further that the Department of Health and Social Care asked unpaid carers for evidence for a Carers Strategy in 2016 and have failed to produce that Carers Strategy; and further notes an online petition (209717) on this subject has received 2,124 signatures.

The petitioners therefore request that the House of Commons urges the government to produce National Carers Strategy to support unpaid carers with wider changes to benefits, employment and health and care systems that unpaid carers need, resulting in recognition and valuing of unpaid carers contributions to society.

And the petitioners remain, etc.

[P002298]

Jagtar Singh Johal

Motion made, and Question proposed, That this House do now adjourn.—(Gareth Johnson.)

4.3 pm

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I thank the offices of Mr Speaker for allowing this important Adjournment debate this afternoon about my constituent, and a son of the Rock, Jagtar Singh Johal. It has not been straightforward, but as you will know, Madam Deputy Speaker, I have found many ways of raising the issue of my constituent's ongoing detention in India on the Floor of the House over the past year, and it is a matter of ongoing concern that I must continue to find other ways to do so. Everyone will have heard me say over the past year that a critical element of all this is seeking a meeting with the Foreign Secretary of the day for myself and the Singh Johal family. I am glad to say that Jagtar's brother is with us today in the Under-Gallery. He has travelled down from Dumbarton.

Jagtar Singh Johal is 31, and he grew up in the ancient burgh of Dumbarton in my constituency, attending Our Lady and St Patrick's High School in the town, making him a true son of the rock of Dumbarton. In October 2017, Jagtar travelled with his father and brothers, including Gurpreet, to be married to his wife, also known as Gurpreet, on 18 October 2017—a joyful occasion for the entire family.

While the rest of the immediate family travelled back to Scotland on 1 November, Jagtar decided to stay in Punjab with his wife because, as many Members will know, she required a visa to enter the UK—a visa, I must note, she has still to be granted, although I appreciate that does not enter the Minister's purview.

On Saturday 4 November 2017, Jagtar and Gurpreet did something most couples usually do on a Saturday. They went shopping—we all do it—in Rama Mandi, just outside Jalandhar city, where he was suddenly stopped by two men who had no distinct markings or identification. He was hooded and taken away from his wife a little over a fortnight after their wedding. It subsequently emerged that the men were plain-clothed police officers, and that Jagtar was being taken to—forgive my pronunciation if it is not correct—Bagha Purana police station. I can only imagine the horror that Gurpreet must have felt seeing her husband being taken in such a manner.

It is a matter of considerable sadness that this was not the end of the ordeal. Jagtar was taken some considerable distance—I estimate it to be around two hours—from where he had been held in Jalandhar. It was there, according to Jagtar himself, that torture began almost immediately, and I must warn the House that I am now going to describe it:

“The torture took place over 4 days, from 4th until the 7th of November at Moga... The torture took place intermittently, numerous times each day. Electric shocks were administered by placing the crocodile clips on my ear lobes, nipples and private parts. Multiple shocks were given each day... At some stages I was left unable to walk and had to be carried out of the interrogation room. Since then I have had problems urinating... Threats of taking me to a remote location where I would be shot dead were also given. At one point petrol was brought into the room and I was threatened with being burnt”—

I would assume burnt alive. He continues:

“The police forced me to make recordings in which I had to name according to what they were telling me to say. Blank pages were also forcibly signed from me”.

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for raising this issue, the importance of which is indicated by the number of Members present. Does he agree that the treatment of any British citizen or national in custody must be a concern of the Government and of the Minister? There is an onus on the Government to ensure that no torture of British subjects is accepted, wherever in the world it may happen. If a Government know torture is happening, action has to be taken.

Martin Docherty-Hughes: I thank the hon. Gentleman for his intervention and am sure he will know that I will not disagree.

It was extremely important to set my constituent's predicament in context and to relate it to the House. It is also important to note that Jagtar's letter is clear—some would say it is in unemotional language—despite the horror that he must have experienced. It is available to the state authorities of the Republic of India to investigate, should they ever wish to.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): I thank the hon. Gentleman for his excellent leadership on this issue on behalf of his constituent. Does he agree that from the outset we have been asking for a fair and due process—for unhindered legal access, unhindered consular access, and an independent medical examination and investigation, which has not happened thus far? We have also asked for answers from Ministers on behalf of the hon. Gentleman's constituent, but unfortunately they have not been forthcoming, either.

Martin Docherty-Hughes: I certainly will not disagree with the hon. Gentleman. I am sure that in the rest of my speech I will answer every element of his questions pre-emptively and precisely, and I will not disagree with him.

The UK high commission in Chandigarh was initially made aware of Jagtar's detention on 6 November 2017. It first attempted to visit him on 10 November, although I must make it clear to everyone in the House that that authority was refused by the state authorities. I first raised the issue via a point of order on the Floor of this very House on 15 November that year—the day before Foreign and Commonwealth Office officials were granted access.

It is important to set out the process and the narrative—the historical reality, even over the short period of a year. The Tuesday after officials were granted access, Jagtar's brother Gurpreet was in the Public Gallery for Foreign Office questions and heard me ask about the case. Like me, he was encouraged at that point to hear the response from the then Minister of State, the hon. Member for Penrith and The Border (Rory Stewart), who said:

“We take any allegation of torture seriously, as, indeed, do the Indian Government. It is completely unconstitutional and offensive to the British Government. We will work very closely to investigate the matter and will, of course, take extreme action if a British citizen is being tortured.”—[*Official Report*, 21 November 2017; Vol. 631, c. 858.]

Those were strong words that the family and myself appreciated. I will ask again at the end of my speech, but will the Minister today enlighten us as to what that

extreme action was and what the Government's investigations concluded? We should also note that the then Minister was of course removed with due haste.

Mr Jim Cunningham (Coventry South) (Lab): The hon. Gentleman has been tenacious on this issue over the past 12 months. Many of us have countersigned letters from him to the relevant Indian authorities. The Minister really has to tell us what the deputy high commissioner was doing making statements in *The Times of India* that certainly did not help Jagtar's situation, along with why torture was allowed to continue without any real representations being made. I hope that he will answer these questions. A pattern is developing in which British citizens—either in Iran or in any other country now—seem to be under threat. I wonder what the Foreign Office is doing about that, and I hope the Minister will respond to that today.

Martin Docherty-Hughes: I am glad of the hon. Gentleman's intervention and grateful for his tenacious support over the past year, as I am for the support of so many Members from all parties. Many of them cannot be here today since the business has finished so early, because—would you believe it, Madam Deputy Speaker?—we seemingly have nothing to debate during Government time. What an incredible moment in the history of this place to be here when the House's business falls at 4 o'clock in the afternoon. Nevertheless, it does give me the opportunity to talk for quite some time about my constituent's case.

Chris Stephens (Glasgow South West) (SNP): I thank my honourable comrade for giving way. He is making a fantastic speech, and he has been a tenacious campaigner. Will he give due credit not just to Members of this House, but to the hundreds of my constituents who have written to me about the issue? I am sure that I am not the only Member who has had hundreds of constituents writing in, expressing real concern about the lack of Government action.

Martin Docherty-Hughes: I am grateful for that intervention. There are citizens from all across these islands—not just members of our communities who happen to be Sikh—looking to support Jagtar Singh Johal. Of course, the Sikh communities across these islands are profoundly disturbed by the situation, but citizens across the whole of the UK and abroad—in Canada, Australia and other nations—are communicating with me on a regular basis to extend their support for the family's wish for due process.

Emma Reynolds (Wolverhampton North East) (Lab): I pay tribute to the hon. Gentleman for his formidable leadership on behalf of his constituent. Does he agree that, apart from direct contact with the Indian Government, it is important that the UK Government also make representations to the UN, in particular about UN special procedures and other UN mechanisms that can push this case further?

Martin Docherty-Hughes: The hon. Member is, of course, correct. I will go into that in a bit more depth later in my speech.

Alison Thewliss (Glasgow Central) (SNP): I thank my hon. Friend for giving way and for pursuing Jagtar's case in the way that he has. He has, in solidarity

with him, the support of the three gurdwaras in the Glasgow Central constituency. Does he agree that Jagtar's case raises wider concerns for the members for each of those congregations that, when they travel to India, they may face similar threats and that there are real and genuine worries for their own safety?

Martin Docherty-Hughes: I could not disagree, as I often say, with my hon. Friend. The gurdwaras not only in Scotland but across the whole of the UK share that concern about the ability of the Sikh diaspora to return to India and to engage freely. It is an issue for all of us as citizens, not just for those of a certain faith with clear relation to the Punjab. It is for any UK citizen travelling abroad to consider the support that they may be given once an issue arises.

Patrick Grady (Glasgow North) (SNP): Like others, I have heard from a significant number of constituents about this case, particularly from those who attend the Guru Nanak Sikh temple in Otago Street, but also, as he says, from the wider community. There are concerns about the different approaches that the UK Government seem to take to citizens held in captivity in different countries. Does he agree that there must be consistency of approach from the Foreign Office, that all UK citizens who are held overseas must be treated with fairness and justice, and that, where there is a question of injustice, we must make efforts to ensure that people have the opportunity to return home?

Martin Docherty-Hughes: I am grateful to my hon. Friend for his intervention; I think he might have read my speech and got to the end of it before me, because I was going to raise that point. I know that it is an issue not only for the all-party parliamentary group for British Sikhs—I see its redoubtable chair, the hon. Member for Birmingham, Edgbaston (Preet Kaur Gill), in her place—but for the all-party group on deaths abroad and consular services, the chair of which is my hon. Friend the Member for Livingston (Hannah Bardell), who is on my party's Front Bench at the moment.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP) *rose*—

Martin Docherty-Hughes: I ask Members to bear with me, because I know that my hon. Friend wants to come in as well.

Drew Hendry: I am grateful to my hon. Friend for giving way. I, too, pay tribute to him for his dogged pursuit of justice in this case, which is marked by a lack of action by the UK Government in providing some response. Does he agree that the Foreign and Commonwealth Office deserves great praise this week for the work that it has done for Matthew Hedges, and that the speed and application that it has used to resolve that case contrasts with the situation of his constituent, Jagtar? What does he put that down to? Why does he think that things have taken so long in Jagtar's case?

Martin Docherty-Hughes: If I had the answer to that, we would not need to have this debate on the Floor of the House today. I wish the young gentleman who has been released all the very best in their future. The clear issue is that my constituent is yet to appear in court and makes an accusation of torture. The similarity is glaring;

[*Martin Docherty-Hughes*]

my constituent's situation is profound. I am sure that the Minister may wish to consider my hon. Friend's question when responding.

Hannah Bardell (Livingston) (SNP): My hon. Friend has done an incredible job of making representations on his constituent's behalf. The details of the alleged torture are horrific. The all-party parliamentary group on deaths abroad and consular services was set up to understand why people who die abroad or are incarcerated illegally do not have the representation that they deserve from the Foreign and Commonwealth Office. Does he agree that the challenge between diplomatic relations and consular services is something that we must look into more and that the Government must do everything they can to address, to ensure that Jagtar is released and gets proper representation and due process?

Martin Docherty-Hughes: I will not disagree with my hon. Friend. Interestingly, over the last few weeks the BBC has decided to run a programme that is, I suppose, trumpeting the Foreign and Commonwealth Office and, critically, the staff who work there—the vast majority of whom do a very good job; I am sure that there are some in the advisers' Box. Their commitment, which I will go into in more detail later, is second to none. I must be clear that I have much respect for the Minister of State at the Dispatch Box, and am grateful for their personal engagement and support on this issue. However, right at the top of the FCO there are very serious concerns about investment.

When the BBC shows next week's episode of how wonderful the FCO is—it will cover consular support, which has been mentioned—I do hope it gets to the nitty-gritty regarding the FCO teams on the ground. I am not saying that these teams are making it up on the hoof, but they are having to work with situations as they emerge without what I would consider to be a proper framework like those used by teams in the United States and other Commonwealth nations.

I hope to make some progress, because the fact that the Adjournment was moved early means that I could technically talk until about quarter past 7.

Hon. Members: Hear, hear!

Martin Docherty-Hughes: We will move on quickly.

Let me return to my constituent's position. Things moved very quickly in the initial stages, and the then Secretary of State—the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), who I see is not even on the Back Benches today despite having a very substantial Sikh diaspora in their constituency—raised the issue with the Indian Minister of External Affairs. The following day, the UK high commissioner raised the issue again with Indian Ministers, and the deputy high commissioner even met with the Chief Minister of Punjab on 1 December.

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): I thank the hon. Gentleman for acquiring this really important debate. He is making an excellent speech. May I put on the record how commendable his leadership in this case has been? I know that the situation has been very difficult. Does he agree that, despite the deputy

high commissioner in Chandigarh meeting with Jagtar, it is unclear what representations—if any—he made to the Chief Minister of Punjab in respect of the case and the serious allegation of torture?

Martin Docherty-Hughes: The hon. Member makes a serious point of which the House must be aware. Yes, I am still of that opinion. The deputy high commissioner returned to the UK from India in recent months, and was discussing my constituent's issue in public meetings. No invitation was extended to me as my constituent's MP to discuss the case with the deputy high commissioner. No invitation was extended to his family—sitting in the Under Gallery today—to discuss it.

How did it come about that I and my constituent's family got to discuss the issue with the deputy high commissioner, who has visited my constituent? I have not had that luxury. It was through the office of the hon. Member, who was aware of him being in the country. To say that that meeting was fraught, or even frosty, would, I think, be the diplomatic way of putting it. So, wholeheartedly, I cannot disagree with the hon. Member.

Although the initial contacts have been welcome—I cannot say that they have not—these issues create the consistent narrative over the past year: superficiality underpinned by an incoherent approach to consular support that should concern all of us. Whether or not the Government live up to the promise given by the then Minister of State about extreme action, I hope that when the Minister rises to respond, he will correct me if I have doubts about that.

I am glad to say that the Government have not been the only source of pressure applied to the Government of the Republic of India on Jagtar's case. In this place, the APPG on UK Sikhs, led by the redoubtable hon. Member for Birmingham, Edgbaston, has been a great source of support for me, for the family, and for my staff—or rather my team; I do not use the word “staff”—some of whom are in the Gallery. It has been a great source of information and has done its bit to raise awareness of the story. A few of its members are in the Chamber today. I am extremely personally grateful to them.

The Sikh community across these islands make an invaluable contribution to our daily life and culture. They have also been vocal in keeping this case in the limelight. Whether it be organisations such as the Sikh Federation, or gurdwaras across these islands, I would not have been buttonholed by so many right hon. and hon. Members asking me about the case were it not for their Sikh constituents raising it repeatedly with them. I pay due tribute to those members of the Sikh community across the UK. They face some very difficult decisions about what it means to be Sikh in relation to India. There is a clear issue in how they approach return to the Punjab in relation to some of the issues we raise here today.

The Singh Johal family and I have been very grateful for the work that the charity Redress has done. Again due to the fact that the House's business has fallen early, some of its staff and team who wanted to be here today cannot. I pay due regard to them for the work that they have done. Redress helps survivors of torture to obtain justice, and its attempts in this case have been most welcome. We heard earlier reference to the United Nations.

It was Redress that sent an appeal to the United Nations special rapporteur on torture, Professor Nils Melzer, in December last year, asking the UN to ensure that the Republic of India could guarantee that Jagtar would suffer no repeat of the alleged torture of that November.

Jagtar's case also featured in the report released earlier this year about the plight of UK nationals tortured abroad. However, it is my deep regret to say that this has not been met with any discernible reaction from the Republic of India authorities, despite the numerous examples cited in the Government-to-Government contacts, and despite my having first raised the issue with them some time ago.

In having this debate on the Floor of the House, I do not intend to disagree with the Government of the Republic of India on their sovereign right and ability to apply the laws of their republic in the way that they see fit. To do so from the Floor of a former colonial Parliament would be an affront to their dignity and the sovereignty of their citizenship. Nevertheless, my duty to my constituent is to highlight that serious charges have been laid, and I must only hope that they are tested in a manner consistent with the laws and practices of the Republic of India—that is, the rule of law and due process, some of the few things that I believe everyone in this House can support. However, I am afraid to say that those two necessary pillars of liberal democratic statehood are being sorely tested in Jagtar's case.

Just over a month after he was arrested, and just after Foreign and Commonwealth Office officials had met with Jagtar, a story appeared on the "Times Now" website that appeared to show extensive knowledge of the case and, most disturbingly, showed a video of Jagtar confessing to several crimes—something that he obviously contends was done under duress. That has set the pattern for a series of seemingly well-informed leaks and briefings to Indian media regarding the case, which have caused great concern to those who wish to see Jagtar receive a fair trial and which have often had a sinister, if not sectarian, air.

In terms of due process, it is very important that I am not standing here—nor should any Member of any Parliament in a liberal democracy—demanding that under the rule of law a constituent is set free before trial if serious charges are being brought.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I would like to say on behalf of Scottish Labour Members that we support the Sikh community, and we support the hon. Gentleman in the work he is doing for his constituent.

Martin Docherty-Hughes: I thank the hon. Member for that.

The notion is quite clear. My constituent has now been in court more than 60 times. Not one witness is brought forward—no one appears—and he is then taken back to prison. I wish for him to either receive a fair, transparent trial based on due process, with charges that are properly laid, or, if there are no witnesses and no evidence, for him to be released.

Mr Pat McFadden (Wolverhampton South East) (Lab): The point that the hon. Gentleman is making is the critical one. The legitimate role for him as the constituency MP and for others in the Chamber who represent large

Sikh communities throughout the UK is not to tell Indian Ministers or Indian courts what to do, but, through Ministers and the Foreign Office, to ask that citizens are afforded proper consular access, due process and fair trials. It is then up to the legal system to pronounce on guilt or innocence, but it is legitimate for us to ask for those things.

Martin Docherty-Hughes: I certainly agree. The international rules-based system is being attacked at every corner, and those of us who believe in liberal democratic government should give no inch to calling out undemocratic practice, whether it be by a close ally, the Republic of India or the United Arab Emirates.

John Spellar (Warley) (Lab): I thank the hon. Gentleman, my fellow member of the Defence Committee, for giving way. Is not the crux of the matter that if India is so sure about Jagtar's guilt and thinks it has assembled so much evidence, it should either let him free or—I hope this is what our Foreign Office is saying—bring this to a conclusion and bring the case to a trial? Otherwise, with over a year having gone by, it has not established a case.

Martin Docherty-Hughes: The right hon. Member makes a clear point. Since nearly day one in this case, state authorities in Punjab have been quite open that they believe my constituent to be guilty. They have conducted a trial by media, and they have made it quite clear that they expect him to be found guilty if a trial should ever take place. That clearly undermines the very principle of due process in the Republic of India, which should concern us all.

Carol Monaghan (Glasgow North West) (SNP): My hon. Friend is passionate in support of his constituent, as he has been over the past year. Does he share my concern that the Indian authorities are currently not only sitting on their hands, but actually boasting of their diplomatic successes with the UK Government?

Martin Docherty-Hughes: I am certainly not going to disagree, because I think everybody is boasting about their diplomatic successes against the UK at the moment in a most dreadful sense, and that should concern us all.

The epitome of the approach was seen in the recent appearance of Indian Deputy High Commissioner Dinesh Patnaik on the BBC Asian Network in January, when he breezily said that

"Jagtar will be charged and he has not been subject to torture", despite the lack of any public investigation by the authorities of the Republic of India and the fact that no charges were laid before the courts, basically, for more than six months. These realities must be passed on if people are to understand the true nature of what is happening. Such comments have led many to conclude that due process has been overlooked, if not intentionally undermined, and that many have already made up their mind about my constituent's innocence or guilt—something that is utterly unacceptable to me, I am sure to the Minister and I hope to Members in all parts of the House.

Hannah Bardell: My hon. Friend is being very generous in giving way. Just to take him back very briefly to the point about media and press coverage, there are some

[*Hannah Bardell*]

significant parallels with the case of my constituent Kirsty Maxwell, who was, we believe, killed abroad, in Spain. The stress it causes to the family when there is misreporting and misinformation in the media and often the lack of support from the FCO—I appreciate that there are significant challenges—is something that we absolutely must address. I commend my hon. Friend for the comments he has made and the challenge he has offered to the Indian press in regard to his constituent.

Martin Docherty-Hughes: I am grateful for my hon. Friend's intervention. On the media and differing approaches, since I was first elected to this House in 2015, I have had to deal with several cases of consular support, where media intrusion has had a detrimental impact on the cases. That is true not just in Jagtar's case. I am mindful of the case of my constituent Lisa Brown, who has been missing in Spain—we presume murdered—and the distress caused to her family by some of the ways in which the media approached that case. It is the same for many Members who have constituents who have died or are in detention abroad.

I can only hope that the publicity generated by this debate will leave the Foreign and Commonwealth Office in no doubt that it must not relent in its efforts to ensure that all these elements—transparency over the torture allegation; due process; the assumption of innocence until proven guilty; and the rule of law in ensuring that all allegations are dealt with appropriately—are addressed by the Government of the Republic of India. The family and I expect the FCO to fulfil these duties. Critically, at some point down the line, we may eventually be able to have a trade agreement with the Republic of India. What type of trade will we have where we might sacrifice our ability to defend democracy and its pillars for free trade?

Let me touch on elements away from Jagtar's case that give me cause for concern. The job of a Member of Parliament gives you the privilege and the challenge of representing all your constituents, and this often means offering assistance when they have had adverse experiences abroad. As I have said, Jagtar's case is not the only one that I have seen up close with the FCO. Although I have found the overwhelming majority of those who work in the Foreign and Commonwealth Office to be professional, dedicated and diligent representatives of their organisation—I cannot name them, but they have heard me say this—they are dealing with structures and resources that often do not allow them to give the level of service they would hope to. That can cause a large amount of frustration for family members and create a vicious cycle of misunderstanding and failed expectation.

When Jagtar's brother and I hear a Minister of the Crown say from the Dispatch Box that they will take "extreme action", we do not immediately appreciate—none of us would—that the staff at the sharp end of that action will be under-resourced, poorly supported and left at the whims of the politicians who lead that organisation. My hon. Friend the Member for Livingston (*Hannah Bardell*) shone a light on that in her work on the all-party group on deaths abroad and consular services. I am sure Members across the House will agree that this vital work should improve the experiences of our constituents, should they find themselves in the same position as Jagtar's family.

We all appreciate that we are in the middle of the greatest upheaval in this political state's foreign policy since 1921. If Members do not know what happened to what was then the United Kingdom of Great Britain and Ireland in 1921-22, they should go to the Library. It has been all too often left unsaid in our present predicament that a "global Britain" of any sort must be properly resourced and that resources must not be to the detriment of consular services across the globe. Ensuring a consistent service, allowing the best practice, which we know exists in the FCO, and listening to the thousands of dedicated, diligent and professional staff across the globe to ensure that families who experience the worst are given a clear but compassionate idea of the roles of the FCO and the responsibilities it has towards them, would make a world of difference. They are not asking for huge elements of massive investment; they are asking for clarity and a process that we can all agree on.

Families such as Jagtar's appreciate that there is no simple way to assuage their concerns, and that the efforts made by Ministers cannot always be made public or be shared with them. The family and I appreciate the efforts of the Prime Minister in raising the case with her counterpart, Prime Minister Modi, in April, but I am sure the Minister appreciates that we are wondering why it is still necessary to be asking many of the same questions as we were a year ago through an Adjournment debate on the Floor of the House of Commons.

You may be glad to know, Madam Deputy Speaker, that I am going to start bringing my remarks to a close.

Hannah Bardell *rose*—

Martin Docherty-Hughes: With that, my hon. Friend would like to intervene. I will certainly give way.

Hannah Bardell: I thank my hon. Friend for giving way. Does he share my concern about properly resourcing and training our consular staff? They do a very difficult job in some of the most challenging circumstances, but they will be facing up to £1 billion of cuts in the coming financial year. Add to that the challenge of Brexit, and our FCO needs the support of this Government and its Ministers to ensure that our constituents are properly represented when they get into challenges or trouble abroad.

Martin Docherty-Hughes: I am not going to disagree with my hon. Friend. There is a resource issue. One of the FCO's greatest resources is its members of staff. They have knowledge and capacity. No matter what I think of the constitutional position of this country, they are diligent professionals in their jobs.

Angela Crawley (Lanark and Hamilton East) (SNP): I praise my hon. Friend for his tireless campaign on behalf of his constituent Jagtar and his family. Does he share my deep concern that, given the FCO's recent success and the publicity around the Matthew Hughes case, it is simply not good enough for the Minister to stand here today and offer platitudes? There has been inaction and a lack of capacity in this case, which has resulted in Jagtar's family being adversely affected. Does he share my concern that the Minister can and should do more in this case?

Martin Docherty-Hughes: I am grateful for my hon. Friend's intervention. As parliamentarians, we all appreciate that every consular case is different. We cannot assume

that any case is the same and therefore we appreciate a level of flexibility. As I said earlier, in the case from the UAE, it is extraordinary how this has suddenly happened. I am delighted for them, but there are levels at which even the Minister could not answer the questions. I will give them that, because as I said the Minister of State has been resolute in their support.

We now need to wind up and ask the questions specifically on the case of Jagtar Singh Johal that the Minister will be able to answer, or to take away and write to us on. First, what does extreme action mean? Can the Minister tell us how that has been undertaken since those words were uttered by the then Minister of State at the Dispatch Box? What have the authorities of the Republic of India done, if anything, to address the allegations of torture that now rest with the UN rapporteur? Does the Minister agree with me that the leaks and briefings to the press from the authorities in India risk making a fair trial for Jagtar all but impossible?

Will the Minister tell me what plans the Foreign and Commonwealth Office has to improve the experiences of families of UK citizens who have adverse experiences abroad? Finally—this is the important question—when will the Secretary of State fulfil the commitment of their predecessor to meet me and the Singh Johal family? How has it come about that I am having to make that request on the Floor of the House of Commons when time and again communication with Ministers has not even seen a reply? It even got to the point, Madam Deputy Speaker, where I had to ask Mr Speaker how to go about getting an answer, to which the reply was, “You have written your letter, and if you have not had a reply, how about putting down a written question?” What an extraordinary state of affairs in a modern parliamentary democracy. What do we have to go back to? The quill and paper?

That question is important, because of the inconsistency of the narrative in other cases. The Foreign Secretary—both the present one and their predecessor—have unequivocally opened their doors to meet certain families in specific cases. I am absolutely delighted for them, but this is an extraordinary state of affairs. I see my hon. Friend the Member for Walsall North (Eddie Hughes) across from me. I said earlier that I would mention an incident that happened to us both in relation to this case. My hon. Friend, as a constituency MP, met the then Foreign Secretary and that meeting about my constituent—any MP can talk about an issue raised by their own constituents—made its way to social media. I was delighted that that raised the issue, but I was not delighted that the Foreign Secretary was sitting talking to another constituency MP about my constituent’s issue when they would not respond to letters and—I give a nod to the Minister, who is on a sticky wicket here—said from a sedentary position, “Wurr wurr wurr” and then was off within a week.

Eddie Hughes (Walsall North) (Con): Will my hon. Friend give way?

Martin Docherty-Hughes: I certainly will.

Eddie Hughes: I use the words “hon. Friend” deliberately. Jagtar’s cousin lives in my constituency and came to see me. I have a strong and large Sikh community in my constituency, so of course I took that the opportunity

to raise that case on their behalf. All I meant to do was add my weight to support the case being made by my hon. Friend.

Martin Docherty-Hughes: I am delighted at what my hon. Friend did, because it gave the case impetus. It reminds the nation state and Members that this continues, but the Foreign Secretary had to be asked via someone else on the Floor of the House, “Are you going to meet him?” What a ridiculous proposition—that it comes to that stage. So the final question is: when is the Foreign Secretary going to meet the constituency Member for West Dunbartonshire and the Singh Johal family?

These allegations of mental and physical torture, of threats of violence against family members, simulated executions and forced confessions were horrifying enough when we first heard them more than a year ago. It has got harder as the year has gone on. Furthermore, the longer it takes for the authorities of the Republic of India to address the issue, the possibility of torture reoccurring cannot be ruled out. I hope everyone in this House can join me in beseeching the Government of the Republic of India to do all they can to ensure that transparency, due process and the rule of law win the day in this case.

I am grateful to the hon. Members who have attended this debate today, and to those who have intimated their support but who have not been able to be here. We are showing our support to the wider Sikh community across these islands for my constituent, a son of the Rock of Dumbarton.

4.51 pm

The Minister for Asia and the Pacific (Mark Field): I am grateful to the hon. Member for West Dunbartonshire (Martin Docherty-Hughes) for securing this debate on the detention of his constituent in India, on whose behalf he has been working extremely hard this past year or so. I recognise the deep concern felt by a number of other Members who are gracing us with their presence in this Adjournment debate about Mr Johal’s situation. Representing as I do an inner-city seat—the one that covers where we are today—I, too, have a reasonably sized Sikh community in my constituency, and it has made me well aware at the outset of the issues in this case.

May I also say how much we appreciate what a desperately difficult time this must be for Mr Johal’s family and friends, as well as for the wider Sikh community in the UK, particularly in view of the specific concerns about mistreatment and torture, about which the hon. Gentleman gave us details?

Mr Dhesi: Does the Minister appreciate and acknowledge that the family of Jagtar Singh Johal have been resolute in persisting that Jagtar is innocent? On the serious allegations of torture and confession under duress, the very least the family deserves is for the Foreign Secretary to meet them, along with the hon. Member for West Dunbartonshire (Martin Docherty-Hughes), to try to get to the bottom of this issue.

Mark Field: I thank the hon. Gentleman for his comments. As he knows, although perhaps the House does not, we have tried to work together on issues to ensure that the important contribution the Sikh community has made is recognised. Work is ongoing to try to get a

[*Mark Field*]

proper memorial of the work done by that community during the wars. Obviously, I do not have control of the Foreign Secretary's diary, but he will be well aware that this debate is taking place. It has not been a standard half-hour, two-Member Adjournment debate; the fact that so many Members have contributed is powerful. I will make representations to him that he should do as the hon. Gentleman wishes.

Mr Jim Cunningham: I reinforce what my hon. Friend the Member for Slough (Mr Dhesi) said. I accept that the Minister cannot commit the Foreign Secretary to meeting the family, but he can certainly convey the message. With all due respect to the hon. Member for Walsall North (Eddie Hughes), who secured a meeting with and spoke to the Foreign Secretary, it does not look good if the Foreign Secretary does not meet the hon. Member for West Dunbartonshire (Martin Docherty-Hughes) about this case. It is important that we try to convey that to the Foreign Secretary.

Mark Field: As the hon. Gentleman will know, I always try to work on a cross-party basis, particularly on these very difficult matters. For those who are interested in the BBC programme on the Foreign Office, I believe that Thursday's programme will talk about a particular consular case from Cambodia—my part of the world—on which half a dozen MPs on a cross-party basis expressed particular concerns.

Let me try to respond to many of the points that have been raised. I undertake to write to those whose questions I may not be in a position to answer fully.

Hannah Bardell: Before the right hon. Gentleman comes to those points, I say gently to him that when I set up the all-party parliamentary group on deaths abroad and consular services, I could not have imagined the impact that it would have on me and my staff, who have heard evidence from over 50 families. I cannot imagine what it is like for the family of someone who has died abroad, been incarcerated, held prisoner or gone missing. I say to the right hon. Gentleman, on a personal basis, that the testimonies of those families have highlighted to me that there are significant challenges and failings, and I believe that there are areas on which we can work together across the House, because almost every Member has had such a constituency case. I hope that he will give a commitment today to work with me and the all-party group to fix some of those issues and look for solutions to make sure that no family has to go through what Jagtar's family—or any of the other families that we have heard evidence from—have had to go through.

Mark Field: I thank the hon. Lady for that intervention. While I inevitably cannot make a guarantee that no other families will go through some of these difficulties, I am clearly only too happy to work with her. Unfortunately, it is the nature of being a Foreign Office Minister that in the past 18 months, I have met several families—not constituents of mine, but of other hon. Members—who have been through the harrowing experiences to which she referred.

Martin Docherty-Hughes: I am grateful to the Minister for the beginning of his response. I just want to reiterate all Members' understanding of the commitment and

diligence of many of the members of staff in the FCO, who are the Department's greatest asset. That needs to be put on the record yet again.

Mark Field: I am very pleased to hear that, not least on behalf of my private office and all who work in my team; I am very honoured and lucky to be a Minister in that Department. While I accept that, on occasion, mistakes can be made and there can be oversights—that is human nature—we generally have an extremely professional and dedicated team throughout the Foreign and Commonwealth Office, but particularly in the consular area, where some extremely harrowing work goes on; that team deals with that daily. MPs all deal with constituents' cases that are heart-rending to the first degree, but those cases are probably the exception, rather than the rule. In consular cases—I think particularly of our consular help in some of the Balearic islands, or in places such as Thailand—staff deal with the tragic deaths of young people virtually daily, and these things are very difficult.

I start by putting a formal apology on the record—this is something that I have done in writing—to Mr Gurpreet Johal for my Department's failure to respond to his freedom of information request in a timely manner. We aim for the highest standards of customer service, and I am deeply apologetic about not having met those on this occasion.

As I said to colleagues in the House when this issue was last debated in March, Mr Johal's case is very well known to me, and has been a priority for the Government at the highest levels since his arrest just over a year ago. The then Foreign Secretary raised concerns with his Indian counterpart soon after Mr Johal's arrest, pressing for effective consular access. As the hon. Member for West Dunbartonshire pointed out, the Prime Minister raised concerns about Mr Johal's case directly with Prime Minister Modi of the Republic of India when he visited the United Kingdom in April.

Mr Johal's situation has also been a priority for me. I personally raised his case with the Minister for foreign affairs during my visit to India earlier this year. I also raised it last month with India's outgoing high commissioner to the UK, Mr Sinha, and just this morning, I was able to reiterate those concerns to the new Indian high commissioner. I can reassure the House that she is apprised of not just the FCO's interest, but—very importantly—the interest of many parliamentarians in seeing a thorough and effective investigation of Jagtar's allegations.

I would like to say something about the role of all-party parliamentary groups. In my view, they are invaluable. As many right hon. and hon. Members will know, I try to engage with their members in meetings as far as I can—I was at a joint meeting of the all-party groups on Bangladesh and Burma only yesterday. They are valuable because what happens in the House, whether in parliamentary questions or through all-party groups, is noticed and quickly reported back by high commissions and embassies, so I encourage hon. Members to work through APPGs—they are an effective way of making a strong case, even if they do put pressure on us as Ministers.

I want to touch on one of the disappointing things about this case. When I came into office 18 months ago, I inherited the notorious Chennai Six case, which had been dragging on for almost five years by that stage, and we were able to get the individuals released within a

matter of months. These things often take time. The Indian legal process can be slow, as indeed can ours—I am not making a value judgment—and, as I hope the House will understand, I have always tried when dealing with consular cases to downplay expectations, to under-promise and over-deliver, and to make it clear that sometimes one has to wait a long time for a response. I know it can be incredibly frustrating, particularly when there are allegations, as there are here, of maltreatment and torture, in which case it becomes an even more serious state of affairs.

As the hon. Member for West Dunbartonshire will be aware, we have met with Mr Johal's brother, Gurpreet, three times in the past year to discuss the very slow progress of this case, and I have offered the family a further meeting. I will try to make representations so that they can meet the Foreign Secretary, although I suspect that I would also be at any such meeting. Embassy officials, including our high commissioner in New Delhi, have raised concerns with the most senior officials of the Indian authorities on a number of occasions, and our consular staff have been working hard to assist Mr Johal and his family, both in India and here in the UK. I understand that staff in India have visited him 15 times since his arrest, most recently on 5 November. These visits allow us to monitor Mr Johal's welfare and check that he continues to be able to meet his legal representatives in private, which was obviously not the case in the early months of his incarceration.

One of our key concerns in our representations has been Mr Johal's allegations of torture and mistreatment during his initial period in police custody and his right to be afforded a fair trial. In all fairness, I would probably not have used the phrase "extreme action"—"extreme" is not something that many people would associate with me and my brand of politics—but none the less, such allegations are taken extremely seriously. The hon. Member for Wolverhampton North East (Emma Reynolds), who is no longer in her place, asked about raising the case with the UN and about the UN's special procedures. We will continue to co-operate closely with all the mechanisms of the UN Human Rights Council, and we encourage all other countries, including India, to co-operate with the Office of the United Nations High Commissioner for Human Rights. We will ensure that this case is brought to his attention.

On 14 December 2017, Mr Johal asked us to raise these allegations of torture and maltreatment. Once we had the details, we did so without delay, making clear our expectation that India should conduct an impartial investigation and an independent medical examination. We continue to raise the allegations vigorously.

Martin Docherty-Hughes: Is the Minister saying that the authorities of the Republic of India have yet to respond to those questions, are refuting the allegations or are saying that these things happened?

Mark Field: At this stage, they are refuting that these things happened, but again, I will write to the hon. Gentleman with the full details, if I may, because I would rather not inadvertently say something inaccurate on the Floor of the House.

Torture and mistreatment of detainees is prohibited under international law, and is absolutely unacceptable in any circumstances. We therefore take allegations of

such conduct very seriously, but we must also take care to avoid doing anything that might put the person making an allegation, or those connected with him, at any further risk. Our priority is always to ensure the best interests of the detainee.

I think many Members will understand that in cases such as this, a great deal of work often goes on underneath the radar rather than with a hell of a lot of publicity. I agree with the hon. Gentleman that any sense that there have been leaks and briefings to the press—again, I am not suggesting that that has happened, but clearly the press have run some stories in India—risks undermining any chance of a fair trial. That is not an acceptable state of affairs, and it would be no more acceptable here in the United Kingdom. Our priority will always be to ensure the best interests of the detainee. Decisions on the precise action that we might take in response to allegations of mistreatment will be made on a case-by-case basis, and only with the individual's consent.

When British nationals are detained overseas, their health and welfare are our top priority. We make every effort to ensure that prisoners are receiving adequate food, water and medical treatment, and that they have access to legal advice at the earliest opportunity. In cases of dual nationality—the hon. Member for Glasgow Central (Alison Thewliss) raised a particular case—we do not have that locus, a position that I think Members will understand, if not entirely support. If a person with dual nationality is incarcerated in the other country of which he or she is a citizen, it is not our place to have consular standing.

As soon as we hear about a detention or arrest, our consular staff will attempt to make contact and visit the individual as early as possible. Subsequent visits will of course depend on the nature and context of the case, and, in some cases, on the practicalities—someone who is imprisoned many hundreds of miles from the nearest consular headquarters or high commission may be more difficult to visit on a regular basis—but we are aware that for many detainees our visits are a lifeline, and that our staff may well be the only visitors that some receive.

I can assure Members that we aim to afford every case equal importance, and to provide tailored support and guidance for individuals and their families. There are more than 2,000 British nationals in detention around the world at any one time, and in the last financial year alone, our staff overseas dealt with approximately 5,000 detainees. It is difficult to operate a standard procedure when dealing with those numbers, and in some cases, with the best will in the world, we will be seen to have fallen short. I will try to ensure that we have flexible standards that we can apply across the board, while taking account of the differing circumstances. I am happy to work with the all-party parliamentary group on deaths abroad and consular services to try to find a protocol that works for the future.

Providing consular assistance for any British national in distress overseas is central to our work at the Foreign and Commonwealth Office. Although the Government do not have a legal duty of care to British nationals abroad, we are proud that we continue to provide a comprehensive, round-the-clock service for anyone who finds themselves in difficulty. We work particularly hard to support those who may be vulnerable and are most in need of our help. We also have a long-standing partnership

[Mark Field]

with a charity called Prisoners Abroad, which gives practical and emotional support to British people who are detained overseas.

There are, of course, limitations to the extent of the service that we can offer. We are not in a position to make decisions on behalf of people, nor are we able to do everything that might be asked of us at any one time. As a matter of policy we do not pay outstanding bills, including legal fees, as we are not funded to provide financial assistance; nor does the FCO seek preferential treatment for British nationals. That means we do not, and must not, interfere in civil and criminal court proceedings, and the hon. Member for West Dunbartonshire was very understanding on that in his contribution. It is right that we respect the legal systems of other countries, just as we would expect foreign nationals to respect our laws and legal processes when here in the UK. However, we can intervene on behalf of British nationals when they are not treated in line with internationally accepted standards or if there are unreasonable delays in procedures.

A number of colleagues have raised the case of Matthew Hedges, and everyone is delighted that the UAE has chosen to pardon him in such short order. The assistance we provide to British nationals depends entirely on the individual circumstances of the case and the local conditions, so it is unfair to draw, or make any implications about, comparisons in particular cases. Our actions are designed to be appropriate to the individual and as effective as possible. There is no suggestion of preferential treatment because of any cultural or other difficulties. The Chennai Six were all long-standing British, English and Scottish citizens; no racial element could possibly have been suggested for their lengthy incarceration.

In many ways the Matthew Hedges case is a good example of something all of us in the Foreign Office and in consular circles can rejoice in: a case that gets turned around unexpectedly very quickly. But for every win, as it were, of that description, there are many other cases where we are working extremely hard for many months, perhaps under the radar, without quick and positive results of that sort.

A number of colleagues have spoken movingly about the impact that a death overseas can have on loved ones, particularly when that death takes place in violent or

distressing circumstances. Our staff across the world will continue to work with dedication and empathy to support British nationals when they require our assistance. We welcome feedback from British nationals who have received consular assistance, and indeed from their relatives who have also had that assistance, and we will try to improve our services and staff. I make a pledge to work closely with the all-party group, and I hope Members present will play their part in that.

We are talking about some of the most distressing and difficult cases, and it is distressing to me that there are British citizens who feel that the FCO has fallen short in its consular service on some occasions. We will continue to take that very seriously, and if we can work together as a Parliament on a cross-party basis to find a way to make improvements, I stand ready to work with colleagues.

The detention of a loved one is distressing in any circumstances—it would be distressing to any of us if one of our relatives were in that position—and particularly when it happens overseas, where contact with friends and family is limited and the legal process is unfamiliar. Our consular staff at home and abroad work hard to support families in such situations. We often have locally employed members of staff who can speak local languages and have a greater understanding of the culture and the different legal processes, and they play an important part in our consular teams across the world. We take every case extremely seriously and provide dedicated consular assistance to those most in need of our help literally seven days a week, 24 hours a day.

In the case of Mr Johal, I can assure the hon. Member for West Dunbartonshire that we will continue to do all we can to support him and his family. The fact that we have had this debate here today will make it clear to the Indian authorities and the new Indian high commissioner here in London that we will continue to raise our concerns about his case at the highest levels until there is a resolution.

Question put and agreed to.

5.13 pm

House adjourned.

Westminster Hall

Tuesday 27 November 2018

[MR CLIVE BETTS *in the Chair*]

Nigeria: Armed Violence (Rural Communities)

9.30 am

Jim Shannon (Strangford) (DUP): I beg to move,

That this House has considered the matter of armed violence against farming communities in Nigeria.

It is a pleasure to serve under your chairmanship, Mr Betts, and I thank the Backbench Business Committee for allocating time for this debate—it is of the utmost importance that the House, the Government and the whole international community do not ignore such immense and devastating suffering. I am grateful to all hon. Members for participating in the debate, and I particularly thank the Minister for her esteemed presence and for her informative remarks last Thursday, when she spoke at an event that examined some of these issues, which was organised by the all-party parliamentary group for international freedom of religion or belief.

I imagine that some hon. Members will discuss the Boko Haram crisis, so I will focus on the conflict between nomadic herders and farming communities. According to some estimates, it has claimed up to 60,000 lives since 2001. I would like to discuss the scale of the violence, how to resolve the crisis, and the long-term consequences of failure to address the violence.

For decades, nomadic cattle herders from north Nigeria, who belong predominantly to the Muslim Hausa Fulani ethnic group, have been in dispute over land with predominantly Christian farming communities further south. However, in recent years, the scale and violence of these disputes has escalated dramatically, and we will want to look at the reasons for that in the discussions we have today. As many as 1,300 people have been killed in violence between these groups since January, and at least 300,000 have been displaced. The conflict is estimated to cost the Nigerian economy \$10.5 billion a year. It is good to see the hon. Member for Henley (John Howell) in his place; he is the Government envoy to Nigeria, so we look forward to his comments. We cannot ignore the impact on the Nigerian economy.

The International Crisis Group has said:

“What were once spontaneous attacks have become premeditated scorched-earth campaigns in which marauders often take villages by surprise at night.”

When we talk about these enormous crises, there is sometimes a danger that we forget about people and their families—we cannot do that. Real people have lost their entire families. Real people have seen their homes and villages destroyed. Real people have been devastated, disfigured and dismembered. In terms of sheer scale and horror, the violence we have witnessed in Nigeria is six times deadlier than the Boko Haram crisis of 2018—six times more horrible, more horrific, more evil and more brutal.

David Simpson (Upper Bann) (DUP): I congratulate my hon. Friend on securing this debate. Does he agree that the scale of the difficulties, which he has articulated, has not made news? If it were happening in any part of the western world, it would make news.

Jim Shannon: My hon. Friend must have read the next sentence of my contribution, which says that we have barely heard about this—that is exactly right. That is why we are taking the opportunity today to highlight this matter. The scale of the violence is already extraordinary, and it has the potential to become much worse if it is not dealt with. This is a good place to discuss these matters.

To resolve the situation, one must first have a deep understanding of the drivers of the violence. The single conflict is actually a series of countless, smaller conflicts between many disaggregated, and often rapidly formed, militias. What drives these militias to violence in one area might not drive other militias in a different area, so we probably do not need a one-size-fits-all policy here. We need something a wee bit more delicate to address these complex issues. It is vital to remember the interconnected factors that have encouraged this extraordinary violence: increased pressure on resources, the collapse of traditional mediation mechanisms, and the failure of the Nigerian Government to respond effectively.

In last week’s APPG meeting, which the Minister attended, there was unanimous agreement among the speakers that religion is also a factor in the violence, and we cannot ignore that. They agreed that militias fighting over dwindling resources have been mobilised along religious lines. Some—not all—might be driven by religion, so I wholeheartedly agree with the Government’s previous statements on the issue: we must be very careful not to attribute religious motivations to actors unless we see substantial evidence. However, I would put it on record that there is a lot of evidence that many of the attacks are religiously based, which we cannot ignore.

Many issues need to be examined thoroughly, and the answers might not point to underlying religious motivations, but those have to be considered. The fact is that Christians and Muslims have been attacked, and we have to ask why that is happening. According to some reports, herder militias have claimed at least 6,000 lives since 2011, whereas the number of herders killed is much lower. It is important that such evidence is gathered; one must question why the violence in certain areas of conflict has been so brutal, so devastating and seemingly so one-sided. Why is it that members of religious groups are so often the victims of what is happening?

Some time ago, I was informed by some of the groups I have met and by some of people I have met from Nigeria and elsewhere that weaponry seems to be available in Nigeria. They said that Nigeria is probably the arms base for a great many conflicts across Africa and maybe further afield. Some of the militias are using sophisticated weaponry, and we have to ask how they can afford to do that. There are reports of some herder militias using rocket launchers, machine guns and large explosives. Both sides might be using such weaponry, but we hear reports only of the herders using it. Are these weapons extremely cheap on the black market, and which groups

[*Jim Shannon*]

are financing the acquisitions? Are domestic extremist groups providing funding to militias? These questions warrant answers.

Reports also point to the difficulty in obtaining specific information about such a widespread and varied conflict. The mainstream and traditional media have been heavily criticised for a lack of thorough investigation of violent incidents. To resolve the situation, there is a great need to combat the spread of misinformation and to get to the truth of opposing claims. I therefore wonder whether the Minister might consider supporting a group of impartial international journalists to investigate many of the stories, as well as media content and contradictory claims, about the many conflicts in Nigeria. I and others in the House believe that it is crucial that such a group is international and independent of the Nigerian Government, so that its findings could not be easily dismissed or biased. It is important that we put that right.

On the motivation of certain militias, there seems to be unanimous agreement that the actions of the federal Government and state-level governments have been woefully inadequate, which is a key factor in the violence. The withdrawal of Government from rural areas has led to a collapse of the rule of law in many parts of the country. Security forces have hardly been mobilised—that is a fact—and perpetrators of violence operate with impunity. We need an active police and army presence in areas where these militia groups seem to roam at will. It is unacceptable that so many people should suffer simply because of a lack of political will to help them. It is imperative that much more pressure is applied by the UK and the international community to get the Nigerian Government to formulate a comprehensive and holistic security strategy that adequately resources and mobilises the security forces.

It is important to acknowledge that once people believe that religion is a motivating factor for violence, policy responses must adapt. My noble Friend, Baroness Cox of Queensbury, recently travelled to Nigeria and spoke to many people affected by these conflicts. They were convinced that they had been targeted exclusively because of their religion. That belief must surely lead to hostility and mistrust between religious groups. There must be reconciliation between them if there is to be peace between communities in the future. Stopping the perpetrators of violence must be the first step, but I encourage the Minister to consider the need for religious reconciliation and tolerance programmes in any long-term response plan. Had we not had peace talks in Northern Ireland, we could not have stopped the fighting.

It is important that we have that verbal interaction, as it will enable us to move forward constructively and stop those who wish to carry out violent acts. There are potential long-term consequences if the violence is not addressed in the short term. More and more Nigerian Muslims and Christians may begin to believe that they are being targeted because of their religion. In turn, that could lead more and more Christians and Muslims to believe that they are engaged in an existential battle. There are already reports that many leaders in Nigeria are calling for groups to arm themselves if they want to survive, so, worryingly, the whole thing may escalate.

We must do all we can to ensure that the violence, which is already at extraordinary levels, does not explode into an even wider religious conflict that spreads across the nation or even the region as a whole. It is sometimes difficult to express how devastating the conflict could be to Nigeria and beyond. What chance do we have of reducing poverty if there is long-term violence and instability? How will people feed themselves if farmers are too scared to go outside or have been driven from their lands? What happens when the hundreds of thousands of people in internally displaced persons camps decide that anything is better than their horrid conditions and turn to Europe in search of a better life?

I am conscious that several hon. Members want to speak, and I want to ensure that all those who made the effort to be here have the time to make a contribution. I repeat that the scale of the devastation is extraordinary, so we must do more to address it. I thank the Minister for the work that she and the Government have already done. We look forward to her response on how we can help the Nigerian Government to move forward and ensure that my Christian brothers and sisters in Nigeria are not persecuted or victimised because of their belief. I want to ensure that those with Muslim beliefs who are victimised, persecuted and targeted are free from that. I trust that the Minister will do all she can, both bilaterally and multilaterally, to wake the Nigerian Government up to this crisis and the plight of their own people. It is infuriating and perplexing that they have turned a blind eye to the violence, which is having a profoundly negative impact on their country and its future. They must realise how the world sees Nigeria.

I thank the Minister for the nuanced and inquisitive approach the Government have taken thus far. I encourage her to continue to strive to find the causes of the violence in the different areas, and not to apply a one-size-fits-all approach. That would not be a good way to do it—the Minister said that last week, but we need a commitment to a strategy that works. I wholeheartedly agree with her commitment to remain impartial and to assess events objectively. In that spirit, I hope she will ask tough questions about the asymmetry of violence and the funding of weapons, even if the answers are inconvenient to the Nigerian Government.

Similarly, I hope the Minister will consider what can be done to help independent journalists enter the hard-to-reach places in Nigeria to find out the truth and build an evidence base. On that point, I remind right hon. and hon. Members that, on 12 December at 10 am in Committee Room 7, the all-party parliamentary group for international freedom of religion or belief, which I chair, will be having a roundtable meeting with experts to discuss the impact that the media have had on the violence.

The fact that people are convinced that they are being targeted because of their religion means that religious reconciliation and tolerance programmes are vital for long-term peace. The long-term consequences of failing to take those steps and address the violence are unthinkable. Instability, displacement, death, famine, civil war and mass migration are all possible outcomes. They are all happening now, and will continue to happen unless action is taken. Now is the time to stop this. We in this House can contribute to an action plan and strategy through our contributions to this debate. I look to the Minister and our Government for answers on what we

can do in the future. We must do everything in our power. We must act quickly so hon. Members do not find themselves back in this Chamber 10 years from now talking about all those who have lost their lives and about what we should have done to prevent the situation in Nigeria.

This House has an opportunity to come together constructively to beseech our Minister and our Government to act in Nigeria to help the Nigerian Government to grasp the nettle. In parts of northern Nigeria, Christian and Muslim groups have absolutely no protection. This House is duty-bound to speak up for those across the world who do not have the opportunity that we have. We must not be found wanting. I have often said that we are a voice for the voiceless. Let us be a voice for all these people.

Several hon. Members rose—

Mr Clive Betts (in the Chair): Order. I will not impose a formal time limit, but as a guideline there are about nine minutes for each Back-Bench speaker. Observant Members will have noticed that the two clocks are slightly different, so we will go for the large clock as a guide.

9.45 am

Fiona Bruce (Congleton) (Con): I commend the hon. Member for Strangford (Jim Shannon) for his excellent speech and his devotion to promoting freedom of religion or belief right across the world. Those of us who are people of faith are concerned about ensuring that we do that. We must seek the truth when we speak. The main theme of my speech is that we must find the truth about what is happening in Nigeria, and urge our Government to do all they can in that respect.

I fully accept that the escalating violence in central and northern Nigeria has many complex sources. We have heard that the failure of governance in the area has resulted in a sense of injustice and vigilantism. Population growth, urbanisation and desertification have put pressure on the grazing areas and water sources that the traditional nomadic herders—the Fulani—use.

In our meeting with the Minister last week, which the hon. Gentleman mentioned, I was pleased that she acknowledged that religion and religious identity form a part of the violence and are a cause of it. My concern is that the role they play is increasing, and we need to do more to recognise that; our Government must do the same and press the Nigerian Government to do so, too. There is a real risk of genocide, if indeed it is not already happening.

I use as my sources of support two reports that have been published in the past week. The first was produced by Aid to the Church in Need and was published last Thursday; I was privileged to attend its launch. Every two years, Aid to the Church in Need produces a report about religious freedom in the world. It is very well resourced, with on-the-ground references throughout. It is a detailed publication, and I hope the Minister will read it. About Nigeria, it says:

“Assessments of the violence have highlighted ethnic differences between Christians and the Fulanis and disputes concerning the grazing of the herdsmen’s cattle but”—

this is an important “but”—

“religion seems to have become an increasingly important factor. . . violence by Fulani militants in Central Belt has terrorized Christians.”

It says:

“Father Alexander Yeyock, parish priest of St. John’s Church, Asso, gave an interview after a Fulani attack in Easter Week 2018 left two of his faithful dead: ‘The attack has two dimensions. The first is to Islamize the Christian community... The second dimension is that Fulani herdsmen want to confiscate our arable land for grazing purposes.’”

Bishop Wilfred Chikpa Anagbe of Makurdi told the African Christian Network:

“There is a clear agenda: a plan to Islamise all the areas that are...predominantly Christian in the...Middle Belt”.

That is really concerning, and I wonder whether our Government representatives on the ground really have an understanding of radicalisation and the spread of Islamist ideology that is taking hold, not only in Nigeria, but in other parts of the world.

The report goes on:

“A core finding of this report is the failure of the international community to recognise the scale of the problem, which is compounded by the inaction of the authorities in the countries concerned... One bishop warned the international community: ‘Please don’t make the same mistake as was made with the genocide in Rwanda.’... Nigeria’s violent hotspot—the Middle Belt—is predominantly Christian, and human rights observers suggested that the militant action there is intended to achieve the imposition of Wahhabi-style Islam. Church leaders suggested that the attackers were ‘jihadists imported hiding under the guise of herdsmen and sponsored by people from certain quarters to achieve an Islamist agenda.’ As evidence, commentators pointed to the swift upgrade in weaponry from bows and arrows to AK-47s and other high-tech arsenal.”

There is more in the report that I cannot go into today, but I hope that Ministers will read it and provide a response to it. One of its important findings—we have heard of this in the actions of Daesh elsewhere—was the way that militant Islam uses women, subjecting them to violence as part of a process of forced conversion.

In that respect, I refer to a report from the charity Humanitarian Aid Relief Trust, which was also released in the last two weeks. The charity’s inspirational leader is Baroness Cox, who has had a 20-year involvement in Nigeria and went there specifically to produce the report, “Hidden Atrocities: The escalating persecution and displacement of Christians in northern and central Nigeria”. In the report, she talks about the atrocities that have been perpetrated. This is one example she gives:

“My sister was raped and her wrists cut off before she was shot through the heart. They took my brother, his wife and all their six children, tied and slaughtered them like animals.”

I concur with the hon. Member for Strangford. During a recent discussion, someone from Nigeria said to me:

“The Fulani herdsmen are far more violent than Boko Haram. Boko Haram don’t mess with them.”

In the report, there are many other descriptions of similar atrocities, which are deeply concerning. Yes, there are many reasons for this violence, but, as Baroness Cox said,

“Less well known, however, is the escalation of attacks by Fulani herders against predominantly Christian communities in the middle belt region.”

The Bishop of Bauchi, an Anglican bishop representing many of the worst affected areas said that

“The conflict between herdsmen and farmers has existed for a long time. But the menace in recent times has jumped from a worrisome itch in the north to a cancerous disease, spreading throughout the country, claiming lives and threatening to spiral into a monster.”

[Fiona Bruce]

The human rights group Christian Solidarity Worldwide reports that in the first quarter of 2018, the Fulani perpetrated at least 106 attacks in central Nigeria. The death toll, purely from Fulani militia violence, stands at 1,061. The Christian Association of Nigeria estimates that between January and June this year, around 6,000 people have been killed by the Fulani. In Nasarawa State alone, in the first six months of 2018, 539 churches were destroyed, and on July 4, the Nigerian House of Representatives declared killings in Plateau State to be a genocide. That is deeply concerning, and there are a number of recommendations in Baroness Cox's report, of which I hope the Government will take note.

Mr Gregory Campbell (East Londonderry) (DUP): In the light of Baroness Cox's report, does the hon. Lady agree that the people of Nigeria—indeed, many people of faith on the African continent—will be looking to countries such as the United Kingdom for a unified response that is emphatic and robust, and which not only expresses solidarity, but takes action internationally to try to bring pressure to bear on the Nigerian authorities?

Fiona Bruce: I could not have expressed that better myself. Indeed, to warn of the risks of this escalating into a serious genocide, there is a responsibility on the part of the international community to respond to the reports that we are receiving. I am particularly anxious that the Department for International Development does so responsibly.

I was in Nigeria in 2016 with the International Development Committee, and with my hon. Friend the Member for Stafford (Jeremy Lefroy), who cannot be here but asked me to put on record that he shares the concerns that I, and others, are expressing. DFID representatives and fieldworkers on the ground arranged a roundtable meeting with civil society for us. I was extremely concerned, because I knew even then about the region's escalating violence and the religious element developing within that, that there was no representative from the Christian Association of Nigeria at the meeting, and it took considerable effort on my part to persuade DFID officials to involve one. Even then, I was deeply concerned that that representative did not have an opportunity to express his concerns about the religious element of those attacks, the nature of which we are now seeing developing in the area.

I thank the Foreign and Commonwealth Office, because in recent years it has responded to many debates in this very Chamber, developed an understanding and demonstrated its commitment to freedom of religion and belief all around the world, but I do not have the same confidence in many of the DFID staff posted around the world. I urge the Minister to ask her colleagues at DFID what their staff on the ground in Nigeria are doing to address the situation and to engage with faith leaders and others to ensure that they can find the truth, which, as I have said, is what we seek to establish in our consideration of the issue. We need to know the truth about what is happening in Nigeria—such as the information brought to bear in the reports that I have referred to—so that our Government has the information and can respond.

Several hon. Members *rose*—

Mr Clive Betts (in the Chair): Order. When I give a guideline for speaking, I hope that hon. Members will adhere to it. If some Members go over the time limit, other Members have less time. As a result, I now have to reduce the guideline to eight minutes. I call Dr Drew.

9.57 am

Dr David Drew (Stroud) (Lab/Co-op): Thank you, Mr Betts; I am delighted to serve under your chairmanship. I acknowledge your guidance and will try to be brief.

I thank the hon. Member for Strangford (Jim Shannon)—my hon. Friend in this respect—not only for securing the debate but for his assiduous questioning. The situation in Nigeria is something that we should be concerned about and we quite rightly highlight it today.

I visited Nigeria a long time ago, in 2006, with Christian Solidarity Worldwide—it is good to see Mervyn Thomas, the CEO, in the Public Gallery—and to my knowledge, this issue is historic. We saw the antecedent of what is happening today. As part of that visit, we went to Jos and to Kano, and we saw, even then, burnt out churches and loss of life because of religious conflict. The situation is complex and is partly about the conflict between pastoralists and farmers; it just so happens that the pastoralists tend to be Islamic while the farmers are Christian. The issue dates back a long time.

During that visit, I met the then Archbishop of Jos. During a debate in the other place on 17 July, which was initiated by the noble Baroness Cox, who has taken a strong interest what has been happening in Nigeria, no less a person than the Archbishop of Canterbury spoke to alert the House of Lords to yet another attack on the Archbishop of Jos, who is a very brave man. He and his predecessor have been through all manner of conflict and lived with it. We must recognise that it is not just people out in rural areas who are affected; in the cities too there are regular attacks, and prominent Christians are subject to all aspects of that conflict.

I have one simple point to make. Even in the days when I visited, clearly the federal structure of Nigeria meant that much of the power lay in the hands of the state governors. As much as I would say that President Goodluck Jonathan and now President Buhari could do much more—I hope that the Minister will tell us what the UK Government are doing to lobby directly—we must also recognise that the different state governors have enormous influence, even to the extent that when I was there, a long time ago, it was common to hear of some Christian governors helping Islamist extremists because it was politically advantageous to do so. My visit clearly predates much of the terror of Boko Haram, but even then some extremist groups on the ground were well organised. State governors could have done much more to deal with them using the police and, dare I say it, the army, but they refused to do so.

I hope that the Government will say what they are doing to engage with not only the federal President but the state governors, because they are the key to dealing with some of the violence on the ground. Unless we ensure that our lobbying of those people is effective, that violence will continue and get worse, and the Christians—a minority now, sadly—will be driven further and further from where they have always lived and had their livelihoods. I hope that our Government will do that and ensure that this issue is dealt with appropriately.

We must stop the violence to allow people to live in peace and harmony, as they have done for generations, and to get on with their lives.

10.2 am

Kevin Foster (Torbay) (Con): It is a pleasure to serve under your chairmanship, Mr Betts. It is also a pleasure to be in Westminster Hall again for a debate on protecting people's ability to express their religious faith freely, which was initiated by my good friend, the hon. Member for Strangford (Jim Shannon). I know it is rare that we get the chance to hear the hon. Gentleman—*[Laughter]*—at 9.30 on a Tuesday morning, but it was a particular pleasure today. I make that comment in jest, but the laughter is probably a sign of how often he has managed to secure a debate on oppressed communities around the world. Such communities are often oppressed purely because they have made a choice about their faith, or to have no faith—I am always clear that this issue is not just about the faith that we share.

The problem is, sadly, not a new one. We only have to look at the Open Doors website to see articles from the past few years about Fulani attacks on those from a Christian background. The hon. Gentleman was right to highlight the huge impact not only on people's freedom to express their religious faith but on the economy in an area to which poverty is sadly not a stranger for many people. Conflict is continuing and feeds into wider concern about the stability of Nigeria.

Some colleagues and Members in the Chamber are old enough to remember the appalling Biafran war, when Nigeria suffered horrendous loss of life. We have seen the impact of Boko Haram and how it has used its extremist ideology to cow people and try to make them bend their knee, rather than make free choices. Boko Haram has also, famously, sought to deter girls from seeking an education. We reflect regularly on the fact that this debate is about groups seeking both to take away religious rights, to force people to agree with their particular faith or belief, and to remove every other right—not only to religious faith but to supporting oneself, freedom of expression, choice of person to lead one's country and, generally, to living life as one chooses.

People might wonder why this is an issue for us here in the United Kingdom, but some of us believe that it is important to protect the right to express faith and political views anywhere. Most of us rightly take the view that if people cannot do that somewhere else, the threat is always that such an ideology might spread to this country. For me, it is also about the migrant flows towards the Mediterranean. The fundamental reason for much of that is conflict and war in sub-Saharan Africa, which makes people feel that they have absolutely no hope of making a better life for themselves if they remain in their own country, that they might not be able to progress economically, or that their life will be in genuine danger. It is therefore right to focus on this subject.

It will be interesting to hear from the Minister about the Government's work with the Nigerian authorities to tackle the problem. The obvious question is about what support our military in particular might supply, which is not so much boots on the ground as capacity building. Support to Nigerian forces could include provision of capabilities to do with surveillance and reconnaissance that might not be available to them but are to us.

Furthermore, how are we working with the Nigerian authorities to build their capability to strengthen enforcement of law and order? Ultimately, without the ability to enforce the law in parts of Nigeria, problems will remain. How can confidence in the state authorities, which the information we have read shows is clearly damaged, be built up? How can we as the UK work with the authorities to do that?

We can help not only to achieve short-term security but to support long-term development, particularly through our international development programme. It is all very well stopping the conflict today—perhaps with a better security operation, dealing with specific armed individuals, or tracking down where weapons come from and blocking a particular supply—but if the underlying economic issues that drive people towards conflict remain, that conflict will re-emerge in the future. As the UK looks towards a future as more of a global trader, how can we use aid to stimulate trade and, in turn, economic development, which can be as vital to ending conflict as merely carrying out an operation to prevent attacks in the short term?

It has been a pleasure to make a contribution to this debate and, as always, to be in the Chamber with some familiar faces to talk about defending the rights of others to express their religious beliefs freely. This debate shows that the issue extends beyond states such as North Korea, where people face formal persecution by the state they live under; in so many other cases, in particular in parts of Nigeria and the middle east, non-state actors are the source of persecution. How can we work with the Government of Nigeria to ensure that we are not still debating this subject in 10 years' time?

Several hon. Members *rose*—

Mr Clive Betts (in the Chair): Order. We can now go back to nine minutes as a guideline. Hon. Members have been very helpful.

10.8 am

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Betts. I, too, congratulate my hon. Friend the Member for Strangford (Jim Shannon) on securing this important debate. It is a great pleasure to participate in it.

I will leap in straightaway, since we do not have much time. I, too, believe that President Buhari has not done enough to focus on the problem. He came to power with a radical agenda to get rid of Boko Haram, and he has been partially successful. As hon. Members have pointed out, however, some Boko Haram insurgents have transformed into terrorists in the country, and they might well be fuelling this particular crisis.

Since we last spoke in this Chamber about the issue, one of the major things to have emerged is the intensity of the problem and of the killings that are taking place. It is always possible to blame the President for what happens in a country, but let us remember that President Buhari faces action in the International Criminal Court for what he has done against Boko Haram. That is quite remarkable, but it is not surprising that his focus has been elsewhere. As the hon. Member for Stroud (Dr Drew) pointed out, the real focus in Nigeria is not the national Administration but the state governorships. I particularly

[John Howell]

condemn the governor of Ekiti state, Mr Fayose, who encouraged farmers to take up arms against the Fulani herdsmen. That was not helpful—it just increased tensions and killings in the country. We should ensure that we condemn that.

I have said several times in this Chamber that President Buhari was summoned to Parliament and condemned following the recent killings, and that a no-confidence motion was passed in respect of his advisers because they had done nothing to solve the problem. President Buhari was the first African leader to go to the White House, in April. I am afraid that President Trump's involvement with the situation in Nigeria was less than helpful—he made a rather simplistic judgment and did not put pressure on President Buhari to take action. We need to put pressure on the state governors and the national Government to do something.

One good solution to the situation would be for the national Government not to look at it solely in military terms. I do not think it will be solved by a military operation. It will be solved by political activism. There is a Bill before the Nigerian Parliament, which is known in shorthand as the land grazing Bill, that would allow national grazing reserves to be set aside for Fulani herdsmen to use without coming into contact or conflict with Christian farmers. We should support that and other actions the Nigerian Parliament is taking to solve this problem.

The situation is complex. It is wrong to characterise the conflict just as a religious one. It certainly has strong religious elements and overtones, but it has been going on for many years—it was going on before Open Doors became involved and long before we became aware of it. We can see that it is more than just a religious conflict by looking at the timing of the killings, which increase around national elections. That is instructive.

I always have poverty in my mind when I carry out my work in Nigeria. I am absolutely committed to trying to help the Nigerian Government improve the impoverished situation of many of people. I have explained on a number of occasions that that is in our best interests, because it enables us to prevent mass migration from Nigeria and sub-Saharan Africa to Europe, but it is also in Nigeria's best interests. We need to put pressure on the Nigerian Government and the state governors to solve this problem in order to deal firmly and finally with poverty.

Jim Shannon: Given his knowledge of Nigeria, can the hon. Gentleman see any reason why the Nigerian Government have been reluctant, unable or unwilling to respond to the high levels of violence?

John Howell: That is an interesting question. There is an ethnicity element to it. President Buhari comes from the area that identifies with the Fulani. I am not going to make that point more strongly. I do not know the extent to which that ethnic belonging influences him and his actions. All I will say is that I agree that less action has been taken in this area than anyone would have liked.

Since I am running out of time, let me conclude by saying that this issue is enormously important. I know the high commission raises it very frequently with the

Nigerian Government. It is technically outside my remit as trade envoy, but in a country such as Nigeria, one cannot focus on one issue—they all interlock and play a part. I will continue to put pressure on the Nigerian Government to ensure that something occurs to resolve the situation.

10.16 am

Stephen Kerr (Stirling) (Con): It is a pleasure to serve under your chairmanship, Mr Betts. I thank and commend the hon. Member for Strangford (Jim Shannon) for bringing this debate to Westminster Hall. It was a pleasure—indeed, it was rather humbling—to listen to my hon. Friend the Member for Henley (John Howell), who is a true expert on matters pertaining to Nigeria. I certainly do not want to detract from anything that has already been said.

Much was said about the situation in Nigeria, especially in the so-called middle belt, which straddles the divide between the largely Muslim north and the majority-Christian south, and which is the scene of an escalating cycle of violence between settled farmers, who are mostly Christian, and the mainly Muslim Fulani herdsmen. The Fulani are an ethnic group of about 20 million people across 20 west and central African countries. Exacerbating factors include the environmental impact of climate change and the proliferation of armaments—especially those that were looted from the arsenals of the former Libyan dictator, Muammar Gaddafi, which are smuggled across the region and used to dreadful effect.

We have already heard that the 2017 global terrorism index estimates that more than 60,000 people have been killed across west Africa in clashes between Fulani herdsmen and settled communities since 2001. The number of violent deaths in Nigeria is again spiralling. The Armed Conflict Location and Event Data Project estimated in a report in the summer that armed Fulani gunmen had killed nearly 1,000 people so far this year—more than Boko Haram. Those killings, which take place in villages and small farming communities, include the cold-blooded murder of women and children, of which we have heard accounts.

The Nigerian Government blame the violence on armed banditry and organised crime, but there are clear ethnic and religious issues at play. The violence seems to be based on economic insecurity, but its root causes run deeper. The conflict is rooted in the complex religious history of the region, going back to the Sokoto caliphate in the 19th century and the missionaries who brought Christianity to the region at that time. The long-standing conflict has been brutal and most inhumane.

Who can forget the atrocities of Boko Haram, which are funded by the most horrific crimes of kidnapping, slavery, human trafficking and rape? In June this year, 86 people were killed and 56 homes destroyed by herders. However, the situation is not without hope. I read an interesting and inspiring story about Christians who fled the scene of an attack. Brutal raiders descended on their homes in the middle of the night, but many of them got away by running for their lives. Shelter came in the form of an imam from the local mosque, who took them in and gave them sanctuary, and protected them within the walls of the mosque. In that instance, the family survived.

That is the paramount value of faith—that in the sight of such adversity and violence we can still see humanity in each other. When we acknowledge our common humanity, we can truly achieve peace. Peace with each other is one thing, but we also need peace within ourselves, which is another transcendent value. Despite claims to the contrary, the central truth of Islam, as with the message of the Christian gospel, is about love for one another and our common humanity.

Jim Shannon: One thing to come out of our recent trip to Pakistan were three words that were used by those of the Islamic and the Christian faiths: love, tolerance and respect. If we get those three things together, and we believe in them and act them out through our faiths, people in society can move forward with respect for each other.

Stephen Kerr: I am grateful to the hon. Gentleman for that intervention.

The situation in Nigeria is riven with mixed signals. The Government make claims about reduced violence and say that the situation in the north is improving, and a significant amount of UK aid has been spent trying to help the Nigerian authorities fight the insurgents. However, the late Catholic bishop, Joseph Bagobiri, accused President Buhari's Government of actually siding with the herdsmen, saying Buhari

“unabashedly takes sides with the armed herdsmen, his kinsmen, thereby failing in his responsibility as a true statesman.”

That is quite an accusation, and such allegations of complicity between the Nigerian President and those who perpetrate these acts of violence must be shown to be unfounded, as there is no room for such complicity, if it exists at all. As long as there is endemic corruption in Nigeria, there will be conflict, and if the Government have no moral authority, there is a vacuum into which extremism will step.

The attacks take place on an ethno-religious basis, but there are no doubt also economic and political aspects to them. In a country such as Nigeria, in which 90 million Muslims and 76 million Christians live together, understanding and tolerance are essential. The attacks will dissipate only when there is a sense of fairness, a Government who have moral authority, and a world community that stands alongside the decent people of Nigeria.

I have some questions for the Minister, which are concurrent with other points that have been raised today. What is the UK Government's assessment of situation on the ground in northern Nigeria and the middle belt? What is the Minister's assessment of the effectiveness of the part played by the UK to strengthen internal security and encourage cross-border co-operation to control the movements of marauding terrorists and the illicit trade in armaments? What are the Government doing to strengthen existing local machinery to support conflict resolution? My hon. Friend the Member for Torbay (Kevin Foster) raised a point about DFID. What are we doing to build sustainable solutions to the issues impacted by climate change? That point was also raised by my hon. Friend the Member for Henley (John Howell) in relation to the establishment of grazing reserves. Such things would be significant steps.

I will conclude with the haunting words of Lord Alton. Speaking in the other place earlier this year, he quoted the Archbishop of Abuja, who described the escalating violence as “territorial conquest” and “ethnic cleansing”, and said that

“the very survival of our nation is...at stake”.

Lord Alton went on to ask:

“Are we to watch one of Africa's greatest countries go the way of Sudan? Will we be indifferent as radical forces...seeking to replace diversity and difference with a monochrome ideology that will be imposed with violence on those who refuse to comply? We must not wait for a genocide to happen, as it did in Rwanda. Ominously, history could very easily be repeated.”—[*Official Report, House of Lords*, 28 June 2016; Vol. 792, c. 286.]

I repeat his warning today.

Mr Clive Betts (in the Chair): I thank hon. Members for their co-operation. We will now move on to the winding-up speeches, for which there are a good 10 minutes each, and we will leave a couple of minutes at the end for the hon. Member for Strangford (Jim Shannon) to respond to the debate.

10.25 am

Chris Law (Dundee West) (SNP): It is a pleasure to serve under your chairmanship, Mr Betts, and I thank the hon. Member for Strangford (Jim Shannon) for securing a debate on this important and grave issue. I also thank other hon. Members for their invaluable contributions today.

Without doubt, the farmer-herder conflict has become Nigeria's gravest security challenge. The tensions and violence between nomadic Fulani herdsmen, who are mostly Muslim, and farmers, who are predominantly Christian, over land and natural resources have a long history throughout sub-Saharan Africa. As we heard from the hon. Member for Stirling (Stephen Kerr), and at the start of the speech by the hon. Member for Strangford, there have been 60,000 deaths since 2001, and attacks have escalated dramatically this year.

According to a report released by the International Crisis Group in July, violence between Nigerian farmers and herdsmen killed at least 1,300 people in the first half of 2018 and claimed

“about six times more civilian lives than the Boko Haram insurgency”.

Outside this Chamber, very few people are aware of the current conflict in Nigeria, yet we are all very much aware of Boko Haram. Indeed, when researching for this debate, I found only a small number of articles in the press, so the first question to ask is: why is this conflict largely unreported?

In June, 86 people died in just one incident in Plateau state after violent clashes broke out between farmers and cattle herders, and the violence has continued unrelentingly during the second half of the year. It is clear that this violence has evolved from spontaneous reactions to deadlier planned attacks, particularly in Benue, Plateau, Adamawa, Nasarawa and Taraba states. The conflict's roots lie in the degradation of land due to climate change, and increasing violence in the country's far north, which has forced herdsmen south. As farms and settlements expand, they swallow up grazing reserves and block traditional migration routes, and farmers' crops are damaged by the herdsmen's indiscriminate grazing.

Three immediate factors explain the escalation of violence this year. First, there is the rapid growth of ethnic militias bearing illegally acquired weapons—that point has already been made. Second, there is the failure of the Nigerian Government to prosecute past perpetrators or notice early warnings of impending attacks. Third,

[Chris Law]

there is the introduction in November last year of anti-grazing laws, which were strongly opposed by herders, sparking further clashes with farmers.

Nigeria's Administration, led by President Buhari, have been accused of not doing enough to stop the violence. The report in September 2017 by the International Crisis Group analysed the roots of the conflict and laid out detailed recommendations for resolving it. Those recommendations remain largely valid, and I suggest that the Minister reads the report if she has not already done so. It focuses on immediate priorities—tasks that both the federal and state authorities, as well as community leaders and Nigeria's international partners, must urgently undertake to stop the violence spinning out of control. It recommends that the Nigerian Government deploy more police in affected areas, improve local ties to gather better intelligence, and respond speedily to early warnings and distress calls. In addition, they should begin to disarm armed groups, and closely watch land borders to stop the inflow of firearms. The Nigerian Government should also order an investigation into all recent major incidents of farmer-herder violence, and may need to expedite the trials of anyone found to have participated in violence. They should expand in detail the new national livestock transformation plan and implement it immediately. It is also important that they encourage herder-farmer dialogue and support local peace initiatives.

Where do the UK Government fit in? They can play a leading role in tackling this conflict, and it goes without saying that they must do all they can to put a stop to this violence. Can the Minister tell us today what co-ordinated and practical actions DFID is taking to alleviate the tensions around resources and whether it is providing enough aid to ensure that people are not at risk of starvation or of losing their cattle or harvests? It is important that more resources should be committed to internally displaced persons in Benue, Nasarawa and Plateau states, with special attention to women and children, who constitute the majority of the displaced.

Jim Shannon: I am reminded of the abduction of schoolgirls and young women, probably into forced marriages and forced conversions, which has not been mentioned so far. One young girl who is on our minds and who I pray for every morning—many others probably do too—is Leah Sharibu, who was kidnapped and has still not been freed. I think that the Government need to look at that. Does the hon. Gentleman agree? In her response, can the Minister indicate what help has been given in terms of her discussions with the Nigerian Government to provide protection for schools in northern Nigeria, where people are very vulnerable to abduction and kidnapping?

Chris Law: I thank the hon. Gentleman for his comments. I share his concerns and look forward to what the Minister has to say. Over the last couple of years in particular, we have often heard about Boko Haram and the kidnapping of schoolchildren and women, who are forced into marriage and are often never seen again. I particularly want to hear what the Minister has to say on this point.

Can the Minister tell us what action DFID is taking to explore the link between water shortages and climate change and to review UK climate justice policies accordingly? In particular, I recommend that she considers the success of Scottish Government innovations in this area. Can she explain how the UK Government are encouraging and supporting the development of effective Government mechanisms and policies that are able to arbitrate fairly and earn the confidence of all the people of Nigeria in finding a resolution? Finally, what actions are being taken to grow and strengthen the UK's capacity or the capacity of international agencies as observers, to ensure that such escalations can be reasonably identified in advance? We have heard today about the question of genocide, and it is potentially imminent. The SNP would support the introduction of a 12-point system for gauging genocide risks instead of the traffic light system currently used by the UK.

In conclusion, despite escalating at an alarming pace, the farmer-herder conflict has been completely under-reported, which is why we must speak out more loudly against these atrocities. We simply cannot turn a blind eye to what has become Nigeria's gravest security challenge. I look forward to hearing from the Minister what actions the Government are taking to make sure that the UK is playing its part to help put an end to this deadly conflict and to explore further what is behind the underlying tensions.

10.32 am

Liz McInnes (Heywood and Middleton) (Lab): It is a pleasure to serve under your Chairmanship, Mr Betts and to follow the hon. Member for Dundee West (Chris Law). I am grateful for the opportunity to speak for the Opposition in this important debate and I thank the hon. Member for Strangford (Jim Shannon) for his eloquent and passionate introduction to the debate. It is clearly an issue about which he is knowledgeable and passionately concerned.

I pay tribute to my constituent, Mr John Wilkins, who shares the hon. Member for Strangford's passion for and interest in the situation. Although many hon. Members in the Chamber have remarked that this issue has not made the news, Mr Wilkins ensures that I am kept well informed of the terrible situation, and he is very grateful to the hon. Member for Strangford for calling the debate.

I am grateful to the hon. Members and hon. Friends who have spoken in the debate. I particularly mention the contributions made by the hon. Member for Congleton (Fiona Bruce), who is no longer in her place, who voiced legitimate concerns about the situation developing into genocide and about the role of religion in the violent attacks, which has been acknowledged by many in the Chamber. My hon. Friend the Member for Stroud (Dr Drew) gave us an insight into the development of the situation, drawing on his visit to Nigeria in 2006. The hon. Member for Torbay (Kevin Foster) spoke about historical instability in Nigeria. The hon. Member for Henley (John Howell) spoke about the intensity of the problem and the actions of President Buhari, who is facing the International Criminal Court for actions against Boko Haram. The hon. Gentleman, like my hon. Friend the Member for Stroud, raised the important issue of the role of state governors in facilitating the violence. Finally, the hon. Member for Stirling (Stephen

Kerr) spoke about the role of climate change in the conflict and about the illegal supply of weapons to Fulani herdsmen.

It is immensely important that we discuss the intercommunal violence of Nigeria's volatile middle belt, which divides the largely Muslim north from the Christian south. The area between Kaduna and Plateau states has witnessed internecine violence over the past two decades which has claimed too many lives. As has been noted, violence between Nigerian farmers and herders killed at least 1,300 people in the first half of this year. It has been said that this is

"about six times more civilian lives than the Boko Haram insurgency".

The fact that this intercommunal violence has claimed more lives than one of the most dangerous terror groups in the world means that this issue deserves our most urgent attention.

As we have heard in the debate, disputes between pastoralists and farmers have historical roots and comprise many issues, such as land and natural resources, as well as the struggle for cultural and religious control. More recently, the effects of global warming have driven much of the intercommunal conflict. Longstanding and complex issues like these will not be solved by quick fixes, but instead will need a collaborative approach to implement initiatives with a long-term focus. This is likely to be a major election issue when Nigerians go to the polls early next year.

I welcome President Buhari's condemnation of the violence and his commitment to justice. However, it is important that we now aim to achieve solutions to the decades-old conflict that are durable and settle disputes for all those involved.

Jim Shannon: The hon. Lady reminds me that some 300,000 men, women and children have been displaced. I do not think we can ignore the problems, which are having an impact on other parts of Nigeria as well. People hope to return to their homeland, but just how will that happen? Does the hon. Lady think that the Government should be addressing the issues of the displaced in the discussions with Nigeria?

Liz McInnes: I thank the hon. Gentleman for that important point, which I think has also been made by several hon. Members during the debate, with reference to the genocide in Rwanda and the situation in Sudan. I would be grateful if the Minister could give us some idea about what action the UK Government are able to take to help those who have been displaced. It would be helpful if the Minister explained specifically what assistance the UK Government and DFID are giving to the Nigerian Government in general, to help deal with these violent episodes.

The Minister will know that the Most Reverend Primate set out three recommendations for addressing the violence during a recent debate in the other place. He recommended that the Nigerian Government strengthen their role of enforcing security and local mediation; ensure reconciliation between farmers and herders; and actively and tangibly support regional efforts to combat the effects of climate change, which is exacerbating ancient rivalries. Would the Minister explain what steps the UK Government are taking to support Nigeria in the three points raised by the Most Reverend Primate?

Mr Clive Betts (in the Chair): I am sure it will be possible to give the hon. Member who moved the motion a couple of minutes to respond at the end.

10.39 am

The Minister for Africa (Harriett Baldwin): It is a pleasure to serve under your chairmanship this morning, Mr Betts. I congratulate the hon. Member for Strangford (Jim Shannon) on securing this important debate, on a matter that he has pursued tirelessly not only in the Chamber but through his role as chairman of the all-party parliamentary group on religion or belief. He has demonstrated a long-standing commitment to Nigeria and to the issue that we are debating today. I pay tribute to the wisdom and experience of the hon. Members taking part in the debate, as they have shared a range of perspectives, and made excellent points based on their own engagement with the issue—the hon. Member for Stroud (Dr Drew), my hon. Friends the Members for Congleton (Fiona Bruce), for Torbay (Kevin Foster), for Henley (John Howell) and for Stirling (Stephen Kerr), and of course the hon. Members for Dundee West (Chris Law) and for Heywood and Middleton (Liz McInnes). I also thank Mr Wilkins for his continuing engagement with what is an important, complex and complicated issue.

We have heard the concern of all the hon. Members who spoke about the current situation. That concern is well founded because intercommunal violence is the biggest internal security challenge facing Nigeria today. In fact, as we heard repeatedly, in 2018, more lives were lost as a result of that conflict than in the separate conflict with Boko Haram. As the UK is a long-standing partner of Nigeria, it is right that we seek to understand the reasons for the violence, and I appreciate and welcome the inquiry undertaken by the all-party parliamentary group.

The key point that I want to make clear, as I did last week when I met the all-party group, is that the situation is not a straightforward, binary religious dispute between farmers and herders or Christians and Muslims, although it is sometimes portrayed in that way, particularly in the local Nigerian media. We heard from colleagues that there are a range of causes. We also heard—and it is true—that farming communities are not the only victims, as the rather unequal media reporting tends to suggest. Sadly, there have indeed been a number of reports this year of attacks by Fulani herders on farming communities in Benue state, Berom and Jos that have led to serious loss of life and deserve clear condemnation.

The causes of the conflict are complex. Herder communities have also been victims of the violence, and both communities are believed to have suffered hundreds of casualties. Colleagues have cited assessments, and Amnesty International assesses that last year intercommunal clashes resulted in about 550 deaths. This year, the number of incidents and the level of violence are rising. Reports suggest that the number of deaths has already exceeded 1,850. The source for that figure is the Armed Conflict Location and Event Data Project. Incidents have been reported in all regions of the country.

Why is the conflict escalating, and what are the underlying reasons? As we heard in the debate, one reason is that herders, who for centuries have followed ancient migration routes across west Africa, have been

[*Harriett Baldwin*]

forced to divert south, owing to a range of factors including population growth, urbanisation, desertification and failures of governance. That has brought them into direct competition with farming communities for scarce land and water, and their cattle have encroached on farms, causing costly damage to crops. That has understandably led to tensions, then to a cycle of violent reprisals, criminal banditry and cattle rustling. The religious identity of the groups involved is certainly a factor, but again it is not as clear-cut or as dominant as it might seem. Not all herders are Muslim Fulani, and not all farmers are Christian. If religion were taken out of the equation completely, the violence would not go away.

That is because other issues are also involved, including ethnic prejudices, the growing availability, mentioned by several colleagues, of weapons—many of them smuggled through criminal networks from neighbouring conflict zones—and discontent with the way in which the violence is dealt with by the authorities. Both farming and herding communities complain that their demands for justice have not been met. That is feeding a sense of victimhood and encouraging vigilantism on both sides. All those factors and grievances, some old and some new, are fuelled by partial media reporting and a narrative that portrays what is happening as a religious conflict. There is a real risk that the violence could escalate further if it is not addressed effectively.

Colleagues have asked about the role of the UK Government, who are of course extremely concerned about the violence. It is destroying communities and poses a grave threat to Nigeria's stability, unity and prosperity. It poses significant risks to the peaceful conduct of next year's important presidential elections; so we take every opportunity to raise our concerns with the Nigerian Government at every level. When the Prime Minister and I were in Nigeria in August, she discussed the issue with President Buhari, and I was able to raise it with the Vice-President and Foreign Minister. My hon. Friend the Member for Torbay asked about the defence and security partnership. Of course we have a strong defence and security partnership with Nigeria—specifically focusing on joint work to defeat Boko Haram and Islamic State in West Africa, in the north-east of the country. In addition, we have offered UK assistance and repeatedly called on the Government to demonstrate a clear strategy for ending the bloodshed, resolving the conflict and ensuring that the needs of all affected communities are met.

Jim Shannon: May I ask the Minister, as I asked the hon. Member for Dundee West (Chris Law) when I intervened on him, about the abduction and kidnapping of schoolchildren? What is happening—kidnappings and abuse—is abhorrent. I am ever mindful of Leah Sharibu, a young Christian schoolgirl, who was abducted and is still in that situation. Did the Minister or Prime Minister have an opportunity on their visit to Nigeria to raise her case, and the issue of protection for schools in northern Nigeria? I am a father and grandfather and I ask the Minister, who is a mother, what could be worse for anyone than knowing their child or grandchild had been abducted and taken away, never to be seen again.

Harriett Baldwin: I thank the hon. Gentleman for raising that case, which, in relation to the conflict in the north-east and Boko Haram and Islamic State in West

Africa, would merit a debate of its own. Our hearts go out to Leah Sharibu and the 113 kidnapped girls, some four years after the original kidnapping. Of course the hon. Gentleman will know that the UK is passionate about promoting the value of education for girls around the world, in particular.

Our high commission in Abuja is engaging closely with religious and traditional leaders from a range of communities and faiths. We are working with international partners to support the Nigerian Government in their strategic response, and encouraging them to address all the complex causes of violence. Colleagues asked about the role of DFID programming. Of course that is focused very much on ending poverty and tackling the drivers of poverty. In that context, this year, our programming bilaterally in Nigeria is some £235 million, but that would be added to by the multilateral programming that we engage in through other organisations. The emphasis is on the kinds of approaches known to be best for addressing the causes of poverty in the long term, such as education, nutrition—particularly for under-fives—and healthcare programmes. There are programmes on adaptation to climate change; access to safe water and sanitation for many communities; governance at federal and state level and, for next year, ensuring that free and fair elections are held. Many programmes are about human trafficking. There is an extensive range of DFID programming in Nigeria, but it requires political will in Nigeria. Political will to deal with the situation at the federal level is vital.

We have heard clearly in the debate that there is not a one-size-fits-all solution. The causes of the violence vary across all the states, and so must the solutions. I welcome the call from the hon. Member for Strangford for objective journalism to play a role. He will be aware that the BBC World Service is expanding its footprint in Nigeria, based in Lagos but broadcasting on a wide range of Nigerian issues. I draw colleagues' attention to an important report by the BBC's "Africa Eye" that was put out recently on the role that Facebook and fake news are playing in spreading unreliable reporting and inflaming tensions in this area.

Jim Shannon: I asked the Minister in my contribution, as have others, whether it is possible to have an independent inquiry in Nigeria, bringing together the evidential base of what is happening and the reasons for it, and then to present that to the Nigerian Government, while ensuring that the inquiry takes place without the overbearing influence of the Nigerian Government—that it is independent, in other words. Is that something the Minister could help us to achieve?

Harriett Baldwin: I welcome the inquiry that the hon. Gentleman's committee is undertaking, but in terms of an inquiry within Nigeria, which I think he is alluding to, we are exploring options for how the UK could support the dialogue and peacebuilding efforts, working closely with like-minded international partners. That offer is definitely on the table and we would welcome ways of providing constructive engagement on this issue.

Chris Law: I thank the UK Government for the support they give in Nigeria through DFID. The Minister has listed a number of key areas—education, nutrition,

health and governance, but also adaptation and saving water, which I want to focus on specifically. A number of hon. Members in this House are concerned about the root causes of the security issues in the north and the bloody violence that has ensued, and I want to know specifically how much of that funding goes toward adaptation and mitigation in the north, and what lessons could be learned about what funding will be needed in future to support a peace process?

Harriett Baldwin: I would like to reassure the hon. Gentleman that, as he will know, the focus on this important area is one where the UK has been at the forefront of international commitments. He will know that we are committed to spending some £5.8 billion on the international climate commitments we have signed up to through the Paris accords. That means that there is a range of programming and we can increase the programming in parts of the world that are particularly vulnerable. I do not have time in this debate to go through the long list of ways in which we work in this area, but he should be reassured that it is an area where UK Government commitments and programming are only growing in the years to come.

Jim Shannon: Will the Minister give way?

Harriett Baldwin: It is almost like a conversation. I give way to the hon. Gentleman once more.

Jim Shannon: It is always a pleasure to be in a conversation with the Minister. One of the things that I and others have mentioned is how different faiths can react better together. As chair of the all-party parliamentary group for international freedom of religion or belief, I, along with others in the audience and around the Chamber, see that we need to have that dialogue. Has the Minister been able to have any discussions with the Nigerian Government to encourage that dialogue between Christians and those of Islamic faith? Sometimes when we talk and have a dialogue about things, there is a respect, tolerance and love that come from that. Can I get her thoughts?

Harriett Baldwin: We are exploring options for how we could support that dialogue and those peacebuilding efforts. The hon. Gentleman will be aware that the next two to three months in Nigeria are part of an election campaign and that the UK is concerned that the politics around this issue sometimes exacerbates and drives the conflict. We welcome the commitment of both main candidates for the presidency to tackling this important issue.

What we have heard today is that the causes of this violence are many and complex, and have been fuelled by a wide range of factors. We have mentioned oversimplistic media reporting and inflammatory disinformation on social media, the political context and the frustration in communities with the official response so far. As we go into the Nigerian election campaign period, there is a real risk that intercommunal violence will only worsen and become increasingly politicised.

The UK believes that Nigeria needs to put in place long-term solutions and that those solutions need to be addressed urgently, in consultation with all groups. That must be done in a way that respects the rights and interests of all groups and lays the foundations for a sustainable and peaceful future for all Nigerians. I can assure colleagues who have raised this important issue in today's debate that the United Kingdom Government will continue to support the Government of Nigeria as they work towards that long-term strategic solution to the underlying and complex causes of this violence.

10.56 am

Jim Shannon: I thank right hon. and hon. Members for their significant, heartfelt, sincere and conscientious contributions on an issue that touches all our hearts and our persons; that is why we are here. I thank the shadow Minister, the hon. Member for Heywood and Middleton (Liz McInnes), as always, for her contribution. I know it is her job to be here, but she is also here because she has an interest in the subject matter, as I know from my discussions with her. I thank the Minister for her response to what has been said on the issues of poverty, education, the environment, land grabs and human trafficking, the escalating violence and the brutality. The hon. Member for Henley (John Howell) and others referred to that escalation of violence; it is something that we cannot comprehend, but it is even worse than what Boko Haram has done to the Fulani tribesmen. That issue, and the genocide that has taken place, affects us all.

I thank the representatives from the audience, from Christian Solidarity Worldwide, and their contributions. I met the hon. Gentleman many years ago on a trip we had to Egypt, looking into a similar issue in that country, and I know he has an interest in Nigeria. We thank him for his contribution and his help with this debate, and we thank the staff of the APPG, particularly Amro Hussain, for putting the evidence and information together to make this debate happen.

As I always say, because it is so important, this House always shines when we come together, from both sides of the Chamber, and collectively show what we are here for. Our job is to speak on behalf of others, and as an MP, like other MPs in this House, I do so regularly, every day that we are here in this House. Our job is to speak up for those who have no voice, to ensure that those people, our Christian brothers and sisters and those of other religions, facing conflict in Nigeria will know that this House has come together to speak on their behalf and hear a significant response from the Minister to help us to move forward. We hope that over the next period of time, the dialogue we have initiated through this debate will bear fruit and the people of Nigeria will be free from the violence that plagues that country and will be able to have that love, tolerance and respect that we think are so important and that this House often proposes as a way forward.

Question put and agreed to.

Resolved,

That this House has considered the matter of armed violence against farming communities in Nigeria.

Carer's Allowance Overpayments

11 am

Ruth George (High Peak) (Lab): I beg to move,

That this House has considered overpayments of carers allowance.

I called for the debate because of cases that have started to emerge and reports that there are hundreds more, if not thousands. It was reported earlier this month that George Henderson from Preston, who is 58 and cares for his mentally ill son, who is also a heroin user, is being taken to court for an overpayment of carer's allowance of £19,500. George was not aware of the earnings limit and claimed carer's allowance for six years until a Department of Work and Pensions compliance check discovered that he had exceeded it.

Not only was George taken to court earlier this summer, when he was told to pay back £106 a month out of his disability payment, but the DWP prosecuted him again earlier this month under the Proceeds of Crime Act 2002, seeking repayment of the full amount of overpaid carer's allowance by Valentine's day next year, forcing him to sell his house or face seven months in jail. His house is now up for sale, and he faces being unable to continue to care for his son, either because he will have to work more hours—if he can; if he gets the operation he needs—to be able to pay rent and afford a house, or because he will be in jail.

The Guardian reported last month that DWP plans to go back over its records for the last eight years—the period since such a check was last done properly—will result in at least 10,000 cases of historical overpayment of carer's allowance, with around 1,000 carers facing criminal prosecution. I ask the Minister, as I ask the House: is that the message that we want to go out to carers?

There are 6.5 million unpaid carers in the UK—estimated to increase to 9 million by 2037—who save the economy an estimated £132 billion a year. The “better care, closer to home” model for the NHS and social care relies heavily on unpaid family or friends, in spite of more older people living alone. We therefore need to encourage more carers to come forward who are not necessarily the partner or even the child of the person they care for.

I pay tribute to all unpaid carers. They are indispensable to the person they care for and vital to society. Less than half of carers work, and one in six has given up work at some point to fulfil their caring role. The benefits of their caring roles are well recognised, as are the benefits of work both to carers, in providing some respite from their caring role, boosting their self-esteem and providing them with more interaction with others, and to society, because helping carers into the labour market prevents their skills from being lost. Work also provides income, which is important, as 35% of carers are in poverty, which is 14 percentage points higher than adults overall.

By caring for someone full time, a carer saves a local authority the cost of a care home place, which is about £750 a week in my area in Derbyshire, but much more in more expensive parts of the country. For that minimum of 35 hours of care a week, a carer can receive carer's allowance of £64.60 a week—about £700 a week less than the cost of a local authority care home. It is also equivalent to, at most, £1.85 an hour, or £3,360 a year, so obviously many carers must work to make ends

meet. The person they care for will be on disability benefits, which have not kept pace with the cost of living for people of low incomes, and they will have no way to increase their income.

Most carers cannot work full time so they seek part-time work to fit around their caring duties. That is often necessarily low-paid shift work. A carer can earn a maximum of £120 a week while also claiming carer's allowance, so their maximum income from both work and caring is £184 a week, or £9,600 a year. It is no wonder that carers are disproportionately poor. However, unlike almost every other benefit and despite the principle enshrined in universal credit, a carer earning just £1 over the £120 threshold ceases to be eligible for any of the £64.60 carer's allowance. That cliff edge causes huge problems. When I worked for the Union of Shop, Distributive and Allied Workers, I saw people receiving a pay rise of just 1% or 2% unwittingly going over the earnings limit and being due to repay hundreds or sometimes more than £1,000 in carer's allowance at the end of the year, causing huge hardship.

There is a case online of a carer desperately seeking advice. They had a 10p an hour pay rise, meaning that they unknowingly exceeded the earnings threshold over nine months by just £1.08 a week. For the extra £42.12 that they earned, they were forced to repay £2,500 in carer's allowance. How does the Minister think that fits with the principle of a fair benefits system in which someone is always better off in work? The distress that it has caused is obvious from the post. The carer's partner says:

“We are not criminals, we simply didn't realise. We have enough to do looking after our disabled daughter, we can't afford to pay this back, what can we do? Please, please help. Why have we got to pay so much back? Will it be a black mark on our credit rating? Will it be a conviction against my wife, who works in a school and may not be able to do so anymore? We are so upset.”

Their being upset is understandable.

If someone on carer's allowance earns £120 a week, their total income will be £184.60, but if their pay goes up by just £1, their total income will be £54.60 a week less—just £121. With such a cliff edge, it is vital that carers are well aware of the earnings limit, but there is lots of evidence that they are not. Carers UK does a great job of supporting carers with an online forum on which carers report their problems. It told me of one carer who looks after someone who is severely disabled and who knew that they would earn more than the threshold for two months running. They dutifully contacted DWP to report their change in circumstances, but then received a notice of overpayment over the previous year, which came as a total shock and surprise. They had not realised that they were earning several pounds over the threshold. They are now paying back the overpaid allowance over 18 months while on a severely reduced income, putting them even more into poverty.

When the Work and Pensions Committee quizzed the DWP's permanent secretary, we were told that a letter that carers receive about carer's allowance gives them the full information about the earnings threshold and what they have to declare every year. I have with me the standard letter, which has been the same for six years. Yes, on page 1 of that four-page letter it says:

“From 09/04/2018 you can earn up to £120.00 each week from work you do for an employer or as self employment, after taking off certain expenses, before your Carer's Allowance is affected.”

For starters, it does not set out what the “certain expenses” are, and nowhere that I can find, other than in the regulations, does the Department—the Government—actually do that. The information on the gov.uk website is certainly very unclear, and even when people receive a compliance form to complete, they are simply asked, “What expenses do you incur?” They are given no guidance on what those expenses might be.

The standard letter, which sets out the changes of circumstance that the DWP needs to know about, does not set out that people need to inform the Department if their earnings exceed £120 a week. Yes, under the heading “Changes we need to know about” it says, “When you start work, whatever your earnings, you need to let us know,” but it also says:

“If you have already told us that you are working, you must tell us if your earnings go up or any expenses already claimed change. You must also tell us if you work any overtime or receive a bonus.”

That simply does not fit with the reality of today's low-paid shift work, whereby people's hours go up and down all the time. There is rarely a concept of overtime anymore, because people do not have set hours of work. There are very rarely bonuses for people doing such work. The advice fits with a long-gone era in which people had a contract for set hours of work and received extra in overtime. Also, nowhere does the letter say clearly, “If you earn £120 in any one week, you will cease to be eligible for carer's allowance that week, unless you pay out certain expenses”—with those expenses set out—“and you must inform us.”

It is therefore not surprising that carers are unaware of the rules. Even if they are aware, the letter, which comes from the DWP—its logo is at the top—is signed simply by a “Manager”. It does not inform the claimant that they have to inform the Carer's Allowance Unit specifically of any changes. Among the examples that Carers UK has come across is that of a carer who said:

“There is a very strong possibility that I have been overpaid Carer's Allowance for almost three years. As you can imagine I feel sick to the pit of my stomach.”

I am not surprised: they will have been overpaid about £10,000. The carer continues:

“I did not realise that it was ‘means-tested’. I thought because I'd had contact and had updated the DWP when I was moving from Income Support into work that they'd know.”

Claimants are informing the Department for Work and Pensions of their work circumstances, but they are not informed in the letter that they need specifically to inform the Carer's Allowance Unit.

With the lack of information and the huge cliff edge, it is obviously imperative that the Department takes a responsible attitude to compliance checks for carer's allowance—there are such huge losses for people if they are overpaid. When I worked at USDAW, we would see difficult cases, but for a maximum of a year. Now, we see cases lasting three or four years and racking up thousands of pounds in overpayments. I ask the Minister: why is that the case when real time information has given the DWP monthly earnings data since 2014? In 2014, the number of cases taken up dropped drastically. In 2011-12, there were more than 30,000 cases of overpayment of carer's allowance, but in 2014, 2015 and 2016, that more than halved to just 14,500 cases, despite the Department having much more detailed, and electronic, information. Bearing in mind that two

thirds of cases of carer's allowance overpayment involve earnings over the threshold, it seems like thousands of cases have been missed in the last few years, since the dramatic drop in 2012-13 when cuts were made to administrative staff in the DWP. Staff have been drafted in from the compliance unit in Ramsgate and from pensions offices in Motherwell and Ilford to deal with the backlogs, but those backlogs can now go back over several years, costing carers thousands of pounds. Carers are starting to come forward and, on the evidence seen so far, are being dealt with extremely harshly. A case reported a couple of weeks ago from Belfast was of a carer from whom a payment of more than £14,000 of carer's allowance is being sought in full by 5 January or—again—they face a jail term.

I have some questions for the Minister. Does he think that the information given to carers about the earnings threshold is clear enough to be fully understood and acted on by individuals who are in a very demanding role and combining that with paid work, while doing all the juggling that people have to do when they are on a very low income? Will the Minister please commit to looking at that information, both in the letters received by all carers and online, and making it clearer? Does he believe that the DWP has used all its ability to seek to ensure compliance with carer's allowance earnings rules and to keep overpayments to a minimum? Does he think that, in the circumstances, it is proportionate to seek such huge sums from low-paid carers? One compliance officer working in the Carer's Allowance Unit has calculated that more than 30% of recent overpayments were for amounts of earnings less than 20% over the threshold, so for less than £24 a week, people are being prosecuted for £64.60 a week going back over many years and thousands of pounds.

Will the Minister please look again at the policy for these people who have been overpaid as he looks at the information for carers? Also, I hope that, with a new regime in the Department for Work and Pensions and a new Secretary of State, the Department will look again at the report from the Work and Pensions Committee on carer's allowance and the cliff edge, and reconsider the possibility of a taper so that we cease to see huge overpayments, cliff edges and the impoverishment of carers, to whom we owe so much.

11.17 am

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): It is a pleasure to serve under your chairmanship, Mr Betts. I thank the hon. Member for High Peak (Ruth George) for opening the debate. She displays a huge amount of knowledge, passion and care in this area, and she has raised many points that the Government and I would agree with.

Carer's allowance actually falls within the remit of my hon. Friend the Minister for Disabled People, Health and Work. There is an outstanding relationship with Carers UK, both at ministerial level and with among officials. There are regular meetings with Carers UK, and many of the points raised in this debate have been raised previously and are being looked at and reviewed, so the debate is very timely.

As an individual, I share much of the passion that we have heard today. Not a lot gets me emotional, but I remember, in my early days as a constituency MP,

[Justin Tomlinson]

meeting young carers, who are often forgotten in debates about carers. I am talking about children who have often lost the things that we all took for granted when growing up, as they have taken on caring responsibilities. It was a particularly moving meeting, and one that I have never forgotten, so I was happy to step in for this debate.

The Government recognise and appreciate the vital contribution made by informal carers, who provide invaluable support for relatives, partners, friends and neighbours who may be ill, frail or disabled. We also recognise the important role that many carers' organisations play across the country in supporting carers, including those in the hon. Lady's constituency, such as the Blythe House and Buxton carers' support groups, which I am sure that she, as a diligent constituency MP, will have had much involvement with.

The Government are already supporting carers in a number of ways, including through the benefit system. About 850,000 people currently receive carer's allowance. Since 2010, the rate of carer's allowance has increased from £53.90 to £64.60 a week, with a further increase to £66.15 planned for April 2019, meaning an additional £635 a year for carers since 2010. By 2023-24, the Government forecast a spend of around £3.4 billion a year on carer's allowance, which is a real-terms increase of more than one fifth since 2016-17.

Carer's allowance offers a measure of recognition of the vital contribution that carers make to our society, although we fully appreciate that many make substantial sacrifices to care for their loved ones. That is why in June 2018, the Government published "Carers action plan 2018 to 2020: supporting carers today", which sets out a two-year programme of targeted work to support unpaid carers. The plan puts a focus on practical actions to support carers and gives visibility to the work already under way or planned within Government.

However, I recognise that there are concerns about carer's allowance, particularly around earnings and the possibility that a number of claimants may have been overpaid. Again, I pay tribute again to the hon. Lady, who raised some of those issues, which have been raised in the media, through the work of the Work and Pensions Committee and through her own recent, diligent parliamentary questions. It is in everyone's interest that we deal with fraud and error effectively, preferably by stopping it happening in the first place.

We have been discussing updating our measurement of carer's allowance fraud and error with the National Audit Office over the last year or so. We now plan to start the measurement during 2019, with the intention of publishing revised estimates during 2020. This is vital, because the last time we did this was in 1996-97. A huge amount has changed since then—not only the technology, but the way people work and their circumstances, as the hon. Lady mentioned. We suspect that the estimate of 5.5% fraud and error, which was set in 1996-97, does not reflect the reality today. The new measure, which will come in next year, can accurately set out where we should be, and where we should then target and prioritise our resources to prevent, identify and counter fraud and error even more effectively and efficiently.¹

However, we are not complacent about fraud and error and already have a number of measures in place to deal with it. We are also reinforcing to carers their responsibility to inform us of changes to their earnings and other circumstances. Our priority has been to try to clear new carer's allowance claims as quickly as possible, including during a period where the number of carer's allowance claims has increased significantly. In part, that increase is due to the great work of stakeholders to raise the profile of carer's allowance. We have also done our part by introducing the new online claim system, which is easier to use and—perhaps surprisingly for a Government online system—has a 90% satisfaction rate, so there are certainly some lessons for us to learn there.

Our performance here has been consistently improving, partly as a result of recruiting new staff—an additional 150 in the last 12 months alone. Many of them are based in the Preston, Blackpool and Swansea offices. I know that the Minister for Disabled People, Health and Work visited the Preston office in the summer, in her role as the Minister responsible for carer's allowance. She was very impressed with the enthusiasm and hard work of the staff.

Ruth George: The Minister says that performance is improving. In what way is it improving? Does he mean that they are now going back over these historical overpayments and requesting them back from carers? Most carers and most people in this House would not see putting right the wrongs of previous years by finally investing in compliance to be a performance improvement, at least not for the carers that it affects.

Justin Tomlinson: I am coming on to what those staff will be doing and the improvements that we are bringing forward. As well as focusing on new claims, we are working hard to reduce backlogs elsewhere in the system, remind carers of their responsibilities and make better use of available technology.

The Department for Work and Pensions takes every care to explain a claimant's responsibilities when they apply for carer's allowance. This includes the need to report changes on time. Our annual notifications help remind claimants how important that is. We also provide information on the website gov.uk, while customers who need additional advice can contact the Carer's Allowance Unit for further information, and we encourage stakeholder groups to help to share that information.

I absolutely understand the points the hon. Lady made about whether the guidance is perfect. When the Work and Pensions Committee raised questions with the Minister, we recognised that there were improvements to be made in this area. We have already made significant changes to the website. I also accept the points made about the letter, which the hon. Lady went through. I will encourage the Minister for Disabled People, Health and Work to meet with her personally to discuss the specific points about the quality of that guidance and information. We absolutely have to get that right, and it was a fair point to raise.

The consequences of not keeping the DWP up to date, including the need to repay overpayments, are clearly stated during the initial claim process and in our annual uprating letters. Therefore, every claimant has an obligation to tell us when their circumstances change. As with all benefits, the DWP has a responsibility to

1. [Official Report, 6 December 2018, Vol. 650, c. 12MC.]

recover an overpayment where a claimant has failed to disclose a change that would affect their entitlement. Where there is an overpayment, the DWP will always look to recover the debt through a sustainable repayment plan. Where a claimant is having difficulty repaying a benefit overpayment, they can request a reconsideration of the amount that is being taken. It is also important to note that once a claimant has told us of a change of circumstances, they would not be responsible for overpayments from that date. However, we must recognise that we need to work with claimants to help them avoid overpayment and to ensure that we pay the correct amount.

In recent years, the DWP has introduced new technology to make it easier to identify and prevent overpayments, with cases checked against earnings information held by Her Majesty's Revenue and Customs. The new verify earnings and pensions—VEP—system, allows us better to check earnings declared by carers to the DWP against tax records, and it allows staff to quickly take any action to clear up any discrepancies. Where we do have arrears from previous exercises, our priority is to ensure that the benefit is being paid at the correct rate in order to provide regular financial support. Once we have done this, we can determine any overpayment that might have accrued. Even when there has been a delay in dealing with a change in circumstances, as a carer's allowance claimant can earn £120 net of allowable expenses a week, many of these claimants will have been paid correctly anyway. We will be increasing the carer's allowance earnings limit again from £120 to £123 a week from April 2019. The Office for Budget Responsibility forecasts that average earnings will increase by around 5.1% between 2017 and 2019, whereas we will have increased the carer's allowance earnings limit by 6%.

The Government acknowledge the vital role played by carers and the valuable work that carers' organisations carry out on behalf of carers. We recognise that the UK's 6 million carers play an indispensable role in looking after friends or family members who need support, which is why it is so important that carers should continue to have access to a dedicated benefit that recognises their particular contribution to society. Our staff work hard to support carers and pay people the right entitlement. I know that the Minister for Disabled People, Health and Work is very passionate about this, and it is a real priority for her. Equally, there are improvements in place that mean that we are tackling arrears and have a much smoother process for taking account of any earnings changes going forward. I thank the hon. Lady for giving me the chance to talk about carer's allowance.

Question put and agreed to.

11.28 am

Sitting suspended.

Universal Credit and Child Tax Credit: Two-child Limit

[MR GARY STREETER *in the Chair*]

2.30 pm

Alison Thewliss (Glasgow Central) (SNP): I beg to move,

That this House has considered the two child limit in universal credit and child tax credits.

It is a pleasure to serve under your chairmanship, Mr Streeter. It is surreal still to be here debating the two-child limit in universal credit and child tax credit. When I saw the limit and the cruel and pernicious rape clause that stands part of the policy laid out in the Chancellor's Budget in 2015, I was sure that I had made a mistake. After all, no humane Government would propose such a blunt instrument as limiting support to the first two children in a family, or making a woman prove that she has been raped just to put food on the table.

Unfortunately, I was wrong. It is three years, four months and 20 days after that Budget, and the UN special rapporteur on extreme poverty and human rights has found that the UK Tory Government is exactly such an inhumane Government. Despite warnings from all manner of groups, cross-party support and U-turns on other policies over the years, the two-child policy is apparently the one that the UK Tory Government will stick to through thick and thin.

The policy stands in judgment on people's lives and suggests that those who are less well off

“cannot have as many children as they like”—[*Scottish Parliament Official Report*, 24 October 2018; c. 52.]

as Tory social security spokesperson Michelle Ballantyne MSP said. The policy is damaging in the extreme, and I will outline to the Minister exactly why. I would also like to give him the opportunity to think again before the policy hits its next phase in February.

From February, all new claims will be subject to the two-child policy, regardless of when children were born. That means that, although someone might have planned their family in good times, when they could well afford to support three children, the UK Tory Government do not care—they will support only two. Life is unpredictable: it only takes somebody to get ill or die, a partner to leave, or someone to lose their job for life to turn upside-down. We note the plight of the Michelin workers in Dundee, who were not expecting to lose their jobs. None of us would be prepared for such eventualities.

Contraception can also fail. I note research from the Advisory Group on Contraception, which has produced stark figures on cuts to sexual and reproductive health services in England, so help is being lost to many on the ground. I challenge any hon. Member present to plan out exactly and specifically the financial situation for them and each of their children up to the age of 18. It is impossible.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): My hon. Friend has been a tireless champion of tackling this issue. Does she agree that cutting child tax credits is tantamount to directly targeting children with austerity?

Alison Thewliss: I absolutely agree. It breaks the link between need and what somebody receives. These families are no less in need, but their money is being cut.

It is impossible for just about anyone, other than the super-rich and perhaps the royal family, to make plans in the way I described. The UK Tory Government are hacking away at the safety net that a social security system ought to be.

Mr Jim Cunningham (Coventry South) (Lab): I congratulate the hon. Lady on securing the debate. Women are carrying the brunt of austerity—let us be frank about that—whether we are talking about nursery provision, tax credits or the Women Against State Pension Inequality Campaign. The list is endless. Women have made a major contribution in terms of austerity, in the sense that they have carried the burden of the £14 billion of tax adjustments. It is the same with the WASPI women and the savings that have been made on their pensions.

Alison Thewliss: The hon. Gentleman is absolutely correct. The Womens Budget Group has found that 86% of welfare cuts have come out of women's pockets. The Government are taking a gendered and targeted approach, and they should be wary of that.

Angela Crawley (Lanark and Hamilton East) (SNP): The charity Refuge found that the two-child limit is forcing domestic abuse survivors and their children into poverty as a result of an increased financial dependence on their perpetrators. Does my hon. Friend agree that women are ultimately fearful to leave abusive relationships because they cannot support themselves, and that that is another example of where the policy has gone wrong?

Alison Thewliss: My hon. Friend makes a good point, and I will talk about some of Refuge's evidence later, because it is stark and the Government should take heed of it.

A social security safety net ought to be there for everybody—each one of us—when they need it, but by April 2018, the two-child limit had already affected 73,530 households. Well over half of those households—43,420 of them—were in work, so I will not have it if the Minister, or anybody else on the Tory Benches, which I note are remarkably empty, gives us the old Tory trope that the policy is about people on benefits making the same choices as those supporting themselves solely through work. The benefit is designed to give people in the lowest-paid work a top-up, to help support them and to make sure that their children are fed and clothed.

Of those 73,530 households, 2,900 were able to keep their entitlement for a third child by claiming an exemption to the policy. There are largely three exemptions to the two-child limit. None of them is entirely logical, and I would recommend that hon. Members check out the Child Poverty Action Group's page on the exemptions to see how mind-bendingly arcane they are.

The first exemption is the rape clause. I put on record again my absolute disgust at a policy that forces women to fill out a form to say that they have conceived their third child as a result of rape. It is absolutely inexcusable as a policy. For someone to have to put their child's name on a form and say that they were conceived as a result of rape is beyond contempt, and the Government

should know better than to treat women in that way. We know from the figures that, up until April, 190 women across the UK claimed under that exemption. That is 190 women who have had to replay the most traumatic experience of their life to put food on the table. The Government should hang their head in shame.

The second exemption is for twins, but it is not as simple as it ought to be. It applies if twins are born after a single birth, but not before. If someone has twins after two previous children, only one twin is eligible for payment, but both those twins need to eat. There may be two almost identical families with three children—one that had twins and then a single birth, and one that had a single birth and then twins—but only one is worthy of support from the Government, which is completely illogical.

The third exemption is for adoption, but not if someone has adopted from abroad or if they were a step-parent before they adopted the third child, so that is not simple either. An additional exemption has been made for kinship care. I pay tribute to the hon. Member for Great Grimsby (Melanie Onn), who successfully campaigned for that on behalf of her constituent Alyssa Vessey, who lost an entitlement for her own child after taking on caring responsibilities for her three younger siblings. The clear result of the policy and the exemptions is discrimination. Families may have similar circumstances and needs, but some will lose out simply due to the order in which their children were born—something that those children certainly have no control over.

I understand that CPAG will be back in court on the issue before Christmas, and I wish it the very best with its case. It believes, and I agree, that the two-child limit breaches articles 8 and 12 of the Human Rights Act 1998. It is also beyond me how the limit could possibly be compliant with the UK Government's obligations under the UN convention on the rights of the child.

There will also be an impact on blended families and families who may be encouraged to separate to avoid being hit by the limit. A friend also pointed out that women who have children from previous relationships will be caught should they wish to have a child with a new partner, which is very common, whereas the male partner may be able to go off and start a new family more easily without having the children with him.

Dr Rupa Huq (Ealing Central and Acton) (Lab): Is it not depressing that we have debated this issue two Tuesdays in a row? I thank the hon. Lady for coming to the all-party parliamentary group on single parent families. She talked about blended families, which will be hit hardest. The Government abolished the cross-departmental work on child poverty; they are trying to abolish these things, but they have really mismatched priorities. The churches have been very vocal about it, and the Bishop of Oxford spoke last week. Does she have any comment about that?

Alison Thewliss: I absolutely agree, and I commend the hon. Lady and her colleagues for their work in the all-party parliamentary group on single parent families, because those families will be hugely hit by this. It provides huge disincentives for those families to go into work or to progress. It simply puts them further into poverty and makes it harder for them to get out of that poverty.

Kate Green (Stretford and Urmston) (Lab): I congratulate the hon. Lady on securing the debate. Does she agree that this obscene policy is fuelled by the Government's abolition of the child poverty target, which would have compelled them to look at such policies and realise that they could not possibly be compatible with such a target?

Alison Thewliss: Absolutely. I will return to the issue of the policy's objectives and how unmeetable they are, given the child poverty that will result from the policy.

It is absolutely clear that nothing in the policy fits with the Government's objective of giving people a more stable family life. In fact, it plunges families further into uncertainty and crisis, and puts them under tremendous strain.

It is also clear that it will be children who lose out as a result of this policy. It is estimated that this policy will affect—in time, when transitional protections run out—around 3 million children. The Church of England estimates that in my constituency alone 1,600 families and 5,500 children will be affected, which amounts to 36% of the children there. I cannot begin to say what impact this policy will have on the health, education and life chances of those young people.

Carol Monaghan (Glasgow North West) (SNP): Once again, my hon. Friend is making a passionate speech on this issue. Does she share my concerns that there is another issue here, namely that families expecting a third child might be forced to have an abortion as a result of this policy? Often, those are people in faith communities, who are likely to have larger families.

Alison Thewliss: My hon. Friend is absolutely right, and there is clear evidence on this issue, which I will touch on later in my speech. The ends that this Government are forcing families into, and the decisions that those families are being forced to make, are really disturbing.

The cut in this benefit is £2,780 per child, per year, which is a sum that families will struggle to make up through taking on extra work. The Church of England calculates that a single parent with three children who is working 16 hours at the minimum wage—I should say the Chancellor's pretendy "living wage", because it is not an actual living wage that one could live on—would need to work 45 hours to compensate for the loss of income and for this Government's cut. That is assuming that work is available to them in their community and that their children can be looked after by somebody when they are not home. If not, who will do the homework with those children? Who will tuck them into bed at night? Who will make sure that the family is looked after? And what is the mental health impact on that family and the impact on the physical health of the parent, who will be absolutely exhausted after working 45 hours a week and looking after three children, which is a job in itself? The impact on family life must be taken into consideration by the Minister.

There are also real disincentives within this policy, because it will be much harder for families to move into work. The policy will take away the incentive to try to get around the benefit cap, as families will end up losing more if they try to work more.

There is also a disproportionate hit on particular minority groups. The Equality and Human Rights Commission has found that families of Bangladeshi

and Pakistani origin are particularly badly hit by this policy, losing thousands of pounds. For years now, I have been flagging up concerns that 60% of Muslim families and 52% of Jewish families have more than two children. There are also concerns, as my hon. Friend the Member for Glasgow North West (Carol Monaghan) mentioned, among religious faiths that will not use contraception for moral reasons and clearly cannot access abortion services. Therefore, they have very little choice in the decisions that face them.

Of course, this is a particular issue for women in Northern Ireland, where family size is traditionally larger than in the rest of the UK and where, as we in this House well know, women cannot access abortion services on the same basis as we can here. I wonder what the Minister expects women to do in such circumstances.

I want to mention a further point about abortion, because it is becoming the reality for many women. I would like to read directly from the testimonies of women who have spoken to the benefits helpline, Turn2us, because they are absolutely stark and I want the Minister to pay particular attention to them. One woman said she had

"to have an abortion as"

she "can't afford" another child. Another said:

"It makes me want to give up my child for adoption."

Another woman said she was:

"already due another baby when the new tax credit cap came into play. Now I worry I can't afford to budget for a baby as I won't get any extra help."

Another said:

"I found out I was 5 months pregnant and now in a complete panic. I'm too far on for an abortion but I have no way of supporting this child. I was taking precautions and definitely did not plan or expect to have any more children. The marina coil is meant to be more effective than being sterilised."

One woman said she was

"worried that I will not be able to afford the child. I am pregnant at the moment but I am worried it may be twins."

Another woman said:

"I was already pregnant so I could not reconsider."

Another said:

"I didn't plan this child but it's beaten all the odds to get here and I believe in things happening for a reason and also do not believe in abortion, so here we are expecting our 3rd child any day and no help financially. I have worked since I was 15 years old and I can't get help when I need it."

Another woman said:

"This was a surprise and an unplanned pregnancy and I only found out at 20 weeks that I was pregnant due to an NHS mistake and I don't have the money to raise a child. But due to religious reasons I cannot terminate the pregnancy, especially this far along."

How can the Minister possibly justify that? Could he look each woman in these circumstances in the eye and tell them that this policy is about fairness?

Furthermore, Refuge has outlined the risk of this policy to women who are at risk of domestic violence, because the two-child limit exacerbates the control that perpetrators of abuse have over a woman and puts more pressure and risk on the woman. *[Interruption.]* I would like to share that experience, too, with the Minister, if he wants to stop shuffling his papers and pay attention. Refuge has said:

[Alison Thewliss]

“Women have felt more trapped and unable to stay as there was no available money to help them move and leave. The 2 child cap means that some women will be pressured into having more children and becoming financially reliant on the partners for support.”

One resident said that

“whilst pregnant with a 3rd child her ex demanded she have an abortion because he said they could not get any more money for it and when she said she didn’t”

want one

“he tried being violent to enforce a miscarriage.”

Refuge also said:

“Women struggling to manage after fleeing if they have three children feel like they have no support and no money to support the family. It means they feel like they should stay or return to the perpetrator.”

I remind Members that the rape clause form itself states that women are not eligible for support if they are living with the father of the child, which forces women to leave their home before they can do so safely, and we all know that the evidence suggests that that is the most dangerous time—the time that women are most likely to be murdered—if they leave without any kind of safety planning.

Before I finish, I want to tackle the suggestion that the Scottish Government should set about mitigating the two-child limit. First of all, we do not have full control over the welfare benefits system. Why not? Because Labour, through the Smith Commission, would not trust us to have it. We therefore end up being lumbered with a system that Scotland did not design, with policies that Scotland did not vote for, and with the ability only to tinker round the edges, thanks to the work of the Labour party.

For those on child tax credits, which is still the majority of people within the system, we have no way of mitigating these things, because that is a function of Her Majesty’s Revenue and Customs. For universal credit, at the moment we have “administrative flexibilities”. The Scottish Government have changed payment schedules and allowed for direct payment to landlords and separate payments to tackle financial abuse. However, the use of those flexibilities incurs a payment to the Department for Work and Pensions for the administration of them—money I am sure all of us agree could be spent directly on the frontline.

I want to make it absolutely clear that I want this policy to go everywhere and not just throughout Scotland. I have campaigned on a cross-party basis to that end, particularly for women in Northern Ireland, who have often been unrepresented in this place and who have to fill out a separate rape clause form, because they were at risk of prosecution just for filling out the original form. That is why I want to make sure that no woman in the UK gets left behind by this policy. We should be campaigning against this Tory Government and focusing all our fire on the Conservative party, which wants to make women go through this trauma.

However, let us not forget that the Labour party’s official position back in 2015 was to support the two-child limit. Perhaps if Labour Members had voted with us back then on the Welfare Reform and Work Act 2016, we would not be here—three years, four months and 20 days later—discussing this issue today.

Kate Green rose—

Alison Thewliss: I am coming to the end of my remarks; I am sure that Members will get in later with what they want to say.

All of this policy is illogical and bad for the economy. In other parts of my casework, I see working people being denied leave to remain with their families. I see EU nationals being scunnered and moving away from the country that they had called home, due to this UK Tory Government’s Brexit shambles. On DWP policy, I see people being discouraged—actively discouraged—from having children. Who will participate in the labour market in the future? Having children is an economic good. Who will look after the Minister and his family when he is old and in need of care? The UK Government should wise up to the demographic time bomb they are creating with this policy and so many other policies that make no sense. The “Unhappy Birthday!” report produced by End Child Poverty, the Child Poverty Action Group and the Church of England states:

“If you set out to design a policy that was targeted to increase child poverty, then you could not do much better than the two-child limit.”

I would like to know what assessment the Minister has made, other than the numbers released in April, of the impact of the two-child cap on all the areas I have mentioned in my speech—not just one or two of them, but all of them—because there are still too many flaws in the two-child cap, as I have laid out, and as I am sure other Members will wish to. I want to know how he can roll this policy out without that assessment having been done. The assessment has been left to the third sector, the Church—as the hon. Member for Stretford and Urmston (Kate Green) pointed out—and to so many other organisations. The Government have not taken on this work; they have left it to others to do, which is absolutely unacceptable. They need to know what the impact of their policies will be on the ordinary people we represent.

I also want the Minister to explain why he is pressing ahead with extending this policy to all families come February next year, because, on the basis of this policy, people could not reasonably have planned the children that they have had. It is completely unreasonable to expect somebody in good times to think, “Perhaps six or seven years after I have had my child, I might—might—be made unemployed and I might need to claim universal credit.” That would not be in their head; that is not how people make decisions about their families. It is an absolutely flawed notion that people can do that. I want the Minister to pause and reflect, and to tell us that he can pause the policy, stop it rolling out further and end it for good.

Several hon. Members rose—

Mr Gary Streeter (in the Chair): Order. Seven colleagues at least have notified me of their intention to speak, and one or two more are rising. The winding-up speeches begin at 3.30 pm, so please use a voluntary time limit of four or five minutes each, if you would not mind.

2.50 pm

Rushanara Ali (Bethnal Green and Bow) (Lab): It is always a pleasure to serve under your chairmanship, Mr Streeter. I congratulate the hon. Member for Glasgow

Central (Alison Thewliss) on her tireless campaign on this very important subject and on securing today's debate.

The issue sits in the context of the wider debate about universal credit, which will affect 1 million homeowners, slightly fewer than 750,000 households on disability benefits and 600,000 single parents. On universal credit, two in five households will lose about £52 a week in payments, and across many constituencies entire families will be severely affected—if they are not already. In areas where universal credit has already been rolled out, food bank use has increased by 52%. As the hon. Lady said, as part of the 2015 package, from April 2017 low-income families with a third or subsequent child lost their entitlement to additional support through child tax credits.

Kate Green: Does my hon. Friend agree that contrary to what the hon. Member for Glasgow Central (Alison Thewliss) suggested, Labour did not support the two-child limit? We abstained on the Second Reading of the Welfare Reform and Work Bill but voted against Third Reading. Does she agree that we should place that on the record?

Rushanara Ali: I concur. It is really important that the Scottish National party, the Labour party and other parties that oppose the policy continue to work together, so that we can protect families. More families will be affected from February next year, as universal credit is rolled out, and the retrospective element, which the hon. Member for Glasgow Central mentioned, will be devastating. No family could have prepared for a policy that was to be applied retrospectively; nor is it right that children should be retrospectively punished in that way. This, in short, is a punishment of children, and it is totally inhumane. No Government should be standing up for such a policy. Given that the Minister has recently taken on his role and the policy was not his idea, I urge him to reflect carefully on what is being said and on the representation being made to him, to ensure that the policy is reviewed and reformed.

If the Government are concerned about family size and think that families should not be as large as they are, just as with teenage pregnancy, public education exercises can be more successful than punitive measures that punish children. In developing countries, where there is a case for encouraging smaller families because families cannot provide, families sizes have been brought down through education and women's empowerment, but that is a different debate from what is happening here.

Philip Alston the UN's special rapporteur on extreme poverty and human rights recently said of the two-child limit that it is "in the same ballpark" as China's one-child policy, because it punishes people with more than two children. Reports also state:

"The UK government has inflicted 'great misery' on its people with 'punitive, mean-spirited, and often callous' austerity policies driven by a political desire to undertake social re-engineering rather than economic necessity, the United Nations poverty envoy has found".

It cannot be right that in one of the wealthiest economies of the world, our children face hunger and punishment.

Mr Gregory Campbell (East Londonderry) (DUP): In encouraging the Minister to reconsider, does the hon. Lady agree that it is important that he understand

that most people—most of those I meet, anyway—are in favour of reform, because of the complexity of what preceded universal credit, and are in favour of encouraging people into work, but are most definitely not in favour of stigmatising or of ensuring that the very vulnerable in society are punished as a result of the first two?

Rushanara Ali: I agree. I do not think that policies that punish vulnerable people are ultimately likely to succeed, which is why the Minister needs to rethink both this aspect of the universal credit policy and the policy more generally. In their attempt to simplify, the Government have found ways to cut funding. People will be worse off under universal credit.

Since implementation, the policy has already affected 400,000 children, and some 3 million children are likely to be affected. That is why I echo the points the hon. Member for Glasgow Central made, calling on the Minister to review the policy and put a stop to it, certainly until the extension of the policy next February, which will be devastating for families.

In my constituency, a large number of children and families will be affected by the policy. We have a large Muslim population and, as has been mentioned, people of other faiths are also affected. I call on the Minister to take into account the unequal impact the policy will have and the fact that the equality impact assessment is flawed.

Dr Huq rose—

Rushanara Ali: I will have to conclude, to give others the opportunity to speak. The equality impact assessment does not recognise the negative consequences for certain groups. More than 100 MPs wrote a letter to the Prime Minister, copying in the then Work and Pensions Secretary and the Chancellor, and we have still not had a response, which is really unfortunate. I encourage the Minister to go back to his Secretary of State and ensure that she responds to it and seriously rethinks the policy so that children in our country are protected.

Several hon. Members rose—

Mr Gary Streeter (in the Chair): Five minutes each. Thank you.

2.56 pm

David Linden (Glasgow East) (SNP): It is a pleasure to serve under your chairmanship, Mr Streeter, and to follow the hon. Member for Bethnal Green and Bow (Rushanara Ali). She made a very reasonable speech, but I do want to correct the record. Even as she was speaking, I found an article from 2015 on the BBC News website entitled, "Harriet Harman: Labour to back child tax credit curbs". I am happy to place a copy of it in the Library, so that the House can correct the record.

I congratulate my hon. Friend the Member for Glasgow Central (Alison Thewliss) on securing this important debate. Before my election to the House, I had the privilege of working for her for two years, and it was then that I saw at first hand how tenacious she was in pursuing the issue, when no one else had seen it and it was buried at the back of the Red Book. It is fitting that, three years on, she is still prosecuting the British Government for one of the most outrageous policies ever to emanate from Westminster.

[David Linden]

Before I speak specifically about universal credit, I want to say a few words about the very concept of the two-child policy. Even three years on and having developed a degree of knowledge in the subject, I still cannot fathom how the policy got through Cabinet, let alone on to the statute books. In the past, the Conservative party could, probably quite justifiably, lay claim to the mantle of being the party of family values, but the two-child policy is so anti-family that I hardly know where to start.

I will start with the Conservatives' outrageous claim that people should have only the number of children they can afford, as if that is a calculation people make when planning a family. If we followed that logic, we would be left in a position in which the only people who had more than two children would be the likes of the hon. Member for North East Somerset (Mr Rees-Mogg). What kind of society would we be looking at then?

The two-child policy is deeply offensive to those of us from a faith community. No matter whether it is Presbyterians or Roman Catholics, who forbid contraception, or Orthodox Jews, who for religious or cultural reasons favour larger families, the policy completely disrespects them and their views. I also argue that the two-child policy is short-sighted from an economic point of view. At a time when we have an ageing population, it is important that we also have a growing population that contributes to the tax base and helps to fund public services.

The reality is that the two-child cap is an ideological policy pursued simply to drive a wedge through society and cause a distraction from the real issues. It perpetuates the myth that there are millions of families out there breeding for benefits, when the evidence just does not back that up. The two-child cap breaks the fundamental link between need and the provision of minimum support, and it implies that some children, by virtue of their birth order, are less deserving of support. It is a large direct cut to the living standards of the poorest families of up to £2,780 per child, per year. At a time when people are struggling financially, that is a huge blow for household incomes and shows that the Government are not committed to the very concept of a social security system.

Whether it is the pernicious two-child policy, the medieval rape clause, or the wider shambles of universal credit, which is due to be unleashed next month in Glasgow, families across Scotland are rapidly concluding that social security being administered by the Westminster Government is akin to putting a lion in charge of an abattoir. I argue that a different path can be taken: one that says that social security exists for the good of all in society, and one that values every child, not just the first two. I think that people in Scotland are rapidly concluding that the only path to delivering that fairer society, with a comprehensive, fair social security system free of family caps, rape clauses and universal credit, is through an independent Scotland. Frankly, with policies such as the two-child cap and universal credit, the British Government are only hastening people more quickly along the path to independence.

3 pm

Ruth George (High Peak) (Lab): I have to declare an interest as the mother of four children, albeit spread out over a period of 17 years. I can personally testify that large families have close and deep relationships, and the benefits of having a larger number of siblings are many and varied. However, this Government are seeking to punish families who have had three or more children. With only three children, those families will be losing £2,500 a year from their child element, on top of the cuts to universal credit that mean that 3 million families are set to lose over £2,000 a year. Families with four or more children will lose an average of £7,000 a year. Those families are already on a low income: they have already experienced cuts to tax credits of £1,500 on average, and a further £2,000 under universal credit.

This is not just an issue of child poverty. This is an issue of families facing destitution, with rising numbers of families with three or more children going to food banks. Families do not go to food banks unless their children are hungry. Can the Minister look not just those families in the eye, but look those children in the eye, or the parents who are trying to get their children to sleep at night when they do not have enough food in their stomach? It is absolutely inhumane. The policy will have a similar impact on large families as the benefit cap has on families in households with no work, but large families cannot escape that impact through work. In the Select Committee on Work and Pensions, we have heard of children in families to whom the benefit cap applies being taken into care because, given their levels of income, their parents cannot give those children the basic, decent standard of living that they need to survive. Is that a danger for all large families? It seems to be a return to Victorian times, with families punished for having more children and for not being able to earn enough.

Child tax credit and the child element of universal credit, which stands at £2,780 a year, is paid because successive Governments have recognised that doing so goes some way towards meeting the costs of a child, and have signed up to the ambition of reducing child poverty and increasing children's life chances. The Joseph Rowntree Foundation produced a study that showed the impact of reducing incomes on children's outcomes. Having reviewed over 34 studies, it concluded that increases in income appear to have an impact on cognitive outcomes comparable to the impacts of spending on early childhood programmes or education. However, income influences many different outcomes at the same time, including maternal mental health and children's anxiety levels and behaviour. Few other policies are likely to affect such a range of outcomes at once. It is sad that the Government did not see fit to do an impact assessment on this policy, or to publish that assessment, before they went ahead.

Dr Huq: I pay tribute to my hon. Friend for the work of the all-party parliamentary group on universal credit, which she chairs. Is she aware of the figures that show that 60% of Muslim children and 52% of Jewish children live in families with three or more children? My hon. Friend is doing a great demolition job on this Government, who balance their books on the backs of the poor.

Ruth George: I thank my hon. Friend for her intervention. The policy will certainly have a disproportionate impact on some faith groups, but also on anyone who, for

whatever reason, has chosen to have three or more children—people like my constituent who posted on my Facebook page comments regarding this policy. She wrote that her husband died when she had three children and he was just 40. Why are the Government seeking to punish those children even more? They have already suffered the death of their father, and can now expect to see their income reduced as well. This policy simply does not make sense for the long-term economy of this country, which needs to invest in our children's future in order to grow its way out of the economic mess that the past eight years have left us in. This country also needs to look at the interests of those children, and the impact of poverty and destitution on the 3 million children who will be affected by this policy. Please do not roll this out next February.

3.5 pm

Mr Ivan Lewis (Bury South) (Ind): It is always a pleasure to serve under your chairmanship, Mr Streeter, and I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing this timely debate. As others have said, hon. Members might find themselves experiencing a sense of *déjà vu*, having once again gathered in Westminster Hall to highlight a Government policy focused on hitting the poorest families the hardest. There are 870,000 families with more than three children currently claiming these benefits, with the bottom fifth of the income distribution expecting to lose the largest proportion of their income. We know the policy is set to save the Government £1.6 billion by 2020, which is no small amount. However, compared with the £2.7 billion that the Government are spending on giving an income tax cut to the highest earners, they continue to make it clear that they are not governing in the interests of ordinary working people.

Alan Brown (Kilmarnock and Loudoun) (SNP): The hon. Gentleman might be interested to know that I have House of Commons Library extrapolations of the budget impact of the 2017-18 tax giveaways. The figure for inheritance tax, capital gains tax and corporation tax is £80 billion over the period 2017 to 2025. Does that not show how wrong the Government's priorities are?

Mr Lewis: I agree entirely with the hon. Gentleman. The Prime Minister often talks about supporting those who are striving and working hard, but unfortunately in reality, the consequences of Government policy are the precise opposite.

We know that the Government are targeting minority and religious groups with this policy. In my constituency, the Haredi community will be the hardest hit. There is a substantial differential impact on religious communities for whom family size is determined by beliefs and for whom culture is also a determining factor. That was omitted from the Government's impact assessment, and the Minister might want to respond to that in his concluding remarks. Some 31% of all children live in households with three or more children. For families of the Jewish faith, the proportion is 52%; for families of the Muslim faith, it is 60%; and we know that many families of the Christian faith also have three or more children. We do not expect that those families will change their behaviour because of this policy, which significantly penalises them for their religious beliefs. What has it come to when a Conservative Government

are attacking the concept of religious freedom in our society, which is precisely what this policy does? I know that sometimes people do not like talking about faith, but we should say that the concept of religious freedom is central to British values. This policy goes right to the heart of undermining that principle, but it was not even part of the Government's impact assessment, which is absolutely shameful.

Families with more than two children face a cruel poverty trap, as others have said. They are unable to work their way out of poverty because, for every extra pound they earn, the Government will reduce their two-child allowance by 75p. Those changes severely undermine the financial security of larger families, who stand to lose up to £2,780 for each additional child beyond the first two. Many families will be unable to meet their children's essential needs. An estimated 200,000 more children will be in poverty as a direct result of this policy. Children raised in poverty, as many hon. Members know, face many disadvantages: worse life expectancy, worse educational performance, and poorer health. Although the policy may make some short-term savings, in the long term it causes tremendous economic and social costs to our society.

One of the most shameful things about the Government's record is the abandonment of any notion of a child poverty strategy. Right at the heart of any Government that sought to govern in the interests of all of the people of this country, as a top priority, whatever one's ideology, should be the fight against child poverty. The Government have abandoned strategy and a cross-Government approach. They no longer have targets, which means there are consequences. There is no focus whatever in Government to tackle child poverty as a policy priority. We then end up with policies such as those we are debating today, where no impact assessments have been done, adding to child poverty. What kind of society is the Government seeking to create? Most of those affected are working families who are in the just about managing group. Again, the Prime Minister talks about that all the time, but there is a gap between rhetoric and reality. Substantially cutting support sends an unhelpful message about the rewards of work.

In conclusion, the policy does a number of things. It hits the poorest the hardest. It increases child poverty, risks an increase in abortion, undermines religious freedom and causes vulnerable women to be even more vulnerable. The Minister must surely accept that now is the time to U-turn on such an appalling policy.

Several hon. Members *rose*—

Mr Gary Streeter (in the Chair): I call Jim Shannon. You have five minutes.

3.11 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate, Mr Streeter. I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing this debate and for her perseverance in this matter. She has been an absolute stalwart and it is a pleasure to come and support her in these debates in Westminster Hall or wherever they might be.

As soon as I heard of this proposal, my immediate thoughts went to China and its child limitation policy. I can remember thinking, "How can we say that the state should help a mother to work and care for two children,

[Jim Shannon]

but not three children or four? Why should the state and we in this House make that decision?" My parliamentary aide is the youngest of five children and she takes great pride in saying her parents kept going until they reached perfection, and Naomi is undoubtedly perfection. I can never say anything other than that. She will listen to this debate and that will confirm it. Probably I will be in her good books on Friday morning when I see her once again. I say that tongue in cheek, of course, but the principle is that her parents wanted a large family. It was their decision. Mum worked a little and dad had a full-time job. Today mum would not be able to work at all. That is a fact. Is that what we seek to promote? I say to the Minister with great respect that we must review this.

In the short time that I have I want to speak specifically about one organisation that contacted me. I will provide some background on the organisation called Refuge and what its opinion is. I had not considered entirely the implication of the rule for families experiencing domestic abuse until I read a briefing by Refuge. It certainly opened my eyes to the harsh reality for families throughout the UK. I sincerely hope the Minister hears what I say about the facts of the case. I hope it will open Government eyes to the situation and how we must change it to address the issues in my constituency of Strangford and in every other constituency in the United Kingdom of Great Britain and Northern Ireland.

The briefing highlighted opinion based on experience in Refuge centres throughout the United Kingdom. There is vast experience in the service that supports more than 6,500 women and children on any given day. That is the magnitude of what Refuge does. The services that Refuge provides include a national network of 42 refuges, community outreach, independent advocacy, child support services, and the freephone 24-hour national domestic violence helpline run in partnership with Women's Aid. It does tremendous work. Refuge highlighted the problem:

"Policies which limit what is typically women's income will inevitably lead to difficulties for survivors of gender-based violence. The two child limit inhibits and deters survivors from fleeing their abusers, where some cannot even afford to travel to a refuge. Once women have decided to leave, the added financial barriers to rebuilding their lives lead some women to question their decision, and sometimes return to their abusers."

That is unfortunate. We do not want that to happen and I know that the Minister would not want that to happen. Refuge further explained:

"The policy itself has also been used as an excuse to perpetrate abuse. Refuge has supported a survivor whose abuser attempted to induce a miscarriage with violence because they wouldn't get money for another baby."

We must not let that happen, nor would the Government agree to that. That example shook me to my core, and it should shake everyone in this House to their core. It is clear that consideration must be given to circumstances such as those, and the limit must be changed.

The Refuge research found that the two-child limit is forcing survivors and their children into poverty and increases financial dependence on perpetrators. The two-child limit and lack of adequate support also act as a deterrent for many women who do not want to leave, as they fear they will be unable to support themselves and their children. Women's lack of economic resources

when they decide to flee and the added financial barriers to rebuilding their lives leads some women to question their decision to leave, which for some leads to their return to abusers.

In conclusion, the experience of Refuge, Women's Aid and other charitable institutions must be recognised and must drive a review of the policy. I wholeheartedly ask the Minister to consider that. Life is tough for families and tougher still for those in abusive situations. We need to do what we can to help, and imposing a two-child limit on help to enable women and families to be financially secure is not helping. If we listen to the charitable institutions, it actually does harm. We must make a change, and I look forward to hearing the Minister's response.

3.16 pm

Danielle Rowley (Midlothian) (Lab): It is a pleasure to serve under your chairmanship, Mr Streeter. I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing this very important debate and for highlighting the appalling impact of the policy. Her speech was very emotional. She covered the exemptions very well, so I will not touch on those because time is tight, but I want to voice my disgust at the rape clause and echo what she said in her speech about how unfair and unjust the other exemptions are. We agree that the Tory cuts are abhorrent and must be scrapped immediately.

In 2018-19, families with three children will lose up to £2,780 each year per child who does not qualify. I am not sure what impact that would have on some Cabinet members, but for families in my constituency in Midlothian it will have a massive and detrimental impact on their lives. An Institute for Fiscal Studies study from last year estimated that relative child poverty would increase over the next four years by 7%. It highlighted the two-child limit as a major factor in that rise. The Government's own impact assessment in 2015—there have not been any more recent impact assessments—in the section entitled "Impact on protected groups", acknowledges that the policy will probably have a disproportionate impact on women, ethnic minorities and people with other protected characteristics, yet there are no measures set out by the Government to mitigate that impact.

We have heard about the retroactive element of the policy. Households with three or more children who make a new claim will be required, as of February 2019, to claim universal credit, so they will be impacted by that and affected by the two-child limit, even if their child was born before April 2017. The hon. Member for Glasgow Central highlighted a letter from a constituent and the absurdity of the impact. Last month, I asked the Secretary of State for Work and Pensions how the retrospective implementation of the policy would

"encourage families to reflect carefully on their readiness to support an additional child",

Which is one of the stated aims of the policy, but I was given no coherent answer. Will the Minister answer that for me today? Scottish Labour would scrap the two-child cap in the upcoming Scottish Budget. That is we will call for.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): Does my hon. Friend agree that the hon. Member for Glasgow Central (Alison Thewliss) is absolutely right

to get stuck into the Government over this abhorrent policy? As in the case of the bedroom tax, whether there is anything at all that the Scottish Government can do to help, we simply cannot and must not look our constituents in the eye and say, “We can act, but we are not going to because we should not have to.”

Danielle Rowley: I agree with my hon. Friend.

Carol Monaghan: Will the hon. Lady give way?

Danielle Rowley: I only have two minutes left, so I must press on.

The SNP have argued against covering for Tory welfare reform, and I agree that it should not exist in the first place; but such political posturing helps no one. The powers of the Scottish Parliament should be used to stop families struggling.

Angela Crawley: On that point, will the hon. Lady give way?

Danielle Rowley: I am sorry, but I must press on. I am quite confused about SNP policy, because the hon. Member for Glasgow Central said she cares about families and children across the UK and wants the policy to be stopped across the UK; but the hon. Member for Glasgow East (David Linden) said that the only way to end the situation was independence for Scotland. I should like to know whether they care about people across the UK, or only about people in Scotland.

Angela Crawley: Will the hon. Lady give way?

Danielle Rowley: I will not. I want to ask the Minister how he thinks the retroactive application of the policy will affect families who already have more than two children. How will it achieve the policy’s stated aim of making the system fairer and changing people’s financial choices about having children? In addition, there is no evidence that that would happen. What steps are being taken to ensure that women, ethnic minorities and other protected groups are not affected disproportionately by the cap? Have the Government made any assessment of the mental health and wellbeing impact of the policy?

The policy pushes more children into poverty. It targets women with no real assessment, and it is a good example of the Government engineering society to punish the less privileged for having children.

Several hon. Members *rose*—

Mr Gary Streeter (in the Chair): Order. There are eight minutes to go and two Members left to speak. I call Paul Sweeney; there are four minutes each.

3.21 pm

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): I congratulate the hon. Member for Glasgow Central (Alison Thewliss) on obtaining the debate and on her tenacious campaigning on the issue over several years.

The policy is totemic, highlighting the callousness of conservatism at its core. By contrast, the previous Labour Government reduced child poverty from 3 million in 1998 to 1.6 million in 2010. That was a remarkable

achievement, unprecedented in modern history—an amazing societal achievement for our country. It was not done by accident. If support for households had increased only with inflation, child poverty would have been 4.3 million by 2010. The reduction happened because of huge, sustained above-inflation increases in targeted support for families and children. That is how we were able massively to reduce child poverty in this country and it is why I am proud to be a Labour party Member of Parliament. It will always be the party that defends the most vulnerable in society. We can look towards the contrast between what was achieved under Labour, and the disgusting policy of the Tory Government with the introduction of universal credit, which the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) praised, saying it would allow the poorest families to make the same financial decisions as other families who are not reliant on welfare. That is clearly absurd, when we consider that approaching half the workers in this country earn less than £13,000 a year.

Neil Gray (Airdrie and Shotts) (SNP): The hon. Gentleman is right to point to the record of the Labour Government; it has a strong record on the issue. However, does he regret the comments of his colleague, the right hon. and learned Member for Camberwell and Peckham (Ms Harman), when she was acting leader of the Labour party during the passage of the Welfare Reform and Work Act 2016, that she could not oppose the Government’s plan to reduce the benefit cap and would back the two-child limit?

Mr Sweeney: Let me make one point clear: the evidence is that we voted against the Third Reading of that Bill, when it mattered. The rhetoric at the time is irrelevant. Also, the Labour party is of course now under very new management, with a radical approach to abolishing the policy. The point is irrelevant.

A Government who react to children’s pain in the way that is the subject of the debate—by callously making a comparison with a market decision such as buying a car or a house—are not fit to govern. That is what we face when the Conservative Government take that attitude towards children’s pain. The children do not make those decisions. We have a duty to establish a welfare state that goes back to its founding principles of drawing a line below which no one will fall, and above which everyone can rise. That is the fundamental principle of the universal system of welfare in this country. While I want a UK Labour Government who fulfil their pledge to end the rape clause across the whole UK, we should use powers wherever they can be found to mitigate the policy and reduce harms in society where possible.

Angela Crawley: Will the hon. Gentleman give way?

Mr Sweeney: I am sorry, but I have already given way and have only five minutes for my speech.

We have the opportunity to make an impact in the Scottish Parliament, where there are powers to mitigate what is being done. It is four years since the Smith Commission, and the SNP has delivered only a single payment to carers. Families suffering the evil Tory cap on welfare need help right now. Indeed, that is not beyond the realm of possibility: to eliminate it in Scotland would cost £4,000 per child, which is less than less than 10% of the budget underspend of the Scottish Government.

[*Mr Sweeney*]

It is very much in their gift and they can achieve it, with the £10 billion extra they achieve from the Barnett formula. We must take action on all fronts to oppose the callousness of the Conservative party. Let us not pretend we cannot take robust action at all levels of Government to deal with the matter and minimise the harms faced by children.

3.25 pm

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is a pleasure to serve under your chairmanship, Mr Streeter. I congratulate the hon. Member for Glasgow Central (Alison Thewliss) on an interesting speech that combined elegance and passion.

I am a father of three: they enrich my life, and my wife's life. A point was made in the debate about twins, which struck home with me, because I am the father of twins. I can see what a big difference the order of their birth could make. I have a certain reputation in this place for talking about universal credit, and I have so far concentrated on the rural issue of lack of IT access and perhaps of people trained to use it. I make no apology for always stressing the issue of remoteness, given the constituency that I represent.

Hannah Bardell (Livingston) (SNP): Does the hon. Gentleman agree that, given that in rural areas across the UK employment can be a challenge, and that 30% of benefit claimants are in work, the policy will disproportionately affect families in rural areas, where depopulation is a huge challenge?

Jamie Stone: That is an entirely fair intervention, and I accept it for what it is.

Let me give the example of a family, perhaps living in a remote strath in Caithness, Sutherland or Easter Ross, and consider the problems they would have. The cash, as we know, is limited after the birth of two children. The mum would almost certainly face increased costs for transport—to school or to use the NHS—and for food, because sadly prices get higher the further a place is from Edinburgh and Glasgow. There would be higher costs for heating and delivery. I want to raise with the Minister this afternoon the fact that we pay an extra charge for having some basic things delivered to our homes in the remotest areas. There would be higher costs for the children's clothes or—let me put it this way—for getting to the charity shop, which is the challenge for many families. Even harsher still is the cost of getting to the food bank—not that I approve in any way of the fact that we have to have food banks in this day and age. It is a concept that was unheard of in my parents' time in Scotland.

In fairness to the Scottish Government, I am aware of the good work that has been done on the bedroom tax, and I know there is a limit in absolute terms to what the Scottish Government can do. Having been a Member of the Scottish Parliament for some years I recognise that, and it is best to be absolutely straight about it.

I had a happy childhood, and am extremely fortunate to have done so. It was free from anxiety. There is no doubt that anxiety can scar today's children for the rest of their lives. To quote the hon. Member for Glasgow

Central—I hope I do so correctly—the social security safety net should be for everyone. That includes people in my constituency in the remotest parts of the UK, as well as those who live in more central areas. I hope and trust that the Minister will take my points on board. I mean them sincerely, for the sake of the people I represent.

Mr Gary Streeter (in the Chair): We now move to the speeches of the three Front-Bench spokesmen—one speaking from the Back Benches, I see, which is fine. We will leave a minute and a half for Alison to have the final word. I call Andy Gray—I mean Neil Gray. I beg your pardon.

3.28 pm

Neil Gray (Airdrie and Shotts) (SNP): I wish I had Andy Gray's left foot, Mr Streeter. It is a pleasure to serve under your chairmanship, and to receive that footballing accolade. That was some light relief after a stark debate.

I welcome, congratulate and thank my hon. Friend the Member for Glasgow Central (Alison Thewliss), who secured the debate. She has been tenacious, dogged and diligent in her campaigning, and it has been a pleasure to be on the Benches with her as she has gone about that in the past three years, and to provide what support I have been able to give for her work. It has merited awards at all levels, although I know that is not why she does it. She does that work to make the lives of her constituents and of the people up and down these isles better. She recognises injustice when she sees it, and she seeks to tackle it. I commend her campaigning efforts, which continue today.

My hon. Friend's speech, as ever, was detailed. She highlighted the fact that next year this abominable scheme is set to get even worse, as children will be targeted regardless of when they were born. She is right to challenge people—Ministers in particular—to state the circumstances in which those children will be living for the duration of their childhood and the ways parents should budget for them. I would love to see an 18-year family budget in front of me. She was also right to say that 73,500 households have already been affected, a large proportion of which already include people in work. The apparent principle behind this policy, which is to get more parents into work, is self-defeating as it is already happening. I suspect there is an ulterior motive that the Government do not wish to discuss.

My hon. Friend was right to mention the rape clause exemption, because that despicable, disgusting example of UK Government policy has meant that 190 women have had to note the names of children who were born as a result of rape. That we allow that to continue is a stain on us as a society. I find it extraordinary that the Minister can sit and listen to the stories that my hon. Friend read out and the examples from Turn2Us of people in desperate need of help, and then shrug his shoulders as if this is not an issue and nothing needs to be done. I suggest that he comes to one of our constituencies to hear how this policy is impacting on our constituents. Perhaps he could do a shift at Turn2Us and listen to people in desperate need of help as a result of policies that he continues to support. My hon. Friend was right to say that the children impacted by this policy have no say over events that control their lives. They have been targeted by austerity, which is shameful.

The hon. Member for Stretford and Urmston (Kate Green) was right to point out how incompatible this policy would have been if the Government had targets to reduce child poverty. No wonder that the new Secretary of State and Ministers were so desperate to attack Philip Alston personally for the initial findings in his report. I think they protest too much, because they know all too well the problems with child poverty that they are causing.

Again, I commend my hon. Friend the Member for Glasgow Central, and thank her for securing this debate. It has been a good, positive and largely consensual debate, not least because no Conservative Member chose to speak. From the Labour Benches, the hon. Member for Bethnal Green and Bow (Rushanara Ali) was absolutely right and made an interesting speech, and I welcome her support for my hon. Friend's campaign. The hon. Member for High Peak (Ruth George) made another helpful speech, and I commend her work as chair of the all-party group on universal credit. She gave good, if horrible, examples of the traumatic devastation caused by this policy. The hon. Member for Bury South (Mr Lewis) was right to point out the poor choices made by this Government. We made those points clear during a debate on the Budget, and that was reinforced by the intervention of my hon. Friend the Member for Kilmarnock and Loudoun (Alan Brown), who highlighted that between 2017 and 2025, £80 billion will have been spent by the Government on tax giveaways. That should give us all pause for thought.

The hon. Member for Midlothian (Danielle Rowley) was right to say that the policy will have a disproportionate impact on women and people from ethnic minority groups, and the hon. Member for Glasgow North East (Mr Sweeney) was right to point to Labour's record in government, which I acknowledged, although Labour policy has perhaps been rather sketchy from then until now. My hon. Friend the Member for Glasgow East (David Linden) was right to ask how on earth, when discussing policy around the Cabinet table, nobody stood up and said, "Actually, you know what? I see where this is going. This is a disaster of a policy. This is disgraceful, not just from a social perspective but economically in terms of forcing people, including children, into poverty." How did nobody round that table, or since then, speak up and say that this is wrong? I find that incredible. My hon. Friend was also right to highlight the religious discrimination at the heart of this policy, and I commend him for that.

This would not be a Westminster Hall debate if I did not sum up a good speech by the hon. Member for Strangford (Jim Shannon). The question why we should make these choices for families was at the heart of his remarks, which is absolutely right. This policy is not about people making choices about being in or out of work, as my hon. Friend the Member for Glasgow Central so eloquently put it; this is about limiting the choices of people on low incomes and their families, and about how many children they can have and what they do in their circumstances. The hon. Gentleman was also right to highlight evidence from Women's Aid and Refuge. The list of organisations that the Government are ignoring and being tin-eared about could go on.

In conclusion, let me mention the work that the Scottish Government have done since 2010 to mitigate the UK Government's disastrous austerity policies.

Work on the bedroom tax involving more than £100 million a year has been mentioned, but something that is often forgotten about, and one reason why Scotland performs much better than the UK on child poverty levels, is the council tax reduction scheme. That scheme has cost the Scottish Government £1.4 billion in recent years—a substantial investment to ensure that people on low incomes do not suffer the burden of council tax in the same way as other people across the UK, whose council tax reduction scheme has been scrapped by the Government. In Scotland we have also utilised some of the flexibilities available to us for universal credit, which costs another £1 million a year.

Ged Killen: Will the hon. Gentleman give way?

Neil Gray: I am just about to conclude my speech and I am conscious of time.

The Scottish Parliament and the Scottish Government will continue to do all they can to ensure that we do the best possible, and the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) was right in his bipartisan and measured speech. He said that the Scottish Parliament cannot be a Tory mitigation Chamber; it has to be more than that. There must be a limit to saying that the Scottish Government must always paper over cracks that have emerged from Tory policies. We must go after the problem at source. Therefore, rather than having a party political fight with the Labour party—I am not interested in that—I want us to continue with what, for the majority of this debate, was a cross-party attack on the Government's policies. If Scottish Labour Members continue with that focus, instead of attacking a Scottish Government who are already mitigating the effect and doing what they can to reduce child poverty in Scotland, we will have a fair debate. We must end this two-child cap and the benefit freeze, and ensure that the Government do what they can in terms of work allowances and universal credit. Until that time we will not stop campaigning against this Government, and I hope Labour Members will join us in that.

3.38 pm

Mike Amesbury (Weaver Vale) (Lab): It is a pleasure to serve under your chairmanship, Mr Streeter, and I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing such an important debate. She shares my view, and that of many colleagues, that the two-child limit is unfair and adversely affects tens of thousands of families. That policy stands out, tragically, as a clear example—perhaps the clearest example—of a Tory welfare system that is failing and unsupportive of those most in need. That view is shared not just by those of us in this debate; it is shared by charities and many advocacy groups, and much of civil society.

Earlier this year, 60 Christian, Muslim and Jewish religious leaders strongly condemned the policy, arguing that it sent a message that some children matter less than others. Disappointingly, however, some do not share that view. The former Work and Pensions Secretary, the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith), described it as a "brilliant idea", and believed that it would force claimants to make the same life choices as families who are not on benefits, and incentivise them to seek work or increase their hours. We have heard from this debate that it is certainly not a brilliant idea. The claims about life

[Mike Amesbury]

choices and incentives show nothing but disdain for the people and families who our welfare state should be supporting and show no understanding of the precarious reality of the world of work for many at the sharp end.

While the two-child limit was possibly the most pernicious element of the approach, we should not forget that it was part of a package of welfare reforms to tax credits and universal credit announced in the 2015 Budget. The Child Poverty Action Group has estimated, as my hon. Friend the Member for Bury South (Mr Lewis) pointed out, that the two-child limit alone will lead to 200,000 more children growing up in poverty by 2020. It is also a policy that causes one sibling to lose out at the expense of another, with one child being of more value than another. Surely that is not fair or right.

Alison McGovern (Wirral South) (Lab): Does my hon. Friend agree that there is a simple unfairness at the heart of the policy? We should no more support it than support one child in a family getting access to education and another not, or one getting access to health services and another not.

Mike Amesbury: I agree entirely with my hon. Friend and neighbour. Children are children.

From April 2017, low-income families lost entitlement to additional support through child tax credits or the child element of universal credit for a third or subsequent child born after that date. If the family was already claiming support for three or more children before that date, in principle they continue to receive support. However, to demonstrate the absurdity of the policy, if a third or subsequent child born after April 2017 is disabled, the family will receive child tax credits or the child element of universal credit for that child, but one of the other two children will lose out. As was rightly pointed out by hon. Friends across the Chamber, that is an attack on some of the most vulnerable in society: children. The policy also discredits the claim of this Conservative Government that they are the party of the family and of religious freedom. It is yet another example of why the roll-out of universal credit needs to be stopped.

The Government must end the delays in payment, and it must also end one of the most shocking consequences of the legislation: the rape clause. Another former Secretary of State for Work and Pensions, the right hon. Member for Tatton (Ms McVey), made the extraordinary claim that the policy potentially offered rape victims double support: social security and “an opportunity to talk” about the assault. That was insensitive to say the least. As hon. Friends have pointed out, it was absolutely appalling.

Hannah Bardell: The hon. Gentleman is making a very powerful point. Does he agree that it is a very special kind of grim hypocrisy for a Government who have scrapped the child poverty targets and are heading towards a Brexit disaster that will see tens if not hundreds of thousands of jobs lost to then target the most vulnerable in society? They will no doubt be losing jobs as a result of Brexit, but the Government have brought in a policy that marginalises and breaches the human rights of so many vulnerable members of our society.

Mike Amesbury: I agree entirely with the hon. Lady. What the former Secretary of State said demonstrates how out of touch Ministers are. Perhaps more of them should have attended the debate today, because they would have heard many contributions that have laid bare the misery the policy is causing. We heard contributions from 10 Members: my hon. Friends the Members for Glasgow North East (Mr Sweeney), for Ealing Central and Acton (Dr Huq), for Stretford and Urmston (Kate Green) and for Bethnal Green and Bow (Rushanara Ali), the hon. Member for Glasgow East (David Linden), my hon. Friends the Members for High Peak (Ruth George) and for Bury South, the hon. Member for Strangford (Jim Shannon), my hon. Friend the Member for Midlothian (Danielle Rowley), and the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone). They are all very powerful voices for vulnerable children in this place.

This weekend, the leader of Scottish Labour called on the Scottish Government to mitigate the impact of the two-child limit. I urge the Scottish Government to use their powers to do so in advance of the budget on 12 December. They are already planning to use the new social security powers to introduce an income supplement. I urge them to help the 4,000.

Alan Brown: Does the hon. Gentleman accept the early points made about the limits to what the Scottish Government can do? He should bear in mind that they are not only trying to mitigate Tory cuts; these things are happening against a £2 billion cut to the Scottish budget in real terms. They are trying to mitigate Tory cuts with both hands tied behind their back.

Mike Amesbury: As my hon. Friend the Member for Glasgow North East said, there is a £10 billion supplement from the Barnett formula. We have heard the stories, and I have questions for the Minister.

Angela Crawley *rose*—

Mr Sweeney *rose*—

Mike Amesbury: I am sorry, I cannot give way any more; I must move on.

Some 59% of the 73,500 families who lost financial support are in work. What does it say about the Government's claim that they are encouraging people into work if their policy chastises those very people? According to the Government's own figures, each family claiming benefit lost up to £2,800 in 2017-18 as a result of the two-child limit. How is such a callous approach helping to support families and helping to tackle poverty? Some 2,820 households were exempted during the first year, the majority because they had breached the two-child limit after having twins or triplets. It would seem that Government policy is divorced from reality. In fact, it is divorced from biology. It is yet another example of a policy conceived out of ideological spite and prejudice, rather than an understanding of real life, of what motivates people's choices and outcomes and even of basic biology.

From February 2019, all households with three or more children who make a new claim will be required to claim universal credit and will also be subject to the two-child limit, irrespective of when their children

were born. That cannot be right. It is not fair that the policy is applied retrospectively. Finally, yesterday, the Bishop of Durham and a cross-party group called for a ministerial direction to delay the February 2019 deadline. Will the Secretary of State and the Minister apply such a direction?

We have seen the effect that the policy is having on many households across the UK. We have seen how it is just one example of how Government social security chaos punishes rather than provides and focuses on savings, not support. The Government need to accept that their approach to social security has failed. They need to stop it, they need to fix it, and they need to fund it. Our communities, our families and, as we have heard today, our children deserve nothing less.

3.48 pm

The Minister for Employment (Alok Sharma): It is a pleasure to serve under your chairmanship, Mr Streeter. I thank the hon. Member for Glasgow Central (Alison Thewliss) for securing this debate. I know she has a long-standing interest in the subject, and earlier this year we met at the Department for Work and Pensions to discuss issues relating to this particular policy. Yesterday, as the shadow Minister just pointed out, there was a cross-party roundtable led by the Bishop of Durham to discuss these issues and I took part for some of the time, as did the hon. Lady. I thank all Members who have contributed to today's debate.

My style is generally not to feed rancour in a debate, because I think it is important that we have a civilised discussion and colleagues have an opportunity to raise issues that are important to them, but the hon. Member for High Peak (Ruth George) talked about the fact that an economic mess has been created over the past eight years. I respectfully say to her that she was not in this House in 2010. A number of us were, and I would say that the economic mess we inherited was from the previous Labour Government. I must point out that 3.3 million jobs have been created since 2010—I see hon. Members shaking their heads in disbelief, but that is a fact—and wages are now outpacing inflation. The vast majority of those jobs are full-time and permanent, at a high level of education. That is not an economic mess.

Rushanara Ali: Will the Minister address the social mess that his Government have created? That includes not only this policy, but welfare and policing—the list goes on. Will he respond to the serious concerns that hon. Members have raised today? That is what we are after: not looking backwards, but addressing the problem at hand.

Alok Sharma: Of course I will address the issues, but it is important to look back and see where we have come from to reach the policies that we are now putting in place.

Several hon. Members mentioned universal credit. I know that this debate is not about universal credit, but I am afraid I must point out that the legacy benefits system is not really fit for purpose. It is incredibly complicated, and as a result 700,000 households are not claiming—or are not able to get hold of—the full amount owed to them. Under universal credit, those households will be £285 better off on average per month. Likewise,

1.4 million people spent the best part of a decade on unemployment benefits under the last Labour Government, but that is changing.

I accept there has been discussion about finances, but I must say to SNP colleagues that, as Labour Members have pointed out, the Scottish Government have the power to create new benefits in devolved areas. They are able to provide assistance to meet short-term risk and they have the ability to top up reserved benefits from their own resources.

Neil Gray: Will the Minister give way?

Alok Sharma: I will, but I point out for the record that the hon. Gentleman did not give way when Labour colleagues wished to raise that precise point with him.

Neil Gray: The Minister points out that I did not give way, but of course I was at the end of my speech; I was winding up to allow him enough time to contribute to the debate. He says that the Budget interventions will make people better off, but the former Secretary of State, the right hon. Member for Tatton (Ms McVey), suggested that people on universal credit were £2,400 worse off. If the Government are suggesting that their intervention will make people £600 better off, does that not mean that people will still be £1,700 worse off as a result of their actions on universal credit?

Alok Sharma: Again, I must respectfully say to the hon. Gentleman and to other Opposition colleagues that it is one thing to say that they want to support their constituents and that I should be prepared to look people in the eye—but they too should be prepared to look their constituents in the eye and explain why they would not vote either for the additional £1.5 billion that we brought in earlier this year to support people on universal credit or for the Budget measures, which I will talk about in more detail.

Several hon. Members *rose*—

Alok Sharma: If I may, I would like to make some progress.

The fundamental aim of our policy is to strike the appropriate balance between support for claimants with children and fairness to taxpayers and families with children who support themselves solely through work. Colleagues may disagree, but a benefits structure that adjusts automatically to family size is ultimately not sustainable. Our benefits system needs to be fair both to those who need the support and to taxpayers, but ultimately it needs to be sustainable. Parents who support themselves solely through work would not generally expect to see their wages increase simply because of the addition of a new child to their family. Of course we recognise that some claimants are not able to make the same choices about the number of children they have; that is why we have exceptions in place for additional children in multiple births and children likely to be born as a result of non-consensual conception.

Ruth George: The Minister makes his case about children who are due to be born. What arguments does he make to parents and families who already have three or more children, who are all going to be affected by this policy and who have absolutely no choice about it?

Alok Sharma: The hon. Lady raises a perfectly valid point, which I will get to if she gives me the opportunity.

From 28 November, exceptions will also apply to children in kinship care, regardless of the order in which they joined the household. The exception will also be extended to children who are adopted who would otherwise be in local authority care. It is also worth noting that as a result of natural or managed migration to universal credit, families' existing entitlement will be protected as long as they remain responsible for the same children and remain entitled to benefits; that will apply regardless of the number of children in their household or their date of birth.

As hon. Members will know, a judicial review of the policy was heard in the High Court earlier this year. The Court found that it was lawful overall—a judgment that the Government welcomed. Several colleagues have spoken about the impact of the policy on particular groups, but I should point out that the High Court judgment on 20 April found that the policy did not breach the right to freedom of thought, conscience and religion.

The Government remain committed to providing support for families. Under universal credit, 85% of childcare costs are covered—up from 70% under the old system—and, for the first time, people in part-time work can get help. That comes on top of the Department for Education's 30 hours of free childcare provision for 3 and 4-year-olds in England.

Mr Ivan Lewis: Will the Minister give way?

Alok Sharma: No, I will not, if the hon. Gentleman does not mind.

The flexible support fund is available to help eligible parents who are moving into work to pay up-front childcare costs or deposits. Child benefit continues to be paid to parents regardless of the number of children within the household. There is also an additional amount in universal credit designed to support disabled children, again regardless of the total number of children in a household.

To return to the Budget, we have listened to feedback about the support available for families on universal credit and we have acted. In last month's Budget, the Chancellor announced that an extra £1.7 billion a year will be put into increasing work allowances for families with children and disabled people, strengthening universal credit work incentives and providing a boost to the incomes of the lowest-paid. This will result in 2.4 million families keeping an extra £630 per year of what they earn.

Alison McGovern: Does the Minister concede that a reduced cut to someone's income is still a cut?

Alok Sharma: I have just explained how, as a result of these work allowances, more money is going into the system. As I say, if the hon. Lady wants that to happen, she should help us and vote for these policies.

Given the points made about poverty, it is worth pointing out that 1 million fewer people are living in absolute poverty than in 2010, including 500,000 working adults and 300,000 children. That is a positive outcome. Children living in workless households are approximately five times more likely to be in poverty than those living in households in which all adults work. There are now 637,000 fewer children in workless households than in 2010—a 33% decrease. The number now stands at a record low.

The Government continue to take action to help families with the cost of living through the national living wage, through reducing the universal credit taper to 63%, through raising the income tax personal allowance, and through childcare support, which I have already spoken about.

Several colleagues raised the changes to be made in February. I will simply point out that the High Court has found the policy to be lawful. From the Government's perspective, this is an issue of fairness, but I will reflect on all the discussions that we have had in this debate.

This has been a useful debate in which colleagues have had the chance to air their views. I hope that I have demonstrated that we are a Government who listen. We have introduced support for families in the system and, of course, we will continue to listen and reflect.

Mr Gary Streeter (in the Chair): Alison Thewliss has the final word.

3.58 pm

Alison Thewliss: I thank all hon. Members who have come along today and contributed to the debate. The opposition to the policy is overwhelming; the fact that not one Tory MP could be bothered to turn up and defend it tells us all we need to know.

The Minister continues to be in denial about this indefensible policy, which takes no account of people's circumstances, instead punishing them for circumstances that they can do nothing about. It is based not on the reality of people's lives but on an entirely twisted perception that poor people should not have children and that women should be forced into having abortions rather than proceeding with healthy pregnancies.

There is overwhelming evidence of the harm that the policy will cause. Figures suggest that it will move the dial on child poverty from 33% to 42%. It has united people across all faiths and all women's organisations around the country—a very unusual thing to achieve. It leaves people in a poverty trap; as has been outlined, a single mum with three kids would have to work a 45-hour week to make up the gap that the Government are leaving in her budget.

I plead with the Minister, as we have all done today. He has the option to halt the policy and prevent it from proceeding in February. I beg him to do so.

Motion lapsed (Standing Order No. 10(6)).

South Eastern Rail Franchise

[MR PHILIP HOLLOBONE *in the Chair*]

4 pm

Robert Neill (Bromley and Chislehurst) (Con): I beg to move,

That this House has considered the future of the South Eastern rail franchise.

It is a pleasure to serve under your chairmanship, Mr Hollobone. Residents in Bromley have had real concerns for years now about the state of service that they get from the current franchise holder of the south-east London and Kent franchise. I know you are not unfamiliar with this area from a past life, Mr Hollobone. It involves the trains going up from the Kent coast, through the London suburbs, particularly in my case, the lines through Chislehurst and Grove Park to London Bridge, Cannon Street and Charing Cross, on the one hand, and, on the other, the line through Bromley South to Victoria.

Southeastern has operated the franchise since 2006. It is one of the largest in the UK with some 1,900 services each weekday. Some 65% of those are commuters travelling at peak times; it is essentially a commuter franchise. My constituency is essential commuterland. It has the second largest number of rail commuters of any constituency in England and Wales, following our neighbours in Lewisham West and Penge. There are a cluster of not dissimilar constituencies in the area because, of course, we have no underground provision and Southeastern is effectively a monopoly provider.

The truth is that it has been a lamentably poor monopoly provider in recent years. There are failings in the train operating company and in Network Rail's operations as well—something like 60% of the failures are probably attributable to the failings of Network Rail. We can put the two together, because it makes little difference frankly for my commuters standing on a platform waiting for a cancelled train or sitting on a delayed train to have any degree of blame shifting between the two. As far as they are concerned, it is one railway and they have no alternative.

Teresa Pearce (Erith and Thamesmead) (Lab): What the hon. Gentleman says about Network Rail and Southeastern is true. People buy a ticket from Southeastern, but the issue may often be with Network Rail, and the two do not work together. I am sure that he will not be surprised that, a few years ago, Network Rail spent a fortune extending all the platforms so that they could take 12-car trains, but Southeastern did not buy 12-car trains. That is the sort of not-working-together that makes the lives of our constituents miserable.

Robert Neill: That is absolutely right. A number of us have raised these issues in the past, and we raise them today because the franchise is due for renewal. It was consulted on in 2017 and is due for a decision imminently.

My constituents are deeply concerned that we will simply get more of the same. I have said publicly, and I have said it to his face, that the Secretary of State missed an opportunity to shake up the franchise when it was re-let on its current geographical basis. I believe, as do many of my constituents, that there is an inherent tension between the needs of those commuter trains

that come up from the coast and those that are part of the London metro service, where they are fulfilling a function similar to that of the tube. It is very difficult to reconcile the inevitable conflicts between the two in the current configuration of the franchise.

Tracey Crouch (Chatham and Aylesford) (Con): I am a Member of Parliament who represents one of the areas where the train comes up from the coast. Along with colleagues from Maidstone and the Weald and Tonbridge and Malling, I have significant concerns about the amount of house building going on. The train service infrastructure is not necessarily there to support that. Does my hon. Friend agree that when a commuter is paying more than £5,000 a year to get into work in London, they expect the service to match the cost?

Robert Neill: That is absolutely right, and I have total sympathy with those further down the line. Investment has not matched capacity. The few trains that come up from the coast and stop at somewhere such as Bromley South are crowded by the time they get there. Despite the promise that the London Bridge rebuild would solve the congestion, it has not, and all too often, it is necessary, for whatever reason, for the signalling arrangements to let trains from the coast go through, sometimes not full, while people are sitting on commuter metroland trains that are absolutely rammed. That is not working for anybody. We also frequently get points failures in that first six miles out of London, and that affects everybody who uses the network, however far they are going.

It is no exaggeration to say that I could probably fill the whole of this half hour by reading out emails, tweets and messages from social media sites that I have received since this debate was announced. I have had scores and scores. The numbers are perhaps exaggerated this time because of the publicity, but it is more or less a normal arrangement for me. There is not a day on which I do not see some complaint or other about some failing on the trains.

I commute up every sitting day from Chislehurst and I see it myself. I got the 8.09 from Chislehurst today. That is supposed to be a service of about 25 minutes, but I allow half an hour, to Charing Cross. That is not what it is supposed to be, but nobody expects these trains to run exactly to time—that is how bad it is. It is an exception if it runs to the minute. As it was, we arrived at 8.55, so it took nearly three quarters of an hour. My maths is not brilliant this afternoon, and I will be generous, but that is a 30% or 40% increase on what the journey time is supposed to be. That is not an exception; all too often, it is the norm.

Constituents say to me that they like the area, but are seriously thinking of moving because the trains are unreliable. As the hon. Member for Erith and Thamesmead (Teresa Pearce) said, that is compounded by the failure to invest in stock. Short train formations are a regular bane on both my lines and those going into north Kent, which creates serious overcrowding at peak hours. There is also pretty poor communication in terms of making people aware of last-minute cancellations and changes. The one shining light of Southeastern is the quality of the station staff at our local stations. I have found every one of them to be absolutely excellent; they really do their best and are well linked into the communities

[Robert Neill]

they serve. It is not their fault. It is a case of lions being led by donkeys, as far as the operation of the franchise is concerned. They deserve better leadership and could do with better investment in some of their stations. They have to bear the brunt of the frustration of passengers who pay a lot of money and are simply not getting the service they are paying for.

The issues have been well documented. The Department conceded that the number of responses to the consultation on the proposed renewal of the franchise was “unprecedented”. It is not surprising, given the amount of anger and angst. There are assurances that the new franchise documents will meet the concerns and that they will be taken on board. People’s trust is running pretty thin. The Minister is new to his post, but trust in the Department is running thin as well, as is trust in the regulatory apparatus and the operator. We were told that there would be much more joint working. The reason given for not redesigning the franchise and putting the metro services into Transport for London was that the Secretary of State wanted to bring train and track together. Although there have been efforts at joint working and there is a joint board, in practice what I seem to get is senior managers from both sides coming and giving me their excuses together rather than separately. I am not sure that it makes much difference to my constituents on the platforms.

There are some pretty blatant examples beyond the daily grind of cancellation and failure. When I was sitting on the train waiting to get into Lewisham about 10 minutes behind time, I had a tweet from one of my constituents, Tommy, who is known to Network Rail because it tried to block him once, because it did not like the fact that he was calling it out for the errors that it was consistently making. He tweeted about three trains delayed in the Lewisham area. He was spot on. That was because they had all been held to allow a late-running Dartford train, which was already behind schedule, to come through. Owing to the way it was operated, there were now four trains behind schedule. Clearly, that joined-up working is simply not happening.

We have had other errors on basic things such as timetabling. A lot of my constituents travel from Bromley North and Sundridge Park, then change to the mainline at Grove Park. That is a busy station, because even trains that start from Orpington are pretty full by then. The timetabling means that often people have one or two minutes to get from one side of Grove Park station—it has about four mainline tracks plus a baby platform stuck on one side—to the other. It is a very short period for people to have to go up a lengthy walkway and then on to a footbridge. That is assuming that the mainline trains run to time. When they do not, the shuttle service leaves without people. People either run—and sometimes slip, as I have seen on the footbridge—and pile on to an overcrowded train, or else they are left hanging around for perhaps half an hour until the next shuttle returns.

Local MPs and I have repeatedly raised the issue of timetabling. Time and again, I have said, “Why can you not align the timetables properly on the Grove Park branch?” but nothing has ever happened. Only three stations can be saved on the app’s dashboard, yet most people would like to have a choice of which London terminal they go from if there are going to be problems.

That has been raised time and again with the most senior level of management. They say, “That’s an interesting idea,” but nothing ever happens.

About a year ago, there was a scandalous incident that ended up being investigated by the rail safety authorities. Just before Christmas, about half a dozen trains were stranded for up to four hours in the Lewisham area, affecting both sets of lines. There was very heavy snow and there were poor weather conditions—I accept that the central rail form of electricity on that line is particularly susceptible—but there was a complete failure to rescue people from the trains in any decent time, as my constituents regularly point out to me. A plan was supposed to be put in place to get people out of those trains—it should have been activated within an hour and got people out within two—but it failed. We had people sitting on those trains for five to six hours with no power.

One might think that something would have been done about that after the report was published by the Rail Accident Investigation Branch, but my constituents remind me that there have been another four incidents of people being stranded for two hours or more. The basic procedures for getting people off delayed trains are still being ignored—there is no other word for it. That seems to be an extraordinary failure.

I could go on at length. An excellent councillor for Bromley Town, Will Harmer, has just tweeted me. He says of the Grove Park scenario:

“Yes, it happened again last night. Train just left as the first person got on to the platform.”

How many times do people have to say that before it sinks into the minds of the people who run Southeastern trains? Another message reads:

“Thanks for raising this, Bob. The delay problems have been steadily getting worse. Southeastern trains have been getting away with murder.”

My constituent Alex Le Vey commutes, and he says:

“The service is getting worse—more overcrowding, more delays.”

Another constituent says:

“Trains are late almost every day. The 17.52”—

it goes down to the Medway towns—

“is 15 minutes late on average, and only on time 20% of the time.”

I mention that because managers, Department officials and Ministers often come out with statistics and say, “Actually, things are improving. Things are getting better. Statistics show that reliability has gone up.” That is not the lived experience of people on the trains and platforms. On the operation of Southeastern trains, I am inclined to take the view that there are

“lies, damned lies and statistics”.

Looking at that scenario, it is understandable that we have real concerns about the franchise renewal. We might well get the same operator or one very much like it.

Matthew Pennycook (Greenwich and Woolwich) (Lab): I congratulate the hon. Gentleman on securing this debate. Many of my constituents are disappointed that the Government changed their mind and ultimately decided not to hand responsibility for the service to Transport for London. Knowing that the franchise will be renewed, they are worried that the renewal might be delayed. Earlier this year, we were promised that there would be an announcement this month—we have four

days left. Does the hon. Gentleman share my concerns that we need a decision to be made, and that the new franchise cannot be delayed? In the minds of my constituents, the worst possible scenario would be the current operator extending the service far beyond April next year.

Robert Neill: I agree. The Minister will not be able to tell me the likely outcome, but some of our problems are with the franchising process. I was a believer in franchising out because I thought it would bring competition, but there are only about three big conglomerates that are capable of bidding for those franchises. Competition is non-existent—those big conglomerates have a nice, captive market, and there is nothing like the incentive that there should be for them to come up with the goods for paying customers.

The hon. Gentleman is absolutely right to say that there is uncertainty and no guarantee of the investment that the network is crying out for. The thought of simply renewing franchises for operators that have failed would be, I think, pretty outrageous to most of my constituents and to most people who commute on that line. They do not want just a change of badging or a renewal or change with lots of promises that things will be better this time; they want to see precisely what is in the franchise document when it is published. We have seen the consultation, but we need to see the contract itself. What benchmarks is the operator being held to, what will be the penalties, and will those penalties genuinely be applied at this time? What more incentives will be offered to Network Rail to keep their end of the bargain? That is a big part of it, too.

What penalty will we sensibly apply to the public sector? When the private sector fails, franchises can be taken away—it should have happened more often in the railway network in the past—but we must also have proper recompense when the publicly owned Network Rail is at fault. What delivery timetables will ensure that overcrowding will be reduced and that the number of signal failures on the Network Rail side will be reduced, and over what time period? When will we have investment in the new carriages and the extra rolling stock? When will we have upgrades to the communications system? I recognise that we have seen some changes, such as to the delay repay system. With respect to the Minister and the Department, that is just skirting round the edges.

It is genuinely a pleasure to see the Minister back in his place. I hope it is not too much of a displeasure for him to have to come and listen to a debate on Southeastern trains again, because he did so a good deal in his previous incarnation. There must be a sense of *déjà vu* for him, as there is for me. Above all, there is a sense of *déjà vu*—not in a good way—for my constituents who are commuters. I am grateful for the opportunity to raise these issues, and after the debate I will happily supply the Minister with a detailed list of all the complaints that have been sent to me on social media platforms. I will get that across to his office tomorrow—it will set out what has happened in the past 14 days or so to one Member of Parliament. I suspect that there are plenty of other Members across the franchise area who can say exactly the same thing, and I look forward to the Minister's response so we can find out what is happening, when we will have some action and real promises, and how those promises will be delivered—frankly, people in our area have had enough.

Tracey Crouch rose—

Mr Philip Hollobone (in the Chair): Order. I am sorry, but I have not been notified that the hon. Lady wanted to speak. In half-hour debates, Members may speak only with the permission of the mover of the motion and the Minister. I am sure she can intervene during the Minister's speech if she so wishes. I ask the Minister to bring the train into the station no later than 4.30 pm, because that is when the debate will end.

4.19 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): Thank you very much, Mr Hollobone. The world of transport provides a wonderful array of images.

I thank my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) for securing this debate and for being a champion for his constituents and the users of this important franchise, which, as he said, has been operated by Govia since 2006. It is the third-largest of all the departmental franchises. There were more than 450,000 passenger journeys per day in the first quarter of this year, so we are dealing with a railway of scale.

The franchise agreement between the Department and train operators includes key performance benchmarks—they all do—to ensure that the franchise delivers with passengers at its heart. I do not think that claim could be made consistently throughout the history of British railways. That is our objective, and that is how I will approach the whole industry.

Despite what my hon. Friend said—I look forward to receiving that dossier, as I am keen to hear direct feedback—Southeastern's performance, as we measure it, is consistently above the average for London and the south-east. Of course, that should never be a cause for complacency. One should always try to improve, and the Department has regular conversations with Govia.

Robert Neill: I anticipated that the Minister would make that point. Will he consider one point? Many commuters on the line firmly believe that the statistics are skewed by, for example, changes to the timetable, which actually lengthen the journey time to give more dwell time between the stations so as to avoid penalties. They feel that there is an element of questionable counting. Once we have sorted this issue out, will he sit down with us to get a common view of how the statistics are calculated? People are beginning to lose faith in some of them.

Andrew Jones: I understand that, but it is important to have a set of statistics that give us comparable data from franchise to franchise over time so we can measure performance. Dwell times obviously influence journey lengths, and they are nearly always to do with how quickly people are able to get on and off changes at a platform. That is to do with the capacity and the popularity of the network. I will look at the statistics. I want a set of customer statistics that we can trust so we can hold the rail companies to account. My job is to speak up for the passenger. We are spending a huge amount of public money, with £48 billion of investment in the next control period, which starts in April, so we need to focus that to ensure we deliver for passengers, including those represented by my hon. Friend.

[Andrew Jones]

We have talked about the new franchise, which has been designed with a specification to ensure that Southeastern joins up with the new Thameslink routes across Kent. That will ensure the best possible service for passengers, in terms of services, space on trains and reliability.

Questions have been asked about the timing of the award of the franchise. It will be made not this week, but in the new year. I will keep all colleagues who are served by the franchise posted on the timing. The reason for the delay is that the evaluation of the agreement for the next franchise has taken longer than anticipated because we wanted to ensure that passengers get the best deal possible.

I completely share my hon. Friend's view that we need reliability. The new franchise recognises the importance of reliability to passengers. As such, bidders must jointly appoint an alliance director with Network Rail, who will be responsible for overseeing joint teams, including one focused solely on performance. That individual is expected to be the single public face of the railway to its passengers. The point about communication in the industry was made clearly. We all know that it has broken down at times, but this is a positive move to address those concerns. Bidders are being asked to work with Network Rail to develop proposals for a digital traffic management system to allow more trains to recover from minor delays and still meet the published timetable.

All those measures are expected to deliver a railway that is more reliable and accountable to the passenger. If my hon. Friend is interested, I would like to invite him to join me on a visit to the Kent Integrated Control Centre at Blackfriars—not too far away—to see the excellent joint working that is already going on between Southeastern and Network Rail. It will be enhanced and built on in future franchises. He may wish to consider that; we can discuss it outside this debate.

The specification for the new franchise is intended to allow room for an additional 40,000 passengers in the morning rush hour by December 2022. It is designed to tackle the crowding levels and uncomfortable conditions on services today.

Tracey Crouch: The introduction of High Speed 1, which runs through my constituency, has helped to alleviate the pressure on the branch lines. In fact, it has been so successful that we have managed to get it to stop at Snodland, around which there has been a vast amount of house building, and it has been enormously popular. I raised the issue with the Minister's predecessor, but there are now concerns that, as part of the new franchise, High Speed 1 will no longer stop at Snodland. Given that there is a delay in announcing the next franchise, will the Minister meet me to discuss how we

can ensure my constituents in Snodland are still served by an incredibly successful and important part of the South Eastern franchise?

Andrew Jones: I will of course be delighted to meet my hon. Friend. We will set up that meeting promptly.

The hon. Member for Erith and Thamesmead (Teresa Pearce) and others asked how we will deliver more capacity. It will be through longer trains. The new trains will be able to carry more passengers because we are increasing the number of the longer 10 and 12-car trains at the busiest times. First-class accommodation will be converted to standard class on commuter services to increase space for passengers further. That builds on the point that this is a hugely busy and hugely successful commuter line.

Incremental changes are being sought to today's timetable that will deliver a more operationally robust daily plan. For example, we are reducing instances where services must cross at congested track layouts, such as those at Lewisham, which are a significant cause of passenger delay. The intention is that the next franchise will deliver a more regular service where possible. The key thing we are trying to get across is that this is about predictably and reliability. I know full well that passengers need a service they can rely on, and that is our plan.

Hon. Members will be interested to know that Sunday services will be enhanced and will be comparable to the level of service on Saturdays—a significant increase from today. There will be a Sunday service on the Bromley North branch for the first time in a considerable number of years. I hope that is of interest to my hon. Friend the Member for Bromley and Chislehurst and the constituents he serves. Services on the Medway line will also be improved, and an additional two trains per hour will run to Ashford via Tonbridge outside the peaks. That will allow Hastings services to miss some stops to improve journey times. I know from my visit to Hastings that that is a key passenger aspiration.

A significant amount of work is being done to deliver an enhanced railway. It is clear that travellers are impatient to see the new services. I fully understand that. We are focused on placing the passenger at the heart of everything we do and working with the existing management of the franchise to maintain and improve its performance before the new franchisee is announced.

The new franchise will offer the passenger very significant benefits. I have urged my officials to ensure we get those benefits as soon as possible. Everybody is impatient for them; that is certainly a message that I have taken from this debate. I thank my hon. Friend and all colleagues who have contributed to the debate. Their contributions have been heard and understood, and we will take them on board as we work to make this rail franchise better.

Question put and agreed to.

EU Settled Status Scheme

4.30 pm

Matt Warman (Boston and Skegness) (Con): I beg to move.

That this House has considered the EU settled status scheme.

This debate is about Europe, which is apparently why everyone is leaving the Chamber—I do not blame them—but at its heart, it is about people. It is about the millions of people across this country who have come from other European countries and made their lives and livelihoods here. It is about people who the Government have been clear from the off that we want to stay and whom we welcome.

In my constituency of Boston and Skegness, Boston itself has grown by one third over the last eight or 10 years, largely down to immigrants from other European countries. With them in mind, I wanted to secure this important debate, in part—I should be frank—to place on the record some of the success of the EU settlement scheme. My constituents are holding their breath because, in the eyes of some, the scheme will decide whether they can stay in this country and carry on living their lives. That is not the case. For the vast majority of them, it is a formality that will provide certainty and the necessary paperwork to confirm the fact that they live here, are welcome to stay, and will continue—we all hope—to be active and vibrant parts of our communities.

That is in the spirit of the question that I asked the Prime Minister immediately after the vote. Hon. Members should bear in mind that I am the Member of Parliament for a constituency that has a very large number of people from eastern Europe and who cannot vote in parliamentary elections but who I and other MPs in the same situation are privileged to represent. As I have said, some of those constituents are worried, but they should take some heart from the initial stages of the settlement scheme. I do not want to steal all of the Minister's thunder, but as I am sure she will be keen to emphasise, in the first part of the beta stage, of the 1,000 or so people who took part, over 900 saw their cases resolved in the first 19 days. On average, it took just nine days to complete that process and, of the people from 12 hospital trusts and three universities, 94% said that they had had a good experience.

The process is expanding and another 55,000 people have taken part in the scheme. We stand on the brink of an expansion, with 250,000 more people potentially entering the scheme. While it been a success so far, it is right that we ask questions today rather than allow the scheme to go unscrutinised.

Wera Hobhouse (Bath) (LD): Does the hon. Gentleman share my concern and those of the residents in my constituency who cannot prove continuous residence or employment and therefore worry that they might be failed by the current process?

Matt Warman: I agree with the hon. Lady that there are people for whom proving the five years' continuous residency is harder, and we need ensure that in future, the scheme treats those vulnerable people appropriately. We should bear in mind that there is, so far, no evidence of failure. Guarding against failure is one of the many things on the Minister's plate, and we should be careful

in a debate such as this not to worry constituents—as some have done unnecessarily—when there is no evidence. We should, of course, bear in mind that it is our duty to stay on our guard on this issue. In that sense, we have to welcome what is clearly a success so far, but as the scheme expands by another quarter of a million people, more people will inevitably be in the position that the hon. Lady describes.

With that in mind, I will highlight two or three positive things, before asking the Minister a number of questions, which I hope she will be able to answer and demonstrate that this is a rare example of a Government IT project that not only has not yet fallen over, but shows that the Government can build systems that are scaleable, that will be successful in the future and, when they are coping with millions of people, that we will be able to look back on as a model. It is worth mentioning in passing that this could be a model for the European Union itself, because to my knowledge at least—perhaps the Minister knows more—there has not yet been a reciprocal arrangement from the EU for British citizens abroad to register in the same way that EU citizens can do here. It might not be a model for Government just in the UK, but for Governments around the world. We should bear in mind that this is not simply about EU citizens in the UK, but about UK citizens in the EU.

I will highlight two positive elements in particular. The system links directly into Her Majesty's Revenue and Customs and allows people who have the continuous residency mentioned by the hon. Member for Bath (Wera Hobhouse) to demonstrate that they have the settled status, which clarifies their position and enables them to continue living life in the UK in exactly the same way. It also provides what might be called the "digital signature", which allows people to easily reassure employers wishing to take them on that they are settled in this country, and which means that they are not in the unfortunate position of having an identity card or papers that might be stolen by people with bad intentions towards vulnerable people. The system is digital for the convenience of both the user and the Government, but in a way which genuinely benefits the user. There are a number of very good elements.

I have some questions for the Minister, the first of which I hope will be clarified in the future if not today. The reason that the scheme has been in the papers so much is the attitude of Apple and the inability of its phones to support the scheme, which is slowing down the process. We must not pretend that the rival operating system, Android, is the minority—it is a massive part of the market—but Apple should surely be co-operating with the Government and allowing the necessary chip to be used in a way that would make life easier for an awful lot of my constituents and for the constituents of other hon. Members in the Chamber. That is an issue than Apple must address, and I hope the Minister will tell us a little about what will happen on that front.

It would also be useful if the Minister said a little more about the Government will spend the £9 million that they have recently committed to helping vulnerable people use the scheme. That commitment is hugely welcome. Many constituents are not able to use the internet or go online as easily we—or they—might wish, and although I welcome the Government spending to assist those vulnerable people, a little more information on how that money will be spent would be helpful.

[Matt Warman]

I would also like the Minister to indicate what plans are being made for the self-employed or for the dependants of those in the scheme, so that we can have confidence, as it expands beyond the 250,000 people being added in a couple of days' time. I know that a lot of work has already been done on that front, but it remains the case that the majority of people who will be part of the scheme are not yet part of it. I hope we are in a position to reassure them that their futures are in good hands.

Finally, it is important to say that the report from the Joint Council for the Welfare of Immigrants makes one legitimate point and several points that I regard as less legitimate. People who have been, for example, the victims of human trafficking might get their fees waived in other circumstances; will that be the case in this scheme? What specific provisions will we make in future as more and more vulnerable people in different categories come into the scheme?

I end as I began, by saying that, contrary to claims made by the Joint Council for the Welfare of Immigrants, this scheme will give people a number of years to settle their status. It will, I hope, allow them to gain the peace of mind that we all want them to have. As the Prime Minister said, we welcome them as part of our communities and we want them to stay. I and many other MPs are keenly aware that our job is to represent people who live in our constituencies, whether they are able to vote for us or not.

In that vein, I pay particular tribute to the work of Migration Matters and PwC's Julia Onslow Cole, who helped me a bit with this debate. They have keenly scrutinised the scheme already and been involved in it to some extent. They have been eager to praise it where it is worthy of praise and, like many of my constituents, they hope that the future will go as well as the past. We should also pay tribute to the progress of the scheme so far, and remind our constituents that it is providing a small number now—a large number in future—with the security that they need and deserve. I hope that the message that goes out from the debate today is that this is an example of a Government IT scheme that, for once, is delivering on the ground quickly, providing people with the peace of mind that they deserve.

At its heart, the settlement scheme might not sound as though it is a profoundly emotional matter, but many people worry that the Brexit vote has fundamental consequences even for those who came to this country many years ago. We as a House of Commons should do everything we can to reassure them that they are welcome in the communities in which they have settled and that the Government will not put unnecessary barriers in the way of their future life in this country. With that, I look forward to the Minister's response.

4.42 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Boston and Skegness (Matt Warman) on securing an important debate.

Frankly, it is appalling that people still face uncertainty about settled status. Recently, I held Brexit public meetings throughout my constituency and shared with my

constituents all the information available from the Government website. They did not feel reassured, and only asked more questions. The continued uncertainty about settled status is costing communities families who contribute socially and economically. In the public meetings, I met EU nationals who are doctors, nurses, teachers, service workers and many more. They remain terrified by the uncertainty. They still have no answers to the most basic questions about their future.

The uncertainty about settled status has already had a devastating impact on the ability of our local employers to recruit the workforce they need among people from the EU countries. Instead, those people who would be taking up opportunities and jobs in part of the highlands where 20% of our economy is based on tourism, are choosing to go elsewhere in the EU for work. I have heard from countless business owners in my constituency, particularly in tourist towns such as Aviemore, about their staff shortages and the impact of the uncertainty on their businesses.

The uncertainty is particularly frustrating for employers who cannot get a straight answer on the rules. The Home Office has said:

“Employers will not be expected to differentiate between resident EU citizens and those arriving after exit.”

That contradicts comments made by the Immigration Minister, who only days ago told a parliamentary Select Committee that employers would be required to do

“rigorous checks to evidence somebody's right to work”. If they cannot agree among themselves, how do they expect employers to know what to do? We are not talking only about those who want to employ EU nationals but about EU nationals who are themselves business owners.

This is a profoundly personal situation for many people. Shortly after the referendum, I was approached by constituents who ran an import-export agricultural business. The uncertainty about their future has forced them to close their business, and now they are concerned about the fact that they have primary school-age children. They are worried about their status and whether they are able to live and work here at all. Based on the warm words of the UK Government so far about protecting EU citizens, I have tried to reassure them, saying that I imagine that they will be okay in future, but the lack of any evidence to back that up with fact means that the people affected are, and remain, deeply unsettled.

The hon. Member for Boston and Skegness described the situation as profoundly personal. This is a profoundly personal problem for people, but in my constituency and many like it in Scotland, it is also a profoundly personal situation for the communities in which EU citizens reside as our friends and neighbours. We have the pain of trying to work with them through this Brexit mess.

Wera Hobhouse: Is it not true that we might also be failing the most vulnerable? Some of the processes are difficult to understand; some of our more vulnerable EU citizens might not understand them all, and legal aid is not available. Should we request that legal aid be made available to our more vulnerable citizens who find the process difficult to understand?

Drew Hendry: I completely agree. For public service workers in Scotland, the Scottish Government have stepped in to support EU nationals, but that is something

that should simply be done as a matter of course across the nations of the UK, because there is a big problem. The lack of information and clarity from the UK Government has posed a significant problem.

I am grateful to have had the opportunity to speak in this debate, Mr Hollobone. The UK Government need to get a grip on this. People cannot be left in their current state of uncertainty and worry.

4.48 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. I, too, congratulate the hon. Member for Boston and Skegness (Matt Warman) on securing this debate.

My party and I obviously very much regret the need for a settled status scheme at all but, for so long as we are heading down that road, we all have an interest in ensuring that it works as well as it possibly can for the sake of all those caught up in it. I congratulate hon. Members who have raised a number of concerns and issues that still require resolution or clarification, while also commending the scheme's positive features. I acknowledge that a lot of hard work has gone into the scheme so far, but my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) reflected the overriding and pervading sense still of worry. As an Opposition MP, I will focus on that side of things, rather than on the more positive aspects highlighted by the hon. Member for Boston and Skegness.

First, there is the issue of who qualifies for settled status. The Government did a lot of work to build trust, but every now and again they seem to shoot themselves in the foot. The latest problem has been a discrepancy between what is committed to in the statement of intent and what is delivered by the immigration rules. The intent was clear—that all EU citizens bar serious criminals would be allowed status, and only proof of identity and residence and a criminality check were to be required. However, the immigration rules reserve for the Home Office the right to refuse all who are subject to removal for not exercising treaty rights. That comes across as a breach of trust, which should be remedied. This is not a hypothetical matter—29% of permanent residence applications are refused for non-exercise of treaty rights, so hundreds of thousands of people, if not a million, may be caught by that.

I came here from another interesting meeting of the Home Affairs Committee, at which the permanent secretary and the Home Secretary again went out of their way to reassure us that their intention is simply to stick to the statement of intent, and that all that will be required is ID, residence and a criminality check. I put to the Minister what I put to them: why not ensure that the immigration rules reflect what is in the statement of intent and remove this ambiguity and dubiety altogether?

I have not yet established whether certain classes of people will qualify. I have raised some of these issues before, but I am still not clear whether a number of carers will qualify for settled status, including Zambrano, Teixeira, Chen and Ibrahim carers. I raised that at the Home Affairs Committee and was promised a letter, which never arrived, so it would be useful if the Minister clarified that. The number of people involved is very small, but the consequences are just as important for them as for everybody else.

I turn now to cost. My party has long called for the scheme to be free. I do not expect the Minister to announce that that will happen. We welcome the waivers and reductions that have been introduced, but we continue to call for the Government to go further. The hon. Member for Boston and Skegness mentioned some vulnerable citizens for whom it would definitely be appropriate to seek a waiver. After all, we are requiring these people to apply to remain in their own homes and jobs. Charging them for the privilege seems to me to be rubbing salt in the wound. Although £65 does not seem a massive amount, we are talking about a family of five having to pay £230. On top of that, at least 100,000 people will have to apply for renewed passports and so on, and there may be other costs related to the scheme. When all those expenses are taken into account, the cost could add up.

Drew Hendry: My hon. Friend mentioned the £65 charge for applications, but there is a £32.50 fee for children. Does he find that unpalatable?

Stuart C. McDonald: That is a fair point. I reiterate that our party believes the scheme should be free of charge altogether.

My hon. Friend mentioned the Scottish Government, but there are other employers that want to support their EU employees by paying the fee for them. For example, this morning I met the University of Cambridge, which is among those employers that want to pay for EU employees to achieve settled status. Actually, it will go further and apply for family members, too, so hats off to it. I understand there may be a technical issue with that, but I think employers want to be able to pay the fee as their employees make the application rather having to reimburse them after the event. I do not know whether that is possible, but it would be useful if the Minister commented on that.

There is a concern that if employers reimburse their employees, they will be charged tax by the Treasury. Obviously, that would be awful from all sorts of perspectives. It will cost the University of Cambridge around £1 million to reimburse its EU national employees. For the Treasury to tax that would be wrong in principle, and it would not be good for the Government to be seen to be taxing settled status applications funded by employers. It may also discourage other employers from doing the same. I think the Home Office is keen for as many employers as possible to support their employees through the scheme, so it would be useful to hear what the Minister has to say about that. Again, I raised it with the Home Secretary a few moments ago in the Select Committee. He said he would be willing to raise it with the Treasury, and it would be good if the Minister was on side with that, too.

On evidence and advice, I have absolutely no reason to doubt that this process should prove simple in straightforward cases. However, like the hon. Member for Bath (Wera Hobhouse), I am worried about cases that are not simple, such as those involving elderly EU citizens who achieved permanent residence many years ago but are long retired and lack documentation. Why exclude any sort of evidence—evidence of family, friends and other sources, for example—from consideration? Why not allow caseworkers to look at all the evidence in the round in cases where the Home Office's preferred type of evidence is not submitted?

[Stuart C. McDonald]

Some people will have very difficult decisions to make. For example, they may be offered pre-settled status by the Home Office and have the choice of either challenging that and continuing to look for settled status or just going with what the Home Office offers them. Advice will be very important. Although the practical advice offered by the Home Office is helpful, I absolutely agree with the hon. Lady and my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey that there should be provision for independent legal advice via legal aid for those who need it but cannot afford it. That will be available in Scotland as normal through the advice and assistance process, but it should be available to all throughout the UK.

More generally, we need a concerted and ongoing outreach scheme to ensure that everyone who needs to apply applies. The hon. Member for Boston and Skegness mentioned the £9 million that has been spent so far, but I am dearly worried that that will not be enough. I recently read an alarming paper from the British Medical Association, which suggested that 37% of EU doctors were blissfully unaware of the Government's settled status scheme. Imagine what that figure is among people who are not brilliant at English, elderly or vulnerable people, and people who never use the internet. There will be many who simply do not think they need to apply, including children who think they are British because they were born here but are not.

That leads us to what is probably the pivotal question: what happens to those who fail to register by the cut-off date? That includes both those who do not apply at all during the initial period and vulnerable people who get pre-settled status but fail to apply during the subsequent five years. Again, that will include children and other vulnerable people, such as trafficking victims. I asked in the Select Committee why we need a cut-off date at all. Surely, the end of the implementation period provides all the motivation we need to encourage people to apply. If even 2% or 3% fail to make it—for most Home Office schemes, we would be lucky to get 80% to 90% of people applying—tens or hundreds of thousands of people who should have applied will not have done so. Those people will face all the same consequences the Windrush generation faced, but the numbers involved absolutely dwarf that horrible episode. There is no need for a cut-off point. People should continue to be able to apply afterwards.

There are significant concerns about those who obtain status not being provided with a proper document. The hon. Member for Boston and Skegness talked up the positives of the digital document, but there is another side to that. These people, too, fear the hostile environment. The Residential Landlords Association, the 3 million, the Joint Council for the Welfare of Immigrants and the Exiting the European Union Committee have all warned that if a landlord is approached about a property by one person with a British passport and another with a bit of digital code that requires further investigation, the person with the British passport will get the property. We are already seeing that sort of discrimination, and the big fear is that EU nationals with a bit of code will get it 10 times worse.

Finally, we have the issue of enforcing the deal on citizens' rights. We need to know what form the independent monitoring authority will take. Obviously, it should be

independent of the Government. When will it be established? Is there any prospect of that happening prior to the end of the implementation period, given that most applications will be made during that time?

There are many other things I could mention, and lots of issues will continue to arise. My final ask of the Minister is simply that she makes a statement to Parliament early in the new year to update us—and, most importantly, our constituents—about the progress that has been made so we can continue to push and raise concerns on behalf of EU nationals.

4.58 pm

Afzal Khan (Manchester, Gorton) (Lab): It is an honour and a privilege to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Boston and Skegness (Matt Warman) for securing this important debate.

The UK will leave the EU in four months' time, but significant uncertainty remains for the 3 million EU citizens in the UK. I will focus on three areas: the Government's failure to protect EU citizens from the hostile environment; broken promises on citizens' rights; and the roll-out of settled status so far. To avoid another Windrush scandal, those issues must urgently be addressed.

First, it is clear that EU citizens will be subject to the full force of the Prime Minister's punitive hostile environment. Will the Minister take this opportunity finally to clarify what checks employers will be required to carry out on EU citizens after Brexit and what evidence will be sufficient for EU citizens to prove their status? At any point during the transition period, will employers be required to differentiate between EU citizens who are already here and those who arrive during the transition period? Will an EU passport or identity card be enough for any EU citizen to prove their right to work until the end of the transition period? Have any business groups raised these issues with the Minister or anyone in her Department?

Right-to-work checks are a fundamental plank of the hostile environment that was directly responsible for Windrush. We know that EU citizens have already faced discrimination in the job and rental markets. The lack of detail from the Government is contributing to this climate of uncertainty and confusion.

Matt Rodda (Reading East) (Lab): Does my hon. Friend agree that many EU citizens are so concerned about their future that there have been cases of people deciding instead to apply for British nationality, to give them an extra guarantee of being able to stay in this country, such is the level of concern to them and their families? I raise an anonymous example from my constituency, of a young, highly-skilled family with three young children, where the mother has had to pay £1,500 to gain British nationality. It has been a huge cost to them and been very distressing. Does my hon. Friend agree that the whole process is causing undue distress?

Afzal Khan: I agree with my hon. Friend that this process is causing difficulties. I know from past experience that the regime of charges in operation, which are being increased, almost seems to some people to be a profit machine rather than providing good service to the public.

I would like to ask the Minister what would happen if applicants lost their access to digital proof of their settled status, for example in the case of Home Office errors in record keeping or loss of data? Would there be alternative ways for them to provide proof of status?

Secondly, the Government have broken a promise to EU citizens and gone against assurances given to the House on settled status checks. We have been told multiple times by different Ministers that the Government will not check that an EU citizen is exercising their treaty rights under free movement. In a recent letter to my hon. Friend the Member for Oxford East (Anneliese Dodds), the Prime Minister wrote:

“You asked me whether resident EU citizens and their family members applying for UK immigration status under the EU Settlement Scheme will be required to show that they meet all the requirements of current free movement rules. I can confirm that they will not.”

However, in recent changes to the immigration rules the Government granted themselves the power to reject settled status applications if someone was not doing this.

In a written answer to my hon. Friend the Member for Sheffield Central (Paul Blomfield), the Minister for Immigration said:

“The draft Withdrawal Agreement does not protect those who are not exercising or are misusing free movement rights. This means that, while free movement rules continue to operate to the end of the planned implementation period, there will remain scope, as a matter of law, for a person to be removed from the UK on those grounds.”

There are a number of people—for example carers, stay-at-home parents or retired people—who are not exercising treaty rights and are at risk of having a removal decision made against them. Can the Minister tell us why she has granted her officials this power? Either the Government are going to use this power for at least some applicants, in which case Ministers have gone against significant assurances to EU citizens and to this House, or this power will never be used, in which case why grant it in the first place?

Thirdly, on the roll-out of settled status so far, am I right in saying that the settled status app is still not available on Apple products? Is the Minister aware that the facial recognition feature on the Android phone is not working in some cases and the Home Office has required people to send in their original passports just weeks before Christmas? What measures are being put in place to ensure that privacy of biometric data is protected, especially where the Government share this data with their contractors?

The campaign group, the3million, has raised concerns about the accuracy of the Minister’s report on the first phase of settled status. It is misleading to say that “no cases have been refused”, as 129 people—over 12% of the applicants—were still awaiting a decision. Can the Minister clarify the situation that these people are in now?

There remains significant concern about how vulnerable people will register. The Minister has emphasised that it will be a “simple, straightforward process”, but even simple processes can become complicated very quickly for people with complex lives. During a Home Affairs Committee hearing, one of the Government’s immigration advisers said:

“It is possible that in a few years’ time when the scheme has been implemented, we won’t really have any idea how inclusive it’s been and whether there are significant numbers of people who fall through the gaps.”

How will we know how many EU residents are left without status when the Government do not collect or release the necessary data?

On Sunday, a withdrawal agreement was published that fails to address significant issues with EU citizens’ rights. Onward free movement for UK citizens in Europe has not been resolved. We have not had guarantees of what will happen to the agreement on EU citizens’ rights in the event of no deal. EU citizens will be subject to the hostile environment, may be required to prove they are exercising treaty rights and the Government will have no idea how many people remain undocumented come December 2020.

We have been told that the immigration White Paper may come as early as next week. Can the Minister confirm this? How will it affect EU citizens who are already here? We have already suffered months of uncertainty because the Government cannot get their house in order. The Government have failed to protect EU citizens in the UK.

5.6 pm

The Minister for Immigration (Caroline Nokes): It is a pleasure as ever to serve under your Chairmanship, Mr Hollobone. I add my congratulations to those of other hon. Members to my hon. Friend the Member for Boston and Skegness (Matt Warman) on having secured this important debate on the EU exit settlement scheme. My hon. Friend has raised this with me previously in the House, and I recognise his particular constituency interest, with the population of Boston and Skegness having increased by one third.

I would like to thank Members from both sides for their contributions to the discussion today and to put firmly on the record how much work has gone into the EU settlement scheme. It is a good news story that the scheme is open for private beta testing well ahead of EU exit day.

EU citizens make a huge contribution to our economy and communities. It is not just that they can stay, but that we want them to stay. Since the 2016 referendum, there has been a great focus by the Home Office on securing citizens’ rights and delivering the scheme so that EU citizens can obtain their UK immigration status quickly and easily.

Members will know that in December 2017 we reached a deal with the EU on citizens’ rights. In March 2018 we agreed to extend that deal to those who arrive during the planned implementation period, which will run until 31 December 2020. The full legal text of the draft withdrawal agreement, published on 14 November, secures the rights of more than 3 million EU citizens living in the UK and around 1 million UK nationals living in the EU.

The scheme we have been discussing today enables those who are resident in the UK before the end of the planned implementation period to obtain UK immigration status in a straightforward process. Anyone who already has five years’ continuous residence in the UK when they apply under the scheme will be eligible immediately for settled status. Those who have not yet reached five

[*Caroline Nokes*]

years' continuous residence will be eligible for pre-settled status and will be able to apply for settled status when they reach the five-year point.

The scheme is a simple and streamlined application process, which draws on existing Government data and processes to minimise the burden on applicants. Caseworkers will be looking for reasons to grant, not for reasons to refuse. We expect the great majority of the 3.4 million currently resident EU citizens who will be eligible to apply to do so and to be granted status. They will have plenty of time to apply before the deadline of 30 June 2021.

I would like to give some feedback on the first pilot of the private beta testing phase that we ran in the north-west of England, which has now finished with excellent feedback from participants. Some 1,053 applications were received, with a decision now granted in 1,046 cases, which were dispatched by 19 November.

Matt Rodda: I appreciate the Minister's comments about the testing phase. Will she agree to meet me and a selection of constituents with EU nationality who have concerns about the scheme, as part of the feedback?

Caroline Nokes: I thank the hon. Gentleman for that question. Throughout my time as Immigration Minister, I have always been pleased to meet as many interest groups as possible, so I will be delighted to meet him and some of his constituents. I would like to reassure him that I also have a constituency in the south-east of England and regularly meet my own constituents, who raise their concerns with me, and understandably so. Since the referendum, it has been a time of uncertainty and upheaval for some people, and it is important that the Government make ourselves as accessible as possible, so that we can give a reassuring message to our residents.

Drew Hendry: I hear what the Minister says about making the message as encouraging as possible, but does she agree that when language is used, either deliberately or lazily, saying that EU nationals are "jumping the queue", it sets back that objective quite considerably?

Caroline Nokes: The hon. Gentleman will be aware that we are moving forward shortly with a new immigration system. Sometimes it can be very frustrating in the Chamber, because we end up on time limits and with either the Chair of a debate or the Speaker urging us not to take up too much time, but I am always very conscious in the language that I use that we must be welcoming, careful and tolerant. Immigration is an emotive and difficult subject, and I always regret it when my time limit means that I speak in what I refer to as tabloid headlines, which I never welcome. It is important that we set out in due course—hopefully very shortly—our future immigration system, which will certainly be based on skills that people can bring to the UK. That is our position going forward.

As I was saying on the update of the private beta testing phase 1, the average time taken to reach decisions was just under nine calendar days, and the fastest decision was made within three days. All applicants successfully proved their identity and, as my hon. Friend the Member for Boston and Skegness said, around 94 per cent of those who provided customer feedback found the application process easy to complete.

The second pilot began on 1 November and will test the online application as an integrated, end-to-end process. It will significantly scale up the testing, with EU citizens working in the higher education, health and social care sectors across the whole UK, who make such a huge contribution, being able to apply. I would like to thank them and their employers for assisting us in this way. This phase will also enable us to consider the support that some vulnerable applicants may need. The Government have already announced grant funding of up to £9 million to enable voluntary and community sector organisations across the UK to provide such support.

We are also using the remaining months before exit to scale up our communications and outreach. Millions of people have already seen Government advertising encouraging them to visit gov.uk for easy-to-understand information, and there will be a comprehensive set of communications materials next year. As I have travelled the country over the past few months and met EU citizens, I have been pleased to hear that they have already received communications, and many are confident about the settlement scheme's progress.

My hon. Friend raised a series of questions, all of them important ones that he is absolutely right to raise. We continue to work with Apple to deliver the identity verification functionality that is currently available only on Android. He may be aware that my right hon. Friend the Home Secretary was in America only recently, and I am conscious that this is an issue that he continually raises at the highest level.

The £9 million grant funding to those groups helping vulnerable people is incredibly important, and my hon. Friend the Member for Boston and Skegness asked how, specifically, it was to be spent. On 25 October we announced the grant funding to enable voluntary and community organisations across the UK to support EU citizens who need additional help to apply. We have been working really closely with charities and community organisations representing the needs of vulnerable EU citizens. These grants will help them to inform vulnerable individuals about the need for status and to give practical support in enabling them to complete their applications.

I visited the Barbican library some months ago to look at the Assisted Digital service, and I was impressed with the commitment of people there to ensure that individuals were getting the support they needed. We currently have a pilot running with five local authorities, including Kent and Lincolnshire county councils, Sheffield City Council and Waltham Forest and Haringey borough councils. We are also working with seven non-governmental organisations, including the Cardinal Hume Centre, St Vincent de Paul, the East European Resource Centre, Coram, Rights of Women and various other groups. Our aim is to ensure that grants are awarded across the UK to communities where support is most needed and where organisations are able to provide it. The lots are specifically designed so that a diverse range of organisations are able to apply; eligible organisations can be charities, non-profit organisations, community groups or religious organisations.

The second phase of testing will finish on 21 December, which will enable us to have, in technical terms, a fire break between phase 2 and a further phase of testing, which will occur in the new year. Self-employed people can prove their residence via our automatic data matching

at Her Majesty's Revenue and Customs, and family members will be able to use a range of evidence not necessarily linked to employment to prove their residence.

My hon. Friend and, I believe, the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), who spoke for the Scottish National party, raised the matter of fee waivers and the cost of applying. This matter was raised with me in the House, specifically in relation to victims of human trafficking, by the hon. Member for Birmingham, Yardley (Jess Phillips). She made, as indeed my hon. Friend the Member for Boston and Skegness has made, an important point. I undertook then to look at the specific issue of those who had been victims of human trafficking, and I would like to reassure hon. Members that it is a point well made and something I am looking at very closely.

However, having agreed the level of fees with the European Union, we believe that our approach is reasonable, proportionate and fair to all EU citizens, and application is free of charge for those who hold valid permanent residence documentation or indefinite leave to remain, and for children looked after by local authorities.

Drew Hendry: I am grateful to the Minister for giving way a second time; she is very generous. She is highlighting the fact that the scheme, or elements of it, has been agreed with the European Union. Can she give a cast-iron guarantee that all the measures she is talking about will be in place, regardless of the outcome of the meaningful vote and what happens after this place has decided on the deal brought forward by the Prime Minister?

Caroline Nokes: It is important that we give reassurance to EU citizens living here. As the former Secretary of State for Exiting the EU, my right hon. Friend the Member for Esher and Walton (Dominic Raab), made very clear, I believe, in one of his Select Committee appearances, this is a solid commitment to EU citizens, who we want to stay. I think one hon. Member might have raised the spectre of this, but we are certainly not going to remove EU citizens.

Moving on to some of the comments that hon. Members have made, the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) spoke about employers. That is an important point. I was pleased to be at the launch of the employers' toolkit that we have been making available to employers since much earlier in the summer, which was designed hand in hand with employers. I am conscious that they play a significant role in communicating to their employees how the scheme will work. We are already working with specific employers, NHS trusts and now universities as part of the testing phase. The toolkit has been welcomed and is useful, and it is designed to enable employers to help their employees through the process.

The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East raised a number of points. I want to focus on a productive meeting that I had yesterday with the Scottish Government Minister for Europe, Migration and International Development, as part of a series of meetings I have undertaken to have specifically with him, but also with representatives of the Welsh Government and local government. It is important that we engage widely both with parts of the United Kingdom and with local authorities where there is a significant impact.

We know that when people feel uneasy at times, they are likely to turn to local government or the devolved Administrations for support.

The Scottish Minister raised with me, as indeed he did in the summer, the question of fees and the undertaking by the Scottish Government to pay the fees for those working in certain sectors and perhaps for their own employees. He and I discussed yesterday the issue of taxation, and I undertook to raise that matter with the Treasury. I understand, and I hope I am correct in this, that my right hon. Friend the Home Secretary made the same undertaking to the Home Affairs Committee this afternoon.

The hon. Gentleman also specifically raised those who exercise rights as carers as Zambrano, Chen, Ibrahim or Teixeira cases. We have indicated that those resident as Zambrano cases are not protected by the draft withdrawal agreement, but we have decided as a matter of domestic policy to protect them. We consider that their current rights do not lead to a right of permanent residence under EU law, but a new UK status will be made available to them, as it will be for Chen, Ibrahim and Teixeira cases.

The hon. Gentleman also raised the issue of landlords. I was very pleased, as Immigration Minister, to reconvene the landlords panel, which I co-chair with Lord Best. We met recently and, with a group of representatives of landlord organisations, went through the digital right-to-work check, which we will mirror for landlords with a digital right-to-rent check. It is a straightforward process, and the landlord representatives present were impressed with the way the right-to-work check already works. We will roll that out for landlords to make their checks as easy as possible.

The test phases majored on by some Members are exactly that—tests. It is very important that we make sure the scheme works as it is rolled out. We started deliberately in a very small and controlled way, and have expanded it significantly in phase 2. As my hon. Friend the Member for Boston and Skegness mentioned, it will be expanded much more widely in the second part of phase 2 testing. We expected there to be bugs and to need to make technical fixes. That was part of the reason for testing.

Afzal Khan: I asked the Minister many questions, many of which have not been answered. Will she undertake to get those answers to me? She also mentioned the discussions taking place on Apple phones. Is she able to enlighten us on how long those discussions will carry on? Is she aware of the face recognition difficulties with Android phones that I mentioned?

Caroline Nokes: As I indicated just a moment ago, we are conscious that there have been several technical bugs. A good example was the system not recognising hyphenated surnames, which we were able to fix in phase 1 of the scheme. Some additional technical issues have been flagged up in phase 2, and we are working extensively to overcome them. I will not give a timeline for the resolution of the challenges with Apple phones, suffice it to say that a really constructive discussion is ongoing. My right hon. Friend the Home Secretary is a very persuasive man, and I am sure that we will reach a resolution as soon as possible.

Stuart C. McDonald: The Minister has made a lot of helpful comments in response to some of our questions. Two remain, but I do not know if she can answer them today. First, will she simply clarify why there is a discrepancy between the statement of intent and the immigration rules in relation to the non-exercise of EU rights being a ground for refusal? Secondly, will she revisit why we have to have this severe cut-off point? What will happen to people who do not apply in time before the end of the scheme?

Caroline Nokes: We have indicated that there will be a proportionate approach to those who do not apply in time, which I am very conscious could be for very good reason, such as ill health. It is important that we do not penalise people who have every right to be here. We are determined to be as welcoming as possible. We are working to make sure that we articulate that properly, not only through our communications but through the immigration rules.

I thank hon. Members for their contributions. I reassure hon. Members that at no point throughout this process have we underestimated the challenge of granting immigration status to more than 3 million people. However, we have made a strong start, and we have everything in place to make this whole process a success.

5.23 pm

Matt Warman: It has been a pleasure to serve under your chairmanship, Mr Hollobone. I thank the Minister for giving actual answers to questions—that is not unusual for this Minister, but it is unusual for some—and I am pleased that that thanks was echoed by the Labour Front-Bench spokesperson as well. Some of these interesting and important questions have been answered.

However, I end with the point that I made earlier. When people are worried that their lives and livelihoods will be affected, we in the House have a duty to communicate that, while this scheme is not perfect, it has made a very strong start and will, I hope, provide those 3 million people with rapid reassurance. For us to scaremonger would be irresponsible.

Question put and agreed to.

Resolved,

That this House has considered the EU settled status scheme.

5.24 pm

Sitting adjourned.

Written Statements

Tuesday 27 November 2018

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Competitiveness Council 29 and 30 November

The Minister for Universities, Science, Research and Innovation (Mr Sam Gyimah): The Internal Market and Industry Day of the Competitiveness Council will take place on 29 November 2018 where the right hon. Lord Henley, Parliamentary Under-Secretary of State, will represent the UK; and the Research and Space Day on 30 November 2018 where I will represent the UK.

Day one—internal market and industry

The Internal Market And Industry Day will consider a number of legislative items including general approaches on the proposed regulations on platform-to-business relations and the general safety of vehicles and a partial general approach on the proposed single market programme as part of the next multi-annual financial framework. The Council is expected to adopt conclusions on a future EU industrial policy strategy, and Ministers will have an exchange of views on the future of the single market.

Under any other business there will be an update on the proposed regulation on supplementary protection certificates for medicinal products; information from the presidency on the functioning of the EU on certain categories of horizontal aid, and on the REACH review in the light of industrial competitiveness; a report of the SME envoy network; and information from the Czech, Finnish, Danish and Irish delegations on a study entitled “Making EU Trade in Services Work for All—Enhancing Innovation and Competitiveness throughout the EU Economy”. The day will conclude with information from the incoming Romanian presidency on its proposed work programme.

Day two—research and space

The Research And Space Day will begin with a session on space during which the Council will review the progress report and exchange views on the regulation establishing the space programme of the Union.

The Council will then begin the research session with the adoption of conclusions on the Governance of the European research area.

The Council will then discuss the Horizon Europe package—framework programme for research and innovation 2021-27. The Council will seek to first agree on a partial general approach for the framework programme and its rules for participation and dissemination and secondly it will discuss the progress report for the specific programme implementing Horizon Europe.

Day two will conclude with any other business. The presidency will first provide information on the Evolution of Europe’s space activities: long-term perspective (Space conference) (Graz, 5-6 November 2018). The day will conclude with information from the incoming Romanian presidency on its proposed work programme.

[HCWS1115]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Ivory Bill: Lords Amendments and EVEL

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I have today published a written submission outlining the Government’s analysis of how the English votes for English laws principle relates to all Lords amendments to the Ivory Bill.

The Department’s assessment is that the amendments do not change the territorial application of the Bill. The analysis holds if all the Lords amendments be accepted.

I have deposited a copy of the submission in the Libraries of both Houses.

[HCWS1114]

HOME DEPARTMENT

Offensive Weapons Bill Memorandum

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I am today placing in the Library of the House the Department’s analysis on the application of Standing Order 83L in respect of the Government amendments tabled for Commons Report stage for the Offensive Weapons Bill Scheduled for 28 November 2018.

[HCWS1117]

DNA Evidence: Immigration Applications

The Secretary of State for the Home Department (Sajid Javid): I am providing an update on progress made following my statement to the House on 25 October on the Home Office’s use of DNA evidence in immigration applications.

I would like to reiterate that no one should have faced a demand to supply DNA evidence and no one should have been penalised for not providing it. I have apologised to those affected by this practice and committed to get to the bottom of what has gone on in relation to DNA evidence.

On 8 November the Home Office published new overarching policy guidance on the use of DNA evidence in the whole of the borders, immigration and citizenship system on gov.uk. This guidance makes clear that the Home Office cannot mandate individuals to provide DNA evidence, or draw any negative inferences from non-provision. However, it also makes clear that individuals can volunteer such evidence to demonstrate a biological relationship. It will help to ensure there is a consistent approach across the whole BICS system and it will be used in parallel with guidance on individual routes and schemes (e.g. Gurkhas).

The Home Office is also arranging bespoke training sessions with frontline staff to ensure that operational practice aligns with the overarching policy position on the use of DNA evidence. The published guidance related to Gurkhas has been corrected and reissued.

On 24 October I established a taskforce so that anyone who feels that their case may have been influenced in any way by an inappropriate demand for DNA testing,

can receive advice and support. Details of how to contact the taskforce were sent to hon. Members and publicised on Home Office social media channels as well as on gov.uk. As of 14 November, the telephone helpline had received a total of 25 calls. Seventeen of these calls have been referred to the taskforce and are being actively reviewed.

We will arrange reimbursement for individuals who contact us using the helpline, if the individual has suffered financial loss because the Home Office required DNA evidence from them when we should not have.

Likewise we will proactively contact individuals who are known to have been required to provide DNA evidence and did so, to arrange reimbursement.

The vast majority of outstanding Operation Fugal cases I referred to in my statement have now been concluded and Home Office officials are continuing to work to conclude any remaining cases as soon as possible.

Some cases will take longer to conclude where we have requested further information to help us make a decision. There are a number of cases we are currently unable to conclude where there are outstanding criminal proceedings, although to date there have been no criminal charges brought against any individuals as a result of Operation Fugal.

I can now confirm that I have appointed Darra Singh OBE to conduct the independent assessment on the Home Office's approach to establishing the numbers involved, the operational response, the policy response and the extent to which follow-up training and communications have addressed the issue. Darra brings significant experience, skills and credibility to this task.

I stated that I will review more broadly our structures and processes to ensure that they deliver a system in a way that is fair and humane. I am considering what form that review will take and I will provide an update to the House in due course.

[HCWS1116]

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