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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Tuesday 9 June 2020

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Virtual participation in proceedings commenced (Order, 4 June).

[NB: [V] denotes a Member participating virtually.]

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Early Prisoner Release: Domestic Violence

James Murray (Ealing North) (Lab/Co-op): What steps he has taken as part of the early prison release scheme to ensure that potential victims of violence in domestic settings are protected during the covid-19 lockdown period. [902951]

Feryal Clark (Enfield North) (Lab): What steps he has taken as part of the early prison release scheme to ensure potential victims of violence in domestic settings are protected during the covid-19 lockdown period. [902957]

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): Domestic abuse is an abhorrent crime, and I am determined to better protect and support the victims of abuse and their children and to bring perpetrators to justice. I also recognise that measures announced to tackle covid-19 can cause anxiety for those experiencing or feeling at risk of domestic abuse, and therefore I have excluded any prisoner convicted of an offence relating to domestic violence, including harassment and stalking, from the scheme. I have also excluded anyone who is identified by prisons, police or other agencies as a domestic abuse risk from release under the scheme.

James Murray [V]: I thank the Secretary of State for his answer. As he will know, an increase in domestic abuse has been widely reported during the covid-19 outbreak. How many conversations have he and the Home Secretary had about suspending “no recourse to public funds” for any victims of domestic abuse to whom that condition applies?

Robert Buckland: The hon. Gentleman will be glad to know that the Home Secretary and I discuss many issues relating to domestic abuse. With regard to public funding and access to justice, he will know that in a large number of measures involving police activity on domestic violence prevention orders, legal aid is not a barrier to those orders being made. Indeed, emergency applications make the domestic abuse test somewhat

more accessible for people who need that protection. There is ongoing work with regard to aspects of legal aid, which we will return to later in the year, but I assure him that we are doing everything we can to assist the victims of domestic abuse, and not just in terms of access to legal proceedings.

Feryal Clark: There is real concern that a six-month time limit on a summary charge could mean that some domestic abuse victims may lose out on the opportunity to take charge during lockdown. What steps is the Department taking to address those concerns?

Robert Buckland: The hon. Lady raises an important point about summary-only offences, which, although relatively speaking they might be not as serious as some other types of charge, have real effects upon the victims of domestic abuse. I have certainly drawn my mind to that issue throughout this crisis. I am confident, from the police activity I see, that arrests and charges continue and that a number of perpetrators are being charged within that time. Nothing has led me to believe that there should be a problem with regard to timely charging within the six-month time limit. That can be done, and then these people can be brought to justice.

Secure Estate for Young People

Mrs Emma Lewell-Buck (South Shields) (Lab): What recent assessment he has made of the trends in the level of violence on the secure estate for young people. [902952]

The Minister of State, Ministry of Justice (Lucy Frazer): Levels of violence in our youth estate are too high. We are determined to improve safety by investing in staff, education, psychology services and mental health support and by trialling secure schools, with the first to open at Medway. I was pleased to read parts of the inspector’s report after he attended Cookham Wood, Wetherby and Parc young offenders institutions as part of a number of scrutiny visits last month, in which he described all three sites as “calm and well ordered”, and he saw staff interacting with children in a “caring, patient and professional” way.

Mrs Lewell-Buck: In January, inspectors found that children were being confined in their cells for up to 23 hours per day and were subject to restraint techniques that cause injury and serious harm to children. The Government know that, and yet they continue to permit the use of those techniques. This is state-sanctioned child abuse. The Charlie Taylor review was due to report on this last summer. Where is that report?

Lucy Frazer: The hon. Member is right to point out a number of reports in this area. Her Majesty’s inspectorate of prisons’ thematic report in January on the separation of children in YOIs made very difficult reading. Because of that, we took a number of immediate actions, including enhancing local and national oversight and establishing standardised monthly data collection on separation. We commissioned Charlie Taylor to conduct a review of the use of pain-inducing techniques, and we will be publishing that report very shortly.

Sir Robert Neill (Bromley and Chislehurst) (Con): I appreciate that, as the number of young people in the secure estate has reduced, the cohort has become often more difficult to deal with. None the less, during its current inquiry the Select Committee has heard compelling evidence that violence remains too high. One of the concerns about Cookham Wood, which the Minister referred to, is the shortage and regular redeployment of staff—the churn and the inability to build relationships. Will the Minister look again at the need for a serious approach—a proper strategy for staffing in all our prisons but especially in the secure estate, where the building of relationships is particularly important?

Lucy Frazer: My hon. Friend the Chair of the Select Committee recognises an important point. We are ensuring at the moment that we do not send young people into custody unless they have committed the most serious crimes. As a result, more than 50% of the youth in our estate have committed violent crimes. That leaves us with a challenging cohort. We want to provide more bespoke, individual support with early interventions for those in our care. As my hon. Friend will know, we are committed to establishing secure schools, which would expand our focus on education and individual support.

We have increased staffing in the youth estate by 27% and we are professionalising that service with a new foundation degree to ensure that those who work in our youth custody services deliver the right support.

Mr David Lammy (Tottenham) (Lab): As children in the general population continue to return to school, those in youth offender institutions remain locked up in their cells for almost the whole day, without any access to education. An inspection by Her Majesty's Inspectorate of Prisons last month found that children in Cookham Wood were spending just 40 minutes out of their cells. Can the Minister confirm that that was immediately rectified? The Children's Commissioner for England found

“serious consequences for children's rights, well-being and long-term outcomes”

and said that

“family and professional visits have been severely curtailed.”

As the Government prioritise returning children to school, will the Minister give me a date by which she expects all children in custody to have access to education, activities and family and professional visits?

Lucy Frazer: I thank the right hon. Gentleman for his questions, which are on a very important subject. He is right to say that in the youth estate, as in the adult estate, we took severe measures when we realised that we were facing a pandemic. We took those measures to save lives. We were looking at 2,500 to 3,500 deaths across the estate, so we took drastic action that we considered very carefully, which resulted in a severe lockdown. Although every death is tragic, as a result of the lockdown we have suffered only 23 deaths in our prison estate.

The right hon. Gentleman is right to identify, as the inspector pointed out, that there was a lockdown in the children's estate, with only a small amount of time out of cell. I am pleased to say that that time has increased as the lockdown has continued, and in YOIs children are now let out for between two and three and a half

hours every day. In the secure children's homes there is almost a normal regime, with 12 to 14 hours out of cell. We have published our national strategy for recovery, and visits and education will be some of the first things that return in the children's estate.

Mr Lammy: These extra limits on contact must mean that now, more than ever, holding children in custody should be a last resort. One third of all children on the youth estate are being held on remand without a sentence. We know that two thirds of them will not receive a custodial sentence. With criminal trials slowly being restarted, what action is the Minister taking, along with the Lord Chief Justice, to ensure that children held on remand are prioritised for criminal trials?

Lucy Frazer: The right hon. Gentleman is right to say that custody should be a last resort. I am pleased to say that it is a last resort, which is why we have a much smaller number of youths in custody at the moment: just over 700 across our estate. He makes an important point about remand, and I am pleased to say that, certainly in the adult estate, the judiciary have looked at and fast-tracked remand cases. I am also pleased to report that the Youth Justice Board has looked at those who are currently held on remand, and the youth offending teams will be reviewing whether any applications can be made to help those people who are on remand and can be released back into the community.

Alexander Stafford (Rother Valley) (Con): Does my hon. and learned Friend agree that it is vital that prison officers have the right skills to manage young people? How are we training prison officers who work on the youth estate to ensure that we cut future offending rates and increase rehabilitation?

Lucy Frazer: My hon. Friend makes an important point about the training of prison officers: it is important that they get the right training to help turn lives around. We have introduced a new youth justice specialist role, with funding for every prison officer in youth custody services to take up a foundation degree in youth justice. Thirty people have completed it and 400 have started the training.

Prisoner Rehabilitation and Education

Dawn Butler (Brent Central) (Lab): What steps he is taking to ensure that rehabilitation and education programmes for prisoners continue during the covid-19 outbreak. [902953]

The Minister of State, Ministry of Justice (Lucy Frazer): In prison, as in the community, there have been restrictions, which have been designed to keep prisoners and staff safe from covid-19. We have taken unprecedented action and we have saved lives. As in the community, it has required the temporary suspension of classroom education. Education providers are working with Her Majesty's Prison and Probation Service to deliver in-cell packs to support learning. We published our national framework for recovery last week and hope to bring back youth education in the next phase, with the adult estate following in this phase after that.

Dawn Butler: Education is key if we are to curb reoffending. The Government have talked about schools restarting, some last week and some on Monday. It is vital that we have education in prisons, so when will the Minister ensure that that happens? In addition, when will the Minister ensure that testing is available in prisons?

Lucy Frazer: Those are two important points. On education, I completely agree with the hon. Lady that it is important to the reduction of reoffending. As I mentioned, we have set out in our national framework what provision we can bring back safely, and in the first phase we will bring back education in the youth estate. On testing, we already have some testing of prisoners in prisons, and testing is available to our staff. We will roll out increased testing in prisons as matters progress.

Tracey Crouch (Chatham and Aylesford) (Con): In Kent, Surrey and Sussex, the rehabilitation and education of offenders continues once they are released from prison, thanks to our excellent community rehabilitation company, which has also altered its practices to ensure that it can maintain some level of contact throughout the covid pandemic. In May, the CRC contacted the Ministry of Justice contract managers to ask whether a temporary change to unpaid work rules could be implemented in order to deploy people sentenced to community payback with small farmers and help with the Pick for Britain initiative. Such a change could provide an estimated 190,000 hours of work. Has the Minister had the opportunity to talk to colleagues in the Department for Environment, Food and Rural Affairs about that suggestion, which would not only help offenders to complete their rehabilitation but benefit our farmers, who are desperate for workers?

Lucy Frazer: My hon. Friend and other Members who represent Kent, Surrey and Sussex work closely with their CRC. We are looking carefully at how we can support the farming industry and other key sectors at this time. In particular, we want to encourage ex-offenders into permanent agricultural employment. The Secretary of State and I have had discussions on the issue with our counterparts at the Department for Work and Pensions. The New Futures Network, which organises links between prisoners, prisons and employers, is in active discussions with the National Farmers Union.

Vicky Foxcroft (Lewisham, Deptford) (Lab) [V]: May I thank you, Mr Speaker, for all the work you have done to ensure that I once again have the opportunity to represent my constituents virtually? Thank you.

Worryingly, prisoners are getting less than 30 minutes out of their cells each day during the current covid-19 crisis. What is the Minister doing to ensure that all prisoners have access to specialist mental health support and can continue to learn vital skills for future employment, thus helping to break the cycle of reoffending?

Lucy Frazer: I thank the hon. Lady for her questions. It is right to point out that, when the crisis first hit, we did significantly reduce our regimes in prisons, but prisoners should have access to the basic needs and should continue to do so, including in relation to food, showers and exercise. They will have access to healthcare in a number of ways. We have introduced in-cell telephony,

which helps support the healthcare they get and to support their mental health through the Samaritans helpline and the Listener scheme that we operate in prisons. We are also able to continue some of our offender management programmes on a one-to-one basis. We set out our national framework for recovery last week, and we are very much looking forward to reintroducing those aspects that are most vital to prisoners to help them get on with their lives.

Mark Pawsey (Rugby) (Con): There are some great examples of rehabilitation programmes. One is at HMP Onley, where the charity Futures Unlocked and Rugby rotary club are collecting unwanted bicycles left at Rugby railway station, which are taken to the prison for refurbishment to provide purposeful work. Unfortunately, that project is temporarily suspended, as there has been the challenge of being able to collect the bicycles under the current measures. Will the Minister join me in hoping that steps can be taken to get that project up and running again at the earliest opportunity?

Lucy Frazer: I am aware of the scheme, which is a great example of joint working between HMP Onley, Virgin Trains and Halfords. HMPPS has partnerships with over 300 such organisations, which provide daily work in prisons in normal times, and we value these partnerships enormously. Workshops have been closed in response to the pandemic, but last week, as I have mentioned, we published a national framework setting out how we will ease the restrictions, which we will do as soon as it is safe to do so.

Personal Protective Equipment: Prison and Probation Staff

Alex Norris (Nottingham North) (Lab/Co-op): What assessment he has made of the adequacy of personal protective equipment for (a) prison and (b) probation staff during the covid-19 outbreak. [902955]

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): Personal protective equipment is critical to protect staff and those in our care where close contact is necessary and unavoidable. There is currently adequate stock and forward supply of PPE, in accordance with public health advice. We have stock in the hundreds of thousands for aprons, coveralls, eye protection, pairs of gloves, respirator masks and fluid-resistant surgical masks. However, we are making continued preparations and keeping demand for PPE under regular review as we move into the next phase of managing this outbreak.

Alex Norris: I am grateful to the Secretary of State for his answer, and for the support he has given me in recent years in my attempts to make sure that HMP Nottingham is the safest environment it can be. In that vein, will he give an assurance to staff at Nottingham, and indeed prison staff across the estate, that as lockdown restrictions are eased, they will still have access to those PPE stocks that he talked about, and that if that is what they need for them to be comfortable at work, they will be permitted to keep wearing it?

Robert Buckland: I am very grateful to the hon. Gentleman. He knows, and he has followed very carefully, the good progress that is being made in HMP Nottingham.

I know he would want me to pay tribute to all prison staff for the incredible work they have been doing throughout this outbreak. I can give him such an assurance. We are looking to ease the lockdown, and as the Minister of State, Ministry of Justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer) said, we published the plan for recovery last week. For example, for visits to prisons, it seems sensible that visitors should wear coverings, so that we can minimise the risk of an outbreak coming into prisons. All those measures will continue to be discussed with the unions, as we have done throughout this outbreak.

Departmental Priorities: Covid-19 Implications

Kenny MacAskill (East Lothian) (SNP): What recent assessment he has made of the implications of the covid-19 outbreak for his Department's priorities. [902956]

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): Covid-19 has indeed brought unprecedented challenges to the justice system, but I am proud of how my Department, and everybody in it, has responded to keep the wheels of justice turning and to adapt to this changing world. We have harnessed technology to use audio and video in 90% of our hearings, and we are using video calls and secure mobile phones to keep prisoners in touch with their families and to maintain order. Getting the system fully back up and running is now our priority, which is why we are working at pace on issues such as increasing jury trials and, indeed, the legislative programme that we have. The world is changing, but we will need to continue to ensure that, as we recover, we build a more effective justice system.

Kenny MacAskill [V]: As the Secretary of State is aware, 10 prison staff have died from covid-19. As in the health and social care sector, it is not medals that staff want, but decent pay and conditions. Will he commit to adopting the best practice demands of the unions for a safe working environment, and will he authorise the additional financial compensation to families who lose a loved one to covid-19, as applies in the health sector?

Robert Buckland: The hon. Gentleman knows that in response to this outbreak we took particular measures agreed by the Treasury to ensure that those working in the prison system were rewarded financially in terms of incentives and extra pay to deal with the pressure they were facing. That regime continues to exist, and we continue to engage regularly with prison representatives and the unions to discuss the issues he has raised. It is an ongoing discussion, but he can be assured that I, and my Ministers, have taken every reasonable step possible so far to support our dedicated staff.

Mr David Lammy (Tottenham) (Lab): People still need justice, even in an emergency. In normal times, more than 200 jury trials ordinarily take place in England and Wales each week. During the height of the covid-19 lockdown, jury trials were suspended entirely due to public health concerns. A few weeks ago, as the lockdown measures were relaxed, jury trials restarted, but at only a fraction of the normal rate. We expect the Ministry of Justice to at least know the size of the challenges it

faces. What is the Secretary of State's estimate of the total number of jury trials in the backlog currently waiting to be held?

Robert Buckland: The right hon. Gentleman will be glad to know that I continue to look at that on a daily basis. The overall case load in the Crown Court is approaching just over 41,000. Before the crisis it was 39,000, so there has been a slight increase. Within that case load, the courts have managed a lot of cases that can be dealt with administratively and by way of plea, but that does leave a cohort of trials to be dealt with. Normally, 200 jury trials a week will be heard in England and Wales, and we are still dealing with a very small number. That will clearly tell him the scale of the challenge, but I can say to him that the Lord Chief Justice and I are working together closely in order to scale up capacity, to look at court hours and the way the courts sit so that we can accommodate jurors and staff, and to do whatever it takes not just to manage that case load number but to bring it down as we go through the year.

Joanna Cherry (Edinburgh South West) (SNP): The Lord Chancellor has a strong record of defending judicial independence, and I congratulate him on that. Does he agree that it is equally important that those in Government do not seek to influence the police or the Crown Prosecution Service in the exercise of their duties? Can he confirm that that is why he, unlike other members of the Government, refrained from tweeting in support of Dominic Cummings when there was a live issue as to whether Mr Cummings had breached the lockdown regulations and guidance?

Robert Buckland: The hon. and learned Lady will know that I refrain, in correspondence and, indeed, in statements or questions in the House, from talking about individual cases. I remind her and the House that, as Lord Chancellor, I will always act in a way that is consistent with the rule of law. The independence of the police and prosecutorial authorities has to be paramount, and that is something that I will absolutely uphold. My constitutional duties come first, and everybody within Government knows that full well.

Joanna Cherry: Perhaps the Lord Chancellor could share those thoughts with the Attorney General.

Upholding human rights is also an important part of the Lord Chancellor's Department's priorities. When the Minister for the Cabinet Office gave evidence to the Committee on the Future Relationship with the European Union recently, he made it clear that the Government still intended to amend the Human Rights Act 1998. Can the Lord Chancellor reassure us that any such amendments will not seek to abrogate domestic law giving effect to the European convention on human rights?

Robert Buckland: I can tell the hon. and learned Lady that, as part of our manifesto commitment, we have pledged to update the Human Rights Act, which is now 20 years old in terms of its operation. That is only the right and proper thing to do. I can absolutely assure her that our membership of the convention is beyond any doubt or peradventure. That will very much remain the case as we go through the negotiations with our friends in the European Union on the future relationship and,

indeed, domestically as well. We are working on an important independent review of the operation of the Human Rights Act, and I will update the House when further details are available.

Owen Thompson (Midlothian) (SNP) [V]: People in Midlothian have made huge sacrifices, over months now, to obey the rules, while the Prime Minister's most senior adviser was breaking them on multiple occasions. Does the Secretary of State believe it is right that some unelected bureaucrats appear to be allowed to break the law while the public are cautioned or fined?

Robert Buckland: The hon. Gentleman can be reassured: he knows that I believe in equality before the law, and that is why I refrain from making comments about individual cases. I respect the decisions made by the police independently and, indeed, by the Crown Prosecution Service and any other prosecutorial authority either north or south of the border.

Bereavement after a Public Disaster

Maria Eagle (Garston and Halewood) (Lab): What steps he plans to take to help people who are bereaved after a public disaster. [902958]

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): The Government are determined to ensure that those who are bereaved after a public disaster are treated with respect and compassion, and get answers. That is why the Government ran a consultation exercise on a proposal for an independent public advocate, and we will publish a response in due course. In addition, earlier this year the Government published a revised guide to coroner services to promote effective participation for bereaved people at inquests. On 23 March this year, the Prime Minister appointed Nick Hurd as an independent adviser working with Grenfell Tower communities to represent their views at the heart of Government.

Maria Eagle: I thank the Minister for that answer. He will know that under the ten-minute rule procedure in this House, I have introduced the Public Advocate Bill, which is informed by the experience of more than 30 years of campaigning by the Hillsborough families and survivors, and that Lord—Michael—Wills has introduced it in the other place. Next time the Minister gets a chance to speak to the Lord Chancellor, will he ask him if he will meet Lord Wills and me to see whether the proposals on which the Government have consulted can be strengthened to ensure that they meet the needs of those bereaved by public disasters, because thousands more of our fellow citizens could now benefit from our getting these provisions right?

Alex Chalk: I thank the hon. Lady for her question and pay tribute to her for the campaigning that she has done on this issue. I had the opportunity to speak to my right hon. and learned Friend the Lord Chancellor just a few seconds ago; he will be happy to have the meeting that she requests.

Mr Speaker: I call acting shadow Minister Peter Kyle.

Peter Kyle (Hove) (Lab): Thank you, Mr Speaker.

Disaster victims, just like victims of crime, deserve to have their rights enshrined in law. Only last week, a murderer was released on parole without the victim's family even being informed, let alone consulted. Successive Governments have promised and pledged a victims law for the past 12 years. The Tory manifestos for the past three elections have promised a victims law. Will the Government commit to publish the draft Bill by this autumn?

Alex Chalk: This Government are absolutely determined to stand up for victims. We will be having a revised victims code and a revised victims law. That is built on a proud record of standing up for victims. [Interruption.] We will be publishing it as soon as possible.

Video and Audio Use in Court Proceedings

Andrew Jones (Harrogate and Knaresborough) (Con): What steps his Department is taking to increase the use of video and audio to conduct court proceedings during the covid-19 outbreak. [902959]

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): The increased use of video and audio is a critical component of our response to the current situation. Over the course of the past eight weeks, we have increased the number of daily remote hearings to about 4,000 per day—about a tenfold increase on the pre-coronavirus level. That means that about 90% of all hearings are now being conducted remotely.

Andrew Jones: I am very encouraged by that answer. One of the consequences of this current crisis has been the impact on public transport capacity and therefore people's access to courts. Will my hon. Friend consider the measures brought in in this emergency to be part of the long-term future for delivering efficiency, access, and a timely disposal of justice in our courts system?

Chris Philp: My hon. Friend is absolutely right to point to the use of remote technology not just in the current circumstances but long into the future to help the quick administration of justice. We are now in the middle of rolling out the cloud video platform, which is the technology enabling court proceedings to happen remotely. That will be fully rolled out in the Crown court jurisdiction and the magistrates court jurisdiction by the end of this month, we hope.

Alex Cunningham (Stockton North) (Lab): We agree that with a backlog of over 1 million cases outstanding in courts and tribunals at the end of last year, before the coronavirus, virtual courts are part of the answer to tackle this particular crisis. There is, however, evidence of cases being halted because judges have felt that justice was not being properly served and of defendants in virtual courts being likely to get a more severe sentence than if they appeared in person. I also understand that the vast majority of cases have been opened just to be immediately adjourned. What assessment has the Minister made of the effect of these things on people's lives, and will he agree to publish the number of cases simply opened and adjourned over the last five months?

Chris Philp: The data on court listings and hearings is published regularly and available for everybody to see. On the administration of justice, it is for the judge in each case to make sure they are satisfied that justice is served by a remote hearing or by an in-person hearing. Ultimately, decisions about whether a case is heard in person or remotely are taken by the judge, having regard to the circumstances of that case. Making sure that every defendant gets a fair hearing and every witness and victim is treated properly and fairly must remain always at the heart of our approach.

Tenant Eviction: Coronavirus Act 2020

Gareth Bacon (Orpington) (Con): What discussions he has had with the (a) judiciary and (b) Secretary of State for Housing, Communities and Local Government on the exemptions on evicting tenants under the Coronavirus Act 2020. [902960]

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): The Government took the necessary action through the Coronavirus Act to ensure that landlords could not start proceedings to evict tenants until at least September, and on Friday, at my request, the judiciary passed a new rule to protect renters by making sure that evictions would be suspended until 23 August. I intend to introduce the necessary secondary legislation. The Housing Secretary and I will continue to work closely with the judiciary and others to protect vulnerable renters.

Gareth Bacon: I do not want anyone to be unfairly evicted at such a difficult time, but could my right hon. and learned Friend offer guidance on two constituents who have written to me separately as landlords, the first having served notice to quit on a tenant whose behaviour had become very nasty, and the second a heavily pregnant lady who had to return home from working abroad when she was repatriated during the health crisis and who, along with her family, is now unexpectedly homeless?

Robert Buckland: My hon. Friend knows that I am more than happy to hear more detail about those individual cases if he writes to me this week. On the general point, I can assure him that this was not a matter I took lightly. I am bearing very much in mind the issue of small landlords in particular and—shall we say—egregiously continuing breaches, which is why we excluded, for example, trespassers from the provision, because clearly there is a social necessity to deal with them. Other measures are also available to deal with antisocial behaviour, but I will look at the two cases he raises.

David Simmonds (Ruislip, Northwood and Pinner) (Con): Given the capacity constraints on the judicial system at the moment, which are of similar concern to many of my constituents affected by issues outlined by my hon. Friend the Member for Orpington (Gareth Bacon), will my right hon. and learned Friend give consideration to relaxing the mandatory retirement age for magistrates so that the loss of our valued local administrators of justice can be stemmed and additional capacity be allowed in the system for the foreseeable future?

Robert Buckland: Your non-intervention, Mr Speaker, shows how ingenious Members of Parliament can be in weaving in themes to questions. I admire my hon. Friend's tenacity. He will be glad to know that we will shortly be consulting on the retirement age not just for magistrates but for the judiciary in general. I am grateful to him.

Court Backlog: Covid-19

Kerry McCarthy (Bristol East) (Lab): What steps his Department is taking to reduce the backlog of court cases that has accumulated as a result of the covid-19 outbreak. [902961]

The Parliamentary Under-Secretary of State for Justice (Chris Philp): As I have suggested already, we are currently engaged in a herculean national effort to get our courts back up and running, starting with the use of remote technology, which I talked about a few moments ago. Beyond that, we are reopening courts that have been closed. We are now up to 168 courts opened as of 3 June, and we intend to open many more in the weeks ahead. We are also working to make sure those courts are used to their maximum safe capacity. Survey work is under way and has been completed in many cases so that we can understand the safe socially distanced capacity in those 168 open courts to make sure we use it fully, but the herculean national effort continues.

Kerry McCarthy: There was already a huge backlog of Crown court cases before the coronavirus outbreak. My concern is that many people will be remanded in custody without having been convicted of any offences. Technically they are innocent until proven guilty. What impact has the outbreak had on the time they are having to spend time remanded in custody without having been convicted of an offence? Does he have numbers?

Chris Philp: Custody limits do still apply as they did before, and I know that as judges make their individual listing decisions, they have regard to custody time limits approaching. I imagine that individual judges as a matter of practice would seek to prioritise cases where custody time limits are being approached. Where someone has been convicted but awaits sentence, we have been working very actively with the judiciary to prioritise having those cases heard, because if upon sentence there is not a custodial sentence, obviously the person is then free to go. Those cases are being prioritised through the system, but in particular by judges in the way they take their listing decisions.

Mr Speaker: The Minister can maybe add Chorley to his list of reopenings.

Prison Capacity

Sarah Atherton (Wrexham) (Con): What progress his Department has made during the covid-19 outbreak on meeting its commitment to increase prison capacity. [902962]

Sir Desmond Swayne (New Forest West) (Con): What steps he is taking to increase prison capacity. [902973]

The Minister of State, Ministry of Justice (Lucy Frazer): Mr Speaker, I know the subject of court reopenings is very close to your heart.

To support the Prime Minister's commitment to crack down on crime, we are investing up to £2.5 billion to provide 10,000 additional prison places. Construction for our prison at Wellingborough has continued safely since restrictions were imposed in March, and in May we started on early works for our prison in Glen Parva.

Sarah Atherton: Will my hon. and learned Friend please provide an update on the women's residential centre pilot scheme, which is due to be located in Wales?

Lucy Frazer: As my hon. Friend will know, on 5 May I announced our commitment to locate the first residential women's centre in Wales, and we are now working closely with our Welsh partners to develop a detailed proposal for the site in Wales. Our intention is for that to open by the end of 2021. I am grateful for her continued interest, and I look forward to meeting her to discuss it next week.

Sir Desmond Swayne: No additional capacity will be had by increasing early release, will it?

Lucy Frazer: As my right hon. Friend will know, we have tried to increase headroom in the estate through a variety of mechanisms, and our early release scheme is one of those. We are continuing to operate that scheme.

Covid-19: Access to Justice

Jessica Morden (Newport East) (Lab): What steps his Department has taken to ensure access to justice during the covid-19 outbreak. [902963]

Ms Karen Buck (Westminster North) (Lab): What steps his Department has taken to ensure access to justice during the covid-19 outbreak. [902965]

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): The covid-19 outbreak has raised real challenges for the justice system, and we have taken rapid action where we can with the help of practitioners and the judiciary, who have been fantastic, to overcome those challenges and maintain access for all. Some 159 courts remained open across all jurisdictions, and a further 116 were staffed. On 18 May, we were able to restart jury trials, and we will be scaling them up in the weeks ahead.

Jessica Morden: As the Secretary of State said earlier, it is estimated that more than 41,000 criminal cases in England and Wales are in the backlog, including three murders in Gwent. There is a real risk that victims of the most serious crimes, including domestic abuse, will withdraw. Will the Minister therefore meet with Gwent MPs virtually to discuss what the Department is doing in our area, as there is a real fear that justice delayed is justice denied?

Alex Chalk: I thank the hon. Lady for the very proper concern that she expresses. I or one of my fellow Ministers would be happy to have a meeting. Every effort is being made to increase capacity to the fullest extent possible, but on the specific issue she raised about keeping victims

and witnesses engaged, we are very much alive to that. I spend a great deal of time speaking to victims' services, which do a wonderful job, together with the police, of making sure that victims remain informed, engaged and involved.

Ms Buck: The Law Society has highlighted how many legal aid providers are in danger of imminent collapse, because of the financial pressures of covid. They have had warm words from the Government, but no more. Will the Minister tell us what discussions he has had with the Treasury and when he last met it to discuss the plight of legal aid providers?

Alex Chalk: Legal aid is absolutely vital in a fair society. It is one of the vital bulwarks of our liberty, and we take extremely seriously the needs of legal aid providers. Steps have been taken to ensure that where there is money in the system—more than £400 million—that is more easily available for practitioners to draw down, so that they can be helped to weather the storm. That is of course over and above other schemes that apply to legal aid practitioners as to everyone else, whether that is the furlough scheme or the bounce-back loans scheme. Those measures are in place to keep these vital providers in business so that they can continue to do their important work.

Topical Questions

[902976] **Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): If he will make a statement on his departmental responsibilities.

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): The death of George Floyd in the United States and the protests that have been taking place across the globe are stark reminders that we live in a world where prejudice sadly and unacceptably continues to play a role. We all have a duty to stand up to racism wherever we see it, and I am more determined than ever to work with our justice partners and the black, Asian and minority ethnic community to address racial disparity in our justice system. The right to peaceful protest is one of the hallmarks of a mature democracy such as ours, but under the rule of law, which is the guarantor of equality before the law. We must never accept violence or criminal conduct as a legitimate tool of protest. At a time when we face the national trial of covid-19, when for months this whole country has come together to fight a deadly plague, I believe that on this issue we, too, can and must come together.

Lloyd Russell-Moyle: I join in the remarks expressed about the Black Lives Matter protests, and the shadow Secretary of State wrote a fantastic report on this and the justice system, which I thoroughly recommend.

Will the Secretary of State ensure, in suspending all eviction proceedings during this crisis and fulfilling his party's manifesto pledge to scrap no-fault evictions, that no tenant is evicted post-crisis by the courts if they have offered to pay, according to their respective means, a furloughed 80% of rent or a universal credit local housing allowance rate during the period?

Robert Buckland: The hon. Gentleman raises an interesting point. He will of course understand that it is for the courts to judge each individual case, but I am confident that the work being done by Mr Justice

Knowles and his committee to allocate and prioritise the work that will need to be done in possession actions will allow courts across the country to take very much into account the circumstances of individual renters and the effects of covid-19 upon their incomes and their ability to pay.

[902978] **Jason McCartney** (Colne Valley) (Con): Following a series of burglaries and car break-ins in the Colne and Holme valleys in January and February, West Yorkshire police made a series of arrests. My constituents now want to see justice done, so what is the Department doing to reduce the backlog of court cases during the covid crisis so they can see justice done?

Robert Buckland: My hon. Friend, whom I am delighted to see back in his rightful place, speaks powerfully for the communities of Colne Valley, whom he represents and has represented so ably. He will be reassured to know that in the magistrates court a huge amount of work is being done to deal with technology and to allow for remote hearings, and the same is happening in the Crown court, where guilty pleas are being dealt with expeditiously. The issue here is about trials. He will have heard earlier the plans we have to scale up, in capacity and sitting hours, the work that needs to be done to bring justice to his constituents and many more.

Karl Turner (Kingston upon Hull East) (Lab): Legal aid lawyers, often doing the most complex cases, are already struggling for their financial survival, but the Justice Secretary now plans to pile on more pressure through reforms of fixed fees in immigration and asylum appeal cases. He knows that this change means that lawyers will be forced to do more for an awful lot less or will simply walk away, so will he acknowledge that this ploy, pretending to give with one hand but snatching far more away with the other, will further drive lawyers away from representing the most vulnerable people? Will he now commit to working constructively with those professions to find a better and fairer alternative?

Robert Buckland: The hon. Gentleman knows from my long background as a legal aid practitioner that I always work constructively with the professions and engage closely with the representative bodies.

Karl Turner: It's cynical.

Robert Buckland: The hon. Gentleman is making totally unfair comments from a sedentary position. We have started, particularly with regard to immigration, to increase the amount of money that is rightfully being paid. We are looking at trying to make sure that the money is targeted—[*Interruption.*] If the hon. Gentleman would listen, perhaps he might learn something. [*Interruption.*]

Mr Speaker: Order. Let us calm it down.

Robert Buckland: Thank you, Mr Speaker. We are trying to make sure that the work that is done, particularly in immigration cases, which often involves a lot of preparation in skeleton arguments, is remunerated. That end of it has seen a significant fee increase, but it is an interim measure and the hon. Gentleman will be glad to know that more work is being done in this area. Of

course we will engage closely with representative bodies. He may shake his head, but he represents a party that took a knife to legal aid. I will take no lectures from him about legal aid and what he did to it. I had to live with the consequences of what his party did and he can put that in his pipe and smoke it.

[902980] **Jonathan Gullis** (Stoke-on-Trent North) (Con): Will my right hon. and learned Friend give a commitment that the Government will not seek to extend the early release scheme, which residents in Stoke-on-Trent North, Kidsgrove and Talke think is too weak, and instead consider scrapping it?

Robert Buckland: I know that my hon. Friend speaks with conviction on behalf of his constituents. He knows that necessary steps were taken with regard to the covid crisis to allow a measured release of certain types of lower-level prisoners as an attempt to contain the outbreak. We have been very careful in the way that we have done that. On the more general issue of release, he will know that a scheme has existed for many years called home detention curfew. There are no plans to extend that, and, again, he can be reassured that we are dealing with prisoners who do not pose a high risk and have been carefully assessed. He will know from the measures I have taken to end automatic early release at halfway that the Government are determined to ensure that when prison terms are given, the majority of the term ordered is served.

[902977] **Chi Onwurah** (Newcastle upon Tyne Central) (Lab): As well as “I can't breathe”, the Black Lives Matter protesters cry “No justice, no peace.” I am sure the Secretary of State will take the opportunity to condemn all violence and vandalism, as I do, but does he also recognise that that cry cries out for a response? Does he acknowledge that the Government's failure to take any action on the report on racial disparities in the justice system by my right hon. Friend the Member for Tottenham (Mr Lammy) is not the response that will reassure protesters?

Robert Buckland: I am grateful to the hon. Lady for raising that important matter, but she can be reassured that the work done by the right hon. Member for Tottenham (Mr Lammy) and my Department's response are far from being ignored or deprioritised. As a result of what has happened, we have already started “chance to change”, an important initiative about deferring prosecutions. We are already working to improve the way in which pre-sentence reports are prepared, in order to eliminate bias. Important work is being done to identify ethnicities within the system. In essence, the vital tools and foundations are being prepared to deal with the challenge that the hon. Lady rightly poses.

[902983] **Tom Hunt** (Ipswich) (Con): Following the immensely destructive Extinction Rebellion protests last year and the violence and the criminal damage committed over the weekend by a small minority of thugs, is my right hon. and learned Friend confident that the law as it stands is on the side of the law-abiding majority and our brave police officers, who have really stood up and been counted over the past couple of months?

Robert Buckland: My hon. Friend is absolutely right to praise the work of our brave police officers, and indeed all emergency workers who put themselves on the line, particularly in the context of this crisis. We are in the process of looking carefully at the sentencing maximums for assaults on emergency workers. I will update the House on our progress.

[902985] **Bill Esterson** (Sefton Central) (Lab): The privatisation of probation has been a complete failure. The Secretary of State might want to remind his colleagues of Serco's role in that failure, given the way it has just been awarded the contract for covid test and trace, but for today will he tell us when the family of probation services will be brought back together in their rightful place in the public sector and end this scandal of privatisation?

Robert Buckland: The hon. Gentleman knows that last year an important announcement was made on the reform of the Probation Service, which is progressing. I am considering the matter very carefully, particularly in the light of covid-19 and the effects on the process, and I will make a statement to the House as soon as possible.

Craig Whittaker (Calder Valley) (Con): The land banking scandal of nearly a decade ago is as real today as it was then to some people, especially in cases where solicitors have been prosecuted and struck off by the Solicitors Regulation Authority. The SRA deems compensation claims out of time after a year, even when the timescale from prosecution to striking off can be over a year. Will my right hon. and learned Friend ask the Legal Services Board to investigate whether the discretionary compensation fund administered by the SRA is actually fit for purpose?

Robert Buckland: I am grateful to my hon. Friend for his question. He and I have discussed this matter on a number of occasions, and he is right to raise this sensitive issue for those who have been unjustly deprived as a result of a fraud. The fund, which is operated by the SRA, is for those who have suffered financial loss specifically caused by solicitors. It consulted earlier this year between January and April. The SRA would need to seek the approval of the LSB for any changes to the fund. We need to be realistic about the fact that any compensation fund will not be able to fully recompense those who have lost under it, but I take his point about time limits, and it is something that I will discuss with him further.

Robert Largan (High Peak) (Con): Following the death of George Floyd, there have been peaceful, socially distanced protests in both Buxton and Glossop in my constituency. We should not pretend that there are not very clear differences between this country and the United States. It is 21 years since the Macpherson report and, as a country, we have come a very long way since then, but there is still work to be done. What steps are the Government taking to increase trust in the criminal justice system among the BAME communities?

Robert Buckland: I am very grateful to my hon. Friend for his question. I can enlarge on the points that I made to the hon. Member for Newcastle upon Tyne Central (Chi Onwurah). In February this year, we

published an update against each of the recommendations made by the right hon. Member for Tottenham (Mr Lammy). I have mentioned deferred prosecution schemes. There is also a change to the way in which the use of force in prison is scrutinised. We have completely revised the complaints process to ensure that it is fairer. On the recruitment of BAME people into the system, we are on target to meet our objective with regard to the percentage of Prison Service recruits and have increased the number of senior leaders. As the review recommended, we have concentrated on improving the quality and transparency of data, which ensures that we properly monitor ethnicity. A lot of work is being done, but there is a lot still to do.

Hywel Williams (Arfon) (PC) [V]: It is reported today that Ministers are desperately looking for venues for Nightingale courts. Twenty-two magistrates courts were closed in Wales between 2010 and 2020, so will the Minister reopen those courts so that the people of Wales can be properly served?

Robert Buckland: The hon. Gentleman makes an important point, but what he has to remember is that the extra courts need to be compatible with social distancing. What we are looking for is space and room so that people can stay safe, which is why in Wales we have been looking particularly at civic buildings near the established court centres in Cardiff, Swansea and, I think, Mold and Caernarfon Crown court, which I know well. I am confident from my close consultation with partners in Wales that work is being done that will allow that capacity to increase and allow justice to be served more swiftly in Wales.

Tim Loughton (East Worthing and Shoreham) (Con): It is now more than a year since my Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 was passed. Before that, my right hon. and learned Friend's colleagues did a lot of work on section 4, which would amend the Coroners and Justice Act 2009 to empower coroners to investigate stillbirths. That has still not happened—when is it going to happen?

Robert Buckland: I am extremely grateful to my hon. Friend for his work on this matter and I am happy to continue to meet him on it. I had hoped to publish our report on the consultation about now, but covid, I am afraid, has affected things. My aim is to publish later this summer in accordance with his wishes, but I will of course engage with him on the matter.

Carol Monaghan (Glasgow North West) (SNP) [V]: A recent study by the London School of Economics has shown that people are torn about using the contact-tracing app, due to civil liberties concerns. To increase public confidence, will the Secretary of State commit to bringing forward a legislative framework and independent oversight of the app to protect human rights?

Robert Buckland: I thank the hon. Lady for that question. She knows that the Isle of Wight pilot is still ongoing and the precise nature of the app to be used has yet to be determined. I am quite clear—and I have been clear to the Joint Committee on Human Rights—that,

if there was to be any change in the basis of the use of data, legislation would be necessary. But the important points for me are consent of the subject and indeed the use of that data and confidentiality. If the existing parameters are maintained, legislation might not be necessary, but we will have to wait to see the precise ambit of the app.

Mr Speaker: In order to allow the safe exit of hon. Members who participated in this item of business and the safe arrival of those participating in the next, I now suspend the House for three minutes.

12.31 pm

Sitting suspended.

Future Relationship with the EU

12.35 pm

Rachel Reeves (Leeds West) (Lab) (*Urgent question*): To ask the Minister for the Cabinet Office if he will make a statement on the fourth round of the negotiations on the UK's future relationship with the European Union.

The Paymaster General (Penny Mordaunt): Negotiators from the UK and the EU held full and constructive discussions last week via video conference led by David Frost, the UK's chief negotiator. The talks covered trade in goods and services, fisheries, law enforcement, criminal justice and other issues, in which both sides engaged constructively. There was, however, no movement on the most difficult areas where differences of principle are at their most acute, notably fisheries, governance arrangements and the so-called level playing field.

We have now reached an important moment for these talks. To make progress, we need to accelerate and intensify our work, and the Government are working closely with the EU to achieve that. It is our priority to conclude this negotiation in good time to enable our citizens and businesses to have certainty about the trading terms that will follow at the end of this year and, if necessary, to allow any ratification of agreements reached. We have always been clear that such a deal must of course accommodate the reality of the UK's well-established position on the so-called level playing field, on fisheries and on the other difficult issues, and fully recognise the UK as a sovereign equal.

The House should also be aware that this Friday, the Chancellor of the Duchy of Lancaster and I will be at the second meeting of the withdrawal agreement joint committee. We will be able to update the committee about the positive progress the UK is making on implementing our obligations, not least on citizens' rights and the Northern Ireland protocol, but we will also emphasise that we will not be extending the transition period, and will push the EU on implementing its obligations under the terms of the agreement.

The Government remain committed to our negotiations with the EU and the implementation of the withdrawal agreement, and will continue to keep the House updated on developments.

Rachel Reeves: The UK left the European Union in January, and our task now is to build the best possible new relationship with our European neighbours. Our chief negotiator, David Frost, said last week:

"We need to conclude this negotiation in good time to enable people and businesses to have certainty about the trading terms that will follow the end of the transition period at the end of this year".

We agree, but currently we are in the dark about what this new relationship looks like.

Both the CBI and the TUC are warning about the impact of chaos and uncertainty on jobs and livelihoods. The Association of the British Pharmaceutical Industry warned this week that, as a consequence of covid-19, the stockpile of medicines has been run down and cannot be rebuilt, in terms of volume or range, by the end of this year. The Road Haulage Association says:

"We are still missing the essential practical information on all new processes and procedures"

as the Government look to introduce millions of extra declarations at the border each year. Does the Minister believe that having 50,000 new customs officers to process those declarations will add to or reduce the red tape for UK businesses?

From freight to farming, fisheries to pharmaceuticals, we need clarity. During the general election, the Prime Minister claimed time and again that the Government had an oven-ready deal. Its fundamental ingredients matter, so will the Minister confirm that the Government still, as they did in December, guarantee that there will be no tariffs, fees, charges or quantitative restrictions across all sectors? Leaving on WTO standards, or even a Canada-style deal, does not guarantee that. Will she also confirm that the Government will safeguard workers' rights and consumer and environmental protections? There is much concern that that is no longer Government policy. Are the Government still committed to a broad, comprehensive and balanced security partnership, which is essential to bring criminals to justice? Will the Government respect the Good Friday agreement in its entirety?

To conclude, this is not just a deal between the UK Government and the European Union. Through the course of the election, it was the basis of a deal with the British people. We urge both sides to redouble their efforts over the next few days and weeks to ensure that progress is made by the end of this month, so that the Government can honour their commitment to ensuring a good deal for Britain by the end of this year.

Penny Mordaunt: I thank the hon. Lady for those questions. At the start of her response, she made a powerful argument for not extending the transition period. If we have learned anything over the last few years, it is that that would only extend the negotiations. I agree that business, our citizens across the EU, and the rest of the world, with which we are also focused on trade negotiations, want to have certainty about the future, so we must press on with that. That is one of the many reasons why we will not extend the transition period.

The hon. Lady is also right to draw attention to the fact that the covid crisis is going on. I know that she is aware of the huge amount of work that was done last year on no-deal preparations, and the tremendous work that civil contingencies and all Government Departments have been doing to ensure that supply chains remain strong, that we can quickly adapt, and that we have stocks of all sorts of goods, including the medicines that we need. These are challenging at times, in the light of what the world is facing, but they are our focus. I assure her of the incredible work that those civil servants are doing to ensure that our citizens have what they need when they need it.

I take a keen interest in those areas as a former employee of the Freight Transport Association. We will shortly be saying more about our border operations. A tremendous amount of work has gone on to improve our communication with businesses from every part of the UK last year to ensure that it is good, and that we are not just giving people the right information, but picking up solutions from the sector, because that will be key to getting it right.

[Penny Mordaunt]

On the hon. Lady's remarks about rights, animal welfare, security, zero tariffs and zero quotas, our policy has not changed. We will of course respect the Good Friday/Belfast agreement and we expect the EU to do the same.

Mr William Wragg (Hazel Grove) (Con): Regrettably, is not the insurmountable blockage in this entire process the refusal of the EU to accept the UK as a sovereign nation and, therefore, its refusal to countenance a large-scale copy and paste of existing arrangements with the likes of Canada, South Korea and Japan to reach a mutually beneficial trading partnership?

Penny Mordaunt: My hon. Friend makes a good point. The areas where we still need to make progress will be helped when the EU remembers that we are a sovereign equal.

Pete Wishart (Perth and North Perthshire) (SNP): Surprise, surprise, there is no Michael Macavity; when the going gets tough, the tough get gone in this case. It now looks as if the Minister for the Cabinet Office will secure the no-deal Brexit he has always coveted. It will be misery heaped on misery, as covid and Brexit appear like the twin horsemen of the economic apocalypse trampling over any prospect of recovery.

Whose fault will that be? Obviously, not the Government's: "Nothing to do with us, gov. It's all these nasty, invidious Europeans. How dare they hold the Government to the commitments they've already given in good faith? These fiendish Europeans, asking us to deliver on what we've already agreed to." When they sit down to negotiate, it is like watching Scotland's B team take on the Brazil of the 1970s. It is almost cruel to observe them with their screeds of documents and facts, and Team GB with its ill-fitting clown shoes.

We are having nothing more to do with this. Scotland is wanting out of all this. Another opinion poll at the weekend showed a majority for Scottish independence once again. The Union that we covet is not their failed variety; it is the European Union one. Does the Minister concede that we will have no deal, and that there is no way Scotland will be part of that impending disaster?

Penny Mordaunt: I am sorry that the hon. Gentleman is disappointed to see me here today. I am always delighted to see him, and he will know that the Chancellor of the Duchy of Lancaster needs no encouragement to come to the Dispatch Box. My right hon. Friend has come to update the House and appeared in front of Select Committees, and he is committed to doing so. I am here because he is unable to attend today.

I am not sure there was a question in the hon. Gentleman's remarks, but I reassure him of my commitment to working with the Scottish Government to ensure the best possible outcome from these sets of negotiations. I have been changing the format of how that is done, and we have put more time into key areas such as fisheries, to ensure that the Scottish Government have everything they need to contribute. We must ensure that we work together, constructively, and get what our businesses and citizens need.

Mr Laurence Robertson (Tewkesbury) (Con) [V]: Given that the German constitutional court recently said that Germany does not have to follow rulings from the

European Court of Justice if that goes against German interests, despite Germany being a member of the European Union, would it not be unreasonable to expect the United Kingdom to obey any rulings from the European Court of Justice, now that we are no longer a member of the European Union?

Penny Mordaunt: My hon. Friend makes a good point. The German constitutional court decision emphasises the point that we are a sovereign equal, and the EU needs to accept that. That decision will obviously have implications for the EU to consider.

Hilary Benn (Leeds Central) (Lab): Article 131 of the political declaration states that if a dispute raises a question of interpretation of Union law,

"the arbitration panel should refer the question to the Court of Justice of the European Union...for a binding ruling as regards the interpretation of Union law."

Given what the Minister just said, do the Government still stand by the commitment that the Prime Minister signed up to in October?

Penny Mordaunt: The political declaration is not a treaty and there will be differences on both sides as to its interpretation. The point we have emphasised in the past few days is that the EU cannot be the referee in that.

Selaine Saxby (North Devon) (Con): I have received a large number of emails from farmers and constituents in North Devon who are concerned about food standards once we leave the EU. Will my right hon. Friend assure me, and worried constituents, that we will retain our current food standards, and prevent the import of chlorinated chicken and other inferior food?

Penny Mordaunt: I refer my hon. Friend to the very good joint letter that was recently sent out by the Secretaries of State for Environment, Food and Rural Affairs and for International Trade. In this we should be trusting the consumer—if people do not want to put their faith in Government, we should trust the consumer, and I think consumers want high-quality, fairly priced food, with high animal welfare standards.

Fleur Anderson (Putney) (Lab): It is clear from the Minister's remarks that this deal is far from "oven-ready". Are the Government prepared to say no to any deal that will diminish our food and environmental standards and undermine British farming?

Penny Mordaunt: Of course we are working towards a deal on those issues, and many others. On some issues we very much feel that our interests are better served by having separate agreements. The key point is that we cannot keep negotiating for ever, and we must allow our businesses, farmers, and citizens time to implement the decisions taken. That is why we are now at this key stage and have to increase and escalate negotiations. We need to arrive at a deal soon.

Robert Courts (Witney) (Con): The EU is insisting on level playing field guarantees, the extent of which is not seen in any similar agreements and to which no

sovereign country could agree. Does the Minister agree that if we are to reach that mutually agreeable and profitable deal, the EU will have to stop cherry-picking?

Penny Mordaunt: I thank my hon. Friend for that well-put point. The EU's proposals would bind us into EU law and impose controls over our domestic legal regimes, which cannot be acceptable. It is not in the political declaration and it is certainly not in any free trade agreement that I know of.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP) [V]: Tapadh leibh, Mr Speaker, and thank you for enabling this. During the covid crisis, people are getting a taste of border restrictions and they do not like it. Leaving the customs union and the single market would give businesses more significant Brexit borders. Anybody worth their salt in business and trade negotiations knows the numbers. Given that there is no good Brexit for the economy and that the damage to the economy was reckoned by the UK Government at one stage to be between 6% and 8% of GDP, does the Minister have updated figures for the damage, deal or no deal, to the UK economy, jobs and business, or are we still looking at 6% to 8%?

Penny Mordaunt: The Government's policy is that, over the medium to long term, our approach to Brexit will maximise the economic benefits to the United Kingdom. That needs to be our focus in not just our negotiations with the EU but the work we are doing on rest-of-world trade. There are massive benefits for every part of the UK from that, and that is what we should all be working together to achieve.

Scott Benton (Blackpool South) (Con): The speculation regarding a possible extension of the transition period is concerning the residents of Blackpool, nearly 70% of whom voted to leave the European Union. Does my right hon. Friend agree that extending the transition period at this point would merely prolong the negotiations, prolong the uncertainty for businesses, and delay the moment at which we can finally gain back our control of our borders; and that none of those things are in the best long-term interests of the United Kingdom?

Penny Mordaunt: My hon. Friend's constituents are very wise indeed. It would just prolong the negotiations. It would also see us paying into the budget and being subject to laws that we had no say in designing.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Minister spoke a moment ago about accommodating reality. May I urge her to accommodate reality on the supply of crucial medicines and other supplies to our NHS rather than false hopes and aspirations, which have not served us well in the current crisis? The pharmaceutical industry said, in an internal memo provided to the Government in May, that after the pandemic ends there will be:

"less or zero product available in the market to allow for stockpiling of a broad range of products."

Who is right: the pharmaceutical industry or the Minister?

Penny Mordaunt: The hon. Gentleman is right that there are challenges, but those challenges are known and a huge amount of work is going on to ensure

that we can address them. We will be saying more in the coming weeks about those issues and our border operations.

Nicola Richards (West Bromwich East) (Con): We have heard that Germany thinks it can pick and choose which laws it complies with, yet Mr Barnier still expects us to be subordinate to EU laws. The Minister said that there will be implications for the EU. Does she agree that this not only undermines the negotiations but the EU project as a whole?

Penny Mordaunt: The judgment of that court clearly raises issues that are for the EU to consider, and not for me at the Dispatch Box. The key point that my hon. Friend outlines is that we are a sovereign equal in the negotiations. Once the EU accepts that and looks at the negotiations from that perspective, we can make some progress on those remaining tough issues.

Claire Hanna (Belfast South) (SDLP) [V]: On 20 May, the Chancellor of the Duchy of Lancaster said in the Chamber that the UK was now prioritising the principle of consent—the Government's interpretation of it. On the same day, in relation to the Command Paper on the Ireland protocol, the Government insisted that the Northern Ireland Assembly should have the final say on the protocol. The Assembly finally gave a say on Brexit when it voted last week to request an extension to the transition period to allow businesses, which are currently in the fight of their lives due to covid, to adapt and to have the certainty that the Minister refers to. If the Northern Ireland Assembly's consent is so vital, should the Government not listen to what it says?

Penny Mordaunt: Many of the issues, including the protocol, will ultimately rest with the people of Northern Ireland through their elected representatives. However, for the reasons that I have already set out, we will not extend the transition period. We believe that it would not be in the interest of any part of the UK to do so. It would just prolong negotiations. Hon. Members on both sides of the House, including those who have recently joined, will know what that looks like, having seen what happened to this country over the past few years.

Jo Gideon (Stoke-on-Trent Central) (Con): The people of Stoke-on-Trent, who voted overwhelmingly for Brexit, expect the extension not to happen. A comprehensive free trade agreement could easily be agreed by both parties, without major difficulties, in the time available. Does my right hon. Friend agree that the EU must accept that the UK is an independent sovereign state and an equal partner in these negotiations?

Penny Mordaunt: My hon. Friend makes some very good points. Yes, absolutely: we are a sovereign equal and the EU must accept that. She is also right to point out that we are not starting from scratch in these negotiations. There are many precedents being set and the asks we are making are extremely reasonable and are found in many other arrangements that the EU has with other nations.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Farmers and crofters in my constituency and across the country require a minimum of two things from these

[Mr Alistair Carmichael]

negotiations: tariff-free access to the European markets, and the protection that their produce gets from the protected designation of origin regimes. Given the Minister's description of progress in negotiations, how likely does she think they are to get that, and what would she suggest they do if they do not?

Penny Mordaunt: We are very aware of the asks of every sector in Scotland. I have been working with all the devolved Administrations to ensure that they are able to feed in. Indeed, those discussions have materially changed the shape of the negotiations. We will continue to do that. They know that I am committed to doing that. Many of the things we are asking for are in everyone's interests. They are mutually beneficial things, so I remain optimistic.

Felicity Buchan (Kensington) (Con): Financial services are very important to my constituency, and indeed to the country as a whole, given their huge contribution to the Exchequer and the number of people they employ, not only in London but in Scotland and in the north of England. Will my right hon. Friend assure me that the interests of financial services will be protected as part of the negotiations?

Penny Mordaunt: I can give my hon. Friend those assurances. We are obviously working very hard to deliver for that sector. It is a sector that was not well served—the whole of services were not well served—by our previous relationship with the EU. The asks that we are making with regard to financial services are in other agreements that the EU has, notably that with Japan, so we think it perfectly reasonable that they be extended to us.

Nick Smith (Blaenau Gwent) (Lab): Ebbw Vale in Blaenau Gwent has a European-based car parts manufacturer that provides well-paid jobs. What engagement have the Government had with this sector and its trade unions about their role in these negotiations?

Penny Mordaunt: I thank the hon. Gentleman for his question. One of the areas that I look after in the Cabinet Office is our communications. We have had a complete overhaul involving every Government Department, including those for local government and for transport, which will be key to the sector that he raises, to improve our communications. Clearly, a lot of policy announcements are yet to happen because they are contingent on decisions that have been taken, but that structure is now in place. I make the commitment that the communications between all sectors and Government will be considerably better than what happened last year.

Nickie Aiken (Cities of London and Westminster) (Con): What assurances can my right hon. Friend give to businesses in the Cities of London and Westminster that both the UK and the EU are keen to have certainty and clarity in any future relationship, particularly to deliver an attractive business and investment environment, since financial and professional services will play a huge part in the post-covid-19 economic recovery?

Penny Mordaunt: My hon. Friend makes an extremely good point. The City of London is not just vital to the UK's economic recovery; it is also a key institution for many nations around the world. We must ensure its success, and I assure her that the Government are very focused on that.

Mrs Emma Lewell-Buck (South Shields) (Lab): I voted for the European Union (Withdrawal Agreement) Bill. I want the Government to get a good deal. Delay will only increase uncertainty, but last week it was reported that talks about the oven-ready deal have stagnated. What red lines will the Government compromise on, if any, to achieve that promised deal?

Penny Mordaunt: I thank the hon. Lady for her commitment to helping us deliver a good deal. The key aspect of why we cannot let these negotiations go on is that prolonged uncertainty. We believe that our asks are very reasonable. There are precedents set. They are upholding our rights in international law, and we will continue to ask for them. What is required is for the EU to understand that we are a sovereign equal in these negotiations, and I hope that that happens in the coming weeks.

Julian Smith (Skipton and Ripon) (Con): I welcome the Minister's comments on speed. We need to give people and businesses notice as soon as possible about the changes that they need to prepare for. On guidance, may I urge her to look at the fact that many businesses have not realised the consequences of coming out of the single market and the customs union? We can start preparing them for that reality. On the Northern Ireland protocol, there are businesses reporting to me that they are now moving jobs to the Republic. What progress has been made on implementing and discussing the checks and other measures that businesses will have to prepare for in Northern Ireland?

Penny Mordaunt: I thank my right hon. Friend for that important question. In addition to shortly being able to talk more about border operations and how we envisage things working in the future, we are already in discussion with businesses in every part of the UK. The Secretary of State for Northern Ireland has led some of those discussions. We have received a great many submissions from businesses in Northern Ireland, and those views are being taken into account as we design what the future will look like.

Patrick Grady (Glasgow North) (SNP): The London mayoral elections have been delayed by a year. The conference of the parties on climate has been delayed by more than a year. Where is the harm in delaying the Brexit negotiations for a year as well, so that we can get it right, by understanding the impact that the pandemic is having and will continue to have at the end of the year rather than going barrelling off the cliff edge? All it would take is a phone call, and we would give people the kind of certainty that we are being asked for by taking the time to get it done properly.

Penny Mordaunt: We will not be barrelling off a cliff edge. One of the reasons why we want to conclude the negotiations is to give people time to prepare for the end of the year. The hon. Gentleman is right to point to

the fact that the situation we are in with covid has been grave. We need to ensure that our economies recover swiftly, and they will be helped not by perpetuating the uncertainty we saw over the last few years, but by enabling business to get on with it and using our finite resources to facilitate levelling up in the United Kingdom, not paying into an EU budget that we will never see any upside from.

Tom Hunt (Ipswich) (Con): We have recently seen an unacceptable increase in the number of illegal migrants entering this country through unauthorised crossings across the English channel. Does my right hon. Friend agree that being tied to EU rules and regulations during the transition period makes the return of illegal migrants more difficult, which underlines one of the important reasons why we need to end the transition period on 31 December? Will she assure me and my constituents that the UK will rebuff any EU attempt to make a new deal on illegal immigration contingent on our conceding in other areas of negotiations?

Penny Mordaunt: All nations have an obligation to combat the appalling and dangerous trade in human beings. Britain has chosen to do that, partly because of our geographic location, by putting in large amounts of funding upstream to create job security and food security and alleviate the need for people to move away from their homes to seek a better life. We will always uphold our obligations and our humanitarian obligations, and we want all other countries to do the same.

Steve McCabe (Birmingham, Selly Oak) (Lab): When does the Minister hope to be able to offer some reassurance to the west midlands motor industry that the negotiations will protect the industry and will not result in the imposition of a disastrous tariff on UK-manufactured vehicles intended for European export?

Penny Mordaunt: That and many other matters are why we want to increase the pace of negotiations. We will soon be able to talk about some of the operational aspects in respect of how we see our border working and many other issues that will be of interest to that sector. In preparation for that we have done a huge amount of work to ensure that we are talking to everyone we need to.

Dr Kieran Mullan (Crewe and Nantwich) (Con) [V]: The reality is that a comprehensive free trade agreement, with all the benefits it could bring to both parties, is well within reach. Does my right hon. Friend agree that, rather than discussing an extension with Opposition parties, the EU should focus on securing a deal so that we can reach an agreement by the end of the year?

Penny Mordaunt: I do agree with my hon. Friend. It is vital that we get a move on with this; it is in the interests of the UK and the EU that we do so. The EU must accept that we are a sovereign equal in the negotiations; I think we will then make some progress. In fairness to the Opposition, even though they are campaigning on a transition period, they have not quite adopted that as their policy—I suspect because they know it would be crazy to extend it.

Alan Brown (Kilmarnock and Loudoun) (SNP): Scotland has important trading links with Northern Ireland, but Stena Line is really struggling because of covid-19. The

Minister keeps talking about certainty; so that we can look forward with certainty, will she be the first Minister to explain how the invisible border between Northern Ireland and Ireland is going to be maintained? What technology has been invented and will be deployed in time for the end of the transition period? How will she ensure that that does not affect the movement of goods and people between Scotland and Northern Ireland?

Penny Mordaunt: The hon. Gentleman raises some important points. We will soon be able to talk in depth about border operations. I am not able to do that today, but he will not have long to wait.

Theresa Villiers (Chipping Barnet) (Con): The nature of the trading relationship that the UK is now seeking with the EU means that, whatever the outcome of the negotiations, the formalities with which exporters will need to comply will change on 1 January. I urge the Government to step up engagement so that businesses large and small throughout the country are ready for the end of the transition period and all the formalities that will bring.

Penny Mordaunt: My right hon. Friend makes an incredibly important point that is absolutely accepted. We hope to be able to start to do that very soon indeed. In advance of that we have, as I have alluded to, done a tremendous amount of work, looking at all the stakeholders that Departments are working with and ensuring that we are talking to all the businesses that we need to, not just the obvious ones that are always at the roundtables. We do a good job not only of communicating that but of listening, because many of the solutions that need to be put in place will be derived from the ideas of businesses themselves.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op) [V]: I am sure the right hon. Lady will agree that we need a good deal. We need a deal in the time that we have set ourselves, but to get that, we need a mixture of trust, competence and integrity. As a new member of the Committee on the Future Relationship with the European Union, I—and the team—had the privilege yesterday of interviewing Michel Barnier and the Minister's boss, the Secretary of State. Does it not worry her that I get a real feeling that the trust, competence and integrity are more on the Barnier side than on her boss's side? Why can we not get a movement in which we look back to the political declaration and stick to its principles?

Penny Mordaunt: I am very disappointed to hear that from the hon. Gentleman. On the withdrawal agreement Joint Committee, I am Barnier's oppo, and I thought I was charming.

Dr Liam Fox (North Somerset) (Con): No one would disagree with that sentiment. Post-covid, it will be essential to get the global trading system moving, and nothing could give greater confidence in that system than seeing a UK-EU trade agreement in place. To enable that to happen, the EU could give Britain a Canada-style agreement. Does my right hon. Friend agree that the UK has a right to expect from the EU no less than what the UK itself agreed, as part of the EU, with Canada?

Penny Mordaunt: My right hon. Friend makes a very good point, with which I agree wholeheartedly. He is also right to put the focus on rest-of-world trade. Clearly,

[Penny Mordaunt]

many decisions that will be taken in the negotiations and the workstreams going into implementing the withdrawal agreement are linked to our ambitions on rest-of-world trade. We must always remember that while the EU side of things is clearly a priority for many in this House, we ought also to be talking about the opportunities that exist with other nations around the world.

Jim Shannon (Strangford) (DUP): I congratulate the Minister on her stance and her determination to deliver Brexit. Will she outline whether there have been further discussions regarding our agrifood and fishing sectors in the United Kingdom, and in Northern Ireland in particular, with special reference to the protection needed to secure our dairy, beef, pork, poultry and fish markets? What have the latest discussions brought about to ensure that that happens?

Penny Mordaunt: The last round of negotiations touched on all the workstreams. There was in-depth discussion across all areas, and it was very constructive on both parts, but as I outlined in my opening statement, there are some very tough areas. One of them is fishing and we are asking for our rights, as enshrined in international law, to be upheld. We are not wavering from that point, and the EU needs to recognise that.

Justin Madders (Ellesmere Port and Neston) (Lab): In my last exchange with the Chancellor of the Duchy of Lancaster on 27 February, we learned that we were going to need 50,000 new customs officers by the end of the year. What assessment has the Department made of the annual cost to the UK economy of those officers, and who is going to foot the bill for them?

Penny Mordaunt: Our civil servants have been working on the personnel, training and recruitment aspects of this, and on the many other aspects that will need to be put in place. There are regular updates on readiness with our partners and with the devolved nations. I am leading on that aspect. Where there are additional costs to be borne, there is work that needs to be done, and the Treasury is aware of that fact. I am personally keen to see that where we are making investments, whether in personnel or in additional facilities that need to be created, we are also looking at the economic opportunities that will come with that for particular areas. I know that the Treasury is very keen on that, too.

Dame Cheryl Gillan (Chesham and Amersham) (Con) [V]: With both sides being confident that a deal can take place by the end of year, the EU ratification process means that, in practical terms, agreement probably needs to be reached by the end of October. Ratification in the UK can take place relatively quickly. What guarantees has the Minister received from Michel Barnier that the EU will not allow a deal to fall because of the time it would take to complete the complex EU ratification processes?

Penny Mordaunt: All sides are very aware of the timetable we have to operate in, which is why we want to increase the pace of discussions and focus on those remaining tough issues, but we will not extend the

negotiations. We are determined to ensure that any ratification or other practical measures needed can be done by the end of the year. That is critical and the reason we want to conclude the negotiations swiftly.

Stephen Farry (North Down) (Alliance): The Northern Ireland protocol is the sad and inevitable consequence of Brexit and the need to protect the Good Friday agreement, but it is right we do all we can to mitigate its impact. Does the Minister recognise that the greater the divergence by the UK from the EU—or indeed the absence of any trade deal by the end of the year—the greater the impact down the Irish sea in terms of checks and bureaucracy?

Penny Mordaunt: The best way to protect the Belfast/Good Friday agreement and to implement the protocol is to take a pragmatic approach that always has at its forefront jobs and the economy in Northern Ireland. That is why it is our policy that there should be no new procedures, no new customs infrastructure and no tariffs on internal UK trade, and that remains our policy.

James Wild (North West Norfolk) (Con): Does my right hon. Friend agree that even the five months that Monsieur Barnier talked about on Friday for finalising legal texts on an agreement on the level playing field, fisheries and other matters is possible, provided that the agreement reflects the fact that we have left the EU? Is not what is needed here the flexibility in the EU mandate that we saw when the Prime Minister successfully renegotiated the withdrawal agreement?

Penny Mordaunt: I agree with my hon. Friend wholeheartedly. Remember, we are not starting from scratch; there are many precedents and it is perfectly possible for us to make progress. I sincerely hope we do so.

Kirsten Oswald (East Renfrewshire) (SNP) [V]: Last week, the Chancellor of the Duchy of Lancaster told me we did not need a Brexit extension, just good will on all sides, but this Government keep making commitments and then ditching them—hardly the way to encourage good will. Will the UK Government finally admit that they cannot deliver on their own commitments and just come clean that the real strategy is to crash out of the EU, leaving the rest of us to pick up the pieces?

Penny Mordaunt: No, that is not the strategy. The strategy is to escalate the pace of the negotiations, which the EU is aware is required, and make progress. As I say, in the latest rounds last week we had very constructive discussions on all workstreams, but there remain areas we need to focus on in the coming days and weeks. That is what we need to do. It is in everyone's interests—not just ours in the UK, but the EU's—that we secure this deal, and I remain confident that we will get there.

Brendan Clarke-Smith (Bassetlaw) (Con): Our historic immigration Bill will end free movement, take back control of our border and pave the way for a new points-based immigration system. Does the Minister agree that as we come through coronavirus it is vital

that we have this new immigration system in place so that we can attract the brightest and the best from around the world?

Penny Mordaunt: We need flexibility and the ability to respond to what our economy needs. Our immigration system needs to be based on a proper understanding of our own labour market and the needs of each local area, and yes, that will present us with opportunities that we need to be ready to seize.

Munira Wilson (Twickenham) (LD): The CBI says that the coronavirus has left companies with almost zero resilience to a chaotic exit from the single market. Ending the Brexit transition period without a deal would on its own be an act of economic vandalism. To do so in the face of coronavirus would be economic vandalism on steroids. This is no longer about leave or remain; it is about a Government acting responsibly in the interests of their citizens. Will the Minister please put ideology aside and persuade her colleagues that it is time to seek an extension to the transition period?

Penny Mordaunt: All that seeking an extension would do is to prolong negotiations. We need to conclude the negotiations and get a good outcome. Not pushing deadlines out will help do that. Then we need to give our citizens and our businesses time to prepare; time to socialise them with the new border operations. That is our plan; that is what is going to happen. All that extending the transition process would do is push negotiations out. We would be back to where the British people do not want to be—to uncertainty and chaos. They want clarity. They want to get a move on and they want to maximise the benefits of being outside the EU.

Harriett Baldwin (West Worcestershire) (Con): Is this not the only trade deal in history that starts out from a level playing field? Should that not make it much easier for us to find a pragmatic way forward?

Penny Mordaunt: My hon. Friend makes a very good point. It is not just that we have been in this partnership with the EU but the fact that its arrangements with other nations set the parameters for many of the things that we are discussing. This is perfectly doable. It is just a matter of good will and focus, but there is good will, and there is increasing focus.

Rushanara Ali (Bethnal Green and Bow) (Lab): Time is running out, and there is a real risk of a cliff-edge Brexit, which would come in the context of a health pandemic and the associated economic crisis, with rising unemployment towards the end of the year. Have the Government initiated any planning for the event of a deal not being reached?

Penny Mordaunt: It would be prudent and wise for us to prepare for every scenario, just as we have always done. We did so last year and then did not need to implement those preparations. I am confident that we can not only come to an agreement but do so in a timeframe that gives people the time that they need to prepare and to understand. We are very aware of the other things that are going on in the world that form the backdrop to that. Our approach is going to be achingly pragmatic.

Stephen Crabb (Preseli Pembrokeshire) (Con): The EU says repeatedly that it accepts the fact of Brexit, yet its entire negotiating strategy seems to be geared to keeping the UK squarely in the legal and regulatory orbit of the EU. Does my right hon. Friend agree that unlocking the deal will require flexibility and good will, but also fundamentally requires the EU to be realistic and honest about the path that the UK has chosen?

Penny Mordaunt: My right hon. Friend makes very good points. The EU needs to recognise that we are now a sovereign equal and negotiate with us on that basis. There are massive opportunities from us coming to a deal. The EU will be aware of those opportunities, and I hope that we can get the focus that we need to resolve the remaining issues and get a move on for its Union and ours too.

Neale Hanvey (Kirkcaldy and Cowdenbeath) (SNP) [V]: The Minister talks about time to prepare, yet the House has no clarity on where or how we will land, and businesses the length and breadth of the UK still do not know what tariffs will apply, which regulations they should follow, what customs processes will apply, how people and data can cross borders, or whether professional qualifications will be recognised. Can the Minister honestly look business owners in my constituency and across Scotland in the eye and tell them that they are meant to prepare all this in the next six months while battling the impacts of a global pandemic?

Penny Mordaunt: We are very aware of the backdrop against which these negotiations are taking place. Hon. Members will not have long to wait before they learn more about border operations, but in many of the areas that the hon. Gentleman mentions, we have made progress, and that progress is in the public domain. In other areas, we are simply asking for a reciprocal relationship in respect of things that we currently do for other nations.

Stephen Metcalfe (South Basildon and East Thurrock) (Con) [V]: As we begin to recover from the coronavirus, while a deal would be very welcome, does my right hon. Friend agree that the UK needs as much flexibility as possible to help rebuild our economy and communities, and that remaining bound by EU law during this time would not allow us to do that?

Penny Mordaunt: My hon. Friend is absolutely right; we have left the EU. At the end of this year, we will be a fully independent and sovereign nation. Our interests are best served by having that flexibility with rest-of-the-world trade and with the choices we make about our trading arrangements with others, as well as the EU. That is the basis of our negotiating position and it is one that we will hold to.

Hywel Williams (Arfon) (PC) [V]: Is it not now inevitable that Northern Ireland and Irish companies alike will increasingly look to use the new generation of massive roll-on roll-off ferries for direct links with the mainland in Europe, which will have disastrous effects for bypassed Welsh ports such as Holyhead?

Penny Mordaunt: As someone whose constituency is a port, let me reassure the hon. Gentleman that I very much understand the concerns the sector has. It wants

[Penny Mordaunt]

information about future operations, and support to put in place any adjustments that need to be made and timely information about them. A tremendous amount of work has gone on with ports, and the organisations they work with and rely on, in advance of announcements about border operations and future arrangements, as he will know, and we will continue to do that. We have to maximise the economic opportunities such investments in UK infrastructure will bring for his constituents and others around the country, and we will do that.

Mr Richard Holden (North West Durham) (Con): A comprehensive free trade agreement can easily be reached by the end of the year between the UK and the EU for one simple reason, which is that we are starting from the same place. Does my right hon. Friend agree that it is time for the EU to get on with it and start negotiating in good faith?

Penny Mordaunt: I think that behind the political bluster there is good faith, because not only are we starting out from similar positions, as my hon. Friend points out, but a good deal is in our mutual interests. That is why I have always remained optimistic about the outcome of this process. [Interruption.] Because the EU needs to recognise us a sovereign equal, and I hope that it does.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP) [V]: World trade is forecast to decline by up to a third in 2020 due to the coronavirus pandemic, and that could encourage a move to more protectionist trade policies globally. Given that context, why does the Minister think it is a good idea to rush through major changes to the UK's trading relationship with the EU, when businesses want more time to recover from the economic shock of coronavirus and avoid a no-deal scenario?

Mr Speaker: Minister, are you all right with that?

Penny Mordaunt: The hon. Lady was cutting out, but I think I have got the gist.

We believe in free trade and do not want protectionist practices, not just because that is in our interests, but because we believe it is in the interests of every nation on earth. I assure her that one reason why we do not want to extend the transition period and we want to conclude the negotiations swiftly is to give businesses and her constituents time to prepare before the end of the year. Our approach to that, on our borders and on many other aspects, is going to be extremely pragmatic and sensible, and once business hears more about it, I think it will be reassured.

Robbie Moore (Keighley) (Con): Many constituents from across Keighley have expressed to me their frustration at the speed with which the EU is progressing with these negotiations. My right hon. Friend has been clear that we need to see a significant step forward in the EU's approach if we are to reach an agreement by the end of this year. Can she confirm that the Government are prepared to walk away from these negotiations if adequate progress has not been made, and that we are prepared for that eventuality if needs be?

Penny Mordaunt: My hon. Friend makes some very good points. The key aspect of this is, as I have said, the timing. There is no point in our arriving at an agreement at the 11th hour: we have to arrive at an agreement to enable it to be implemented and ratified, but also in order for our citizens and businesses to prepare. That is what is dictating the timetable, and that is why we must have renewed focus. We are talking to the EU about having a change of format—about how we can increase the pace of negotiations, get the focus where we need it to be, and get a deal done for both our sakes.

Chris Bryant (Rhondda) (Lab): Easy extradition has made it possible for paedophiles, murderers and violent criminals to be brought to justice in the UK from other countries in the European Union. I understand that the Government have now given up on the European arrest warrant for the UK. Several countries, including Germany, Austria and Slovenia, have made it clear that constitutionally they will not be able to extradite to the UK when we are no longer a member of the European Union. How are we going to make sure that we do not become a protected place for European criminals?

Penny Mordaunt: On that issue, but on many other issues related to law enforcement and security, the negotiations have been good and constructive. We were having discussions on those areas last week and making good progress on them. Ultimately, though, having an arrangement, whether it is on other aspects of security or on protecting all our citizens from those who would wish to do them harm, is in our mutual interests. I have said this from the get-go since the referendum, and I am confident that common sense will prevail.

Jerome Mayhew (Broadland) (Con): Having a deadline promotes deals, and I have high hopes for the negotiations over the next few weeks. But does my right hon. Friend agree that where there is no sign of a convergence in negotiating positions, an extension of the transition period, four and a half years after the referendum vote, would serve no purpose other than to cost us money, prolong business uncertainty, delay effective control of our borders, and hamper our economic response to the covid crisis?

Penny Mordaunt: My hon. Friend is damn right.

Andrew Gwynne (Denton and Reddish) (Lab) [V]: One of the concerns has always been the potential for a future British Government to deregulate hard-fought workers' rights. That ought not to be a worry if there is political will, so have the Government met trade unions and the TUC about maintaining and, indeed, improving our employment standards outside the EU once the transition period ends in December?

Penny Mordaunt: Of course, not only the Cabinet Office but many other Government Departments have negotiations with a wide range of stakeholders, including the unions. The British people value the things that the hon. Gentleman has spoken about. They value their rights. They value high standards. They value high environmental standards, and all the other things that many Members care about, because they know their constituents care about them. On these things, including particularly employment law, the UK has led the

pack, so I would say to him: have a little faith. It is his job not to trust the Government, but he should trust the people.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): The Minister will understand that many of Scotland's fishermen voted to leave the European Union to retake control of our fishing waters, so can she assure me that the UK will not compromise on our fishing rights and that the EU will need to accept that the UK will become an independent coastal nation by the end of 2020?

Penny Mordaunt: I can give my hon. Friend that reassurance. We want a separate fisheries framework that reflects our rights in international law. Our requests are simple, reasonable and straightforward. We want the EU to recognise those rights, recognise us as a sovereign equal, and come to the negotiating table with renewed vigour to ensure that we can get that agreement and a deal.

Mr Speaker: In order to allow the safe exit of hon. Members participating in this item of business and the safe arrival of those participating in the next, I am now suspending the House for three minutes.

1.34 pm

Sitting suspended.

Education Settings: Wider Opening

1.38 pm

The Secretary of State for Education (Gavin Williamson): With permission, Madam Deputy Speaker, I would like to make a statement regarding the wider opening of nurseries, schools and colleges as part of our response to the covid-19 pandemic.

It is now over two and a half months since we asked schools, further education colleges and nurseries to remain open only for vulnerable children and those of critical workers. I continue to be immensely grateful for the way that our teachers and parents have responded to these challenging circumstances. I would like to say a big thank you to all those working in education, childcare and children's social care for the huge efforts they are making on a daily basis to support families and make sure our children do not miss out on their education.

We all know how important it is for children and young people to be in education and childcare, and it is vital that we get them back there as soon as the scientific advice indicates that we can. I am very pleased that last week we were able to take the first cautious step towards that. As the Prime Minister confirmed on 28 May, the Government's five tests are being met and we are beginning to ease the lockdown restrictions across England. Based on all the evidence, this means that nurseries and other early years providers, including childminders, have been able to welcome back children of all ages. Pupils in reception, year 1 and year 6 have been returning in smaller class sizes, alongside the children of critical workers and vulnerable children of all ages, who continue to be able to attend.

Ninety-seven per cent. of schools that submitted data to the Department for Education were open at the end of last week. Last week, we saw the number of primaries taking nursery, reception, year 1 or year 6 pupils steadily rise as part of the phased, cautious wider reopening of schools. By the end of the week, more than half of primary schools were taking pupils from these year groups, and as of yesterday that had risen to over 70% of primaries that had responded.

I know that schools need time to put in place the strict protective measures that we have asked for and we continue to work with the sector to make sure that any schools experiencing difficulties are supported to open more widely as soon as possible. Some schools, in areas such as the north-west, are concerned about local rates of transmission. I can assure them that SAGE's R estimate for the whole of the UK is below 1. If robust data shows that local action needs to be taken, we will not hesitate to do so, but we are not in that position. I know that the House will be as impressed as I have been by the work and efforts of headteachers, teachers and childcare staff, who are finding ways to make the necessary changes while still ensuring that schools and nurseries are a welcoming place for children, as well as reassuring families who may be worried about sending their children back.

The next step of our phased approach will enable secondary schools and colleges to provide some face-to-face support from 15 June for years 10 and 12 and 16-to-19 students in the first year of a two-year study programme, who are due to take key exams next year. This is such a critical time for those students and this extra support

[Gavin Williamson]

will be in addition to their remote education, which will continue to be the main method of education for them this term, as only a quarter of this cohort will be able to attend at any one time to limit the risk of transmission. Children of critical workers and vulnerable children in all secondary year groups will continue to be able to attend full-time.

We have published guidance for secondary schools and ensured that schools have the flexibility to decide how they want to use face-to-face support in the best interests of their pupils. Since the announcement of our proposals on 10 May, my Department has published detailed guidance for settings on how to prepare. This includes planning guides for early years providers and primary schools, and further guidance for secondary schools and colleges. Crucially, we have provided detailed guidance on the protective measures that schools and other settings need to take to reduce the risk of transmission. This includes restricting class sizes, limiting mixing between groups and encouraging regular handwashing and frequent cleaning. This advice was developed in close consultation with Public Health England.

The safety of our children, young people and staff remains my top priority. That is why all staff and children, including the under-fives, will have access to testing if they develop symptoms of coronavirus. This will enable the right response where a case is confirmed, including using a test-and-trace approach to rapidly identify people most at risk of having been exposed to the virus, so that they can take action, too.

We continue to follow the best scientific advice and believe that this cautious, phased return is the most sensible course of action to take. While we are not able to welcome all primary children back for a full month before the summer, we continue to work with the sector on the next steps, where we would like schools that have the capacity to bring back more children—in those smaller class sizes—to do so if they are able to before the summer holidays.

We will be working to bring all children back to school in September. I know that students who are due to take exams in 2021 will have experienced considerable disruption to their education this year, and we are committed to doing all we can to minimise the effects of this. Exams will take place next year, and we are working with Ofqual and the exam boards on our approach to these. While these are the first steps, they are the best way to ensure that all children can get back into the classroom as soon as possible.

I want to end by thanking the childcare, school and FE staff who have gone above and beyond over the past eight weeks, and who are now working so incredibly hard to welcome our children and young people back, while also continuing to support those who remain at home. I commend this statement to the House.

1.46 pm

Rebecca Long Bailey (Salford and Eccles) (Lab): I thank the Secretary of State for advance sight of his statement, and I join him in thanking parents and all those working in education and childcare at this difficult time.

For weeks, headteachers, education unions, school staff and many parents have warned that the plan to open whole primary schools before the summer was simply impractical while implementing social distancing safely, so I welcome the Secretary of State's decision to roll back from that today. However, I must state my dismay at the way this has been handled. If the Government had brought together everyone involved in implementing these plans from the outset and really taken on board what they had to say, they would not be in the situation of having to row back at all. But what is done is done, and now it is imperative that the Government look ahead to what the education system needs over the coming months and years.

Children, and young people's education and wellbeing will have been impacted cruelly by such a prolonged period away from school and their friends, and the situation at home may have been extremely stressful. Indeed, the Children's Commissioner has said to me today,

"The risk I am most concerned about is that of a generation of children losing over six months of formal education, socialising with friends and structured routine. I'm also concerned about a deepening education disadvantage gap that could leave millions of children without education they need to progress in life.

The Government need to face-up to the scale of damage this is doing to children and scale-up their response. The starting point for this needs to be rapid action to support summer schemes for this summer".

Like the commissioner, I believe a crisis in education and children's attainment and wellbeing could come at us incredibly quickly if we do not step in and mitigate it now.

There needs to be a national plan for education, so will the Secretary of State commit today to bringing together children's organisations, trade unions, parents associations, health and psychological experts, Ofqual, school leaders and headteachers to develop that plan? Of course, he will say that he has met these groups. However, politely listening to concerns and not acting on most of them is very different from the creation of a formal taskforce where these groups play a key role in setting the principles of a national plan.

In the immediate term, will the Secretary of State consider issuing guidance that all children of compulsory school age should have a one-on-one meeting with a teacher from their school and parents, if appropriate, before the summer holidays start? Alongside that support, will he commit to increasing the resources available for summer schemes to help re-engage children socially and emotionally? On academic support, the Government must support blended learning with more resources and targeted tuition; significantly increase support for disadvantaged children, including considering a greatly enhanced pupil premium; and roll out devices and free access to the internet for all pupils who need them. For those in years 10 and 12 who are worried sick about their exams next year, the Government must work with Ofqual to redesign GCSE and A-level qualifications to reflect the impact that time away from school has had.

In the longer term, the plan must cover all possible scenarios, including the possibility of a second wave, not least as Public Health England confirmed on Friday that the R rate was over 1 in some regions. Indeed, the Government have set out that keeping that rate below 1 is critical in stopping the spread of the virus. But the

Government do not appear to have issued any direction to schools in those regions. So what is the Secretary of State's safety advice? Should schools pause plans for wider reopening? Do they need to take additional measures, or is it acceptable to simply carry on bringing in additional pupils with an R rate above 1? Today, the Secretary of State infers the latter—that local action does not need to be taken. So I ask him to publish the scientific modelling to support such an assertion and reassure schools in these regions.

Finally, the Government have confirmed that the free school meal voucher scheme will not continue over the summer holidays. With 200,000 more children expected to be living below the poverty line by the end of the year as job losses hit family incomes, this is a deeply callous move by the Government. Will the Secretary of State change his mind today and commit to funding free school meals over the summer holidays?

Gavin Williamson: I would hope that the hon. Lady and I are completely united in our concern to make sure that a generation of children do not miss out. We recognise and understand the truly extraordinary times in which we are living, and in which we are asking children to learn, teachers to teach and all those who support them to work. We also recognise that we need to be bringing schools back and pupils back into the classroom. Had it been left to the hon. Lady, she would not have been bringing children back into the classroom until the National Education Union said that she was allowed to do so. We will continue to work with all. We recognise how incredibly important it is to do the best for every single child. That is why it is so welcome to see so many schools opening their doors, welcoming children in and giving them the very best of what they can offer.

The hon. Lady raises an important point about summer schemes, but we need to lift our eyes higher and to be more ambitious. She is right to highlight the fact that there are real challenges that children have suffered as a consequence of this lockdown. But to put that right, we need to take a longer-term approach on how we can support children over a longer period of time. That is what we will be working towards and what we will be delivering. And, yes, we will continue to work with groups and organisations right across the spectrum to ensure that the policies are evidence-based and that they will deliver for children. We will not be doing virtue signalling; we will be taking the actions that will make a real improvement and a real difference to children's lives.

The hon. Lady is right to highlight the importance of working with Ofqual. That is what we are doing, including with representative organisations of schools and teachers, to make sure that next year's exams—whether they be GCSEs, A-levels, T-levels or BTECs and other qualifications—are fair and reflect the hard work of the children.

The hon. Lady mentioned the issue of SAGE and its data and Public Health England. That is not within my control, as it is an independent body. SAGE regularly publishes all its data and will be doing so with reference to this. When it comes to local authorities across the country, whether they are in the north-west, the north-east, the south-east, or the south-west, we will work with all of them where they have concerns, and with Public Health England, so that they get the best advice, because

the interests of children and of those who work in schools are my primary interest and my focus in making sure that we can bring schools back. We will work with those local authorities. We need to bring all schools back in every part of this country. If the evidence starts to point to the fact that we need to close down schools in small clusters as a result of this, obviously that is the action that we will take, but only on the best advice from PHE. At the moment, the advice from PHE and SAGE is that all schools can open and that they should open.

Madam Deputy Speaker (Dame Rosie Winterton): We now go to the Chair of the Education Committee.

Robert Halfon (Harlow) (Con) [V]: Why can we turn a blind eye to thousands of demonstrators and campaign for pubs and garden centres to open, yet it is so hard to reopen our schools? We know that about 700,000 disadvantaged children are not doing school homework and 700,000 do not have proper access to computers for the internet, so what are the Government doing to help those disadvantaged children to learn again and avoid an epidemic of educational poverty? Can we have a long-term plan for a catch-up premium for education to look after those left-behind children? Will the Secretary of State reconsider ensuring that those children get free school meals over the summer, given the financial anxieties their families are facing during the pandemic?

Gavin Williamson: My right hon. Friend will be aware that we are already in the process of rolling out IT equipment across the school estate, as well as to the most vulnerable children. Some 100,000 of those laptops have already been distributed to the most vulnerable and most disadvantaged children. We took the decision to ensure that children who have social workers are prioritised over and above schools. A further 75,000 computers will be distributed to schools in the coming weeks. We are on schedule to distribute the full 230,000 computers over the coming month.

My right hon. Friend is right to highlight that we need a long-term plan. That is what we are doing. We recognise that the learning loss will not be corrected over just a few weeks and that action needs to be taken over a long period of time. That is the approach we are taking.

Carol Monaghan (Glasgow North West) (SNP) [V]: I thank the Secretary of State for advance sight of his statement. Lourdes Secondary School in Glasgow tragically lost two pupils this week, and I am sure that the whole House will join me in offering our condolences to their families and friends and the entire school community at Lourdes.

During the urgent question on school reopening last month, I asked the Secretary of State where, with a maximum of 15 pupils per class, the additional rooms and teachers would come from. He stuck his head in the sand and ignored my question and the concerns raised by the teaching profession and parents, so it is no surprise that we are back here, less than four weeks later, having found that the Government's own social distancing rules make it impossible for primary schools in England to admit all pupils before the summer holidays. Why has it taken the Government so long to recognise what was blindingly obvious?

[Carol Monaghan]

We now need a proper plan for education along the lines being developed by the Scottish Government. It should cover all possible scenarios and focus on blended learning, with greatly increased support for disadvantaged children. Is the Secretary of State planning, as Scotland has done, to use public buildings, such as libraries and council offices, to relieve pressure on classroom space? What consultation will take place with the teaching profession to ensure that the Government's plans for reopening are realistic? Will he commit to publishing the modelling of the increased number of covid cases that could be seen in school-based staff as a result of reopening schools? Finally, will he ensure that any decisions taken are based on published scientific advice, with the agreement of local councils and school leaders, rather than simply forcing through what has been described as delivering the impossible?

Gavin Williamson: I join the hon. Lady in passing on my deep condolences to the families, schools and communities who have lost loved ones, as she highlighted at the start of her question. We will continue to work with teachers' unions, as well as school representative organisations, as we look to expand the number of children who are able to attend primary schools and have more pupils attending schools, including those in years 10 and 12 and further education colleges, who start next week, the week commencing 15 June.

As we welcome more children into the classroom, with more children having the opportunity to learn in different year groups, we will see the real benefit of children being with their teachers and friends once more. The hon. Lady is right to highlight the fact that we have limitations. The limit of 15 children per class obviously limits the ability to have as many year groups in school as we would like, but as that is changed, we will have the ability to slowly and cautiously move forward and welcome more children back to school when it is the right time.

Tim Loughton (East Worthing and Shoreham) (Con): Every two months represent more than 1% of a child's childhood. Come September, many children will have been out of school for almost six months, and we fear that it may be even longer. The impact on those from the most deprived backgrounds will be considerable. Will the Secretary of State look at catch-up schemes over the summer, perhaps using National Citizen Service youth workers who have been stood down from the summer programme? Over the next year, will he look at mobilising the many students who are now delaying going to university and will find it hard to travel or get a job, by getting them to work alongside some of these children in a national mentoring scheme modelled on the charity City Year, for example?

Gavin Williamson: My hon. Friend makes an important point. We are certainly looking at this, but we are looking at something much wider and more long-term, because we do not believe that purely looking at the summer period is enough to assist children to get the catch-up that they truly need.

Matt Western (Warwick and Leamington) (Lab): The Secretary of State talked about the availability of laptops and computer equipment to disadvantaged pupils.

Two months ago, he promised that that equipment would be available. I spoke to my schools this morning, and they have not received any. The Government talk easily about a levelling-up agenda, but while private schools have access to that sort of equipment, as do their staff, it is not available in our state sector. Is it the case that the public rightly believe that the Government are failing them?

Gavin Williamson: I apologise to the hon. Gentleman; he obviously did not hear my response earlier, in which I explained that we had taken a policy decision to ensure that the first wave of laptops we received were going to be targeted at the children who are most vulnerable and have a social worker. The second wave of laptops, which we have just received, are then going to schools and academies through local authorities or multi-academy trusts. We are on schedule to receive all those laptops and get them distributed by the end of the month, and I would like to take the opportunity to thank Computacenter, which has done so much work to ensure that those laptops are distributed.

Duncan Baker (North Norfolk) (Con): I thank the Secretary of State for enabling some primary school children to go back to school last week, not least because I am the father of a four-year-old who was desperate to get back to school and has enjoyed the education and the wellbeing that she needed; I am sure I speak for many parents across the country when I say that. Teachers in North Norfolk have been phenomenal in their efforts to get students and little children back to school. What reassurances can he give to vulnerable children who cannot go back at the moment and are remote learning that they are getting an equitable education, so that they do not fall further behind?

Madam Deputy Speaker (Dame Rosie Winterton): Order. I want to try to get everybody in, so we need quite short questions and answers.

Gavin Williamson: I share my hon. Friend's desire to see all children return to school in a phased way as swiftly as possible. He highlights some really important challenges, especially for vulnerable children who are not necessarily able to access education by going into school. I was particularly delighted to see the progress we have made with the Oak National Academy. By just a few days ago, it had delivered over 10 million lessons to children, and part of that package is lessons and support for children with special educational needs.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): A decade ago, I sat in a Cabinet Office briefing room discussing the then threatened pandemic. We were discussing the closure of schools then. So it beggars belief that the Secretary of State can come to the House today with no clear plan for getting the delayed laptops out. That was not planned in advance.

Gavin Williamson *indicated dissent.*

Meg Hillier: It is late, Secretary of State—for the record, he is shaking his head. This is already late for vulnerable pupils. I find myself in complete accord with the right hon. Member for Harlow (Robert Halfon) and the hon. Member for East Worthing and Shoreham

(Tim Loughton) in their desire for a catch-up plan for the many vulnerable students. Can the Secretary of State seriously not give us more information today? There must have been planning. If there has not, he has been asleep on the job.

Gavin Williamson: The hon. Lady is inaccurate. The laptops that we promised to get out to vulnerable children and those who face exams in year 10 are on schedule. We said that they would all be distributed by the end of June and we are on target to do that. We decided to prioritise the most vulnerable children and I still think that that was the right decision. On a catch-up plan, this is not something that is just over a few weeks; the approach has to be over a full year and more. That is what we are putting in place and how we will support children in the long term.

Danny Kruger (Devizes) (Con): All schools and teachers have worked incredibly hard over this period, but some schools have managed to deliver whole-class direct teaching live through video. Does my right hon. Friend agree that, sadly, some children in this country have received no online direct teaching at all and many have received very little because the teaching unions have opposed the practice, often with the support of Opposition Members? If the return to school is to be delayed further, what can we do to ensure that more children receive direct teaching?

Gavin Williamson: Where children are not in a position to return to school, we will set out clearly to all schools the basic minimum curriculum requirements we expect them to deliver for all children. That is to be expected and we hope that all schools follow that. It is not just through online learning, but through sharing resources with children. We have seen some excellent practice, but we want to keep driving up all schools to the very highest standards for all children.

Peter Grant (Glenrothes) (SNP) [V]: Education authorities in England, which have to implement the decisions, knew nothing about the now delayed planned return to full schooling until the Government bounced them into it last month. What steps has the Secretary of State taken to make sure that in future, local authorities, headteachers and unions are kept fully informed about developments, and that schools are given adequate time to prepare for each stage of their pupils' return?

Gavin Williamson: We always have and will continue to have regular meetings with them to share our most up-to-date plans.

Sir David Evennett (Bexleyheath and Crayford) (Con) [V]: I appreciate that health and safety issues are paramount in a decision to reopen primary schools to all children and I welcome the flexibility in my right hon. Friend's statement today. However, I share concerns about the serious impact that the lack of schooling will have on many disadvantaged children from poor households. I welcome his commitment that they will be a top priority. Will he reaffirm that for me?

Gavin Williamson: I absolutely reaffirm that to my right hon. Friend, and the importance of ensuring that pupils are back in full-time schooling at the earliest possible moment. We will continue to work with schools to bring more children back into that formal education environment as swiftly as we possibly can.

Layla Moran (Oxford West and Abingdon) (LD): I echo the thanks to those in the profession for what they have done so far. I would like to clarify some of the numbers that the Secretary of State used. The Chair of the Select Committee on Education said that there were 700,000 children without devices. The Secretary of State said that 100,000 had been distributed with 230,000 still to come. Seven hundred thousand minus 100,000 minus 230,000 makes 370,000 children without an internet device. Have I got that wrong? If so, will the Secretary of State please clarify? If I am right, will he explain how that squares with prioritising the most disadvantaged children and learning?

Gavin Williamson: In terms of the distribution of laptops, we prioritised key groups that we felt were most vulnerable and most in need of them. A total of 230,000 laptops will be going out as part of that programme as well as tens of thousands of routers to help children from some of the most vulnerable families, who perhaps have some limited resources at home, but do not have the internet access that they need to access the online learning that we want them to enjoy.

Dr Matthew Offord (Hendon) (Con) [V]: Many children commute into the Hendon constituency to access the high-quality education provided by the London Borough of Barnet. As those children travel by public transport, they will be required to wear masks and take other precautions. Will the Secretary of State outline what precautions he believes there should be for children who use school transport provided by the local authority? Will they be required to take the same precautions as others by wearing masks on their journeys? When they get to school, will they simply discard those masks?

Gavin Williamson: People will be required to follow the same regulations on both home-to-school transport and general public transport. The approach we have taken to bringing schools back has had safety at its very heart, making sure that classes are in small bubbles to ensure that we reduce the chances of transmission. We believe that such a cautious, phased approach is the right one.¹

Dame Diana Johnson (Kingston upon Hull North) (Lab): The Secretary of State has spent time in my constituency and will know that at least one in three children in my constituency live in poverty and are at risk of falling the furthest behind because of not being in school. It is clear that we need a strategic plan, just as the Government have had for the economy and with the same focus, but in the meantime it is really important that the Secretary of State commits today to a major campaign over the summer for catch-up education for children and to an urgent roll-out of the laptops he has promised. Finally, I wish he would address the issue of free school meal vouchers carrying on over the summer. Please, Secretary of State, think again about the callous decision that was made last week.

Gavin Williamson: As I have stated previously, we are going to ensure that we look not just at children's needs over the summer in terms of how they can take steps and work with schools so that they can catch up on the work that they have missed if they have not been able to sustain that learning at home. We are looking not only at the summer but much more over the longer term. We have never traditionally provided free school meals all

1. [Official Report, 15 June 2020, Vol. 677, c. 2MC.]

[Gavin Williamson]

the way through the summer, but the DWP has put in an extra £6.5 billion to support those families who are most vulnerable. We will continue to work with the DWP, the Ministry of Housing, Communities and Local Government and the Department for Environment, Food and Rural Affairs to continue to support those families who are most vulnerable.

Bob Blackman (Harrow East) (Con) [V]: Across the country, the children of key workers have been enabled to continue to attend school. In my constituency, we have a large concentration of key workers, and schools have often interpreted the rules as being that both parents have to be key workers before the children will be allowed to attend school. That has necessitated lengthy discussions with headteachers and others in the schools. Can my right hon. Friend confirm that the position will be that children of key workers will continue to be able to attend full-time education, to enable those key workers to provide the key services that we all need in this desperate time?

Gavin Williamson: I can absolutely confirm that. Just for clarity, as was outlined in our guidance back in March, if the family has one key worker, they have access to those critical-worker places.

Afzal Khan (Manchester, Gorton) (Lab) [V]: In the light of exam cancellations, GCSE and A-level grades will now be predicted by teachers. An upcoming report by the Equality Act Review has highlighted the concerns of students and parents, particularly those from black and minority ethnic backgrounds, about this situation. Has the Secretary of State assessed how predicted grades will further worsen the attainment gap?

Gavin Williamson: The hon. Gentleman raises a vital point. We took this issue into account in our work with Ofqual and the exam boards to make sure that people from black and ethnic minority communities are not disadvantaged in that way.

Andrew Percy (Brigg and Goole) (Con): Children in the communities I used to teach in will have been most disadvantaged over the past few weeks, and to catch up they need access to qualified practitioners. Well-meaning as a summer school programme might sound, it needs to be longer term. Will my right hon. Friend assure me that, whatever programme is delivered in the longer term, it will be delivered by qualified practitioners?

Gavin Williamson: My hon. Friend makes a vital point. This should not be a short-term measure; it must be about people who are qualified and understand the issues, and who ensure that what they teach children fits in with everything that those children need to learn, as they move through the school and towards their exams. This must be an evidence-based approach, and we are working with organisations, including the Education Endowment Foundation, to ensure that anything we do is focused on the best interests of the child, and ensuring that they close that gap.

Alan Brown (Kilmarnock and Loudoun) (SNP): In Scotland, shielding has been extended to the end of July, but in England there is not the same clarity. There is a risk that vulnerable teaching staff might feel pressure

to return to work before it is safe to do so. What are the Government's plans to enable staff who are shielding to continue to work remotely and deliver lessons in a safe environment?

Gavin Williamson: We are asking those who are extremely vulnerable and not in a position to return to work to provide their important work through remote learning and supporting the schools in what they do. That approach seems not dissimilar to what is happening in Scotland.

Jack Brereton (Stoke-on-Trent South) (Con): I thank the Secretary of State for his statement. I have spoken with many headteachers in my constituency over the past few weeks, and all our schools across Stoke-on-Trent have been able to remain open throughout the pandemic. A number of schools have seen unexpected costs during this time, particularly with gaps in their budgets from lost income, and many will still have to pay exam fees despite there being no exams. Will my right hon. Friend join me in thanking all our teachers for the incredible work they have done, and consider what can be done to try to plug some of those gaps?

Gavin Williamson: I join my hon. Friend in thanking all the teachers in Stoke-on-Trent. It has been great that schools there not only stayed open all the way through the pandemic for those children who are most vulnerable, and the children of critical workers, but that so many of them opened up last week and so many children came back. My hon. Friend mentioned unexpected costs as a result of coronavirus. Secondary and primary schools are able to bid into a fund to recover some of the costs that they might have experienced as a result of the pandemic.

Claudia Webbe (Leicester East) (Lab): I was shocked and alarmed to learn that children at a school that I support in my constituency have endured physical and violent instances of racism on their walk home. This week we have seen renewed calls for our schools to teach the true, brutal history of the British empire, and the legacy of imperialism and colonialism, rooted in racism, which continues to have a generational impact today. Given the ongoing systematic, systemic, and structural inequalities and state-sanctioned racism, will the Government reassure my constituents, including those children who are victims of racist abuse, by introducing a curriculum that educates all children and young people about the enduring history of racism?

Gavin Williamson: We would all expect respect and tolerance to be very much at the heart of what happens in every one of our schools in every part of the country. That tolerance and respect for all, whatever someone's background, is incredibly important in education. The national curriculum already ensures that people are able to teach what happened under the British empire, not just in history lessons but in English and in personal, social, health and economic education. There is an amazing range of resources, and we encourage all schools to look at those, and to ensure that children have an education that is able to reflect the rich and diverse nature of this truly wonderful country.

Ben Bradley (Mansfield) (Con): Recognising that it will not be possible to bring back whole-school cohorts in primary schools until September, will the Secretary

of State confirm that he will support and be flexible with those schools that would wish to bring back more than just the minimum number of children, where they are able to do so and they have the space and the staff to do that? Will he help them? Secondly, will he lay out for the parents of those children who now will not be going back until September exactly what their childcare options are to enable them to get back to work?

Gavin Williamson: We are working to devise a priority list so that schools are able, where they do have extra capacity, to welcome back more children. That enables them to support children's learning, but also their communities, including parents, who of course need to be going out to work as well.

Justin Madders (Ellesmere Port and Neston) (Lab): A full physical return seems some way off and may well be subject to further interruption. Given that we know there are still hundreds of thousands of children who are not able to access education remotely, will the Secretary of State redouble his efforts to spread out as far as possible electronic means of education? Will he give a date by which he can guarantee that every child will be able to access their education electronically?

Gavin Williamson: We aim to get all the computers that we have purchased out by the end of June, and we are on course to be able to do that. We also recognise the importance of supporting children through not just online learning, but additional learning that we can provide for them through schools. We are making sure that we have also supported schools to be able to have Microsoft Teams and Google platforms in order to help them deliver more learning online and, for physical learning, we are ensuring that they can deliver by sending resources to pupils directly as well.

Stephen Metcalfe (South Basildon and East Thurrock) (Con) [V]: Attending school supports not only children's education, but their wellbeing. Returning to a normal routine will be immensely beneficial. Will my right hon. Friend therefore also look at reintroducing the vital school fruit and vegetable scheme as soon as possible for schools such as Lee Chapel Primary School, to ensure that the most vulnerable children get access to fresh, nutritious food?

Gavin Williamson: My hon. Friend makes the important point that getting children back into, a routine is vital, and getting as many children as we can back into the classroom is a top priority for all of us. The fruit and vegetable scheme is led by the Department of Health and Social Care, but I will be in contact with it to have discussions, and I will get back to my hon. Friend on the matter.

Steve McCabe (Birmingham, Selly Oak) (Lab): Nurseries and early years centres in my constituency tell me they are facing losses of up to £50,000 this term alone. If the Government do not act soon, there will not be many nurseries left to send children to. When does the Secretary of State hope to come forward with a realistic plan to protect essential nurseries and early years provision?

Gavin Williamson: We have had an unprecedented package to support nursery and early years provision. There is the continued commitment to paying money through local authorities to support them, there is the

furlough scheme and there is rates relief. We constantly talk with those in the sector about how we can do more to support them and how we can support them in the long term to achieve our aim of delivering a rich environment in which children can learn in those early years. Whether they are in the charity sector or the commercial sector, those providers should continue to be able to succeed and create a stable environment for all children.

Mr Laurence Robertson (Tewkesbury) (Con) [V]: A number of schools have quite a few pupils who are children of critical workers or the children themselves are vulnerable. As a result, it is difficult for those schools to accept other pupils. Is there anything the Government can do to help those schools and any advice they can give them? They are anxious to move on, but are having problems doing so.

Gavin Williamson: My hon. Friend highlights an issue that a number of schools are facing, and we are looking at working with them to add extra flexibility. They can perhaps look at using different facilities and different resources that may be available to them in order to be able to expand provision within a school.

Ian Mearns (Gateshead) (Lab): I noted the Secretary of State's throwaway criticism of my hon. Friend the shadow Education Secretary about the National Education Union. I found it a tad ironic when he did not even consult the National Association of Head Teachers, the headteachers' professional association, regarding the original 1 June restart date. We all want to get our children back into school, but far too many parents currently still do not regard it as safe, and that is understandable and hardly surprising when, in parts of my region, the north-east, the incidence of covid-19 is five times greater than in parts of the south-west. A one-size-fits-all policy should never have been considered. Will the Secretary of State properly consider that when moving forward?

Gavin Williamson: That is why, as I stated earlier, we want to work with local authorities that have concerns to make sure they are in a position to open all their schools and, where they face practical problems or issues, to discuss that with them to ensure that all their schools are open. If we have to close schools, we will do that in conjunction with Public Health England, but it is vital that we get all schools open for these year groups, while always recognising that there might be clusters of schools that have to close for short periods.

Madam Deputy Speaker (Dame Rosie Winterton): Order. I remind colleagues that I would like to get everybody in, but that means short questions and short answers.

David Johnston (Wantage) (Con): When the Children's Commissioner appeared before the Education Committee last week, she said that if no further children went back to school before September, 8 million children would have missed six months of learning. Given what we know already happens over the summer holidays, does my right hon. Friend agree that that is too long and that any school that conceivably can open should do so?

Gavin Williamson: I want to see all schools open, and that is why we will continue to work with all schools to look at how they can accept more and more pupils, making sure that all children have the amazing opportunity

[Gavin Williamson]

of learning from their teachers. I am very optimistic that we will see more children returning to school and the number of children attending school increasing week upon week.

Patrick Grady (Glasgow North) (SNP): The Secretary of State mentioned colleges in his statement, but does he recognise the important role that universities are playing as well in providing additional support for young people, particularly disadvantaged young people? I think, for example, of the summer school being run by the University of Glasgow, which incidentally has just been rated No. 1 by the Complete University Guide. What support is he making available to that sector, given the funding gap it is facing, so that it can respond to the whole range of challenges that covid is presenting to education?

Gavin Williamson: I congratulate the University of Glasgow on that great success. I know the leadership there is truly outstanding. We will continue to work with the universities sector, including on how it can support us in our response to covid. We have seen brilliant work on testing and the development of vaccines as well as support for NHS workers with the provision of accommodation. That is why we brought out the stabilisation package for universities just a few weeks ago. We continue to work with the sector on how we can do more and continue to support them.

Damian Hinds (East Hampshire) (Con): My right hon. Friend is acutely conscious of the detriment caused by this extended period away from school, educationally, socially and to mental and physical health, so can we have maximum flexibility for those schools that could welcome back more children—for example, with rotas for the use of suitable additional premises or even by having year 6 pupils doing extended transition time in their soon-to-be secondary school if and where schools locally believe they can do that?

Gavin Williamson: My right hon. Friend is absolutely correct. We want to give schools the maximum flexibility to get as many children as possible through the doors before the summer holidays so that we can maximise their learning opportunities as a result.

Mr Clive Betts (Sheffield South East) (Lab): At the end of May, the respected director of public health in Sheffield, Greg Fell, wrote to all Sheffield schools strongly advising against opening because, among other issues, he had concerns about the availability of personal protective equipment and was not convinced about the effectiveness of the test, track and trace system then in place. Does the Secretary of State agree that schools, as on this occasion, should follow the advice of their locally-based directors of public health and not seek to second guess that advice and think they know better about public health issues?

Gavin Williamson: We encourage all schools to return and open their doors to pupils. As I think we all recognise, children gain vast benefits—both physically and mentally, as well as in their learning—from being able to return. We very much encourage Sheffield City Council to engage with us to ensure that it is supporting schools to open their doors and get children learning once again.

Andrew Selous (South West Bedfordshire) (Con): Children at Wombourne High School in the Secretary of State's own constituency are very fortunate because they continue to enjoy virtual lessons. What will the Secretary of State do to make sure that all children can have that?

Gavin Williamson: My hon. Friend is right to highlight the brilliant work of Wombourne High School in supporting pupils in my constituency of South Staffordshire. We want to see that replicated across all schools. That is why we will set minimum expectations for curriculum delivery for the remaining weeks of this term. We are also working with schools to make sure that the bar is set as high as possible for those children who are not able to go back to school, perhaps because they are shielding, in our minimum expectations for what they should be learning at all times.

Marion Fellows (Motherwell and Wishaw) (SNP) [V]: Many people in the BAME community living in multigenerational households are not planning to send their children to school because they are afraid that they will bring the virus home to their grandparents. How is the Secretary of State going to persuade parents from disadvantaged backgrounds and from the black and minority ethnic community to send their children to school?

Gavin Williamson: Of course, the best advert for why children should be going back to school is those incredibly powerful images of children returning to school for the first time. We see absolute joy across their faces, their passion for learning and the fact that they are so pleased to see their teachers and friends once more. And they come back from school having had the opportunity to learn. That, for me, is the very best advert for what we are doing.

The hon. Lady highlights the important issue of black and ethnic minority communities. We continue to work with Public Health England and the Scientific Advisory Group for Emergencies to make sure that we do everything we can to assuage the concerns of all communities. The best place for children is back in school.

Miss Sarah Dines (Derbyshire Dales) (Con): My right hon. Friend has tried very hard to get as many children as possible back to school, particularly vulnerable children. Does he agree not only that education supports social factors and wellbeing, but that it is immensely important to get those in non-accessible areas, including rural areas such as Derbyshire Dales, back to school as soon as possible, when it is safe?

Gavin Williamson: My hon. Friend hits the nail on the head. We need to get every child back to school. We should not stint in our ambition to see all children back in school and learning at the very earliest opportunity. I do not want the return to school to be delayed. Picking up on the points made by my right hon. Friend the Member for East Hampshire (Damian Hinds), it is important to look at different ways to bring more children back so that they have the opportunity to learn and to be set new tasks and new learning goals by their teachers before the summer.

Daniel Zeichner (Cambridge) (Lab): At sixth-form and further education colleges in areas such as mine, many young people go to college by bus. Indeed,

Mark Robertson, the principal of Cambridge Regional College, tells me that more than half of his pupils are in that position. Given that only one in four places on buses is now viable, the huge extra cost is a major obstacle to returning. What is the Department doing to help?

Gavin Williamson: We continue to work on this issue with the Department for Transport, the Local Government Association, local authorities and the Ministry of Housing, Communities and Local Government. We recognise the challenges of home-to-school transport and will look at how we can provide support to bring more children back, especially as we move into the September period.

John Howell (Henley) (Con): If we are going to bring back early years settings, does my right hon. Friend recognise the financial pressure on those that operate as charities, and would he like to set out what we are going to do for them?

Gavin Williamson: This is why it was vital that we immediately made it clear to those organisations that we will continue to support them with grant funding for the children who access those settings. Those organisations receive money from Government. On top of that, there is the furlough scheme and we have been able to offer rates relief to many of those organisations. We continue to work with the sector to find long-term solutions to some of the challenges they face.

Kate Osborne (Jarrow) (Lab): More than 80,000 children and young people across the north-east receive free school meal vouchers. Bearing in mind that the children who are entitled to those vouchers are most likely to be in poverty and that we are currently living through a pandemic, what are the Secretary of State's plans to ensure that no child goes hungry during the summer holidays and that no parent or carer will have to rely on food banks?

Gavin Williamson: We continue to work with the Department for Work and Pensions, MHCLG and the Department for Environment, Food and Rural Affairs on this. I talked about the unprecedented £6.5 billion extra that the DWP was distributing. We also have the holiday activities and food fund, which we are looking to continue to run this summer.

Chris Grayling (Epsom and Ewell) (Con): The Secretary of State rightly identified year 6s as one of the groups that should be in the early phase of pupils being brought back to school because they are about to transition to a new school. Of course, in areas with infant schools, there are children in year 2 who are in the same position. Will he confirm—and, indeed, give guidance—that he will allow those schools, if they can, to bring back some year 2s ahead of the transition this summer?

Gavin Williamson: We are looking at giving schools much more flexibility to bring the maximum amount of pupils into schools. Where transition years fall slightly differently in different areas, one of the conversations we will be having with those schools is about how we can prioritise those pupils.

Amy Callaghan (East Dunbartonshire) (SNP) [V]: The Scottish Government took the decision in May not to send pupils back to school until after summer, so it is welcome that the UK Government have joined us with

similar thinking. However, at the same time, the Scottish Government took practical steps to combat digital exclusion by ensuring that vulnerable families were equipped with laptops and digital services. Will the Secretary of State outline what similar practical steps he has planned for the summer, on top of the laptops he has already mentioned?

Gavin Williamson: I do not wish to disagree with the hon. Lady, but I think that we have a much more ambitious plan than Scotland in terms of actually wanting to see schools open. We have seen literally thousands of schools open right across the country, offering children face-to-face lessons and support from teachers, teaching assistants and everyone else. I think that is far better than anything that can be delivered digitally. There is no substitute for a brilliant teacher in a classroom inspiring a child. However, as I touched on, we will continue to develop our digital platforms. The Oak National Academy has delivered more than 10 million lessons over the last few weeks. That is an amazing success and we want to build on it.

Mrs Flick Drummond (Meon Valley) (Con): As my right hon. Friend the Member for Epsom and Ewell (Chris Grayling) just said, children who are transitioning into a new school must have extra support over the next few months so that they feel comfortable about entering their new school. Has my right hon. Friend the Secretary of State given any consideration to allowing those in year 6 to spend time this term in their new secondary school so that they are fully prepared for September?

Gavin Williamson: My hon. Friend highlights an important benefit that can be given to children—the opportunity to spend vital time in a setting that will become their new school—and asks how we can help facilitate that. There is also the question of how we can relieve some of the pressures that may exist in the primary school system so that primary schools can look at bringing more children in. This is one of the options as part of the increasingly flexible approach that we will be taking to getting more children into school and more children benefiting from education.

Mrs Emma Lewell-Buck (South Shields) (Lab): I and Members across the House wrote to the Secretary of State asking for an extension of free school meals over the summer holidays. Already, more than 200,000 children have gone without meals during this pandemic. He knows full well that the holiday activities and food programme will target only 4% of the children eligible. Throughout the statement, he has referred to a long-term plan. What is in it, and where do hungry children fit into it?

Gavin Williamson: As at every stage, the interests of children and care for children in education is at the heart of it, but our focus as a Department has been how we can support schools in supporting their children. That is what we have seen over the last few weeks and that is what we will continue to do. The holiday activities resources that we are looking at rolling out will be an important step in helping local authorities to do that.

Gareth Johnson (Dartford) (Con): Will the Secretary of State update the House on the progress that has been made to open universities? Online lectures can be very useful but they are no substitute for face-to-face lectures and lectures that require some practical work.

Gavin Williamson: My hon. Friend highlights the importance of ensuring that universities are able to deliver lectures not just virtually but for practical steps, and of opening up research facilities in universities. That is what we are working on with Universities UK, to ensure that they are able to return to normal as rapidly as possible, so that not only do students get the best, but the wider community of the UK gets the best from all universities being open.

Rushanara Ali (Bethnal Green and Bow) (Lab): Sadly, Tower Hamlets has seen the fourth highest age-adjusted death rate in the country and the Government's own report shows that black, Asian and minority ethnic communities are at greater risk, with Bangladeshis twice as likely to face death because of the coronavirus pandemic. Parents are caught in a dilemma of survival versus education, because they do not have confidence in what the Government have done so far on school opening. Will the Secretary of State publish a risk assessment, area by area, so that there is transparency, with parents able to feel more confident that the Government actually have a proper plan, and that there is action to provide free school meals in some of the poorest communities in our country?

Gavin Williamson: At every stage, we will take the maximum cautious approach on how we bring schools back. Every step, whether it is making sure children are able to come back to much smaller class sizes, so that we reduce the risk of transmission, or making sure that contact between children is absolutely minimised—although these things are incredibly challenging for schools and reduce the ease of operating schools—has been taken to reduce the chances of transmission. SAGE always publishes all its papers and makes them public, and I imagine it will continue to do so.

Aaron Bell (Newcastle-under-Lyme) (Con): Will my right hon. Friend acknowledge the international evidence that looking at the R rate, either locally or regionally, becomes less useful as case numbers fall and that perhaps we should be looking at the prevalence data from the Office for National Statistics? In that light, will he commit to working with the sector to get all children back to school in September and supporting them to make up for the lost time?

Gavin Williamson: My absolute ambition is to see all children back in September, but over the coming weeks it is to maximise the number of children who are able to benefit by going into schools. My hon. Friend raises an important point: this is about not just the R rate, but what we are doing on track and trace, and everything we can do to minimise transmission within schools to make them a safe environment for people to work in and learn in.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The problem, listening to the Education Secretary, is that he just does not convey any sense that the Government have a grip or a proper plan for the future. Let me ask him specifically: what support is he going to guarantee for the 16 to 18-year-olds, who feel particularly let down? They have lost their final term, when they might have been getting additional support to get an apprenticeship, a course or a place for the future. Currently, they are getting nothing. When will the guarantee for them be in place?

Gavin Williamson: It is vital to be able to support that age group, and not just in their choices as to whether they want to go on to university, a further education college or an apprenticeship. We are doing a lot of work on skills to make sure we are able to support them in their next step of that journey. We are also working, through the National Careers Service, to make sure they are getting the best advice and guidance, so that they can make the choices that are right for them.

Jane Stevenson (Wolverhampton North East) (Con): I am sure we are all concerned to hear about the attainment gap between richer and poorer students widening during time off school. What measures will my right hon. Friend take to close that gap and reassure parents that this Government want every child, from every background, to reach their full potential, regardless of covid?

Gavin Williamson: My hon. Friend and neighbour is correct about how we support these students. As I keep saying, there is no magic, simple solution whereby we can put something in place for a short period. This has to be done over a long period—how we support their learning and how we close the gap to make sure that children, whatever background they come from, have the maximum number of opportunities as they go through the school system, and especially as they face exams in the near future.

David Linden (Glasgow East) (SNP): Long before the coronavirus pandemic, Glasgow City Council had an ambitious programme in place to tackle holiday hunger. Why can children in Shettleston in my constituency be fed during the summer holidays whereas those in the South Staffordshire constituency that the Secretary of State represents will not be, under his plan?

Gavin Williamson: As I have said, with not only the Department for Work and Pensions, but with MHCLG and DEFRA, we continue to look at how we can support the families who are most vulnerable and most in need of support.

Scott Benton (Blackpool South) (Con): It is undoubtedly the case that pupils from disadvantaged backgrounds are losing out the most while schools remain closed. Over the past 10 years, we have made fantastic progress in closing the attainment gap between children from poorer backgrounds and their more affluent peers, which has greatly improved the life chances of children in Blackpool. Does my right hon. Friend agree that we risk undermining this excellent progress if the schools that are able to reopen safely choose not to do so?

Gavin Williamson: The biggest impact that we can have on any child is making sure that schools are open and welcoming back the maximum number of pupils into their classroom to have the opportunity to be in front of their teachers and to learn from them. That is how we can help them more than anything else—more than any other intervention. But we recognise that we have to do more on top of that, and that is what we are going to do, opening the doors to schools and making sure that as many children as possible are able to go in and to learn. That is how we will close the gap, more than anything else.

Wendy Chamberlain (North East Fife) (LD): At last Thursday's business questions the Leader of the House suggested that I should direct my question to the Secretary of State this week. The cap on the number of English students at universities in the devolved nations, including St Andrews University in my constituency, has been applied without consultation and will further financially impact on institutions that have already made placing offers as they deal with covid-19. Will he commit to meeting me, or at least to engaging with the Governments of the devolved nations and bodies such as Universities Scotland, to mitigate this impact?

Gavin Williamson: The hon. Lady will be pleased to hear that we have continued to engage with the Scottish Government over this and will continue to do so. It was very much part of our stability package that we put in to help universities. We hope that by working with the Scottish, Welsh and Northern Irish Governments we will do everything we can to support this vital sector.

Mr William Wragg (Hazel Grove) (Con): Will my right hon. Friend insist that Public Health England, local authorities and schools work together seamlessly when there is an outbreak of covid among members of staff?

Gavin Williamson: It is absolutely vital that they work seamlessly together if there is such an instance, because we want to protect the children and those who are working in the schools to the maximum of our ability, and ensure that when it is safe to do so, those schools can reopen as swiftly as possible.

Point of Order

2.48 pm

Dawn Butler (Brent Central) (Lab): On a point of order, Madam Deputy Speaker. On 4 June, the Minister for Equalities, the hon. Member for Saffron Walden (Kemi Badenoch), misled the House when she made a statement with regard to a Public Health England report. She said that the report was led by the black doctor Professor Kevin Fenton. This was not in fact the case. The Minister also misled the House when she said that third-party submissions were not part of the report. I have written to the Minister, but I wonder if there is a way that we can compel her to return to the House to correct the record.

Madam Deputy Speaker (Dame Rosie Winterton): I thank the hon. Lady for that point of order. I sure she meant that if the Minister misled the House it would be inadvertently. I would expect those on the Treasury Bench to report back the fact that the Minister's statement had been questioned, and I am sure that if there has been any inadvertent misleading of the House, she would want to correct the record.

In order to allow the safe exit of hon. Members participating in this item of business and the safe arrival of those participating in the next, I am suspending the House for three minutes.

2.49 pm

Sitting suspended.

2.52 pm

On resuming—

BILL PRESENTED

EMPLOYMENT (DISMISSAL AND RE-EMPLOYMENT)

Presentation and First Reading (Standing Order No. 57)

Gavin Newlands, supported by Huw Merriman, Neil Gray, Chris Stephens, Lilian Greenwood, Sarah Olney, Sammy Wilson, Caroline Lucas, Chris Loder, Claire Hanna, Liz Saville Roberts and David Linden, presented a Bill to prohibit employers dismissing employees and subsequently re-employing them for the purpose of diminishing the terms and conditions of employment; and for connected purposes.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 132).

Pedicabs (London)

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

2.53 pm

Nickie Aiken (Cities of London and Westminster) (Con): I beg to move,

That leave be given to bring in a Bill to provide for the regulation of the carrying of passengers in Greater London by pedal cycles and power-assisted pedal cycles for hire or reward; and for connected purposes.

I am sure that hon. Members will be familiar with the sight of pedicabs or rickshaws on the streets of London. Before covid-19 they might have come out of the theatre to a row of pedicabs ringing their bells, playing their music, touting for business and haggling over trips to stations, restaurants, bars or hotels. Pedicabs may seem like a fun way to end an evening—a white-knuckle ride through the streets of London on the way home. But hon. Members might have found there was a sting in the tail. They might have been told when they arrived at their destination that the price originally agreed was for one person and, as they were two, the price had now doubled. I have heard of tourists being charged upwards of £100 for a mile journey.

Surely, you wonder, pedicabs must be regulated, run a meter, be insured and have their vehicles regularly inspected for faults and roadworthiness. Should they not have to undertake the same checks and balances as other vehicles for hire? Our traditional black cabs and private hires such as Uber are heavily regulated. Sadly, none of that is true for pedicabs. Due to a loophole in the Metropolitan Public Carriage Act 1869, pedicab operators are not classified as stage carriages. As a result, there is no requirement for insurance, no requirement for fares to be fixed or consistent, and no requirement for vehicles or drivers to be quality assessed. They are the only form of public transport in London that is not regulated in any way, and estimates suggest that there are about 2,000 of them in operation in central London alone.

Alongside the fact that because pedicabs are not insured or checked in any way they are a risk to those who use them, they are proving to be a risk and a disruption to Londoners at large. They often play loud music late into the night as they drive through the streets. They can drive dangerously on the pavements, putting pedestrians at risk. Accidents are becoming more frequent, and hit-and-runs are not uncommon. They have also been known to promote criminal behaviour. According to a 2015 *Evening Standard* report, pedicab drivers were being paid tips by prostitutes for taking passengers to brothels for sex, and there were reports of their facilitating drug dealing across the city. Westminster City Council receives a large number of complaints regarding pedicabs. In 2016, the last year for which the council maintained figures in this area, approximately 1,000 council-led interventions against pedicabs were required.

This is not to say that all pedicab drivers or operators behave in this way. We have seen a growth in pedicab provision on the basis of providing an environmentally friendly alternative to taxis and other forms of public transport. Some operators have taken it upon themselves to insure their vehicles and drivers, as well as to regulate their fares. However, it remains the case that these good operators are under no obligation to take the steps that they have, and they remain in the minority. I would also

like to take this opportunity to highlight the growing number of bona fide companies that we see using pedicabs to deliver goods around central London. Of course, they offer a more environmentally friendly delivery service, which should be welcomed. This is not about taking them off the roads; I would wish to encourage more much greener vehicles such as these on our streets, as long as they are roadworthy and the drivers have been checked.

That is why I and a cross-party group of London MPs have brought this Bill before the House today. It is essential that Transport for London is given the powers to regulate pedicabs to make sure they are safe, that their fares are reasonable and consistent, and that rogue operators can no longer present a threat to residents and businesses in London. I also have cross-party support from outside this place. The Bill is supported by the Mayor of London and Lambeth Council, as well as Westminster City Council and the Royal Borough of Kensington and Chelsea. It is also supported by London Councils, a cross-party organisation representing London boroughs. The Bill is supported by the Licensed Taxi Drivers Association, the New West End Company and the Heart of London Business Alliance, as well as residents associations and amenity societies across Westminster, including the Soho Society, the Marylebone Association, the St Marylebone Society, the Covent Garden Community Association and the Knightsbridge Association.

The Bill allows TfL to set the requirements of drivers' eligibility and conditions, thereby preventing the current exploitation of some drivers by gangmasters. We must recognise that a minority of pedicab drivers may be at risk themselves of being trafficked and being part of modern slavery abuse. The regulation outlined in the Bill could help to stop that practice if drivers have to be checked. The Bill protects the consumer by ensuring the quality and roadworthiness of vehicles. It will offer some comfort to businesses and residents by allowing for conditions to prevent pedicabs from standing or plying for hire in specific places or at specific times, as determined by Transport for London.

This is a simple Bill. It is a clear Bill, and it is a Bill that is much needed and much wanted. I understand that the Government are sympathetic to what the Bill wishes to achieve, as I note that the response to a written question from the hon. Member for Vauxhall (Florence Eshalomi) in April was:

“The Government is aware of concerns raised about unregulated pedicabs in London and as such, has committed to seek opportunities to introduce legislation that will enable the regulation of pedicabs.”

I would be delighted to offer the Government such an opportunity by encouraging them to back my Bill on Second Reading.

Last, but certainly not least, the Bill is supported by 3,000 of my constituents, who have pledged their support via my website. I am clear that this is not a Bill to ban pedicabs. I welcome them as part of London's drive to become a greener city for us to live and work in, but they must be regulated. They must be safe, and there must be sanctions for injury or risk to pedestrians and customers. It is for those reasons that I hope the Bill will be introduced. No other city in the UK is subject to this loophole; it is just London that runs the risk. We must take this opportunity to correct that, and I commend this Bill to the House.

Question put and agreed to.

Ordered,

That Nickie Aiken, Felicity Buchan, Andy Slaughter, Ms Karen Buck, Florence Eshalomi, Meg Hillier and Wes Streeting present the Bill.

Nickie Aiken accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 12 June, and to be printed (Bill 133).

Counter-Terrorism and Sentencing Bill

Second Reading

3.2 pm

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

The first duty of any Government is to protect the public from harm. Combating the unprecedented threat of coronavirus has, of course, been the focus of our energies over the last few months, but as our country begins to open up once again, it is crucial that we maintain our vigilance towards the all too familiar threat of terrorism. As the House will recall, there have been a number of devastating incidents in recent years. The appalling atrocities at Fishmongers' Hall on 29 November last year and in Streatham on 2 February this year, barely two months apart, were brutal attacks on innocent members of the public just going about their day-to-day lives. Those incidents drove home some hard truths about our approach to managing terrorists in the justice system, with each committed by an offender who had been released automatically halfway through their sentence, with no involvement from the Parole Board. We cannot allow that to happen again.

Following the Streatham attack, we acted swiftly to introduce the Terrorist Offenders (Restriction of Early Release) Act 2020, which ended the automatic early release of terrorist offenders and ensured that any release before the end of a sentence is dependent on a thorough risk assessment by the Parole Board. I was extremely grateful for the co-operation we received from Members on both sides of the House on that vital piece of legislation, and I was proud of how quickly this place acted to get it on to the statute book. That piece of legislation built on the Government's plans to bolster the United Kingdom's response to terrorism and to ensure that we have some of the strongest measures in the world to tackle that threat.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Lord Chancellor mentions the importance of speed in dealing with these situations. Does he agree that we have perhaps not moved fast enough in, for example, proscribing some organisations? I am thinking particularly of extreme right-wing organisations that target the black community, other people of colour, the Jewish community and the gay community. It took years to get System Resistance Network and Sonnenkrieg Division banned by the Government, and there are other organisations out there, such as the Order of Nine Angles, that need to be banned. Does he agree that we need to move further and faster on proscription so that people involved in those organisations can receive the sentences that he is talking about in this legislation?

Robert Buckland: The hon. Gentleman knows that the function of proscription is for the Home Secretary. From my knowledge of it, which is not as close as that of my colleague, proscription is a device that should be applied equally, without discrimination.

The hon. Gentleman is absolutely right to talk about the rise of far-right extremism. At this Dispatch Box and elsewhere, I have readily acknowledged the fact that out in our community, sadly, and in our prison system, we have a proportion of far-right-wing terrorists who have

[Robert Buckland]

been convicted and brought to justice. What I would say about those individual examples is that wherever there is evidence of activities that amounts to grounds for proscription, I know that this Home Secretary—indeed, like her predecessors—will act with alacrity. Of course, her predecessor did in the instances that the hon. Gentleman mentioned, so I assure him that the Government will work within the law and apply it equally to all groups and organisations that pose a direct threat to our way of life. That is what we are talking about here.

I was dealing with the measures that we announced in the aftermath of the atrocity at Fishmongers' Hall. In the current financial year, 2020-21, we have increased funding for counter-terrorism policing by £90 million. We announced a review for the support for victims of terrorism, with a further £500,000 being provided to the Victims of Terrorism Unit. We then announced our plans to double the number of counter-terrorism specialist probation staff. We are also working to increase the places that are available in probation hostels, so that authorities can keep closer tabs on terrorists in the weeks after their release from prison. Of course there is also the independent review—led by the independent reviewer of terrorism legislation, Jonathan Hall, QC—of the way in which different agencies investigate, monitor and manage terrorist offenders. This was just the first stage of our response, because these attacks clearly demonstrated the need for terrorist offenders to spend longer in prison and to be subject to more stringent monitoring in the community.

Jim Shannon (Strangford) (DUP): I am very conscious that although we are looking at the recent period, at those who were involved in ISIS and Daesh attacks in London and elsewhere, IRA terrorism is clearly a strong issue, as was illustrated last week when there was a bomb and arms find in Londonderry. When it comes to sentencing, I ask that those who are involved in IRA terrorism, who are convicted in this jurisdiction—on the mainland—will not receive any reduction in the sentences that they are given if they are transferred back to Northern Ireland, for instance. I seek that assurance from the Secretary of State—that IRA terrorists will bear the full brunt of the law and not get away with a reduced sentence if they are sent back home.

Robert Buckland: The hon. Gentleman can be reassured that the whole purpose of this UK-wide legislation is not to discriminate between different types of terrorists. It would be wholly wrong for this legislation, for example, to focus on so-called Islamic terrorism, as opposed to far-right terrorism, the Provisional IRA and irregular republican, or indeed, irregular terrorism of a general nature within Northern Ireland or any other part of the United Kingdom. This is not discriminatory legislation. It is designed to deal with terrorism in all its forms, and I believe that this legislation is also agile when it comes to dealing with and anticipating the enduring challenge of how to manage terrorists in whatever form they might come. As we know, terrorism is evolving and taking different forms all the time.

Dr Julian Lewis (New Forest East) (Con): My right hon. and learned Friend mentions a couple of cases, including Fishmongers' Hall. Does that not illustrate

the great range of problems that have to be addressed? In recent times, was there not a case where someone had to be released even though people were sure he would reoffend at the first opportunity—he did so, and had to be trailed and stopped by an MI5 team—whereas at Fishmongers' Hall, was the problem not that the person had claimed to be reformed and that there was no reason, apparently, not to release him? It will have to be a very comprehensive piece of legislation to cope with such a wide range of problems.

Robert Buckland: I am very grateful to my right hon. Friend, who speaks with experience of these matters. He helps me to outline the point I was about to make about the complex and evolving nature of the threat. He is right to talk about different types of threat: superficial compliance, which we saw, sadly, with regard to Fishmongers' Hall; and known threat, but with an inability of the authorities, due to the current regime, to manage that within custodial settings, and the paraphernalia, cost and sheer planning that has then to be undertaken to try to deal with and manage the threat in the community.

I must pay tribute to the teams who worked so hard at Streatham to minimise what could have been an even more horrific incident on that Sunday afternoon on Streatham High Road. I well remember looking at the detail of what the teams did that day and being lost in sheer admiration for their bravery and professionalism in dealing with a terrible incident that could have involved very serious loss of life. The work of looking at the detailed facts will go on by way of an independent inquest. We will, of course, look precisely at the outcome of that, and at the serious further offence reviews, which are ongoing but will conclude very shortly. They will help to supplement the excellent work done by Jonathan Hall in his review of MAPPA—multi-agency public protection arrangements.

I was explaining that the announcements we made some months ago were but the first stage of our response. The step-up response to counter-terrorism is very much at the heart of what I and the Government are about. The legislation we are now introducing will ensure that the process for how we at each stage deal with both convicted terrorist offenders and those who pose a concern of becoming terrorist offenders will be strengthened. We are determined to ensure that those who commit serious acts of terror and put members of the public at risk serve sentences that properly reflect the harm they cause.

The Bill will reform the sentences which can be handed down to terror offenders by introducing a new category of sentence. The serious terrorism sentence, for the most serious and dangerous terrorist offenders, will carry a minimum period of 14 years of custody, with an extended licence period of up to 25 years. That sentence will apply to only the most serious and dangerous terrorist offenders who would otherwise receive a life sentence: those who have been found guilty of an offence where there was a high likelihood of causing multiple deaths.

The Bill also introduces further provisions for terrorist offenders who have been assessed to be dangerous, and who have committed a sufficiently serious offence, to spend the entirety of their sentence in custody without the prospect of early release. In addition to that full

term in prison, the courts will be able to apply longer extended licence periods of up to 10 years for those offenders, so we can continue to supervise them once they are allowed back into the community. Any breach would put them straight back into prison.

In February, I announced that the Government would review sentencing for terrorist offenders, including whether current maximum penalties for terrorist offences were sufficient. Following that review, the Bill proposes to increase the maximum penalty for three specific terrorism offences: first, membership of a proscribed organisation; secondly, supporting a proscribed organisation; and thirdly, attending a place used for terrorist training. The maximum term is currently 10 years, but will be increased to 14, which sends a clear message about how serious the Government consider that type of offending and is consistent with existing penalties for similarly serious terrorist offences.

Another outcome of the review included in the Bill is an amendment to the Counter-Terrorism Act 2008, which will enable the courts to find any offence with a maximum penalty of more than two years to have a terrorist connection. The Independent Reviewer of Terrorism Legislation noted that that would be a useful change. It will give the courts more flexibility to reflect the facts of each case fully in the sentence that they may wish to pass.

Jim Shannon: Minister, those who are involved in terrorism may have—

Madam Deputy Speaker (Dame Eleanor Laing): Order. The hon. Gentleman disappoints me. We had all this yesterday. The hon. Gentleman cannot address the Minister as “Minister”; he has to address him in the third person. It is my ambition that the hon. Member for Strangford will get that right.

Jim Shannon: Madam Deputy Speaker, I endeavour to follow your instructions and I will do my best.

I seek assurance that those who are involved in terrorist activity, be it providing safe houses, physical assistance, cars or weapons, and who play a smaller role will also feel the brunt of the sentencing for their minor role in a bigger terrorist atrocity.

Robert Buckland: I can reassure the hon. Gentleman. As he knows, there have been developments in terrorism law since the Prevention of Terrorism (Temporary Provisions) Act 1974, which he will remember, then the Terrorism Act 2000 and the Acts that followed the atrocity of 9/11, which saw a development and evolution in the law that allowed a wider penumbra of people who supported, encouraged or facilitated that type of serious offending to be brought before the courts.

I was explaining that the particular measure to which I was drawing the House’s attention allows the courts to find a terrorist connection in offences that are not specifically terrorism or terrorism-related; they might be offences under a different type of Act, such as an offence of violence or an acquisitive crime. If there is enough evidence to satisfy the criminal standard of proof that there is a terrorism connection, the court can use that as an aggravating factor in increasing the level of sentence given to that particular offender.

That will result in more offenders being managed through the registered terrorist offender notification requirements and will ensure that operational partners can effectively manage that risk on release so that no terrorism-connected offender should fall through the cracks. Taken together, the sentencing provisions will reduce the threat posed to the public by incapacitating dangerous terrorists and will maximise the time that the authorities have to work with offenders, giving offenders more time in which to disengage from their dangerous and deeply entrenched ideologies.

The recent terror attacks demonstrated the importance of improving and maximising our capability to monitor offenders in the community. The Bill introduces a range of measures to allow the Government to intervene more effectively where required. Time spent on licence is crucial in monitoring and managing offenders in the community, and also in giving them the opportunity and support to change their behaviour to desist and disengage from terrorism.

Right hon. and hon. Members were rightly concerned during the passage of the Terrorist Offenders (Restriction of Early Release) Act 2020 that terrorist offenders released at the end of their sentence would not be subject to licence supervision when released. This legislation takes vital steps to extend the scope of the special sentence for offenders of particular concern to cover all terrorist offences with a maximum penalty of more than two years. That will mean that any terrorist offenders convicted of an offence covered by the Terrorist Offenders (Restriction of Early Release) Act will no longer be able to receive a standard determinate sentence, but will instead face a minimum period of supervision on licence of 12 months, even if they are released at the end of their custodial term.

The Bill will also strengthen the licence conditions to which terrorist offenders are subject by making available polygraph testing as a condition of their licence. We believe that that will help probation staff to monitor compliance with the other licence conditions—such as no contact with named individuals, entering exclusion zones or accessing material that promotes or relates to acts of terrorism—imposed on offenders. Research has shown that mandatory polygraph testing for adult sexual offenders can be an effective risk-management tool; extending that to certain terrorist offenders will therefore enhance our ability to monitor them in the community.

In addition, the measures in the Bill will maximise the effectiveness of the existing disruptions and risk-management toolkit available to counter-terrorism policing and our security services. That toolkit can be used alongside licence conditions for those serving a licence period after sentence, or with individuals of terrorism concern who have not otherwise been convicted.

Prosecution and conviction are always our preference for dealing with terrorists, but in the limited instances in which we cannot prosecute, deport or otherwise manage an individual of terrorism concern, terrorism prevention and investigation measures—known as TPIMs—are a crucial tool for protecting the public. The Bill makes a number of changes to TPIMs to increase their value as a risk-management tool and support their use by operational partners in cases when it is considered necessary. The changes include lowering the standard of proof for imposing a TPIM notice, specifying new measures that can be applied to TPIM subjects, and

[Robert Buckland]

removing the current two-year limit for which a TPIM notice can last, to ensure that we are better equipped to manage individuals of significant concern who pose a continued threat.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Is the Secretary of State aware of cases in respect of which he, the Home Secretary or others think that a TPIM should have been granted but could not be because the burden of proof was set at the wrong level?

Robert Buckland: I am sure the right hon. Lady will understand that it would be a little invidious of me to go into individual cases, but she will know from her long experience of this issue, and control orders previously, that TPIMs and control orders are complex and resource-intensive mechanisms that require a high degree of planning and continued monitoring, so decisions made to apply for them are never entered into lightly. By returning the position on the standard of proof to the one that existed some years ago, the Bill creates a more flexible means of monitoring, rather than a system that does, and did, require a higher standard of proof. It is not my wish or the wish of the Government to see an overdependence on TPIMs to the exclusion of other types of disposal.

It is still very much the Government's view that prosecution and conviction is absolutely our priority, but experience has shown that the judicious use of this type of measure is not only lawful and proportionate but necessary when we cannot meet the high standard of proof that the right hon. Lady knows exists in criminal prosecution. It is my view that although TPIMs have never been the complete solution to the problem, they are an invaluable additional tool that the security services and all of us need when it comes to managing this complex problem. The right hon. Lady will be reassured that according to the latest published figures the number of TPIMs in force is currently five. I do not believe that the changes we bring in will act as any incentive or artificial stimulus to a sudden change in the way that the measures are used.

Forgive me, Madam Deputy Speaker, if I dwell at length on the point made the Chairman of the Home Affairs Committee. I have noticed, certainly from my time as a Law Officer, that from the middle part of this decade we saw a welcome increase in the number of prosecutions, particularly of returning foreign fighters. That showed that when we put the resources and the will into investigation we can make the prosecutorial system work well. Maintaining that focus, but then adapting, refining and modernising the system as we are doing in this Bill, strikes the right balance in terms of the need to protect the public and to adhere to those principles of liberty, the individual and the rule of law that all of us in this House share.

Sir Robert Neill (Bromley and Chislehurst) (Con)
rose—

Robert Buckland: I give way to the Chairman of the Justice Committee.

Sir Robert Neill: I have a lot of sympathy with the point that my right hon. and learned Friend makes about the value that TPIMs can have as part of the armoury,

so to speak, in dealing with these matters. May I draw him back to the point about the change in the burden of proof? The increase in the burden of proof to the current standard was specifically in response to a recommendation from the then independent reviewer, Lord Anderson. The current independent reviewer, Mr Hall QC, has made no such recommendation to reduce the burden of proof, as is proposed here. That is a striking difference. What we are trying to get to is this: what is it that triggers this change in the burden of proof without some evidence, either by way of recommendation or with some hard fact to demonstrate it?

Robert Buckland: I absolutely accept and understand the motivation behind my hon. Friend's intervention, and he makes such a recommendation not just as Chair of the Select Committee, but as a guardian of the principles of the rule of law, which, after all, is what we, as a nation, are trying to defend against those who would kill, shoot and bomb their way into power and influence. He can be reassured that this—if you like—reversion to the previous standard of proof is all about making sure that we have as agile a tool as possible, bearing in mind the rapidly changing nature of the terrorist threat that we face. It is vital that we make sure that, when applications for TPIMs are made, they can be done not only in such a way that there is clearly an evidential basis and those grounds exist, but in a way that means they can be effective and as rapidly implemented as possible. The focus of the TPIM and the number of people on it will change, adapt and evolve according to the constant and the changing nature of the threats.

Joanna Cherry (Edinburgh South West) (SNP): I thank the right hon. and learned Gentleman for giving way. The point made by the Chair of the Justice Committee is very well made. Not only has the current independent reviewer of terrorism, Jonathan Hall QC, not recommended the change, but he has specifically questioned the basis for the change. So again, is the Lord Chancellor able to clearly articulate for us why this change in the burden of proof is necessary?

Robert Buckland: I am grateful to the hon. and learned Lady for her question. Indeed, in the lengthy answers that I am giving, I am trying to do just that. What I am trying to explain is—I know that she knows this—that the TPIM mechanism is not something that is entered upon lightly. It involves a high degree of resource and a high intensity of resource management. It is a self-evident truth that the resources of the state, however large they may be, are not infinite and therefore choices and priorities have to be allocated. What I can assure the House of is that of course every time we assess that the grounds are met and that there is a risk, we will act. That is what our security services do, day in, day out, for us. What I am saying is that the change in the threshold creates that greater agility. I accept that it will be a lower standard, yes, but the reason for that is to allow for greater flexibility when our operational partners come to apply them.

I was talking about the importance of TPIMs' use being proportionate. I believe that the annual review of TPIMs, which is going to be part of this process to qualify the question about their indefinite duration, strikes the right balance between the need for vigilance and control and the need for those basic civil liberties

that we all guard jealously to be maintained. Let us not forget that where it is no longer necessary or proportionate to extend a particular TPIM for the purposes of public protection, that TPIM will be revoked. That check and balance is very much at the heart of the regimen that we are proposing in the Bill.

The Bill also amends legislation governing serious crime prevention orders. Those are civil orders imposed by the courts that protect the public by preventing, restricting or disrupting an individual's involvement in serious crime, which of course includes terrorism. The Bill supports the use of these orders in terrorist-related cases by allowing counter-terrorism policing to make a direct application to the High Court for a serious crime prevention order. We are therefore streamlining that process. The Independent Reviewer of Terrorism Legislation has noted that these mechanisms are at the moment an under-utilised tool in terrorism cases, and I believe that by streamlining the process we will see a greater reliance upon them.

We are also adding the offences of breaching a TPIM notice and breaching a temporary exclusion order to the list of relevant terrorism offences that can trigger the registered terrorist offender notification requirements. Again, the independent reviewer has publicly confirmed his support for that change. The regime requires individuals aged 16 or over who have been sentenced to 12 months or more in custody for a relevant terrorism offence to provide certain information about changes in their circumstances, such as their address, to the police and to notify them of any foreign travel plans. Together, these changes strengthen our ability to manage the risk posed by those of terrorism concern in our community, including those who have been released from prison without a period on licence.

The Bill also reforms how we deal with terrorist offenders under the age of 18. We recognise, of course, that there is a separate sentencing framework for that category of offenders, and that it has distinct purposes and aims that differ from those relating to adult offenders. We have carefully considered which measures it would be appropriate to apply to under 18-year-olds in developing this proposed legislation. Although we remain firm in our aim to ensure that custody should be used only where absolutely necessary, it is a sad and inescapable fact that some young people are susceptible to radicalisation or to the adoption of extremist views, and that among those, there are a few who pose a very serious threat to the public.

The Bill will therefore ensure that the courts have the right range of tools at their disposal to deal with those under the age of 18 who commit serious terrorist or terrorist-related offences. We will do that by introducing a youth equivalent to the special sentence for offenders of particular concern. This will mean that, if convicted of terrorist offences serious enough to warrant custody, these offenders will serve a fixed period on licence once they have been released into the community. This will ensure that they receive an appropriate level of supervision. We are also replicating the changes to the extended determinate sentence to ensure better public protection from young terrorist offenders who have been assessed as dangerous. This removes Parole Board consideration of the two-thirds point for the most serious terrorism offences, and in the interests of public protection, it gives the courts the option to apply an extension period

of up to 10 years on licence. I accept that this is an exceptional series of measures, but we are dealing with an exceptional type of offending.

Rushanara Ali (Bethnal Green and Bow) (Lab): Can the Secretary of State explain, first, what additional resources will be made available within the prison system to ensure that those who commit terror offences are not then left there to radicalise other young offenders? That has been a huge concern, and the Government have been pretty lacklustre in dealing with it. Secondly, when they are released, what resources and support will be made available to local authorities and other partnerships to ensure that other young people are not susceptible to their influence? It is one thing to sentence, but quite another to deal with the underlying challenges in communities.

Robert Buckland: I am grateful to the hon. Lady for raising that issue. I can give her the strongest reassurance that, though at times it might appear, from some of the coverage of how terrorism is monitored in prison, that our system is failing, it is not. There are many aspects of the counter-terrorism regimen in our prisons that are world leading and which other countries are learning from and coming to us for help and advice on. I can say this about our recent announcement: the doubling of the number of specialist probation officers, and imams with specialist training, will further improve the way we deal with terrorism both inside prisons and in the community.

I can reassure the hon. Lady that, after 2017, when the Home Office and my Department came together with the joint extremism unit that deals with terrorism, a visitor to a prison with a particular specialism—Belmarsh, for example—would have seen embedded in the command and control structure police officers, probation officers, all parts of the system working jointly around a particular offender: not just monitoring but anticipating and understanding the trends, themes and information emerging. A lot of this is of a sensitive nature and it would be wrong of me to dwell too heavily upon the detail, but I can say that we have created separation centres. Those are challenging, as one should not use them on a whim and there needs to be a clear basis on which to separate individuals of known extremism from the rest of the prison population. Otherwise, there is a danger of creating an even more worrying unit or cadre of individuals who feed off each other and whose agenda of hate and terror is only entrenched by their being separated from the rest of the prison community.

The hon. Lady is right to say there is a challenging balance to be reached between separation and the danger of the proselytization of these views among other more susceptible members of the prison community, but we have the resources and are ploughing them in. The Bill is only part of the step-up approach I announced earlier this year. She can be reassured that not only is the work being done in prisons but—to deal with her point about the community—the specialist probation officers will have a community role as well. Furthermore, as I will refer to shortly, the statutory review of Prevent will give us all an opportunity to hone, improve and refine our approach to terrorism within the community.

Crispin Blunt (Reigate) (Con): When I was Prisons Minister between 2010 and 2012, we abolished control orders, to which we are returning, because of the

[Crispin Blunt]

inflexibilities they created. I will speak on that in my main remarks. Will not the inflexibilities and the mandatory elements in the Bill make significantly more difficult the job of those most brilliant people in the Prison Service engaged in the rehabilitation of this most difficult class of offenders?

Robert Buckland: I pay tribute to the work my hon. Friend did in my Department at the beginning of the coalition Government. He is right that in many instances the removal of flexibility in sentencing can pose huge challenges, but we are dealing with an exceptional cohort—a small group of people whose type of offending is very different in my view from the mainstream of other types of offender. As he knows, I have worked in the system for many years, and I have seen individuals capable of the most astonishing rehabilitation, who have turned away from crime and gone on to lead blameless lives, but I am afraid that within this cadre of people there is a stubborn minority who are not capable of rehabilitation, who might show superficial signs of co-operation but whose agenda remains unchanged and undeterred and whose chosen path remains the same, even many years later. That is the sad reality of terrorism and I make no apology for taking an exceptional course to deal with an exceptionally difficult, troublesome, and dangerous group of people.

Stephen Doughty: The Lord Chancellor is being incredibly generous in giving way. He will be aware of the tragic circumstances in which young people in my constituency were recruited to Daesh/ISIS, and that the perpetrator of neo-Nazi actions a couple of years ago in Grangetown was only 19. It is right to focus on issues that relate to young people, but will the right hon. and learned Gentleman say a little more about the specialist probation officers, and about what training skills they will be given to look at the increasingly sophisticated way that some of these individuals engage online? As he said, they might be superficially engaging in face-to-face conversations, but then having a completely different set of conversations online, including through gaming platforms.

Robert Buckland: I know the hon. Gentleman's community very well through my work in the criminal justice system. It sounds as if his community has particular criminal justice problems—that would be an insult, as it is a diverse and lively community that I know very well indeed. From that knowledge, I know that he represents a wide and wonderfully diverse range of cultures and views in the great city of Cardiff. He can be reassured that online work is as important as any offline interaction. I am impressed by the constant attention to renewal when it comes to the training of probation officers, and there is an acknowledgement that the threat is constantly evolving. The sad reality of the tender ages of some of these perpetrators is something we had to acknowledge in the Bill, hence the measures we are taking.

I was talking about the statutory review of Prevent. As we know, there was a deadline in statute for the completion of that review. We are having to change that, which is unfortunate and not something we wanted. We know there was a difficulty with the process, and Lord Carlile had to step down. We are engaging in a full and open competition to appoint the next independent reviewer, which is what the House would want; it has to

be open and independent. We want to give the new reviewer the time necessary to carry out the review, so the statutory deadline will be removed. That does not in any way diminish my commitment, or that of the Home Secretary, to the success of the review, or our determination for it to be done properly and at speed. Our aim is for the review to conclude, with the Government response, by August next year.

In response to an intervention from the hon. Member for Strangford (Jim Shannon) I made the point that, perhaps unusually for a criminal justice Bill, this Bill has UK-wide application, because of the devolution settlement and the question of reserved matters when it comes to counter-terrorism. We have committed to ensuring that the seriousness of terrorist offending is treated equally across the three jurisdictions of the UK, and that we are able to protect all our citizens. We owe it to the people of Northern Ireland, of Scotland, and of England and Wales not to discriminate in any way or to create false and unhelpful distinctions between all corners of our kingdom. To that end, the provisions will apply equally to the three jurisdictions. That includes applying the measures that we took in the Terrorist Offenders (Restriction of Early Release) Act 2020, in full, to Northern Ireland.

Stephen Farry (North Down) (Alliance): Does the Lord Chancellor recognise that, despite supporting the Bill overall, the Minister for Justice in Northern Ireland has expressed some concerns about the extension of those provisions to Northern Ireland, and raised some potential inadvertent and unintended consequences that would be undesirable?

Robert Buckland: The hon. Gentleman was good enough to write to me and I can reassure him that I have spoken directly in an official capacity on several occasions to the Justice Minister, who was of course a distinguished Member of this House in the 2010 Parliament. I know she is a dedicated public servant who is reviving the Department of Justice in Northern Ireland in an important way. I have of course discussed these matters carefully with her and considered them. She makes some important points about the sensitivity of polygraph testing, which I well understand, and the regime for youth offenders, which is a particular passion of hers.

The hon. Gentleman will know that when I considered retrospective application to Northern Ireland in February, I was careful not to rush into doing that in an emergency Bill. That was because I respected the devolution settlement and some of the differences in our approaches in various parts of the kingdom. I assure him that, having reflected, taken the appropriate steps and considered the matter in the round, I now believe that the provisions of article 7 of the European convention on human rights will not be affected by the measures I wish to take. It is important that we ensure that there is equal treatment of all types of terrorist offender throughout the kingdom.

Earlier, I made the point that I do not want the legislation to be discriminatory. That underlies my approach and I therefore intend to move ahead. Of course, it is a matter for the Administration in Stormont, but I very much hope that they will grant legislative consent. That is what I am seeking and that applies to the Scottish Government as well. My discussions with the Justice

Minister in Northern Ireland and the Justice Secretary in Scotland, with whom I have a good professional relationship, will continue so that, with the consent of both legislatures, we can press forward with what I hope will be UK-wide legislation. I am grateful to the hon. Gentleman for his intervention.

We know all too well the consequences that face us when terrorists are given sentences that are just not long enough, when they are released too early or when the arrangements to supervise them in the community are not robust enough. It is abundantly clear that the law failed the victims of Fishmongers' Hall and Streatham. I believe that the comprehensive set of measures in the Bill helps to put that right. By strengthening our hand at each stage of the process of dealing with terrorist offenders, it represents our determination to do everything in our power to ensure that the public are protected.

Mr Tobias Ellwood (Bournemouth East) (Con): I apologise to you, Madam Deputy Speaker, and to the Chamber for arriving late. I was at a Defence Committee meeting. My right hon. and learned Friend will know that the post-covid world we enter will be very different security-wise from the one we left. That distraction is being used by our adversaries, including terrorists, to regroup, rearm and retrain. Does he agree that this is not the time to reduce our security or defence budgets and that we must remain on our guard?

Robert Buckland: My right hon. Friend is right to remind us all of the need for constant vigilance. He described the current covid crisis as a distraction; it is a serious and grave crisis and all Governments must give their energy, heart and soul to dealing with it. However, he is right that there is a risk that we take our eye off the ball when it comes to security and defence. We are not doing that. At no stage are the Government doing that. That is why we are putting more resources into counter-terrorism and the Bill is just part of that.

The rapid passage of the emergency Bill a few months ago represented Parliament at its best: acting swiftly to take the urgent steps necessary to keep all our constituents safe from harm. That legislation was a necessary step then, but now we must finish the job. I hope that the Government will have the full support of hon. Members across the House in doing just that.

3.49 pm

Mr David Lammy (Tottenham) (Lab): The point of terror attacks is to make us despair, but the public's response to them shows us why we are still right to believe in hope. We saw that clearly in the attack on Fishmongers' Hall on 29 November last year. I will not name the attacker, but I will praise the bravery of the Polish porter, Łukasz Koczocik, who risked his own life to help overpower the terrorist with a narwhal tusk. Two former offenders, James Ford and Marc Conway, also became heroes when they helped tackle the attacker to the ground. I also pay special tribute to Jack Merritt and Saskia Jones, who dedicated their young lives to seeing the best in people, working in offender rehabilitation only to be killed in the most bitter twist of fate.

That terrorist attack, like another on Streatham High Road on 2 February this year, was committed by an individual who was already convicted as a terrorist offender, but who had been released automatically at

just past the halfway point of their sentence. They were neither deradicalised nor deterred by their time in prison. In fact, their time at Her Majesty's pleasure may have made them worse.

There are two possible conclusions we can draw from those harrowing stories. First, prison sentences for terrorists are not long enough and, secondly, deradicalisation programmes in prison are not working. The Government, with the support of the Opposition, went some way to addressing the first of those concerns with emergency legislation passed earlier this year. The Terrorist Offenders (Restriction of Early Release) Act 2020 ensured that terrorist offenders sentenced to a determinate sentence could not be released before the end of their custodial sentence without the agreement of the Parole Board.

The measures in today's legislation build on the emergency legislation. They, too, are based on the conclusion that there remain some terrorism offences where the maximum penalty is not sufficient for the gravity of the offence. The Opposition will not be seeking a Division on Second Reading, but we will scrutinise the Bill as it moves through the House into Committee and on Third Reading.

We understand that the terrorism threat level in the UK remains substantial. We also note that the threat does not come from Islamic extremists only. As Britain's top counter-terrorism police officer, Neil Basu, has warned, the fastest-growing terrorist threat comes from the far right. Of the 224 people in prison for terror-related offences, 173 are Islamic extremists and 38 are far-right ideologues. Of the 16 plots foiled by the end of 2018, four were from the far-right community. In a world that is increasingly tribal, the Opposition believe that the broad thrust of these changes is needed. Labour's priority is to keep the British public safe.

Stephen Doughty: I thank my right hon. Friend for giving way, and I completely agree with his comments. Does he agree that the particular threat we face from far-right organisations is put in stark relief for us by the fact that we have just passed the 21st anniversary of the London nail bombings, which were done by an individual who targeted the black community in Brixton, the Bengali community in the east end and then the LGBT community at the Admiral Duncan pub. The trial judge at the time said it was unlikely that he would ever be able to be released safely, given the awfulness of the crimes he committed. Does my right hon. Friend agree that that is why we need to go after these organisations, such as the Order of Nine Angles and others who have the same ideology?

Mr Lammy: I am very grateful to my hon. Friend for the interest that he takes in these issues and the seriousness and expertise with which he brings them to the House. He is absolutely right. This is incredibly serious and, unfortunately for us, here in the UK we have a number of groups that are globally connected to very dangerous far-right movements. He will know also that sadly, as has already been indicated by the Chair of the Defence Committee, when we come out of the coronavirus period, partly because of the recession and the tough economic times that are likely to follow, there will be individuals who seek to exploit increased hardship and poverty with very extreme rhetoric. Indeed, sadly, in our own country we can see one particular individual taking to social media to whip up a storm in relation to the Black Lives Matter campaigns that we are seeing at the moment.

[Mr Lammy]

It is our job in the Labour party to fulfil our role of scrutinising every line of this legislation. First, we want to ensure that the changes balance the threat of terrorist offenders with the rights and freedoms on which our society is built. Secondly, we seek to square the importance of punishment with the necessity to rehabilitate. Some Members may be sceptical about whether it is possible to deradicalise terrorist offenders, but we in the Opposition believe that we have a duty to try—if not for the sake of the offenders, for the sake of the public whom we must protect.

Even with the extensions to sentences that the Bill proposes, terrorist offenders will be released at some point from our prisons. There is little use increasing sentences for terrorists if we are to release them just a few years later, still committed to their hateful ideology, still determined to wreak havoc. If we are to honour the lives of the young people killed at Fishmongers' Hall, we cannot give up on rehabilitation. We must not lose faith in the power of redemption—the ability of people to renounce the darkest chapters of their lives and move towards the light.

Let me start by outlining the most significant measures proposed in the Bill that the Opposition support. Next I will explain those areas that we have concerns with. Finally, I will explain the Opposition's greatest problem with the Bill: not what is in it, but what is not.

The elephant in the room this afternoon is the Government's failure to announce a coherent deradicalisation strategy to go alongside the Bill. We accept the creation of a new serious terrorism sentence which ends loopholes in the current laws. We support increasing the maximum penalty from 10 to 14 years for certain terror offences, to better reflect their gravity, although we think that further pause must be taken to consider the warning in the impact assessment that

“Longer periods in custody could disrupt family relationships which are often critical to reducing the risk of reoffending.”

We also believe that it is wholly right to make it possible for any offence with a maximum penalty of two years or more to have terrorism as an aggravating factor. Although not all the details of those specific reforms are perfectly drafted, in spirit they are proportionate and fair.

Amid changes that are fair and reasonable, there are others that will need serious scrutiny. As the independent reviewer of terrorism legislation, Jonathan Hall QC, has pointed out, the removal of the Parole Board for serious terrorism offenders is a “profound” and, we would argue, problematic change. No one on either side of the House wants to see terrorists getting out before they have served their time, but we must not allow our anger to distort the lessons from Fishmongers' Hall and Streatham.

This House expressed dismay that both those terrorists were released without ever coming into contact with the Parole Board. The laws in place failed to use the expertise of the Parole Board to understand the risks of their early release and to make the necessary assessments. The Parole Board is, of course, sceptical when these individuals come before it, and its record of release is very low indeed in these sorts of cases. So why are the Government planning to remove the Parole Board for serious terrorism offenders now? Surely we want terrorists to be assessed by the Parole Board more often, not less.

Removing the Parole Board for serious terrorism offenders is not only a problem in terms of monitoring the threat level of convicted offenders and the ability to use the intelligence gleaned; it could also actively undermine these offenders' incentives to abandon their ideologies. When prisoners know that they have to behave well in order to get out earlier, this engagement can have a transformative effect. Without the extra incentive, we reduce the chances of engagement in rehabilitation. That is particularly concerning when we consider young people under the age of 21 who have been convicted of terrorist offences. Whatever they have done wrong, those seduced by dangerous ideologies in their teenage years must be given every opportunity to change.

Dr Julian Lewis: I strongly endorse what the right hon. Gentleman has just said about the distinction between young people and people of mature years who embrace extremist totalitarian ideologies. Looking back to the time of Marxist-Leninist totalitarianism, we see that very few people who embraced it as adults ever gave it up or could have been deradicalised, but that there are countless examples of young people who went through a phase of addiction to it and then rejected it completely. So he is absolutely right to focus on this age distinction.

Mr Lammy: I am grateful to the right hon. Gentleman for his careful and considered observations. Of course he is right in what he says, because when we are talking about this category of offender we are often talking about gross immaturity, and with appropriate intervention and the appropriate assessment it is possible to effect deradicalisation. The removal of the Parole Board in this means that that assessment is not made at all. I think that behind the Secretary of State's words and this Bill is the understanding that we will put this cohort automatically on licence, but of course that comes at a cost. Notwithstanding that, we want the intensive scrutiny of the Parole Board, with it looking once, twice, three times at this cohort of this offender. Removing that is a profound decision, as the Independent Reviewer of Terrorism Legislation suggested. For those reasons, I hope that the scrutiny of that decision that is required is undertaken carefully in Committee.

The Independent Reviewer of Terrorism Legislation also rightly raises concerns about extending the maximum licence period for serious terrorism offenders to 25 years. We have concerns about both the proportionality and the cost of this reform. Even prisoners with indeterminate sentences for public protection have the prospect of their licence period being terminated when they are no longer considered a risk. Importantly, the Government have not gone into sufficient detail about how they will pay for the heavy administrative burden this will place on probation services, coming after a decade of austerity and cuts, where we have seen changes that the Government are now determined to change once again. As we plunge into the deepest recession of our lifetimes, how does the Secretary of State propose to pay for this massive growth in the number of those under licence?

In addition, there are specific circumstances in relation to Northern Ireland that of course require scrutiny and discussion as we move forward. In terms of sentencing, these are the Opposition's major concerns that we plan to address in Committee, but we also share the concerns raised by the Independent Reviewer of Terrorism Legislation

when it comes to the changes of monitoring tools available to the security services and counter-terrorism police.

As the Secretary of State will know, he puts me in a strange position with his proposals relating to TPIMs. He will remember that it was a Labour Government, in 2005, in which I served, that first introduced control orders. Back then, in order to impose a control order, a Secretary of State needed only “reasonable grounds for suspecting” that the individual was or had been involved in terrorism-related activity. In 2011, the coalition Government raised the standard of proof, by replacing Labour’s control orders with TPIMs. The Secretaries of State could impose these controls only if they “reasonably believed” that the individual was or had been involved in terrorism-related activity. In 2015, the Conservatives raised the standard of proof even higher to require the Secretary of State to have evidence that on the balance of probabilities an individual was or had been involved in terrorist offences, but in the proposed changes we are debating today, the Government propose lowering the standard of proof from the balance of probabilities back to reasonable grounds for suspecting. The Conservative Government seem to have taken nine years to move away from Labour policy and then to return full circle back to it.

Whether or not it can be justified, lowering the standard of proof inevitably increases the chances of innocent individuals being subjected to serious constraints on their freedom. Given that the courts found no problems with the current threshold, as the Independent Reviewer of Terrorism Legislation notes, what are the reasons for this U-turn? As has been suggested by the Chair of the Select Committee and the spokesman for the SNP, the hon. and learned Member for Edinburgh South West (Joanna Cherry), I do not think the House has yet heard the reason for this U-turn, given that it was not indicated in February, and given that the independent reviewer does not support it and the last one certainly did not support it. Were the Conservative Government wrong when they raised the standard of proof in 2011 and then again in 2015, or are they wrong today when they propose lowering it?

An additional and significant issue about which the reviewer has raised concerns is the removal of the two-year limit on TPIMs, allowing them to be renewed indefinitely. Let me remind the House what a TPIM can involve: overnight residence requirements; relocation to another part of the country; police reporting; an electronic monitoring tag; exclusion from specific places; limits on association; limits on the use of financial services; limits on the use of telephones and computers; and a ban on holding travel documents. This would mark an unprecedented restriction of rights for individuals who, we must remember, have not been convicted of any crime. It raises significant issues, and for that reason I suspect that it will occupy the Bill Committee. It is entirely right when the Secretary of State says that we must be strong on dealing with terrorism—of course, that unites the House—but because we believe in the rule of law and the democratic traditions that we inherit in this House, it is also right that we have the right safeguards, and it is those safeguards that we will very definitely want to scrutinise.

Rushanara Ali: My right hon. Friend makes a very important point about the balance between security and liberty. It is not easy for any Government to strike

the right balance, but it is very important that this Government recognise that we cannot afford to lose the wider community—we must ensure that people are not wrongly convicted and there must be assurance that there are safeguards in place to protect innocent people while we go after those who are dangerous and who are committing crimes and acts of terror.

Mr Lammy: My hon. Friend is right to raise the question in the manner that she does, because fundamental to our policing model in this country, even where it relates to terrorism, is the consent model. We must take the consent of communities with us, and when we lose consent, we get disorder. One might say that, in parts of the United States at the moment, one can see the loss of consent from particular ethnic communities. The point she raises is fundamental, and it is why we would not be doing our job properly if we did not scrutinise these changes carefully.

In 2015, the then Justice Secretary, the right hon. Member for Surrey Heath (Michael Gove), commissioned a report by former prison governor Ian Acheson on Islamist extremism in prisons, probation and youth justice. The report found evidence of growing Islamist extremism in prisons and called for

“a central, comprehensive and coordinated strategy”

to fix it. Acheson proposed 69 recommendations, which were consolidated into a total of 11, eight of which we were told would be followed.

It is unclear, however, how many of his recommendations have been implemented and what effect any changes have had on deradicalisation. Indeed, last year, when Acheson published a report for the Centre for Social Justice, he did not seem confident that much had changed. He wrote:

“Our unsafe prisons provide a fertile breeding ground in which predators, peddling extremist and violent ideologies, can prey upon the vulnerable, creating significant risks to national security and the public at large...On the present trajectory, it is all too conceivable that a future terrorist will have been groomed and radicalised within our prison estate.”

How can the Government justify their failure to include any new policies on rehabilitation or deradicalisation? Where is the new funding for deradicalisation in our prisons? Where is the extra support for our probation services? We know that the Government believe in stricter sentences, but what do they have to say about defeating the ideology of hate? Only one part of this package touches on this question, and even it does not attempt to solve it. It instead pushes back the legally binding deadline for the completion of an independent review of Prevent. That review was supposed to be completed by August 2020, and yet this summer it will be further delayed until next year.

We will not seek a Division today because we recognise that there must be progress on this issue, but we are very disappointed by the lack of focus on deradicalisation. Indeed, some of the Government’s plans, including removing the Parole Board, may actively reduce the chances of rehabilitation in prison. Defeating the ideology, not merely imprisoning those hypnotised by it, is what is necessary if we are serious about preventing reoffending.

After Jack Merritt was killed in Fishmongers’ Hall, his father Dave wrote poignantly about how his son would have perceived the political reaction to his own death. Dave wrote:

“What Jack would want from this is for all of us to walk through the door he has booted down, in his black Doc Martens.

[Mr Lammy]

That door opens up a world where we do not lock up and throw away the key. Where we do not give indeterminate sentences, or convict people on joint enterprise. Where we do not slash prison budgets, and where we focus on rehabilitation not revenge. Where we do not consistently undermine our public services, the lifeline of our nation. Jack believed in the inherent goodness of humanity, and felt a deep social responsibility to protect that.”

Jack Merritt’s death was cruelly ironic, but it is a further bitter blow that in its wake, punishment for the offenders he sought to help will become more strict. It is undeniably true that Jack’s murderer never rehabilitated. He maintained his twisted ideology to the very end. However, we must not let this nightmare blind us into believing that second chances exist only in dreams. The murderous terrorist who took Jack’s life would no doubt like us to lose our faith in humanity. But Jack would like us to keep it. The very least we owe him is not to forget this.

4.13 pm

Sir Robert Neill (Bromley and Chislehurst) (Con): It is a pleasure to follow the speeches by both Front Benchers, who were serious and thoughtful, and rightly so. Any criminal justice Bill is important, and any Bill touching on sentencing powers is particularly important. The really difficult balance between public protection and rehabilitation—not just for the sake of the individual but for the sake of the broader societal good—is perhaps one of the most difficult with which sentencers, judges, lawyers, Ministers, prison governors and parliamentarians, who make the rules, have to grapple. If ever there was an area where we ought to seek to achieve maximum consensus, it is one as important as this, particularly given that it deals with sentencing and rehabilitation in relation to such grave and serious threats.

I remember as a young barrister talking to the late James Crespi, who survived the bombing of the Old Bailey. I remember, when I lived in Canary Wharf, my newsagent and his assistant being killed by the Canary Wharf bomb. This is something that has affected many of our lives, but the insidious nature of the radicalisation of politicised Islam has brought a new dimension to it.

Mr Lammy: I am very grateful to the hon. Gentleman for giving way. He allows me to say that I, too, lost a very dear friend—James Adams—in the bombings in July 2005. I will never forget James. He was a great Conservative and debating partner at school. That is why I, like the hon. Gentleman, take these issues so seriously.

Sir Robert Neill: That is very generous—characteristically so—of the right hon. Gentleman. This is something that, as he rightly observes, has nothing to do with party. Any of us who has lived in any of our great cities has lived with the reality of that risk from time to time. That is why, to return to my point, we must try to get the detail right as well as the broad thrust.

There is much in the Bill that I support, and I shall certainly support it on Second Reading. I think we all accept that, precisely because of the particular nature of Islamist terrorism, the threat of which we now have to confront—the way it seems to warp an ideology even more particularly and more deep-rootedly than many other political motivations—it requires particular care in its handling.

There is no doubt—we have seen it in some of the cases that have been referred to, and it is well established by those who have researched these matters—that those who have been attracted to that ideology frequently present as particularly manipulative and are sometimes adept, as the Lord Chancellor has observed in previous debates, at hiding their motivations for a considerable time. It is therefore is all the harder for the authorities to make an assessment about when it is safe for them to be released, so it is not at all unreasonable that we should have particular types of regimes for sentencing, rehabilitation and release to deal with the particular types of threat that can arise from this particular class of offending.

That said, there are legitimate concerns, which must be raised, about whether we are still getting this right. I do not think any Government have ever got it wholly right. We always have to learn as we go along, as greater awareness and understanding become apparent. That is no criticism of anyone in this context.

I agree with the point that the right hon. Member for Tottenham (Mr Lammy) made about the work of Ian Acheson. Mr Acheson’s report was most important and significant and, I think, extremely valuable. He gave compelling evidence to the Justice Committee at the time he brought it out. I have always regarded it as a matter of regret that that report was not more fully implemented. Much of it was, but I still think that there may be bits that we ought to look at.

Robert Buckland: I am extremely grateful to the Chair of the Justice Committee for giving way. He is helping to develop the debate in an extremely productive way. I can assure him that I have engaged regularly with Ian Acheson, whose work I respect hugely. Eight of those 11 recommendations were carried out. There was one in particular, with regard to Friday prayers, that we did not think was necessary. However, things have moved on considerably in the four years since that important report. I speak with the benefit of having been into some of these institutions, of engaging weekly with members of the joint extremism unit and of getting frontline information that gives me a higher degree of confidence that there is indeed a plan, a strategy and an approach that is yielding benefits. There is more to do, but there is far more out there than perhaps is fully appreciated.

Sir Robert Neill: I am grateful to the Lord Chancellor for that intervention. I know that he takes this immensely seriously on a personal level as well as an official level. We ought to be prepared to engage with all expertise in this field. He is right to keep things under review, and I hope that he will continue to use the expertise of Mr Acheson and others who worked with him on that report to inform our best practice.

I visited a young offenders institution where a young girl who had been suborned into this dreadful ideology was being held on remand. She was no doubt going to receive a very substantial sentence, such was the gravity of the matters in which she had become involved, but because of her age, it was inevitable that at some point she would have to be released. Having a means of doing that safely is profoundly important, but I accept also that it is profoundly difficult because it is well established that the pre-indicators that we find in relation to general criminality are often not available to be picked up in

this type of case. So I totally understand where the Government are coming from in that regard. That is why, as I said, I do not have a problem with the basic thrust of the changes to the regime that the Bill proposes.

The other point, which has been picked up in the debate by Members on both sides of the House and in interventions, is that the whole purpose of our standing up against terrorism, from whatever source it comes, is to protect our basic values as a society, which are underpinned, perhaps more fundamentally than almost anything else, by a commitment to the rule of law. Anything that seeks to drive us away from that, or inadvertently causes us to move away from that, ironically serves in its own insidious way to assist the terrorist cause rather than our own. I do not think for one second that any Government—none of the Governments who have had to confront this going back to the time I was talking about when I was a young man—have ever sought to do that deliberately.

We have to be particularly alert to that risk, and that is why I hope that when we look at the detail of the Bill we will take on board the need to ensure that we continue safeguards in this regard. That is one reason why it was a good thing that we appointed an independent reviewer of terrorism in the first place. I am a great believer in independent inspectorates, be they of the Prison Service, probation, the Crown Prosecution Service or education services. The same applies to the desirability of having a robust independent reviewer, and we have always had those in the shape of distinguished lawyers. That is why I have a concern about the burden of proof in relation to terrorism prevention and investigation measures. The initial changes were driven, as has been pointed out and I said in my intervention, in response to specific recommendations from the independent reviewer.

The current independent reviewer, Mr Jonathan Hall, QC, supports and endorses a number of changes that the Bill makes, and I think that is powerful evidence in the Lord Chancellor's favour in relation to many elements of the Bill. But that actually makes it all the more striking that the change to the burden of proof in relation to TPIMs does not arise from anything that the independent reviewer has sought, or anything that the independent reviewer has advocated. His silence on that point, as opposed to other areas where I would suggest that he has given valuable external support to the Government's position, is therefore striking, and that is why we must be particularly careful about how we deal with this matter. It is a little bit like putting the other side to proof, if I can put it that way.

There may well be a good reason for that, and I am sure that the Lord Chancellor would not reinforce the proposal unless he genuinely believed there was, but I think we have to be able to set a reason before the public as well. I accept that there are pressures in terms of resource and the amount of time it takes to bring forward one of these measures. I accept, too, that the Lord Chancellor observes that it is therefore not done lightly. That is all perfectly fair, but if we are going to make that change—after all, I was a junior member of the coalition Government who made the change in the opposite direction, away from control orders, as has already been observed—we ought always to be able to do it on the basis of the clearest evidence. With every respect, I am not quite sure that we have yet got the clarity of evidence that I would like to see to satisfy me on that point.

Robert Buckland: I am grateful to the Chairman of the Select Committee for his indulgence. I was talking about the need for flexibility. That is why we are making the change. I served on the Committee that considered the Terrorism Prevention and Investigation Measures Bill in 2011, and I followed the developments in the law very carefully, but it is right that we act on the advice and support of the security services and all those involved in the monitoring of offenders, and it is because of that need for flexibility that we judge it right to make the change now. I hope that that is clear.

Sir Robert Neill: The Lord Chancellor makes the point very clearly, and I fully understand that, but I do just juxtapose it with the observation by Mr Hall, QC, in his note dated 2 June, in which he says:

“In these circumstances it is not clear why there is any need to change the law in the manner proposed. Steps to reduce the resource burden of obtaining TPIMs are already in hand. The courts have not found that the current approach is wrong.”

There may be an argument for flexibility, but we cannot say that it comes from the independent reviewer, so I wonder where it does come from.

Mr Lammy: Does the hon. Gentleman agree that when the Secretary of State talks about flexibility, it would be helpful if there were some evidence, given that the cases that have been discussed—Fishmongers' Hall and Streatham—certainly do not relate to the TPIM regime? Perhaps the Secretary of State might want to consider whether he ought to ask those who engage with these things to provide some of that evidence, at the very least on Privy Council terms.

Sir Robert Neill: I take on board what the right hon. Gentleman says, and I know that the Secretary of State will as well. We all want to get this right for the sake of the national good. Flexibility and agility are perfectly legitimate considerations, but it is not unreasonable for us to have some sense of whence they come if we are going to make the case for doing something that would go against the run of our normal approach to the rule of law and safeguards. That is sometimes necessary for the greater national good, but we ought to have a pretty clear basis for doing it.

Crispin Blunt: Does my hon. Friend share my anxiety that the resource issue—the difficulty of setting TPIMs up in the first place—combined with the roll-over factor in the Bill means that the default position on a reduced balance of proof will simply be that the two-year TPIM will be replaced constantly? That will become the default position based on the difficulty of producing resources to effect a proper prosecution, which is the standard we want to achieve.

Sir Robert Neill: My hon. Friend, who has much experience in these matters, makes a very good point.

Ultimately, most of us who believe in the rule of law will always prefer to see prosecution and conviction as the best possible means of dealing with this issue. It is not always possible, but we still need to have important safeguards in whatever regime there is. I am sure the Government recognise that, but we really do need to get it right, for everybody's sake. I hope that the Lord Chancellor will reflect on how best to make the case for this and to justify what is, on the face of it, a change that may well have much merit—one wants to give the benefit of the doubt—but that could perhaps do with a little more amplification as the Bill progresses.

[Sir Robert Neill]

The other matter that I hope that the Lord Chancellor might bear in mind as the Bill goes forward is the need for some form or other of proper judicial scrutiny of these matters. I recognise that there are plenty of safeguards in the regime that is proposed in the Bill. However, Mr Hall makes another interesting point in one of his notes: that there has been a rather troubling development of the opting out of judicial review by some suspects subject to TPIM orders. That provision was intended to ensure that there was some oversight. It is up to them whether they do that. They may not do it necessarily for the very best of motives, given the rather warped ideological nature of what drives them, but it does ironically remove a means by which best practice can be brought in hand.

That is why Mr Hall suggests that a solution would be for the Secretary of State to seek the High Court's permission for any extension beyond a two-year length of the TPIM, in the same way that he currently does when the TPIM is first made. It would be perfectly proper to make that longer TPIM, and I can quite conceive of many circumstances when it is, but perhaps the modest requirement of an application to the Court would not be onerous in the circumstances but would put in a sensible safeguard for all such cases.

If we go beyond the two-year length of a TPIM, perhaps we should also be looking at thinking again, at some point, about what is the burden of proof. The greater the level of restriction, as the Law Society has observed in one of its briefings, perhaps the greater the burden of proof that should be required. For example, if there is a set of conditions that includes relocation, is it perhaps reasonable to expect a greater degree of care to be taken on the burden of proof in a matter of that kind, as with other matters?

Those are matters of important detail. I am sure that they need not detain the progress of this Bill on Second Reading, but they are not, I submit, something that we should lose sight of.

Finally, on polygraphs, I accept that they have been used in relation to the release of sexual offenders, but the science on them is still very uncertain. There remain concerns among lawyers and other practitioners as to their dependability in all circumstances, which is why, after all, they are not used as evidence in criminal cases for understandable reasons. I would be worried if we became over-reliant on polygraphs without some sort of proper check and balance. When they were brought in, certainly in England and Wales, in relation to sexual offenders, they had been piloted first. It will not be possible to pilot them in this case, so is there not a strong case for post-legislative scrutiny? That is the view of the independent reviewer in his note, and it seems to fit with good practice in terms of legislation as well.

Those are my points, which I hope will be taken in a constructive spirit by the Government. As someone who supports the Bill, I want to get it right. We probably do not want to have to revisit burdens of proof and mechanisms any more than we need to in future. It must be in everybody's interests to get it right this time and make it stick for as long as this awful threat persists. I will certainly support the Bill on Second Reading, but I hope that we can have constructive engagement on the detail as we go forward.

4.31 pm

Joanna Cherry (Edinburgh South West) (SNP): We in the Scottish National party take our duty to protect the public from all serious crime, including terrorism, very seriously, as our record in government in Scotland shows. We have a number of reservations about the Bill, which I shall outline, but like the official Opposition we do not intend to divide the House. We intend to take a constructive but critical approach. To that end, we will play a full part in the Bill Committee.

I thank the Lord Chancellor and his colleagues for the engagement that we have had to date on the Bill. I look forward to further discussions about the Scottish National party's and the Scottish Government's concerns. I also thank the right hon. Member for Tottenham (Mr Lammy) and the hon. Member for Torfaen (Nick Thomas-Symonds) for the constructive discussions that we have had prior to Second Reading. It is fair to say that the Scottish National party shares many of the official Opposition's concerns about the Bill. We note that those concerns relate to matters about which the Independent Reviewer of Terrorism Legislation has also expressed reservations. That is to say, they are responsible concerns.

No discussion about terrorist legislation in this House should take place without parliamentarians taking the opportunity to extend their deepest sympathies to all those who have suffered bereavement or injury as a result of terrorist acts. I look back to the past, particularly in Northern Ireland and indeed the whole island of Ireland in that respect. On behalf of the SNP, I also pay tribute to the brave members of our police and security services, first responders, those in the Prison Service, probation officers and those who work in rehabilitation. All those people have to deal with the consequences of terrorism. We have heard some moving tributes to them. I also pay tribute to the brave bystanders who have intervened to help others in the immediate aftermath of terrorist attacks.

Many of the provisions in the Bill relate to sentencing, which is of course a devolved matter. Discussions are ongoing between my colleague Humza Yousaf, Scotland's Justice Secretary, and the Lord Chancellor. Of course, there will need to be a legislative consent motion. I will outline the concerns that I share with the Scottish Government and my colleagues in the Scottish Government about the sentencing aspects of the Bill, as well as the use of polygraphs, the changes to TPIMs and the provisions regarding the review of the Prevent strategy. I want to make it clear that I do so from this viewpoint: it is the Scottish National party's aim that our communities in Scotland are inclusive, empowered and resilient, so they can resist those sowing the seeds of division that can lead to radicalisation and terrorism.

The Bill has some far-reaching changes in it, with implications for human rights as well as policy, and the Scottish Government have already expressed their concerns directly with the Lord Chancellor, as I have done with his junior colleagues. I know that the UK Government, in relation to this Bill at least, realise that they need to work closely with Members of all parties and with the devolved Administrations, because that is what is necessary to ensure effective counter-terrorism measures across the United Kingdom and in Northern Ireland. I hope

that this consideration will be at the forefront of the Minister's mind as the Bill pilots its way through the House.

On the issue of sentencing, I am pleased that the UK Government are following the Scottish Government's lead in ending automatic early release for the most serious offenders. Some time has now passed since the Scottish Government introduced a change to the effect that no long-term prisoner—four years or over—would be eligible for automatic early release after two thirds of their sentence. However, I am far from convinced—as I know others are far from convinced—that simply locking up terrorists for longer and then providing longer supervision on release is going to do much to deradicalise terrorist offenders.

The Bill will require the courts to ensure that certain terrorist offenders receive a custodial sentence of a certain minimum length and that a minimum length of supervision applies on release. In that respect it is a form of minimum mandatory sentencing, which is against the general approach in Scotland. However, it is not completely new to the justice system in Scotland, and that is why discussions are ongoing with my colleague, the Scottish Justice Secretary.

Sentencing is only a small part of the answer to terrorism, however. What happens during the sentence also matters, and, to date, deradicalisation and disengagement programmes have been largely underfunded and poorly executed. That is not my view; that is the view of Nazir Afzal, the former chief Crown prosecutor for the north-west of England. He is an experienced lawyer and a prosecutor worth listening to. He says that this has happened as a direct consequence of the decision by successive Conservative Governments to cut funding to probation and other rehabilitation programmes. The costs of extensive post-release surveillance far outweigh the costs of adequate funding for preventive measures and deradicalisation. I wonder whether the Lord Chancellor agrees with me and Mr Afzal on that point, and whether he is in a position to assure the House that sufficient funds and resources will be made available to deal with preventive and deradicalisation programmes in prison.

Can the Lord Chancellor also assure me that the Bill will not turn out to be counterproductive by leading to less parole, less offender management and less incentive to behave well during a sentence and to attempt deradicalisation? In this respect it will be interesting to hear what the professionals who work in the area of offender management and parole have to say about the Bill, and I look forward to the Bill Committee's evidence sessions. I am pleased that will there be more than one of those—

The Parliamentary Under-Secretary of State for Justice (Chris Philp): Three.

Joanna Cherry: Three? Excellent.

The hon. Member for Bromley and Chislehurst (Sir Robert Neill) raised the issue of polygraphs. He will be aware that in Scotland's justice system, polygraph testing is not used as a mechanism to monitor compliance with licence conditions or any kind of orders. Indeed, it is not used at all. The reason we have chosen not to use it is the lack of evidence of its effectiveness. If the provisions of the Bill were to apply in Scotland, that would require a significant shift in policy and practice and could also

have significant implications for investment in infrastructure. In Scotland, we already have mechanisms in place to monitor compliance with licence conditions and conditions associated with statutory justice orders. These include supervision by justice social workers and the use of electronic monitoring for high-risk offenders. There is a multi-agency public protection arrangement—MAPPA. Under that procedure, those assessed as high or very high risk and who require multi-agency management are subject to a regular review. In Scotland, individuals convicted of terrorism-related offences can be managed under that MAPPA approach, and there are indeed a small number of cases that have been managed in this

More generally on the issue of polygraph testing, I note, as has already been said, that the Independent Reviewer of Terrorism Legislation expressed some concerns about the lack of pilots and emphasised that there would therefore be a very strong case for very thorough post-legislative scrutiny of the measures. I look forward to hearing what the Minister summing up has to say in response to that point.

On TPIMs, much of what I have to say has already been canvassed. Clearly, the amendments would reverse the changes to the burden of proof, lowering the burden of proof; reverse changes to the curfew provisions to allow for what is effectively home detention; and allow us to make the orders potentially indefinite. I am not convinced that the changes are necessary and nor are my colleagues in the Scottish Government. We are fortified in that view by the views of the Independent Reviewer of Terrorism Legislation, who is also unconvinced of the necessity of the changes. To be frank, I have heard nothing so far this afternoon to convince me that our reservations are wrong. Those reservations are really important because of the human rights implications, the lack of safeguards built into the Bill, and the lack of any review mechanism.

I am not going to go through what Jonathan Hall, QC said in his two very detailed notes, but he has tackled, in some detail, both the reduction in the standard of proof and making the orders potentially indefinite. He has been very clear that he is not convinced of the case for change, so my questions for the Minister are these. Can we hear more clearly why? Can we see an example of what justifies both the reduction in the burden of proof and the need for the orders to be without time limit? Can we hear why, in the face of such potentially draconian powers, there are no safeguards in the Bill? Would the Government be prepared to consider an oversight mechanism or a review mechanism?

Finally, on Prevent, it is important to remember that the delivery of the Prevent strategy in Scotland is devolved and that while national security is referred to the UK Government, the way the Scottish Government deliver the Prevent strategy in Scotland reflects Scottish differences and is unique to the challenge faced by Scottish communities. I think it is fair to say that the delivery of the Prevent strategy in Scotland has not encountered the same community resistance and community impacts as it has south of the border. Because of the problems encountered in England, the Scottish National party supported the call for a review of the Prevent strategy, but we also shared the very widespread concerns about the Government's initial choice of reviewer. We believe now that it is very important that a new reviewer is found quickly, and that lessons about impartiality and

[Joanna Cherry]

the important appearance of impartiality are learned from the debacle over the previous putative appointments, so that the review can be seen as genuine and robust. We are a little concerned that the time limit for the review has been removed. I heard what the Lord Chancellor had to say about that, but it is very important that the removal of the time limit does not simply become an excuse to kick this into the long grass. That is the final point on which I seek reassurance from the Minister in his summing up.

4.44 pm

Sir John Hayes (South Holland and The Deepings) (Con): We conduct this debate at a time when we are fighting a virus—an invisible enemy—and we are told perpetually that the virus might mutate, as viruses are inclined to do. Of course, terrorism mutates, too: terrorism is not a static thing; it metamorphoses, both in character and in method. That is precisely what has occurred as we have gone about fighting the prevailing terrorist threat in this country. It makes the challenge of counter-terrorism acute, because countering something is usually about anticipating and predicting what might happen next.

As terrorism metamorphoses and becomes less predictable, it becomes increasingly hard to counter. That is precisely what has occurred in this country and in other countries that have suffered the effects of terrorism in recent years. Terrorists have become more adaptable and more flexible. Their methodology has changed, and a key part of that has been the use of modern communications in the recruitment, indoctrination and radicalisation of terrorists, particularly using the internet.

I wish to talk about the character of that radicalisation. It is much like the kind of grooming with which we are tragically familiar in respect of children who are drawn towards paedophiles. People are groomed on the internet, and the method is disarmingly and shockingly similar. A lonely individual will be identified and told that at last they have a friend. That person will not reveal—indeed, will conceal—any connection to an extremist cause. Gradually, over time, that individual will be turned into the kind of person who will do almost anything for a cause and for their friends. That is made much easier in the modern age: the character of the way we communicate has altered, so this will happen in people's homes, in their bedrooms, perhaps unknown to their family, certainly unknown to others and, of course, by definition therefore unknown to the security services and those who might do something about it.

Because of all that, our response has constantly to be reviewed, which is precisely what the Government are in the business of doing, and that is why over the years, including the time when I was the Minister responsible, the Government have looked again at whether they have the mechanisms in place and the resources and powers necessary to deal with the changed threat. The Bill goes about that in a number of ways, and I wish to draw out some particular aspects of it for closer consideration, if I may.

On the issue of TPIMs, they are always a contentious matter, and indeed it was a contentious matter in the days of control orders, which some of us will remember,

under a previous Government of a different colour. It is vital that we use the powers that we have to restrict the activities of those who might do harm. The question becomes where we fix the bar. The Bill lowers the bar and, in my judgment, rightly so.

Perhaps I ought to admit that I was not a particularly vehement critic—in fact, I was not a critic at all, so I am understating it a bit—of control orders and the methods used by a previous Government. I do not know if it is quite polite to say that, but I am sure it will please one or two Members on the other side of the Chamber—although I am not sure it will please too many on the Front Bench. I saw the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) in her place and my remarks were half directed towards her. The right hon. Lady made the point that in changing the bar—in altering the criteria—it is right that we do so with care and that there is appropriate scrutiny.

I heard and read the remarks of the independent reviewer, but I simply add another point, which in a way mitigates the counterargument—if I can put it in those terms—and that is on the use of polygraphs, which have been used in other countries, particularly the United States. I am not making any great claim for them, and certainly no greater claim than the Government are, but it seems to me that testing the process of deradicalisation, assessing how far it has gone, and gauging whether someone has changed or simply seems to have changed, is vital as we gauge what should happen if they are not incarcerated—what should happen once they are out of prison and they are not in a secure location. The Government are right to explore that in the Bill. I suppose that one would say in truth that it is a work in progress. We, as a Parliament, as well as the Government, will have to consider how that goes. I know the Select Committee will do that in due course, as my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) mentioned. But mindful of that determination, illustrated by the provision in this legislation to look carefully at the character of the effectiveness of deradicalisation, it is perfectly reasonable to introduce the changed measures on TPIMs.

Mr Lammy *rose*—

Sir John Hayes: I will give way to the right hon. Gentleman and, in doing so, apologise for not being here for his opening remarks.

Mr Lammy: I am grateful to the right hon. Gentleman for giving way. On the issue of polygraphs, does he note that the independent reviewer also says that there is an absence in the Bill as to how they will be used? Are they to be used against high-risk offenders, or very high-risk offenders, or are they to be used against low-risk offenders to assess their tendency to reoffend or offend?

Sir John Hayes: I should reveal to the House, for those who were not here yesterday, that I had a charming exchange with the right hon. Gentleman, where I described him as a “dear friend” and he described me as a “kind of friend”. I was rather slighted actually, but he made up for it later by saying that it was offered in good humour, and I took it in the same spirit, I have to say.

The right hon. Gentleman is right. One of the things that are important about debates on terrorism in this House is that they do not follow narrow party lines.

We try to build consensus, as we face common threats and shared challenges. He is right. Rather like Prevent, we do need to be scrupulous about analysing effectiveness. It is right that the Government should do that and, again, without putting words into the mouth of my hon. Friend the Member for Bromley and Chislehurst, still less provoking action on his behalf, the Select Committee will look at that, together, I imagine, with the Home Affairs Committee and others. There are all kinds of bodies in this august establishment that will play a role in ensuring that the application of what is a new development is effective. So I do not think that that is an unreasonable point, and I am more than happy, in the spirit that I have just described, to amplify it. However, I think that the Government are on the right track and I praise the Lord Chancellor for this in recognising that the bar did need to be lowered for TPIMs.

The other point that I want to make is in relation to Prevent and Channel. This is a complex area because, as I described, the character of terrorism is complex, as is our response to it. I am a pretty robust supporter of Prevent. It has critics; it has always had critics. It is certainly right that we have good oversight of Prevent—I tried to bring that about while I was the Minister and I do not think that that was always the case in the past—and that we measure its effect, too. I am not sure that that was always done as well as it could have been, and I am speaking about Governments of all colours here.

Having met Prevent co-ordinators and seen their work at first hand in various parts of the country, I know how much difference they make. It is not just about Islamist terrorism, although I suppose that is what most people will think that we are focused on today. It is much more broad than that. It is identifying problems of all kinds. I was proud, as the Minister, to introduce the Prevent duty, as some here will know, which engaged the various public bodies that are at the frontline of radicalisation—I am thinking of health professionals, schools and others—and also engaged communities and provided them with not only a responsibility, but, I hope, extra support in identifying those people, particularly young people, as it is often young people who are corrupted in this way, and in trying to act before they did something horrible, dreadful or shocking. I do support Prevent and, while I think that it should be reviewed, I also support the provision in the Bill to extend the review process. I make no comment on who should do it—that is for others to comment on—but I note that the Bill extends it and I think that is the right thing to do.

I come to the part of my speech that will perhaps be more challenging for some here—I hope not too challenging. None the less, I would rather be straightforward, as I always try to be. It is about the issue of sentencing. Public order and faith in the rule of law depend on popular confidence in the justice system. The justice system is in part retributive. We have fallen into the trap of believing that the only purpose of criminal justice is to rehabilitate. Of course, that is a purpose—in the case of terrorism, as I have made clear, deradicalisation is crucial—but public sympathy for all we do, and all our security and intelligence services and the police do, depends on people believing that justice is being done, and is being seen to be done. That is hard to reconcile with early release at all.

If we spoke to our constituents about early release, I suspect a very substantial number would find it pretty hard to cope with in the case of serious crime at all—or what they perceive as serious crime—and all the more so with terrorism. I think our constituents, whether they are in South Holland and The Deepings or Tottenham, or any other part of this kingdom, and regardless from which community they come, would be surprised if they knew we were releasing so many people who have committed those kinds of offences.

I am going to draw my remarks to a conclusion shortly—I can see you, with typical charm, combined with authority, moving to the edge of your chair, Madam Deputy Speaker. I particularly welcome the Government's approach to early release. It seems to me that the various provisions in the Bill that increase minimum sentences and provide the courts with the ability to look again at the tariff, and in some cases, increase maximum sentences, are entirely in tune with popular sentiment and the threat we face.

Let me end by saying this: the Bill, in my judgment, is apposite and appropriate. We are speaking of those whose purpose is to murder and maim—let us be under no illusion and have no doubt about that—and in the struggle for civilised life, in the cause of virtue, on our side there can be no fear, no guilt and no doubt.

Madam Deputy Speaker (Dame Eleanor Laing): Before we move on, we will now have to have a time limit. It will initially be 10 minutes, but I warn hon. Members that that is likely to reduce significantly in the near future.

4.58 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): It is a pleasure to follow the right hon. Member for South Holland and The Deepings (Sir John Hayes), and he is right: this has been a thoughtful debate, often in a cross-party spirit.

Terrorists want to destroy our way of life, divide our communities and undermine our democracy and our values, and we can never let them succeed. We rightly pay tribute across the House to those on the frontline, fighting terrorism, preventing and tackling attacks, in our police forces and security services, those in local government and communities who work so hard on prevention, and those in faith groups and our prisons. We remember, too, those who have lost their lives or who have lost loved ones to appalling terror attacks.

We face threats not just from Islamist extremism and terrorism, but from far-right extremism and terrorism, where the threats have grown in recent years. We have to always be vigilant, to ensure that those extremists and terrorists can never succeed in dividing our communities and undermining the democratic values for which we have fought for so long.

Many of the challenges relating to this legislation are the same ones that we have addressed and dealt with for many years—how to deal with people who have such warped ideology that they are determined to wreak huge destruction, including killing children; how to deal with people who have become so dangerously radicalised that they may be hard to address through traditional criminal justice system measures; and how to ensure that while we protect our national security, we also protect our democratic values and our freedoms and sustain

[Yvette Cooper]

justice, the rule of law and community cohesion. To do so, we need strong powers to tackle terrorism but also strong safeguards and strong checks and balances.

I want to talk specifically about some of the Home Office measures in the Bill, particularly around TPIMs and the Prevent programme. TPIMs came in after control orders, which were introduced to deal with difficult situations where perhaps the evidence relating to dangerous terrorist suspects depended on intelligence that could not be dealt with in the same way through the courts. There were similar approaches in cases where someone had become so dangerous and still proved dangerous even after their sentence had been served. Those were very difficult circumstances that only applied to a minority of cases.

Control orders were not perfect, and they were applied in those limited circumstances. Long-standing Members will know that I have spent almost a decade arguing with the right hon. Member for Maidenhead (Mrs May) about the decision made in 2011 to end control orders and replace them with TPIMs, rather than simply amending control orders to deal with some of the areas that needed improving. I thought it was wrong to make the decision to downgrade some of the powers in the TPIMs that were introduced. It is worth briefly addressing why, because it has an impact on the decisions that Ministers are making today.

First, I thought it was wrong to remove the ability to relocate dangerous terror suspects and to remove any possibility of doing so, to remove them from dangerous networks. The consequence was that two people who were on TPIMs managed to abscond—something that had not happened in relocated cases. The Government's independent reviewer, Lord Anderson, recommended that relocation be reintroduced, which eventually happened in 2015.

My second concern was about preventing the ability to constrain some communications for dangerous terror suspects. Again, many of those measures have been changed since, because the Government have recognised that some restrictions need to be in place for online or phone communications where there is significant evidence that someone poses a danger to the public.

My third concern was about the two-year limit set for TPIMs. Control orders were set for a year but could be renewed. TPIMs were fixed at two years. I raised questions in 2011 about what that would mean for the small number of people who might still be extremely dangerous after two years and what provisions would be in place to ensure that the public were protected. Again, Ministers have now recognised that issue and are changing it back.

In many ways, we have had an unnecessary 10 years of administrative going round in circles and changing the burdens on the Security Service and police forces, when we could have made more sensible amendments at the beginning to address those issues. It would be interesting to know whether Ministers now recognise that those changes were wrong and that we should not have made them in the first place.

Dr Lewis: May I say from the Government Back Benches that some of us are convinced that the right hon. Lady has been proven right, but will she acknowledge the motives of former Governments being cautious in these very delicate areas?

Yvette Cooper: I do recognise that these are always difficult judgments, and I say this in a cross-party spirit. These are always difficult judgments and difficult cases to deal with. It is because I have spoken consistently about the importance of having strong powers that I say to Ministers now that it is hugely important to have strong safeguards and strong checks and balances. That is where I think Ministers are getting some of the provisions wrong in the Bill. They will know, with my record of arguing for those powers, that I say with the greatest sincerity to the Secretary of State that he is getting the judgments wrong on the kinds of safeguards that might be needed, because the flipside of those strong powers is having the checks and balances to make sure that they cannot be abused or misused. That is why I asked him specifically what the evidence was for changing the burden of proof and for not having safeguards in place at the two-year point as well. The Bill does not include any safeguards requiring judicial scrutiny after two years. That was a weakness in the original control orders as well: those sorts of independent safeguards were not in place, where they could be continued.

Chris Philp: The right hon. Lady raised the issue of safeguards, which I had intended to address in my wind-up. Section 6 of the Terrorism Prevention and Investigation Measures Act 2011 contains a provision whereby when the Home Secretary makes a TPIM order she has to go to the High Court to seek permission and the High Court must find that it is not “obviously flawed”. In addition, the subject has the ability to judicially review the decision, so there is that automatic safeguard in the form of High Court permission under section 6 of the 2011 Act.

Yvette Cooper: There is when the TPIMs are first set out—the hon. Gentleman is right about that. My argument about the control orders at the beginning, where I thought they should have been amended back in 2011, was for introducing stronger safeguards. I have always believed that we need stronger safeguards in place, but the Bill does not include any safeguards for judicial scrutiny after two years if these measures are going to be extended—if they are going to be for longer. The independent reviewer, Jonathan Hall, has suggested a solution would be to require the Secretary of State to seek the court's permission for any extension beyond two years, in the same way that she currently does when a TPIM is first made. That would seem to be a sensible additional safeguard to put in if those TPIMs are to be extended.

In addition, no explanation has been given about the burden of proof. I asked the Secretary of State to tell me, hand on heart, whether he knew of cases—I do not ask for the detail—where he believe the wrong decision had been made not to put somebody on a TPIM because of the burden of proof, and he was not able to do so. I am therefore really concerned that there is not the evidence to justify lowering the burden of proof in this way. He referred to the idea that we somehow need greater “flexibility”. I hope he will reconsider his use of that word, because the powers are flexible; they can be used to apply to all sorts of different circumstances and different kinds of threats that an individual might pose. He should not use the word “flexibility” to apply to the burden of proof. We do not apply flexibility to proof, just as we do not apply it to truth.

Robert Buckland: I did not mean it in those terms. Clearly where we have a regime specified by statute, it needs to be applied rigorously. I was talking about operational flexibility, bearing in mind the complexities of these orders, and the fact that they are not obtained lightly and there has to be a very good operational case for them. That is what I meant, and I am sorry if there was any ambiguity in my remarks.

Yvette Cooper: I appreciate that, but I think that also makes clear the gap in the right hon. and learned Gentleman's case, because operational flexibility still should not apply to the burden of proof—the evidence required in order to justify applying measures that are for particularly extreme circumstances. The independent reviewer, Jonathan Hall, has said that

“administrative convenience does not appear to provide a basis for reversing the safeguard of a higher standard of proof.”

We cannot justify saying that in order to somehow reduce the paperwork, we want to reduce the burden of proof to use such measures. His predecessor, Lord—David—Anderson, who argued for bringing back relocation and who has been a supporter of strong powers, has agreed with him on this matter. Initially he argued for increasing the burden of proof, and he has said that the Home Secretary should at least have to “believe” someone is a terrorist, not just “suspect” it. That is the important criterion if these powers are to be used. I urge the Government to rethink these safeguards. If we are to have these strong powers to keep us all safe, prevent terrorist attacks, and protect us from people who may be immensely dangerous, we should also ensure the right kinds of safeguards to make sure that those powers are not misused, abused, or used in the wrong cases.

On the Government's Prevent programme and the review of it, I am disappointed that there is now no date in the Bill—it has been removed altogether. It is clear that we still have no reviewer in place for the Prevent programme, so they will obviously not complete the review by August, but that in itself is a huge disappointment. The timetable has been extended again, as has the application process. There is no deadline at all, and it is immensely important that the review is not just chucked into the long grass. Will the Minister include an alternative date? A date was included for a good reason, after debates about previous legislation, to ensure that the review happened. A programme that is so important, and has had different questions about it raised, should be effectively reviewed to see how it should work.

Finally, we should also be looking at deradicalisation more widely, both as part of the Prevent programme and in our prisons, as well as at how we can do more to prevent extremism and radicalisation, and at how to turn people back towards a better course once things have gone wrong.

Mr Deputy Speaker (Mr Nigel Evans): There is now a seven-minute limit.

5.11 pm

Jacob Young (Redcar) (Con): It is a pleasure to speak in this debate and to follow the constructive and knowledgeable contributions that have been made so far. I will start by extending my condolences, and those of the people I represent, to all those who have lost loved ones to terrorism. May they rest in peace.

There should be no tolerance towards anyone who is a threat to our national security, and I know that many people in my constituency, and across the country, will be relieved to see the Government take serious action against those who seek to spread fear. Despite the current pandemic, the memories of the appalling attacks on London Bridge last November, and just a few months ago in Streatham, are still vivid. Terrorism is yet another disease that has claimed so many lives, and we should do everything within our power to eradicate it.

The past three years alone are testimony to the unprecedented level of threat that this country faces from a deadly ideology. Even here, in one of the UK's more secure buildings, we saw terror enter through our gates and take the life of PC Keith Palmer, who died protecting our democracy. That democracy was embodied by the late Jo Cox, whose tragic murder illustrates how forces seek to strike at the heart of our system and threaten our values.

Nothing can ever justify terrorism. No one should have to go through such horrors, and the Government have a duty to protect the public from the terrible harm and fear that terrorism causes. It would be easy to assume that terror comes to us from beyond our shores, but the uncomfortable truth is that the most recent attacks were all perpetrated by home-grown terrorists who were radicalised online or in our prisons. That raises serious questions about the ability of our system to deter those individuals from turning extremist ideas into action. It is not just those who strap bombs to themselves or attack the innocent with guns and knives; those who use online platforms to advocate violence and incite others are just as guilty. They use, misinform and manipulate often vulnerable youngsters so as to create chaos on our streets, and we must do all we can to root them out.

We need only to remember the horrific murder of Lee Rigby to understand that these groups intend to shock and terrify the greatest numbers. Only last year, two more victims lost their lives in a knife attack on London Bridge, and it later emerged that the perpetrator was known to authorities and wore an electronic tag. In February this year, a further two people were stabbed by an individual who had also been released early. The public understandably feel that the system has failed to protect them, which is why the Bill is so important. Not only will it prevent another terror offender from being automatically released at the halfway point of their sentence, but it will also prevent the release of those who show no sign of deradicalisation.

Most perpetrators of terror acts are killed as part of the attack, or shot at the scene, which unfortunately means that they can never be brought to justice. That is why it is crucial to ensure our security services have all the necessary tools and funding properly to monitor and investigate potential terror plots. For that reason, I am pleased that the Bill looks to strengthen the terrorism prevention and investigation measures available to the security services and the counter-terrorism police.

With this Bill, the Government are taking all the necessary measures to ensure that the terrorist threat is treated as seriously as it should be and that offenders are punished accordingly. This Bill will help to keep the public safe, and it has my full support. As we celebrated the D-day anniversary over the weekend, let this be a reminder that this country will always stand up against those who seek to rule by fear.

5.15 pm

Rushanara Ali (Bethnal Green and Bow) (Lab): Our overriding aim must always be to keep the British public safe and to ensure that horrific terrorist attacks, such as the ones at the Fishmongers' Hall and in Streatham, cannot be repeated. We were all shocked and horrified by the attacks, and we mourn the death of Jack Merritt and Saskia Jones, who were killed on that day.

Of course, as has already been mentioned, over the years we have witnessed so many terrorist attacks, with so many lives lost and so much suffering, and it is vital that we have a set of policies to ensure that those who commit such atrocities are prosecuted. However, we must also make sure that we take action to do the prevention work to deal with the underlying causes. There must be proper investment in our schools, our local authorities and our communities, so that we can ensure that young people in particular are protected from the dangers of radicalisation, of being groomed online and of being prey to extremists, whether religious extremists or far-right extremists.

As we have heard, there is a growing threat of both kinds, and the mutually reinforcing threat of violent extremism from the far right and from the religious right—religious extremists—is going to pose an even greater danger to our society. It is therefore right that Opposition Members support the actions to ensure that sentencing is improved, but that has to come with proper safeguards, as my hon. Friends have already highlighted in this debate. That means that we have to question why it is that the Government have lowered the standard of proof for suspected terrorist activity, replacing it with “reasonable grounds”, which is a relative term, as we have heard.

We have already heard about some of the risks and dangers of doing that. We have heard about what that could mean in operational terms, and we have seen that many mistakes can happen despite the valiant efforts of our security, police and other services. Mistakes can happen at the operational level, which is why checks and balances have to be put in place to ensure that we strike the right balance between the liberty of people who have not done anything wrong but who may be suspected, and our security services and police having the right legal framework to work within in relation to those who are committing crime. This particular change is actually not going to make matters better, and it is likely to create greater resentment if mistakes are made, which is why I appeal to Ministers to reconsider it.

On my other major concerns, we need to make sure that, alongside the sentencing changes and ensuring proper checks and balances, the Government set as a matter of urgency a deadline for the review of the Prevent strategy. Without action on prevention, we will deal with only one side of the coin. I know all too well the dangers of Prevent not working. Although I recognise that many interventions over the years have had some significant success, the review is critical for us to learn the lessons of what does not work and what needs to be reformed and improved. We need radical action on supporting the young and those at risk, and on looking at online threats and the new threats that are emerging, particularly from the far right. I therefore hope that the Minister can say today when the review will be completed.

I recognise that there is a delay, but we need an urgent response and we must ensure that the delay does not continue.

Another issue is how we resource our public services. Sections 36 to 41 of the Counter-Terrorism and Security Act 2015 place a duty on local authorities and partners to provide support for people who are vulnerable to being drawn into any form of terrorism. Yet local authorities were already facing cuts. My local authority, despite some support from the Government, will face a deficit of about £50 million. At a time of great pressure, local authorities should be properly supported when they have a duty around this agenda. I hope that the Minister will say what additional resources will be given to them, and also to schools to provide proper training and support for our teachers who are being expected to take action without proper support. I raised that issue previously after the three girls from Bethnal Green in my constituency went to Syria. That was years ago and I am not yet convinced that the Government have seriously taken on board the need for investment and support in our schools, local communities and youth services. Indeed, youth services have experienced dramatic cuts over the years. I therefore hope that the Minister will look at the wider agenda as the review takes place.

Jonathan Gullis (Stoke-on-Trent North) (Con): Does the hon. Lady concur with me, as a former citizenship teacher—a great subject that her party introduced—that although citizenship is statutory, it does not have to be taught in lesson format and that it should be given greater emphasis in the curriculum to tackle the difficult stuff that she mentions?

Rushanara Ali: I agree and it is disappointing that the coalition Government made those changes. The important thing now is to look forward to see how we can make improvements. That requires the Government to focus on not only being tough on terrorism once an act of terror has happened, but the causes. That means proper partnership and proper investment, which we have not seen in recent years.

It is not difficult for Governments of any party to introduce tough legislation. The heavy lifting is done in communities, schools, youth centres and places of worship. That is where we need to redouble our efforts, alongside what is happening today, so that we can genuinely work together as a society to prevent terrorism and extremism of all forms, far-right as well as religious extremism. That is missing and I hope that Ministers will heed our advice, focus on the Prevent agenda and get it right so that others, particularly young people, are not at risk as my constituents were. They left the country and, as we all know, it ended terribly.

5.24 pm

Matt Vickers (Stockton South) (Con): I will be brief. The Bill is in many ways a seminal step in strengthening public confidence in our criminal justice system, tackling radicalisation and ensuring that justice is done with regard to those who commit these most heinous crimes. A single terrorist attack undertaken by a known terrorist automatically released early from prison is way too many. Many of us will remember the undeniable feeling of injustice and frustration when we think back to 2 February and the Streatham attack—an attack that should and could have been prevented. It was someone

known to the authorities who should have been behind bars. It beggared belief and flew in the face of justice and everything we know to be right.

I therefore welcome this Bill, the largest overhaul of terrorist sentencing and monitoring in decades. It includes tougher sentences, an end to automatic early release and an improved ability to manage and monitor terrorists, and it should be welcomed by all. It tackles terrorism and does justice for heroes who have lost their lives at its ruthless hands. Every day, people entering this place walk past a memorial to a hero, Keith Palmer, who gave his life fighting against terrorism. Nothing equates to the loss of the lives of such heroes, but it is right that we will see prison sentences more befitting the evil acts undertaken by terrorists. Justice must be done.

When the evils of terrorism appear, this Government must be able to look into the eyes of the public and tell them that we gave those charged with keeping us safe the resources and powers they needed to get the job done. Rightly, the Bill builds on increased investment in counter-terrorism policing, doubling the number of counter-terrorism specialists in the probation service and creating a network of counter-terrorism specialists throughout our Prison Service, as well as offering greater support for victims of terrorism. Terrorism is an abhorrent evil and this robust approach gives our courts, the Prison Service and the police the powers they need to protect lives, protect our way of life and improve confidence in our criminal justice system.

5.26 pm

Gavin Robinson (Belfast East) (DUP): It is a pleasure to follow the hon. Member for Stockton South (Matt Vickers) and to hear his remarks, and it is a pleasure to participate in this debate.

At the outset, I place on record my appreciation for the considerable and considered engagement from the Minister. I have appreciated the discussions that we have had, and that he has taken on board the concerns that we have expressed. I appreciate that engagement. I have also appreciated the engagement I have had with the Minister for Justice in Northern Ireland, Naomi Long. In listing and highlighting the successes and good engagement, it would be wrong of me not to place on record my congratulations to the hon. Member for St Helens North (Conor McGinn) on assuming a shadow Justice role. He and I come from opposite ends of Ulster and from different perspectives within Ulster, but it is great to see him assume the role and we look forward to his contribution later on.

There has been a lot of focus in this debate on terrorism in England and terrorism coming from Islamic and far-right extremism. There have been a number of references to Northern Ireland, but it is always good to commence a contribution such as this by reminding Members that I have been in this place for a short five years, and within that five-year period I have seen three constituents of mine murdered by terrorists. Often in this Chamber, it is easy to believe that the issues that plagued our society in Northern Ireland have gone away, but they have not. The threat to our society in Northern Ireland remains substantial. It is severe.

In those three years, Kevin McGuigan was shot dead in 2015 by mainstream republicans. Adrian Ismay, a serving prison officer, was killed by an under-car booby trap bomb in 2016 by a dissident republican,

Christopher Robinson. Last year, Ian Ogle was stabbed to death by loyalist terrorists at the end of his street in my constituency.

During the course of those five years, many more have been targeted. I have had serving police officers who have survived. Many others within our communities feel under the cosh of paramilitaries who have not moved on and who continue to seek control. It is on that basis and that basis alone that our party would always support the Bill. Our party will support its Second Reading, but I will raise some issues.

Sir John Hayes: I am extremely grateful to the hon. Gentleman for giving way. He will know, as he said, that the Bill grows the capacity of the system to deliver extended sentences and cuts early release, but will he invite the Minister to consider the greater use of whole-life sentences, where a judge makes it clear at the time of sentencing that the person should never be released—because I certainly would?

Gavin Robinson: I am grateful for the contribution. I will touch on sentencing in a moment. I am not sure if the clock gets adjusted for that intervention; I was happy to receive it, but I would be even happier to receive the additional time.

I say to the Minister for reference—he will know why I raise this—that I was pleased to see, in paragraph 9 of the explanatory notes, the reference to counter-terrorism legislation being a reserved matter. He will understand the importance of why I raise that and go no further.

On TPIMs, it is important to say that the Law Society has raised concerns about control orders, how they were brought to an end, how there was a difficulty in engagement with human rights legislation and how the imposition of a control order may not have been proportionate, given the risk of the individual, which is why they were changed. It has raised concerns that the changes to TPIMs will take us back to that control order phase. It is for the Minister, in summing up, to assuage those concerns and to outline how the changes can proceed properly.

On sentencing, I am delighted that Northern Ireland is now included in the provisions. When we considered the Sentencing Act 2020 in February, I was not only concerned that Northern Ireland was left out, but somewhat perplexed by the reason given that article 7 and compliance issues with human rights legislation did not apply in England and Wales, but somehow did in Northern Ireland. We do not need to pursue that, because the Government have changed their position. I still have not got a satisfactory explanation, but we do not need one; I am grateful for the conclusion. It will engage some operative issues in Northern Ireland, some of which I know the hon. Member for North Down (Stephen Farry) wants to focus on as well. I think it can be appropriately defended and it is appropriate in the circumstances that we are included.

On a wider point that the Minister will not like, I am pleased that the Government are now engaging with the notion of mandatory minimums. I know that the Minister will indicate that that is not a change in policy generally and that mandatory minimums will not become the norm, but it is an important step forward. I have always railed against the view that there cannot be a mandatory minimum for any crime because it interferes with

[Gavin Robinson]

judicial independence. It is not our role to determine what a judge will ultimately decide, but it is our role as legislators to outline what we think any given offence should attract by way of a sentence, so I am pleased to see that.

On age, concerns have been raised about the application of the legislation, particularly to minors. I will not engage in the debate about the age of criminal responsibility, which is not for today and is not going to change. There are concerns, however, that young children—I say children, but also teenagers; minors—who are encouraged, abused or coerced into carrying out activity on behalf of older individuals who know better and who will not get caught themselves, will be considered under terrorism legislation. I ask the Minister whether in proposed new article 13A(6) of the Criminal Justice (Northern Ireland) Order 2008, inserted by clause 7, the requirement for the Department of Justice in Northern Ireland to designate for anyone under the age of 21 at least injects a bit of flexibility where our local devolved Department will have the opportunity to decide whether it will apply.

I am grateful for the way in which the polygraph section is constructed in the legislation, in that it is permissible but not forced on us in Northern Ireland. I see no practical benefit in it and I would not encourage our justice system in Northern Ireland to engage in polygraph testing. I am concerned about how it is creeping in continually, first for sex offenders on licence, then in the Domestic Abuse Bill for those on licence at the start of this year, and now in counter-terrorism legislation. It is easy to pick those three, because very few people will say, “I want to stand up for or defend sex offenders, domestic abusers or terrorists on licence”, but I still believe in the rule of law and I still have fundamental objections about the rigidity and the validity of polygraph tests. I do not think they are safe or secure.

When I consider perpetrators of those three offences, I believe they tend to be the least likely to live in the real world and understand the difference between right and wrong or truth and untruth. They are probably the least likely to be susceptible to polygraph testing. We do not need Jeremy Kyle-style show trials in this country. If there are to be real-world consequences for breach of licence, we need to at least assess them robustly and in a way in which we can defend.

My time has elapsed. I look forward to engaging further with the Minister on these considered issues. In giving support on Second Reading, I look for further progress.

5.34 pm

Laura Trott (Sevenoaks) (Con): This is a very good and important Bill. I would like to single out one aspect in particular.

I have long-standing concerns, which I have spoken about before in the House, about the use of standard determinate sentences for serious crimes. The idea that terrorists would be let out of prison automatically, with no Parole Board involvement, is unacceptable. I am pleased that that has been rectified by this Bill and that terrorist offenders will no longer be eligible for SDS. I urge the Government to take a similar approach to other serious crimes, such as rape, and I hope it will be included in the forthcoming sentencing review.

I want to raise two other points. First, there is a risk to keeping terrorists in prison for longer—namely, that they radicalise other prisoners. This is clearly a lesser risk than having them out on the street, but none the less it is one that we must be cognisant of and manage. The Bill’s impact assessment recognises the risk of offenders radicalising others during their stays in custody but suggests that the containment practices currently in place will minimise that risk. Those containment practices stem in part from an excellent review carried out by Ian Acheson in 2016, which recommended containment of known extremists in dedicated specialist units. Those specialist units have now been created, and I would be grateful if the Minister confirmed that they have the capacity for the increased number of terrorist offenders who may be incarcerated for longer as a result of this Bill. It is critical that we do not allow the increased time that terrorists spend in prison to be used by them as a means of turning it into a training ground for new recruits. It would be helpful to fully understand the measures that Ministers will put in place to ensure that that does not happen.

My second point, which has been raised frequently today, is about rehabilitation in general. The right hon. Member for Tottenham (Mr Lammy) spoke movingly at the beginning of the debate about the dedication of Saskia and Jack to rehabilitation. To support this Bill is not to throw away the belief in rehabilitation, but to emphasise the need for it while the terrorists are in prison. I was pleased to hear my right hon. and learned Friend the Lord Chancellor and Secretary of State for Justice refer in his opening remarks to the increased sentence maximising the time that authorities have to work with offenders. It will be critical—and this is very important to all supporters of this Bill—to use that time productively, to make sure that the people in prison are being worked on, talked to and spoken through this process so that we rehabilitate those who can be rehabilitated, and do not let back on to the streets those who cannot. I think that is at the heart of what this Bill is trying to achieve, and it is what every Conservative Member who supports it wants.

5.37 pm

Christine Jardine (Edinburgh West) (LD): It is a pleasure to follow the hon. Member for Sevenoaks (Laura Trott). I will not take up much of the House’s time.

I am sure that all of us in this place wish that this Bill were not necessary and that we could be sure that our towns and cities will never again have to fear attacks like the horrors of Fishmongers’ Hall last year, Streatham earlier this year, the Manchester Arena bombing, and the attack on Parliament, which was referred to earlier. All of us want to better protect the public and to somehow find the time and the means to rehabilitate those who want to visit that violence on our society, and to persuade them of a better way. Although I wholeheartedly agree with and support that motive and aim, I cannot agree that parts of this Bill will be effective in doing that.

As the hon. Lady said, keeping people in prison for longer will not deradicalise them. It may, in fact, radicalise them further or give them the opportunity to radicalise others in prison. Keeping them off the streets for longer will certainly succeed in keeping them off the streets, but

will that actually be effective if, in fact, they become more radicalised or radicalise others so that they are even more dangerous when they come out?

There are other flaws in that approach. If we are to prevent people from reoffending after they leave prison and encourage them back on to a lawful path away from terrorism, they need to feel the security of a home and a job. However, the release on licence, which is vital to that, will be shortened by this Bill. Similarly, probation is currently under-resourced, and it would be undermined by the Bill in its ability to deradicalise.

Sir John Hayes: I do not know the answer to this, but I am extremely doubtful about whether there is any reliable correlation in respect of the known terrorists that have committed such awful crimes in this country over recent years and unemployment or their family situation in terms of homes; in fact, I rather suspect the opposite. We need to be careful about making such correlations unless there is really strong evidence to suggest that they are meaningful.

Christine Jardine: I take the right hon. Gentleman's point, but I was going to come on to a different correlation. Surely, we want to stop terrorism happening in the first place. Longer sentences only happen after the fact. Surely, what we want to do in this country is root out of the causes of terrorism—to make people feel secure, to give young people an alternative, to keep them away from radicalisation and, if they are in prison for another reason, to ensure that they are not radicalised by someone who is in there on a long sentence and has the ability to radicalise them.

I believe that the key is reaching young people to prevent them from going down the wrong route in the first place. That is why I believe that we have to strengthen the licensing system, strengthen probation and look at ways of ensuring that our young people, whether they get into trouble or not, have the security of a job and a way of seeing their future positively. That way, we can identify those who might go on to threaten our way of life. We should work with the education system and agencies. We should tackle inequalities. Longer sentencing will do none of that.

There is also a dangerous assumption that one size fits all. As in other areas, that cannot be the case. It is vital that we recognise in the way we proceed that there is a different dynamic in Northern Ireland. In clause 30, there may be an implication that people already serving sentences will have their terms changed retrospectively and will have grounds for challenge at the European Court of Human Rights. We have to be very careful how we proceed.

Although we all desire a way of limiting the threat of terrorism and deradicalising our young people, simply acting with more force—longer sentences—after the fact will not be enough. We have to get to the root cause first.

5.43 pm

Robbie Moore (Keighley) (Con): We have seen some dark, dark days. On 2 February 2020, a terrorist attacked two people with a knife in Streatham. That terrorist had been released from prison just a month earlier, having been convicted of terrorism offences just two years before that. On 30 November 2019, a terrorist killed two people at Fishmongers' Hall near London Bridge. That terrorist had been released from prison only 11 months

earlier, having been convicted of terrorism offences in 2012. Between March and June 2017, there were four terrorist attacks in London and Manchester, in which vehicles, knives and explosives were used to kill and injure innocent members of the public. Thirty-six people were killed in those attacks, and more than 200 were injured.

I do not mention those terrorists by name as, in my view, they do not deserve the efforts of my breath, let alone to be mentioned in this place. However, I wish to recognise, as my constituents would, all the members of the emergency services and passers-by who courageously helped people in those terrorist attacks. Each and every one of those attacks causes profound, unimaginable heartache to many friends, families, colleagues and neighbours, and to the communities of those who were killed, injured or impacted by those acts of evil.

MI5 and counter-terrorism police have said in evidence to the Intelligence and Security Committee that 2017 represented a step change, with a significant shift in the threat from terrorism, largely due to developments in Syria and Iraq, combined with the speed of the radicalisation process. Of course there are also other sources of threat.

According to the latest Government statistics, 280 arrests were made in 2019 for terrorism-related activity, and I am informed that 25 terrorist attacks have been foiled since March 2017. Those who seek to destroy and damage lives need to know that the Government will do whatever it takes to stop them. The shocking attacks at the Fishmongers' Hall and Streatham revealed serious flaws in the way terrorist offenders are dealt with, and for that reason I very much welcome this Bill, as it bolsters the country's response to terrorism, building on the emergency legislation that we passed in February, which retrospectively ended automatic release for terrorist offenders serving standard sentences.

Let us not forget that we are talking about terrorists—individuals who go out of their way to cause harm and destruction and to massacre, and who wish to spread evil. That is why I very much welcome the measures that the Bill promotes—a new type of sentence, a minimum of 14 years in custody and a seven to 25-year period for extended licence. While I agree entirely with the increase of the minimum sentence to 14 years personally, I would have no issue with agreeing to longer.

I also welcome the removal of the possibility of release at the two-thirds point of the custodial part of the extended sentence. I want to see a tougher stance when it comes to law and order and a clear intention from Government that when it comes to dealing with the most serious terrorist offenders, a no-nonsense approach will be taken and they will stay in prison for longer. The Bill achieves this. After all, the primary role of any Government is to keep us safe. To that end, I very much welcome the fact that the Bill revises the scheme for imposing TPIMs on those suspected of involvement in terrorism by lowering the standard of proof required, extending the range of measures available to police and removing the two-year time limit within which investigations can take place. This to me all makes perfect sense, as we must have the ability to quash any threat, and I believe that this Bill aids that process, bolstering the counter-terrorism police's ability to monitor those in the community who pose a threat.

[Robbie Moore]

This country is full of good, decent, honest, hard-working people who need to be assured that when it comes to acts of evil, the justice system is on their side and the police have the tools available to do their job. I believe that it is our duty to legislate to enable threats to be investigated and tackled appropriately and in a timely manner, while aiming to keep our communities safe. Mr Deputy Speaker, I believe that this Bill delivers that, protecting the public from terrorism by strengthening the law that governs the sentencing, release and monitoring of terrorism offenders.

5.48 pm

Stephen Farry (North Down) (Alliance): It is a pleasure to follow the hon. Member for Keighley (Robbie Moore). I am generally supportive of this Bill and I recognise that we need to strengthen the UK's approach to combating terrorism and keeping communities safe. It is also important to recognise that increased sentencing powers are only one part of a wider strategy to tackle terrorism. We also need to address terrorism at source and prevent people from taking that path.

There are many attractions to taking a uniform approach across the UK and avoiding any two-tier system. However, it is important none the less to recognise that there are different dynamics in the nature of the terrorist threat in different parts of the UK, and that a one-size-fits-all approach may not always be appropriate.

In that regard, I want to focus on clause 30 and explore some of the potential unintended consequences of the extension of the provisions of the Terrorist Offenders (Restriction of Early Release) Act 2020 relating to the removal of the automatic right to early release for terrorist-related offenders who are serving either determinate or extended custodial sentences in prison in Northern Ireland. As Members have said, there may well be a legal challenge—or, indeed, multiple legal challenges—to that provision on the ground of compatibility with the European convention on human rights, and particularly with article 7. Some Members—and, indeed, the Government—say that that risk has now been reduced or eliminated, but there are others who dispute that analysis. Time will tell. Any successful legal challenge in Northern Ireland could have wider repercussions for the rest of the UK, and it is important to bear that in mind. This approach also erodes the principle of judicial discretion to set appropriate custodial and licence periods.

Secondly, and perhaps even more significantly, there is a danger that these measures could inadvertently lead to unintended consequences and be counterproductive. The provision of longer, tougher sentences at the time of conviction is one thing, and I would certainly support it. However, the application of retrospective measures to what is a very small cohort of prisoners in Northern Ireland runs the risk of providing a propaganda opportunity for dissident republican terrorists to argue that the goalposts have been moved and that terrorist prisoners have somehow, in their minds, become political prisoners and a propaganda tool.

Over the past 50 years in Northern Ireland, prisoners have, sadly, been used by terrorist organisations and their supporters for propaganda, radicalisation and recruitment in parts of the community, and this has led to greater

violence being practised on wider society. For example, Members will be familiar with how the introduction of internment without trial in early 1970s and the hunger strikes in the early 1980s were manipulated to great ends, bringing even greater disruption to our society. At present, both the Police Service of Northern Ireland—my emphasis on “Northern Ireland” is deliberate, and will be understood by many people back home at present—

Gavin Robinson: Thank you.

Stephen Farry: You're welcome.

The Police Service of Northern Ireland and the Security Service are doing an excellent job in combating the terrorist threat, and I want to pay tribute to them in that regard. Nevertheless, the terrorist threat in Northern Ireland remains severe and there is a need for constant vigilance. The threat of violence should never be used to determine policy, but it is nevertheless sensible to reflect on the potential consequences relative to the benefits. In addition, retrospectively implementing the proposed changes for individuals who are serving determinate custodial sentences has the potential to undermine the public protection measures in Northern Ireland, rather than enhance them. That applies in particular to post-release monitoring. This could have the unintended consequence in Northern Ireland of terrorist offenders being released without any requirement to be on licence, which would be dangerous to the wider community.

Points have been made by others about the implications for young people and about the question marks around mandatory polygraphs. I am not going to repeat those points; suffice it to say that I concur with them.

My final point would be to encourage both the Secretary of State and the Minister to continue to engage in dialogue with my party colleague, the Minister for Justice in Northern Ireland. I know that they have had correspondence and discussions to date, as the Secretary of State has acknowledged. There are genuine concerns about how this could play out in practice in Northern Ireland, and while we all fully respect the need to be tough and tougher in how we deal with terrorists, it is important that the approach we take is ultimately effective and that the particular circumstances of Northern Ireland are taken into account as the Bill proceeds through this House and the other place.

5.54 pm

Crispin Blunt (Reigate) (Con): It has been a real pleasure to sit through the debate and listen to the quality of the speeches. I cannot help but reflect that both the Lord Chancellor and his shadow, the right hon. Member for Tottenham (Mr Lammy)—both good men and good lawyers, and a fine reflection on our profession—probably, if left to their own devices, would not have wanted to deliver quite the speeches they gave. The shadow Lord Chancellor's speech flew when he talked about the duty to try to rehabilitate and to deradicalise, and quoted Jack Merritt and considered what he would have wanted. Then, when he got into the detail, he was pulling his punches on some of the issues in the Bill that are singularly problematic. My hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the Chairman of the Justice Committee, gave a very good and wise summary of the challenges in the Bill.

My hon. Friend the Member for Keighley (Robbie Moore) gave, in a sense, the speech designed to give the public reassurance that we are going to be tough on terrorists and unyielding in our approach. I say to him that it is so much more complex than that. There are so many balances that have to be struck. We need to understand what we as a society now are competing with as far as the apparent terrorist threat is concerned. The hon. Member for North Down (Stephen Farry) pointed out that our overreaction in Northern Ireland—internment, Bloody Sunday and the injustice seen in what carried huge popular support to tackle the murderous wickedness of the then Provisional IRA—meant that the terrorists were able to enjoy significant support from their own community. There is a real battle to be won against those who want to engage in murder and mayhem, perhaps for reasons that are wholly unrelated to their ideology. As a society, we have to detach them from their support base, so that the community is on our side. In the end, we are engaged in a battle to protect our society's liberal values, so we must not take measures that are plainly unjust.

On imposing mandatory 14-year sentences, the hon. Member for Belfast East (Gavin Robinson) made the point that it is our job to impose a sentence. No, it is not. It is our job to decide what the maximum sentences ought to be, and the Sentencing Council then gives recommendations to the judiciary about the appropriate tariff. There should always be room for judges to be able to come to their own judgment about the appropriate sentence in the circumstances of the individual case that is presented to them. I have the gravest reservations about apparently securing public support by having ever longer mandatory sentences. We will do an injustice and find that we have given the opportunity for that injustice to be exploited by these people. They will then get a level of support from the communities they come from. We are working so hard with such communities, with the Prevent programme and all the other aspects of policy, to convince them that they will not be the continuing victims of injustice, and that, as a society, we are trying to address the issues that lead them in a direction where they might be minded to give some support to people who are turning on our society.

Of course, it is even more complicated than that: there is religious faith. The perversion of Islamic faith sits behind some of the violence and the motivation of some of these people, so that they think they are acting with some perverted form of God's truth on their side. I urge my hon. Friend the Member for Keighley and others to turn the board around—understand why people are coming from the place they are and why they have these attitudes. Then we will get to a better place where we are able to understand the injustice that they perceive, and we will have a chance of beginning to address it. We must address it by not betraying our own values. If we betray our values by the justice measures that we take, we might find ourselves on the wrong end of the European Court of Human Rights because we have taken measures that are manifestly unjust and unable to be reversed by our own court system, and those measures will then be reversed by the convention to which we must remain attached—we will create a further set of problems for ourselves.

I urge Ministers to consider some of the wise words of the Chairman of the Select Committee, my hon. Friend the Member for Bromley and Chislehurst; the shadow

Lord Chancellor; and the hon. and learned Member for Edinburgh South West (Joanna Cherry). There is a degree of unanimity among Ministers about the very careful set of balances we have to find here, and we need to make some changes to the Bill in Committee to get those balances right. We have to carry public confidence; I understand that. If we cannot carry public confidence, we will set up problems for ourselves. But we continue to swing back and forth on this—we abolished control orders in 2011, and here we are putting them back again nine years later—and this pendulum is not doing any of us any favours.

6.1 pm

James Sunderland (Bracknell) (Con): The first duty of any Government is to keep our country safe. In 2020, the world in which we live has become ever more congested, confused and competitive. The threats to our democracy are many, and we must do whatever is necessary to preserve the sanctity of life, protect the freedoms that we have and deter those who seek to do us harm. If our enemies do slip through the net, we must act swiftly to bring them to justice and impose sentences that fully befit the crime.

As the party of law and order, it is right that the Conservative Government should do everything possible to fulfil this most fundamental of all duties, and I welcome this Bill. Back in December 2019, the Conservative party was elected on a manifesto that promised to get tough on crime. There were no frills in the manifesto, no hidden meanings and no ambiguity—simply an undertaking to deliver what the British people had asked for. This Bill is another example of the Conservative Government delivering on their promises, as part of an ambitious policy agenda, to put the pride back into Britain and to do what is right.

In the Queen's Speech in December 2019, the Government said that they would legislate to ensure that the most serious terrorist offenders stayed in prison for longer. Following the attacks at Fishmongers' Hall in November 2019 and at Streatham, the Terrorist Offenders (Restriction of Early Release) Act 2020 was passed as emergency legislation, to change release arrangements for certain terrorism offenders in England, Wales and Scotland. At that time, the Justice Secretary said that wider measures would follow, and here they are. This is another key moment in British politics, as we seek to reinforce our covenant with decent, hard-working and law-abiding people, as they themselves seek to go about their daily lives freely, safely and without fear of indiscriminate violence.

As for the brave men and women of our police and security services, the Government will always back them and empower them to do their job. They will be given the powers they need to combat new threats and the political support to know that they are valued and trusted. But none of this will be viable without a more robust justice system—one that stands for the law-abiding majority, not the criminal minority. It is therefore incumbent upon this democratically elected Administration to pass sentences that serve to recompense, deter, rehabilitate, and deliver what it says on the tin.

This Bill proposes an overhaul of the sentencing and monitoring of terrorist offenders and suspects and will lead to increased jail terms for the most dangerous offenders. Not only will the sentences be proportionate, but the Bill will enhance our ability to monitor those in the community who might still pose a threat. When used alongside our whole-society approach and Prevent strategy,

[James Sunderland]

it will also be more decisive in diverting people from violent extremism and in rehabilitating and deradicalising. I am reassured that the Bill will allow the time needed for the independent review of the Prevent strategy to consider its impact and deliver an outcome that will strengthen our first line of defence against terrorism.

We have heard the detail of what the Bill will provide. To those who might suggest that it is just another example of a large Conservative majority pushing aside human rights, the answer is, of course, no. This is actually about the rights of ordinary people who just want to go about their lives. It is about the rights of the families who have suffered the indiscriminate and appalling effects of terrorism, and those who might otherwise be affected. Critically, the Bill is compatible with both the European convention on human rights and the Good Friday agreement. Above all, it reflects a wider determination right across the UK to tackle terrorism, and gives the public confidence that the Government can and will intervene more robustly when required.

I say to those politicians who listened to the electorate: this is what we promised and this is what we will deliver. History is littered with examples of what Governments have failed to honour, but here we are on the road to law. I again commend the Home Office and the Ministry of Justice for what has been achieved in a short space of time. Not only does the Bill fulfil the pledges that were made, but it allows our independent nation to evolve, as we must, to protect our freedoms. Contentious as the Bill might be to some, it is what many in Britain have asked for, and it is what they voted for in 2019.

6.6 pm

Rob Butler (Aylesbury) (Con): I rise to speak in strong support of the Bill. First, I should declare my interests: until my election I was a magistrate member of the Sentencing Council, which was considering the sentencing guidelines for terrorism, and I was also a non-executive director of Her Majesty's Prison and Probation Service.

As we have heard from the Lord Chancellor and other Members, the first duty of any Government is to protect their people. One of the most marked threats against the British people is terrorism. It is a particularly heinous offence, its perpetrators motivated by perverted ideologies, driven to cause indiscriminate carnage, demonstrating a callous disdain for the loss of human life and revelling in the fear that they provoke among decent citizens. Those who contemplate committing such atrocities must be in no doubt of the revulsion that right-minded people feel towards them. They must know that the law will categorically and clearly condemn their acts.

I welcome the end-to-end provisions in the Bill that will keep us all safer: strengthened TPIMs to scrutinise potential terrorist offenders; longer prison sentences, physically served in custody in their entirety, to keep convicted terrorists off our streets and provide time for deradicalisation and rehabilitation; and stricter licence conditions for terrorists when they are released from prison, including the use of polygraphs.

First, let me focus specifically on the serious terrorism sentence. A minimum period of 14 years' imprisonment strikes me as wholly justified, and I consider it right that the entire period should be spent in custody. I have said

before in this place that I am a firm believer in rehabilitation, and I pay tribute to all those working in HMPPS who strive to engage with terrorist offenders and provide tailored interventions and programmes with the aim of promoting a fundamental change, but we must recognise that deradicalisation programmes have not enjoyed as much success as we would have hoped. I am pleased that there is to be further investment in this area of work, with the recruitment of additional staff, but where terrorist offenders are concerned there can be no room for error.

Because there can be no room for error, I wonder—and I put it no more strongly than that—whether consideration should be given to the introduction of a new sentence of indefinite detention for public protection from terrorism. I recognise that the idea will raise many legitimate concerns given the previous experience of imprisonment for public protection sentences, which resulted in a high number of people spending many years in excess of their tariff in custody through no fault of their own. Indeed, I have met a number of them, and the injustice done to them is palpable and wrong. But that does not have to mean that it would be impossible to design a different system with all the necessary safeguards in place that would ensure that terrorist prisoners, solely and specifically, would be detained without a determinate date on which their sentence would end. I would be interested to know whether Ministers believe that this could be feasible.

It will be evident from what I have said so far that I very much welcome the broad contents of this Bill. However, there are one or two areas where I would ask the Government to consider the scope for possible refinement, particularly in the area of younger offenders. I know from my time at the Youth Justice Board that, tragically, a very small number of children are ensnared into terrorism. It is therefore right for this Bill to address those offenders, but it is also right to ensure that the sentence remains very much tailored to the individual, as is the case throughout the youth justice system, and that there is appropriate provision and resource to maximise the opportunity for rehabilitation. There must remain, surely, some hope that these young people under 18 can be reformed and then lead law-abiding lives.

For young adults—those aged between 18 and 20—there is essentially no distinction between them and older adults in terms of the sentencing provisions in this Bill. However, it is now well established that neurological development is not complete until the early to mid-20s. Indeed, maturity based not purely on chronological age is now a factor in sentencing decisions, to reflect the science. In addition, young adults are generally seen as more likely to reform. Consequently, I would respectfully suggest that it might be expedient to give additional consideration to the sentencing regime for those aged 18 to 20, specifically, to ensure that the minimum period spent in custody is indeed commensurate with their culpability.

As the Bill progresses, it is imperative that we always ensure that the will of Parliament is unambiguously clear to those who later have to interpret this legislation, particularly the Sentencing Council in the formulation of its guidelines and any interim guidance that may be required, and judges who will ultimately pass sentence. This is in no way to say that I believe that politicians

should interfere with the independence of the judiciary, but a minimum sentence of 14 years is exactly that—a minimum, from which it will often be appropriate to move up. To my mind, it is also plain that the intention of this Bill is to broaden the scope to ensure that where there is clear evidence of a terrorism connection, that can be reflected in the sentence, irrespective of the index offence, with very few exceptions. The consequence of that is that the sentence passed must reflect the link to terrorism as a prime factor.

On a similar theme, for those offences where a new maximum penalty is introduced in this Bill—namely, membership of a proscribed organisation, supporting a proscribed organisation, or attending a place used for terrorist training—it is important that the guidelines are updated promptly to ensure that the will of Parliament is quickly reflected in sentences of the court. The message must surely be that the will of Parliament is that terrorist offenders should face the harshest of sentences, that punishment for them is served only by an extremely long period in custody, and that this country, led by this Government and backed across this Parliament, will relentlessly and remorselessly take every possible action to protect the public from the horror of terrorist atrocities.

6.13 pm

David Johnston (Wantage) (Con): It is a pleasure to speak in this debate, in which there have been very thoughtful contributions on both sides of the House, particularly from my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) and the hon. Member for Belfast East (Gavin Robinson).

I grew up in east London, and I felt the windows shake when the Canary Wharf bomb went off in 1996. That was not the first terrorist attack that had happened in my lifetime, but it is the one I remember feeling most vividly a proximity to. Unfortunately, there have been quite a number since that time that I have, like all of us, watched on the TV screens in horror, recognising places that I have been to many times before—Fishmongers' Hall was about three minutes from where my office was at the time—and feeling that I could have been there. I think we have all experienced the feeling of being somewhere in the days afterwards and wondering if there might be another attack—being on a tube or a bus after those attacks, or being at a crowded event after the Manchester Arena attack. When the stories fade from the headlines in the media, they also fade for us and are no longer uppermost in our minds, but people who lose someone in one of those attacks have their lives changed forever. It is they who are in my thoughts as I speak in support of this Bill today.

I welcome the minimum sentence of 14 years for the most serious terrorism offences, which, in the end, is what we are talking about, and ending the prospect of early release. It is right that TPIMs should be able to go on for longer than two years if we believe that, at the end of those two years, that person is still dangerous. Of course that should be subject to the right safeguards and should have to be renewed. I have heard an important debate in this House today about whether and how we should lower the standard of proof and I think that those are the answers that my colleagues still need to provide.

When it comes to these offences, I also welcome the ability to apply for serious crime prevention orders. It is hugely important that we monitor and disrupt the

actions of those who we feel may be doing us harm. We should, of course, continue our efforts at deradicalisation; it is absolutely right to do so and to put more money into that. We should keep refining our approach to that process, but it is fair to say that this is not something that we have mastered. I think we all have the view that there may be some people who are beyond deradicalisation.

Jim Shannon: Does the hon. Gentleman feel that those who radicalise young people and specifically try to put them on a path of destruction and terrorism should also bear the brunt of the law? Perhaps they should be getting a sentence of 14 years or more.

David Johnston: I agree with the hon. Gentleman. Having spent my life before entering politics working with children and young people, I can say that this is child exploitation, the like of which we see in a whole range of other fields. There cannot be many worse crimes than exploiting children in that way, radicalising them, taking advantage of their vulnerabilities, and setting them on this path—a path that those people might not often go on themselves, but that they encourage others to go on—so I completely share his sentiment.

The final thing I want to mention is in relation to the police, intelligence and security services. When there is an attack by someone who has been on our lists, who has perhaps been in custody and then released, there are veiled, and not so veiled, suggestions that those services have failed. I am sure that in one or two cases they think they could have done better, but they do an outstanding job all year round to thwart plots that we will never hear of, and they do it at great risk to themselves. What we should do in this House is what we are doing today, which is to support legislation that helps them to keep us all safe.

6.17 pm

Mr Richard Holden (North West Durham) (Con): I broadly welcome the Bill that the Government have brought forward today, but that welcome does not come without reservation. When the state acts, it is really important that when dealing with matters of criminal justice, it does so carefully and it treads carefully because its power is enormous.

I was a child when my mum heard about the Warrington bombing. I remember it well. You had been elected for six months or so—perhaps slightly longer—Mr Deputy Speaker, and we were living in your constituency. The anger and the fear that she felt, with three young lads of her own of around the same age, will never leave me.

Growing up in the north, I also remember the Manchester bombing of the mid-1990s and the Canary Wharf bombing by the IRA in 1996, to which my hon. Friend the Member for Wantage (David Johnston) also referred. There has always been a suggestion that the Red Action far left extremists were connected with the Warrington bombing.

As a teenager, I also remember seeing the far right attacks on the Admiral Duncan pub in London and the bombing in Brick Lane. I lived in both those areas as a student and have visited them frequently since. I also remember the recent terror attacks—as I think we all do—by so-called Islamic extremists on London Bridge, which is near where I live, and at Manchester Arena, which I visited two years before the attack to see Peter Kay,

[Mr Richard Holden]

a great man who I hope will return to our stages again soon. More recently, there was the Fishmongers' Hall attack as well.

I mention those different terrorist attacks from different factions to reinforce what the Secretary of State said during his opening speech: we do not know where future terrorist attacks will come from. I am glad that the Bill does not discriminate on the basis of where terrorists come from, and that it covers all equally. All terrorist acts are equally despicable, and it is right that they are all treated equally before the law.

I am glad that the Bill has been brought forward because it contains some important provisions. I am glad about the increase in minimum and maximum sentences, which is sensible. I am glad that the Government have already moved to end the early release of terrorist offenders, and the Bill goes further with that today. I do, however, have some concerns. The UNESCO constitution states that

“since wars begin in the minds of men, it is in the minds of men that defences of peace must be constructed.”

That is one of the things that we must ensure we get right with licensing. I am glad that we now have licensing conditions for everybody who is to be released, but that must be used constructively to build peace for the future.

I pay tribute to my hon. Friend the Member for Aylesbury (Rob Butler), who made an important point about the development and condition of young people, and the issues around early sentencing. I also pay tribute to my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill). He made excellent points about the use of TPIM, and polygraphs, and that is something the Government should also consider as the Bill goes through Committee.

Broadly, the Bill has my support. I am glad that the Government are bringing it forward. When we act in this area we must tread incredibly carefully, which I think the Secretary of State is doing.

6.22 pm

Aaron Bell (Newcastle-under-Lyme) (Con): It is a pleasure to contribute to such a thoughtful debate, which was epitomised by that speech by my hon. Friend the Member for North West Durham (Mr Holden). Terrorism poses a unique challenge to any political and justice system. Its purpose is found not simply in the violence of the act itself, but in the fear that it seeks to spread among the population, and in the subversion of the normal political processes—in places such as this, but also the normal political process of protest. Attaching violence to your cause with terrorism undermines everything that we do in this place, and everything that people do in the political process.

In addition to the death and destruction of individual incidents, and the pain that causes for victims and their families, there is a much wider price that society pays for terrorism. It is paid by all our constituents in terms of their mental health, the economic cost, and all the little inconveniences that soon mount up. Terrorism also poses a specific challenge with respect to motive, and the practical difficulties of rehabilitation—my hon. Friend the Member for Sevenoaks (Laura Trott) spoke well about that earlier. We have also seen evidence of offenders who are clearly not deradicalised being released

and committing fresh atrocities. That is what prompted some of the earlier legislation, and as I said when contributing to that debate in February, we may need to look again at our treason law in such circumstances, or at the suggestion of my hon. Friend the Member for Aylesbury (Rob Butler) about indeterminate sentences, although measures in this Bill give our justice system much stronger tools in that area.

I thank the Lord Chancellor for his opening remarks setting out all the elements of the Bill. As he said, the first duty is to protect the public from harm. So I was pleased that the House reacted so quickly in February, and that we are now bringing forward this Bill. As Members have said, the Bill strengthens our response to terrorism in three main areas: sentencing, release and monitoring. All those measures in conjunction will improve public confidence in our response to terrorism and that will bring greater confidence to my constituents in Newcastle-under-Lyme.

I do not intend to go through every aspect of the new laws, but I welcome the new serious terrorism sentence. In answer to some of the points made by my hon. Friend the Member for Reigate (Crispin Blunt), I reiterate what the Lord Chancellor said: this applies to a very small cohort of offenders. The two tests that the judge must apply before imposing the 14-year sentence are, first, whether there is a risk of further offences of that nature, and secondly, whether the offence committed involved a risk of multiple deaths. I think that is a reasonable test to apply before imposing a minimum sentence of 14 years. As has been said, that is just a minimum sentence. It does not mean that the justice in the relevant case does not have the capacity to impose a different sentence if he considers that more appropriate. It is a minimum.

I welcome what we did in February on early release and what the Bill does, with no automatic release at the two-thirds point and no automatic release in the custodial part of a serious terrorism sentence. Again, this speaks to public confidence and what people expect, and it gives more capacity for rehabilitation in the justice and prison systems. I also welcome the fact that the Bill allows the justice system to recognise terrorist motivations elsewhere in that system, where someone may have been charged with a different offence. It allows judges to find that other offences may have a connection to terrorism, and that may be useful in dealing with offenders and monitoring them in future.

I turn to monitoring. Clearly, not everybody of concern to the security services will have been convicted. There may be reasons why we have not been able to bring a trial. There may be other reasons why things cannot be done at a particular time, and those who have served their sentences and have been released may also remain of concern. However, as the hon. Member for Edinburgh West (Christine Jardine) said, prevention is a key duty of the state, too, so I know that my constituents will welcome the fact that the Bill strengthens our ability to manage the risks and improve our ability to prevent terrorism.

I hear the concerns of many hon. Members and hon. and learned Members about TPIMs. I recognise that there is a balance to strike and that balance has changed over time. There was a balance to strike with control orders, but in striking this balance, any Government need to take account of the threat level at the time.

I believe that that is the sincere motivation behind the Bill and that is what the measures will deliver. This may be considered further in Committee, because we have had reservations from Members on both sides of the House, but I believe that the motivations of the Government are very sincere and a reflection of the threat that we face in this country from terrorism.

In conclusion, I go back to what I said at the start: terrorism poses unique challenges to our political and justice system and it therefore needs bespoke solutions, bespoke laws and bespoke sentencing. That is the way to establish public confidence in our judicial, security and political systems. I commend the Bill to the House.

6.27 pm

Jonathan Gullis (Stoke-on-Trent North) (Con): One of the greatest fears that I have in life is following my good friend and neighbour, my hon. Friend the Member for Newcastle-under-Lyme (Aaron Bell), who is far too good at public speaking and will therefore put me to shame. However, I will attempt to round off in the constructive way that the House has conducted itself today. It is a shame that we live in a world that is about the 30-second social media clip, because this is exactly what the House of Commons does at its best: we stand here, discuss, agree and work on consensus. Like many Members, I can see that there are tweaks and twinges that will be made in Committee, but I will be giving my full support to the Lord Chancellor's proposal on Second Reading.

We have heard people mention across the House the idea that we have seen a radical, politicised Islam, but we have also heard mention of the far right. The epitome of that is that during our debate, four members of the National Action group have been convicted at Birmingham Crown court, and I absolutely welcome that. Having worked in the London borough of Bexley, not far down the road from the scene where Stephen Lawrence tragically lost his life, having seen the area that the British National party and the English Defence League saw as a hotbed, and having taught students who walked into school with an EDL badge, not being aware of what its dangerous ideology was pushing, I think that that was a signal to those who wish to live on the far right that they have no place in the streets of Stoke-on-Trent and across this country. We will never allow those people to get into the minds of young people.

Turning to the comments that have been made, I thought that the Lord Chancellor made some excellent points. As for the shadow Lord Chancellor, the right hon. Member for Tottenham (Mr Lammy), I have seen a very different side to him—there is the one I see on Twitter and the one I see at the Dispatch Box. I wish to see the Dispatch Box person much more, because I would certainly like to have a cup of tea with him, rather than angrily tweeting him back. I have the great honour of speaking before the hon. Member for St Helens North (Conor McGinn), whom I hold in great regard—I have enjoyed working with him in the all-party group for the coalfield communities. Finally, I commend the comments by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), who speaks with absolute authority. Members on both sides of the House thoroughly enjoy listening to and learning from him, and I certainly feel slightly more intelligent, having sat next to him every time we are in the Chamber.

Back to the point, which is that what we saw happen at Fishmongers' Hall last November and in Streatham this February shows that, tragically, the United Kingdom continues to be threatened by those with extremist ideology who wish to harm the lives of innocent men, women and children. Those who commit such heinous acts do not speak on behalf of their religion, community or family. Those individuals act on their own, speaking for no one but themselves, and it is our job not to give them the attention they crave, but instead to look at community leaders who work to unite, rather than to divide.

The Government's plan to increase the minimum sentence for terror offences to 14 years, to double the number of specialist counter-terror probation officers and to remove the opportunity for early release for anyone given an extended determinate sentence should be praised across the House and across the country. This is what the people of Stoke-on-Trent North, Kidsgrove and Talke expect. Strengthening our approach to the sentencing and release of terrorist offenders, alongside the management of the risks posed while they are incarcerated and in the community, is absolutely the right thing to do.

The most dangerous offenders and plotters will spend longer behind bars, reflecting on the severity of their actions, but I absolutely concur with Members across this House that, while they are reflecting on their actions, rehabilitation must be invested in. We must tackle the reasons why people are led to this dangerous ideology. We can no longer just simply put them behind bars and hope for the best, because they are infiltrating the prison population and radicalising within prisons, which means we then have new challenges and new people to deradicalise once they leave those prisons.

Although the rest of the sentence will be carried out under probation supervision, as we have seen for the most serious offenders, that is not always enough, and there is no room for error in matters as grave as this. The Bill will remove the possibility of releasing offenders whose sentences carry the maximum penalty of life, a move for which I wholeheartedly praise the Lord Chancellor. The passage of this Bill will send a message loud and clear to members of the public and to those who wish to harm them that we will not tolerate terrorism and those who engage with its ideology, and that for these acts they will be punished severely.

6.32 pm

Conor McGinn (St Helens North) (Lab): It is a pleasure to follow the hon. Member for Stoke-on-Trent North (Jonathan Gullis) in particular, and to close this debate on behalf of the Opposition. I think this has been a serious, reflective and responsible debate about the matter of primary importance for us all, which is the security of the public and the country. My overriding message and that of the shadow Home Secretary and colleagues on these Benches is clear: this Labour Opposition believe it is our first responsibility to keep our citizens, their families and our communities safe. We will be forceful and robust in supporting the fight against terrorism, and we will do everything required to keep our country safe from those who seek to attack our way of life and our values, or to do us harm. That is why we do not propose to divide the House on this matter tonight.

[Conor McGinn]

The tone of this debate was set by the Lord Chancellor and the shadow Justice Secretary, my right hon. Friend the Member for Tottenham (Mr Lammy). The contributions were characterised by the wisdom and expertise of the Chairs of the Home Affairs Committee, my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), and of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), and the intervention of the former Chair of the Defence Committee, the right hon. Member for New Forest East (Dr Lewis), but also by the experience of former Ministers who brought their recent expertise to bear. I also think, and I say this as a relatively newly elected Member, that it is hugely impressive that so many new Members who came into this House after the last election chose today to make what I think were very considered, serious, thoughtful and non-partisan speeches. I congratulate them on that and I very much welcome it.

Events at Fishmongers' Hall last November and on the streets of Streatham in February showed the very worst of humanity, but in the face of great darkness, we also saw the best of us shine through. I know we all commend the bravery of those who risked their lives to apprehend the attacker that day. Like others, I want to pay particular tribute to Jack Merritt and Saskia Jones, who dedicated themselves to helping, supporting and rehabilitating others, and who are remembered by all of us in this House today for their inspirational work and their selfless service to others.

We think also of the victims of the Streatham attack, and indeed of all victims of terrorism. We thank our remarkable police officers, security services and other emergency services for their swift action at these and so many other incidents of terror, when they put themselves in harm's way to protect us, and for the incredible and dedicated work they do every day, right now, to foil other nefarious plots that never come to fruition.

These events show the need for legislation. That the perpetrators in each case had been automatically released halfway through their sentences, with no mechanism in place to protect the public, showed that there were major holes in the legislative framework in this area that needed to be filled. Of course, this was to be done by emergency legislation earlier this year to prevent the imminent release of dozens of offenders without appropriate assessment of the risk they posed and now this wider piece of legislation before us today.

There remain a number of issues of concern that we wish to draw out during the passage of this Bill to ensure it does not fall short of what is required, because, as I believe the hon. Member for Reigate (Crispin Blunt) said, this is more complicated than just rhetoric. First, I entirely accept that there is a cohort of offenders who should serve their full custodial sentences. What I do not accept is that at that point of release, even if moving on to an extended licence period, they should not have the fullest possible expert assessment of the risk they pose by the Parole Board or a similar review mechanism. In February, when we, as the Opposition, supported the then Terrorist Offenders (Restriction of Early Release) Bill, the Lord Chancellor said this about the Streatham attacker:

"The automatic nature of his release meant that there was no parole oversight and no decision as to whether he posed a risk to the public. No one could prevent his release. It is purely thanks to

the swift intervention of our incredible police officers that he did not go on to commit even more harm before he was stopped with necessary force."—[*Official Report*, 12 February 2020; Vol. 671, c. 863.]

My contention is: why can the Parole Board or a similar mechanism not do this, instead of being locked out of decision making for this category of offender? At the very least we will require an explanation of what is, in effect, a proposal from Government to void an important part of the current process.

Secondly, on TPIMs, the Government are changing the qualifying threshold by lowering the standard of proof from "on balance of probabilities" back to "reasonable grounds for suspecting". This is the third change by the Government since 2010. They also propose removing the two-year limit on TPIMs. As has been said, the Independent Reviewer of Terrorism Legislation, Jonathan Hall, has said:

"TPIMs are an exceptional and valuable means of mitigating the terrorist risk posed by a small number of individuals in the United Kingdom. But there is reason to doubt whether there exists an operational case for changing the TPIM regime at this point in time."

As my right hon. Friend the Member for Normanton, Pontefract and Castleford and the hon. Member for Bromley and Chislehurst said, this seems rather anomalous. We will, of course, listen carefully to the operational case the Government set out in Committee, but we will be pressing them on the appropriate safeguards, limits and oversight. We will also want to see evidence that they have taken into account the points raised by the hon. Members for Belfast East (Gavin Robinson) and for North Down (Stephen Farry) on how this applies in Northern Ireland, and by the hon. and learned Member for Edinburgh South West (Joanna Cherry) in respect of Scotland.

There is woefully little in this Bill on the Prevent strategy or how we counter extremism, radicalisation and hatred more widely, including how we work with and in communities. Those points were eloquently made by my hon. Friends the Members for Bethnal Green and Bow (Rushanara Ali) and for Cardiff South and Penarth (Stephen Doughty), and the right hon. Member for South Holland and The Deepings (Sir John Hayes). There is a lack of direction, purpose and, above all, clarity on the independent review of Prevent, which the Government are legally bound to present to this House in August. It should already have reported to Government this month and the Minister should now be composing his response to that to present to the House in August. The review was introduced in the last counter-terror Bill, so we have now arrived at another one that is not only seeking to remove a statutory deadline, but gives very little indication of when we are now to expect the review's completion, which leaves the door open to yet more delay. We need some clarity on that, because otherwise the effectiveness of the entire programme, and the community's confidence in it, is at risk.

Finally, as many hon. Members have alluded to, the Government need to focus on the dire situation in our prisons. Sadly, the perception, and in some cases the reality, is that they are taxpayer-funded breeding grounds for terror. That cannot continue. It requires serious, effective investment in deradicalisation strategies, including more prison and probation staff and wider and more

comprehensive reform, a point made by the hon. and learned Member for Edinburgh South West. Again, we will seek clarity about that in Committee.

In conclusion, we do not propose to divide the House. We accept the need for clear and comprehensive legislation, so we will work with the Government to try to improve the Bill as it proceeds. We on this side of the House, as Opposition Members, are firmly committed to our first duty to protect the public and to show those who seek to attack our way of life, threaten our safety, and drive us apart with their intolerance and hatred that they will not succeed.

6.40 pm

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): It is a pleasure to speak on Second Reading of this Bill. As Members have said, at the heart of the Bill is a desire to protect the public, which is our first duty as Members of Parliament and as a Government. There is no duty more important than protecting our fellow citizens.

It is right that, as we debate the Bill, we remember and pay tribute to the members of the emergency services who have put themselves in harm's way defending the public, in particular, of course, PC Keith Palmer, who gave his life just a few yards from where we now stand. We remember and pay tribute to those people who have sadly and tragically lost their lives to terrorism of many different kinds over the past few years. As I look across the Chamber, I see the shield of Jo Cox, one of our own Members who was brutally, savagely and disgustingly murdered a few years ago.

In the spirit of the duty of public protection that binds us all together, the spirit in which the debate has been conducted is heartening. Of course, as the hon. Member for St Helens North (Conor McGinn) said, I am sure that there will be points that we will debate forensically in Committee in the coming weeks, but the broad principles that we are debating command cross-party support and are an example of the House at its best. For people who think that British politics is broken, the debate this afternoon proves them categorically wrong.

The speech given by the shadow Secretary of State, the right hon. Member for Tottenham (Mr Lammy), was statesmanlike in its quality and I greatly enjoyed listening to and learning from it. The speeches from the Chairs of the Home Affairs Committee and the Justice Committee, and from long-standing and experienced Members such as my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes), gave us all great pause for thought, as did the speech from the SNP Front-Bench spokesperson, the hon. and learned Member for Edinburgh South West (Joanna Cherry).

Like the hon. Member for St Helens North, I was struck by the enthusiasm, force and thoughtfulness of Members of the 2019 intake, all of whom made tremendous contributions and, more importantly, will continue to do so in the years ahead. The House is richer for their presence.

Of course, I welcome the hon. Member for St Helens North to his place. I am delighted to see him on the Front Bench. We worked together on Helen's law which, without his work, would not be on the statute book. I know that Marie McCourt and many victims are grateful to him for that work, which will now continue from his deserved and rightful place at the Dispatch Box.

I will turn to some of the specific points that have arisen in this afternoon's debate, starting with TPIMs, which were the most extensively debated of the measures. I thank the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) for the consistency with which she has advocated on that point. I note that the consistency from 2005 does not quite extend to the burden of proof, but it seems to extend to most other elements.

Let me start with the burden of proof. Many hon. Members have asked why we are returning to the burden of proof of "reasonable grounds for suspecting" that was contained in the Labour Government's original 2005 legislation. It is a delicate question, as Members have said. As we consider the burden of proof that is appropriate, we have to balance and weigh the rights of the subject, whose liberty is being curtailed to some extent, with our duties to protect the public. We have spoken this afternoon about the victims of these terrible terrorist offences. We in public office—Members of Parliament and those in Government—have a duty to think very carefully about our duties to protect people who might become victims of these terrible offences.

In answer to the question about why we are proposing this burden of proof, it is because it gives the Government the maximum reasonable ability to introduce TPIMs where they are necessary to protect the public. Setting the burden where we have suggested—a reasonable suspicion, rather than a reasonable belief or on the balance of probabilities—gives the Home Secretary the ability to act more widely than would otherwise be the case when public safety is at stake.

Yvette Cooper: Can the Minister tell us how many cases in the last two years have not met the current threshold but would meet his lower threshold?

Chris Philp: As the Lord Chancellor said, we will not comment on individual cases. As the right hon. Lady knows, the number of TPIMs in force is very low—it is only five currently. We are not just talking about what may have happened historically; we are looking prospectively at what measures we may need to take to protect our fellow citizens.

Members have asked what the safeguards are. The first safeguard is that the Home Secretary—who I see is now in the Chamber, and who is a doughty defender of public safety and public protection—does not act without fetter, because when a TPIM order is made by the Home Secretary, it is reviewed by the High Court under section 6 of the Terrorism Prevention and Investigation Measures Act 2011. The High Court has to give permission before that TPIM can come into force, and if the High Court finds that it is "obviously flawed", permission is not granted, so there is a judicial safeguard inherent in the structure of TPIMs. If the subject of the TPIM feels that they have been unfairly treated, they may go to the Court for a judicial review. There are significant safeguards inherent in the structure of TPIMs.

As I said a moment ago, the Government use these measures extremely sparingly. Our preference, of course, is prosecution, as it should be. We only use TPIMs where absolutely necessary to protect the public, and we make no apology for doing so. Only five are in force at the moment, which is evidence of how carefully the Government apply these measures. Since 2011, despite

[Chris Philp]

the judicial mechanisms I have described, not a single TPIM has been overturned. I hope that that gives Members confidence that there are safeguards and that these measures are being used in a thoughtful way.

Reference has been made to the opinion of the Independent Reviewer of Terrorism Legislation. Of course, we listen carefully to what Jonathan Hall QC has to say. We study his advice carefully, and we often follow his advice. It is for this House and for us as Members of Parliament to reach our own decision, which may in many cases accord with the independent reviewer, but in some cases it may not. Where our judgment differs, we should exercise our independent judgment, as we are doing in this case.

Dr Lewis: In the Minister's references to TPIMs, he may have answered a question that I was hoping to ask him a little later: what do we do about that category of people who have gone abroad to fight for terrorist-backing organisations and return to this country, where there is not enough evidence to prosecute? I think that the Bill does not say a lot about that. If I am wrong, will he correct me? If I am right, surely that is an area where TPIMs might be relevant.

Chris Philp: Indeed. In relation to people who go overseas to assist terrorist organisations, we deprive them of their citizenship where we can, if it is lawful—if they are, for example, dual nationals—to prevent their return here in the first place. It is right that we do that. Secondly, on their return, it is our strong preference, if there is sufficient evidence, to prosecute them under the criminal law, as we very often do. However, if there are evidential difficulties and we cannot meet the burden of proof required by a criminal court—beyond reasonable doubt—but we do have a reasonable suspicion, we can use TPIMs to protect the public, should the Bill be passed in this form. The excellent example from my right hon. Friend the Member for New Forest East (Dr Lewis) illustrates exactly why TPIMs could help us in those cases where we cannot achieve prosecution. Evidence from Syria, for example, is very hard to gather, but in cases where we have a reasonable suspicion, we must act to protect the public.

Yvette Cooper: Let me stress this point again: the Minister has still not given us any reason why the current system is no good and why it does not work. He has mentioned independent judgment, but he is giving us no evidence on which to make our independent judgment that is different from the reviewer's.

Chris Philp: We are returning to a situation that was enshrined originally in 2005, which Members opposite strongly supported at the time. I have made the case already that the Bill gives the Home Secretary an ability to take a rounder judgment with the proof threshold set at reasonable suspicion, rather than reasonable belief or the balance of probabilities. I have made the case that we need to be mindful of protecting potential victims. We need to think about this not just retrospectively, as a historical review of case studies, but prospectively, and how we may need the power in the future. I have explained the safeguards in place and I have proved that the Government use the powers sparingly. I think I have made the case for the legislation as currently drafted.

Let me turn now to the question of deradicalisation and reducing reoffending, which the shadow Lord Chancellor, the right hon. Member for Tottenham, referred to very powerfully in his speech. Let me be clear that we are not giving up hope on any people who are convicted as terrorist offenders—especially young people, but frankly, we are not giving up hope on anyone. Although these cases are hard and rehabilitation is very difficult, we will never give up hope. There are cases such as that of Maajid Nawaz, the founder of the Quilliam Foundation, who harboured extremist ideologies, but is now fully reformed and is a powerful and moving advocate for tolerance and moderation. I look to examples like that for hope—and they give me hope.

It is in that spirit that the Government have been investing in this area. It is fair to say that there is more we need to do to meet our aspirations, but in January we announced an additional £90 million for counter-terrorism policing. We have doubled the number of counter-terrorism probation staff serving and we have introduced new national standards for monitoring terrorist offenders on licence, which includes work with psychologists to try to address any mental health issues that may relate to this sort of offending. We are also involving imams to try to explain in the case of Islamist offending that Islam is a peaceful religion and that the interpretation that some offenders have is a perversion of the true meaning of that great and peaceful religion. We are involving them in our work.

Things such as the theological and ideological interventions programme, the healthy identities programme and the desistance and disengagement programme are all designed to do the same thing. I do not pretend that those systems are working as fully effectively as we would like. I acknowledge there is more work to do, but that work is happening and being invested in. As I said a moment ago, I have hope that people can be turned on to a different path, and that ultimately must be our objective.

I turn now to the question of the removal of the Parole Board's function in relation to people who will now serve their full custodial term in prison—those most serious offenders. It is right that we do that for the reasons that have been laid out. The most dangerous offenders should serve their full prison sentence, and the public expects that. We have acknowledged that rehabilitation needs to be taking place subsequently in the extended licence period provided after their release.

Although there will be no Parole Board intervention, as the shadow Secretary of State pointed out in his speech at the beginning, plenty of other intervention will take place. For example, very extensive MAPPA work will take place throughout the custodial sentence. The Prison Service and prison governors, including excellent governors, such as the governor at Belmarsh, will do enormous amounts of work with prisoners during their custodial sentence. The probation service, in the way that I described a moment ago, will work with the offenders in their extended licence period afterwards.

Although the Parole Board will not make the release decision—that is effectively made by the judge at the point of sentence in handing down a sentence of this nature—a huge amount of work will none the less be done to manage, help, monitor and, where appropriate, intervene during the prison sentence and during the licence period

subsequently. I am therefore satisfied, as is the Lord Chancellor, that these arrangements are comprehensive and will be effective.

Let me say a word about polygraphs, to which the hon. and learned Member for Edinburgh South West and the hon. Member for Belfast East (Gavin Robinson) referred. It is important to stress that the use of polygraphs that we are proposing here is the same as the use currently deployed in relation to sex offenders on licence. These polygraph results, because they are not entirely accurate—they are quite accurate, but not entirely accurate—do not create any binding consequence. If somebody fails one of these polygraph tests on licence, further investigatory work is done by the police or the probation service. It triggers further work, which will then produce a conclusion one way or the other. It does not produce a binding result, but it serves as a trigger.

If we look at the way polygraphs have been used in relation to sex offences, we find that the level of disclosure of relevant information by those sex offenders to whom polygraph tests are applied has increased, since the introduction of the tests, from a 51% disclosure rate to 76%, so they have been helpful. They are not a panacea—they do not tell us everything and we cannot wholly rely on them—but they do yield some information, as a result of which further investigation can be conducted.

Some questions were asked about the Prevent review. We are very close to appointing a new chairman of that review, which is overdue, as Members rightly said. Members asked, again quite rightly and fairly, what our revised target date is for that review to report. Our target date is August 2021. That is a year later than originally anticipated, but Members will understand that the resignation of the initially appointed chairman and then the coronavirus outbreak have, unfortunately, caused that one-year delay. That is the timetable we are now working to.

Finally, the hon. Member for Belfast East and his colleague the hon. Member for North Down (Stephen Farry) made reference to the application to Northern Ireland of the ending of the automatic early release of terrorist offenders. I am delighted that the hon. Member for Belfast East welcomes that application. We thought very carefully about the legal implications, because the structure of sentences in Northern Ireland differs from that in the rest of the United Kingdom. That is why we did not act in February. We have now thought about it very carefully, we have taken extensive legal advice, and we are now wholly satisfied that it can properly be applied to Northern Ireland without any article 7 or, indeed, common law retrospectivity infringement. That is why we now include Northern Ireland in these provisions—and of course, because we want the United Kingdom to act as one in these terrorist-related matters, it is proper that we do so.

Terrorists seek to divide our country, they seek to divide our community and they seek to create hatred among us, but I think that in the conduct of our debate this afternoon we have demonstrated that, no matter what our differences may be in day-to-day political matters, we will stand together in solidarity and in unity, as a House of Commons and as leaders of our various communities, against all those from all different wings of the terrorist fraternity. We will unite against hate, and we will keep in mind Jo Cox's words in her maiden speech, which I remember listening to five years ago from the Back Benches. She said that there is more

that unites us than divides us. Let us keep those words in mind and let us fight terrorism of all kinds wherever we find it.

Question put and agreed to.

Bill accordingly read a Second time.

COUNTER-TERRORISM AND SENTENCING BILL (PROGRAMME)

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

That the following provisions shall apply to the Counter-Terrorism and Sentencing Bill:

Committal

- (1) The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

- (2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 14 July 2020.

- (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.—
(*Eddie Hughes.*)

Question agreed to.

PETITIONS

Sale of Riot Equipment to the United States of America

6.59 pm

David Linden (Glasgow East) (SNP): Following the death of George Floyd, we have seen mass protests across the world, which have struck a chord with every single one of us, but we must do more than just protest. Those of us with a voice in this House must speak up for the voiceless. We need to consider our own role in tackling racism in all its forms and challenging the deeply uncomfortable history and legacy of racism and discrimination in these islands. We are not powerless. We can also act to stop the disproportionate force that has been unleashed on ordinary Americans demonstrating for justice who have been met with the brutality of UK-made riot equipment.

I rise tonight to present a petition on behalf of hundreds of constituents who want it heard loud and clear in this House that black lives matter and that no action is no option.

[David Linden]

The petition states:

The Petition of residents of the constituency of Glasgow East,

Declares that the current volatile situation in the United States of America following the death of George Floyd is of great concern to many people in Scotland; considers that Black Lives Matter protests have been largely peaceful but that a disproportionate and heavy-handed police response has further stoked tensions, resulting in many injured protestors; and further that President Donald Trump's actions have not helped to de-escalate tensions.

The petitioners therefore request that the House of Commons urge the Government to immediately suspend the sale of riot equipment to the United States of America and make representations to seek a de-escalation of tensions.

And the petitioners remain etc.

[P002571]

Patricia Gibson (North Ayrshire and Arran) (SNP): My constituents in North Ayrshire and Arran have watched the unfolding events in the United States. They have alarmed and appalled them and led them to reflect on inequality in the US and our own societies. They seek confirmation and affirmation from all in this House that black lives matter, and matter to us all.

The petition says:

The Petition of residents of the United Kingdom,

Declares that the current volatile situation in the United States of America following the death of George Floyd is of great concern to many people in Scotland; considers that Black Lives Matter protests have been largely peaceful but that a disproportionate and heavy-handed police response has further stoked tensions, resulting in many injured protestors; and further that President Donald Trump's actions have not helped to de-escalate tensions.

The petitioners therefore request that the House of Commons urge the Government to immediately suspend the sale of riot equipment to the United States of America and make representations to seek a de-escalation of tensions.

And the petitioners remain etc.

[P002569]

Alan Brown (Kilmarnock and Loudoun) (SNP): On the day of George Floyd's funeral, I rise to present a petition on behalf of my Kilmarnock and Loudoun constituents who, like many across the world, were rightly angry at his killing. They have expressed concerns about institutionalised racism, equipment made in the UK being utilised by heavy-handed police, the ongoing tensions and the stoking of those tensions from the outset by President Trump, and the fact that too often the UK Government turn a blind eye to what happens to weapons and equipment shipped from the UK to other countries. In this instance, my constituents are calling for an immediate halt to the sale of riot equipment to the United States and meaningful representations to seek a de-escalation of tensions. I hope that their wishes are respected and that the Black Lives Matter campaign achieves its aim of equality and the elimination of the scourge of racism.

The petition says:

The petitioners therefore request that the House of Commons urge the Government to immediately suspend the sale of riot equipment to the United States of America and make representations to seek a de-escalation of tensions.

And the petitioners remain etc.

Following is the full text of the petition:

[The Petition of residents of the constituency of Kilmarnock and Loudoun,

Declares that the current volatile situation in the United States of America following the death of George Floyd is of great concern to many people in Scotland; considers that Black Lives Matter protests have been largely peaceful but that a disproportionate and heavy-handed police response has further stoked tensions, resulting in many injured protestors; and further that President Donald Trump's actions have not helped to de-escalate tensions.

The petitioners therefore request that the House of Commons urge the Government to immediately suspend the sale of riot equipment to the United States of America and make representations to seek a de-escalation of tensions.

And the petitioners remain etc.]

[P002570]

Kidsgrove Sports Centre

Motion made, and Question proposed, That this House do now adjourn.—(*Eddie Hughes.*)

7.4 pm

Jonathan Gullis (Stoke-on-Trent North) (Con): I start by welcoming the Minister to his place. He was actually a neighbouring MP when I was living in Stratford-upon-Avon in my childhood bedroom at the age of 29 or 30, so it is a great honour to have the chance to talk to him today. I am also grateful to hon. Members across the House for joining the debate. Kidsgrove sports centre is something that my hon. Friend the Minister has heard many things about since getting to his place. I am looking forward to providing a fuller education about why this important community asset must be refurbished and saved.

Kidsgrove sports centre is an essential community asset. The centre was a place for people in all walks of life to congregate for one common purpose—to focus on their physical and mental wellbeing. Initially, the centre was a place for one's own wellbeing; it then bloomed as connections were formed and faces became familiar. It became a hub for people in the community to interact with one another and, consequently, care for one another.

Kidsgrove sports centre was opened in 1976. From the beginning, the push to bring sport facilities to Kidsgrove was community-led. The centre was built to fill the huge demand for local sporting facilities. That demand has increased, not decreased, yet nearly 45 years later, a gap has once again emerged following the closure of the centre. Kidsgrove sports centre was last refurbished in 1991, 25 years after the initial build. That refurbishment carried the centre through to 2011, when a storm caused the roof to cave in and the wet site was closed. A full refurbishment will likely extend the life span of the centre by another 25 years at a third of the cost of a new build. Discussions pertaining to a potential new-build sports facility were launched in earnest in 2012 although, regrettably, nothing came to fruition. During the course of these discussions, the friction that arose between local government figures and the wider community came to a head in 2017, when it was announced that Kidsgrove sports centre was to be closed, much to the shock and surprise of the public.

Karen Bradley (Staffordshire Moorlands) (Con): I am so grateful to my hon. Friend and next-door neighbour. He is speaking up for a community asset that my constituents in Staffordshire Moorlands value and use as well, but does he agree that the time has come to put aside differences and just get on with getting this right and finding a way to reopen Kidsgrove sports centre?

Jonathan Gullis: I am grateful to my neighbour and right hon. Friend. The one thing that the people of north Staffordshire have been aware of is the absolute commitment to cross-border working, as we have seen with the Stoke to Leek line, which my right hon. Friend has relentlessly campaigned for—I joined that campaign—but also obviously with the sports centre, which will serve her constituents as well as mine.

The tensions between local government institutions and figures continued until very recently when Councillor Simon Tagg became leader of Newcastle-under-Lyme

Borough Council and unleashed a fresh appetite for the re-establishment of sporting facilities in north Staffordshire. I would like to take this moment, as seems apt, to offer my unreserved thanks to Councillor Tagg for recentring the focus on the wellbeing of the community and for his tireless efforts to drive this forward. On a similar note, Councillor Gill Burnett of Staffordshire County Council and Newcastle-under-Lyme Borough Council, who is also a trustee of the Kidsgrove Sports Centre Community Group, has been closely involved in a campaign to reopen the centre.

The dedication of those public servants and many others, alongside the commitment of the community to see swimming and sports brought back to Kidsgrove, is a source of inspiration. I vowed during the election campaign to do everything in my power to bring this issue to Government and lobby for the funding that the people of Stoke-on-Trent, North Kidsgrove and Talke need and deserve.

Aaron Bell (Newcastle-under-Lyme) (Con): I congratulate my hon. Friend and neighbour on securing this debate. He paid me a generous tribute earlier, so let me pay him one now. It is a shame that I cannot represent the whole of Newcastle-under-Lyme, but it is good to know that the people of Kidsgrove and Talke have my hon. Friend sticking up for them in this place. I congratulate him, Councillor Tagg, Councillor Burnett and, of course, the local community on what they are doing. It will not only benefit Kidsgrove, but benefit my constituents in Crackley, Red Street, Audley and beyond.

Jonathan Gullis: I thank my hon. Friend and neighbour. I could not agree with him more that this has huge implications. Having recently moved into Talke and therefore into the Newcastle borough, which has caused some controversy with my Stoke-on-Trent constituents, I can absolutely understand the wider implications of the sports centre. As he knows, there are many people who do not necessarily want to travel into the town of Newcastle but are able more easily to access the town of Kidsgrove, where they could use the sports centre.

Following the sudden announcement of the closure, a public meeting was called and attended by hundreds of members of the public. That laid the foundations for the establishment of the Kidsgrove Sports Centre Community Group. Before I proceed to outline the fantastic work and unrivalled dedication displayed by the group, I would like to take a moment to praise it. It is often the tenacity and unpaid labour of community volunteers that make the most powerful impact, and Kidsgrove is fortunate to have a dedicated team of community champions fighting tooth and nail to facilitate the return of sporting facilities in our local community.

Shortly after the contentious closure in 2017, which was authorised by the then Labour-run borough council after it refused to buy the sports centre for £1 from Staffordshire County Council, the Kidsgrove Sports Centre Community Group was formed. It is spearheaded by Mark Clews, alongside Dave Rigby and Ray Williams, and I am lucky to have such members in the community I serve. They deserve acknowledgement in this Chamber for their tireless efforts. The group has pressed continuously for the centre to be reopened, and it has worked so closely with the council that it is now the designated charitable incorporated organisation. That is to say that if the funding comes from central Government, local

[Jonathan Gullis]

government and other stakeholders, the community group could very well assume management of the centre when it reopens. I say “when”, because if I have learned anything in my time working with the group, it is that its passion and tenacity cannot be rivalled. The sports centre was, and can again be, at the heart of the community. I am glad to say that significant efforts have been made to reinstate the facility, but I would like to focus for a moment on the difference it has made to the community.

Andy Carter (Warrington South) (Con): I feel that I am missing out here because I am not a neighbour, but as my constituency is in Cheshire and my hon. Friend’s is in Staffordshire, I am almost a neighbour. I hope he will agree that over the last few weeks the impact of covid-19 has had a terrible effect on sports clubs up and down the country. Their ability to operate and to raise funds has disappeared, yet their costs have been maintained. I was delighted today to see the Government’s discretionary grant scheme being used to support clubs in my constituency, with Warrington Rugby Union Club and Grappenhall Sports Club getting £10,000 grants so that they can continue to do their work in the community. Does he agree that these organisations are crucial not only for their sporting benefit but for the community interaction and social benefit that such organisations give?

Jonathan Gullis: I thank my hon. Friend, and even though he may not be a neighbour, his tireless work in getting Chester zoo protected has pleased many a constituent of mine. I want to pass on my big thanks to him for that.

I absolutely agree that what happens at these sports centres is not just on the physical side; it is also about the mental health aspects. As someone who has spoken openly in my local paper about my own struggles with my mental health, I know that socialisation is absolutely vital. These sporting facilities in Warrington and in Stoke-on-Trent North, Kidsgrove and Talke are important in that regard.

James Daly (Bury North) (Con): I congratulate my hon. Friend on his excellent speech. From my personal experience in Bury, I know that the retention of sporting facilities can have a massive impact on the wider community. Following the loss of Bury football club, the impact on the camaraderie in the community and on the economy that has flowed from that has been a disaster for my area. I congratulate my hon. Friend on his excellent speech.

Jonathan Gullis: I am grateful to my hon. Friend. I have had many a wonderful conversation with him regarding Bury football club, and if there is a lesson to be learned about what has happened there, it is that it is now even more important that we protect these facilities, especially because covid-19 has affected many league 1 and league 2 clubs. I am proud to have Port Vale football club in my constituency, for which the fabulous Carol and Kevin Shanahan have done amazing community work. I am grateful to my hon. Friend, and I commend him for all the work he is doing for the people of Bury.

Among the constituents who have written in to me, Jayne, who is diabetic, used the early bird swim programme to keep her health in check. She has said:

“The removal of the facility removes much of my own means to self-help to manage my condition. I can’t wait for it to reopen.”

Karen, who has been a regular at the centre since 1995—this is not my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley)—has described the impact of the closure:

“It has just left a hole in the community, and once it is up and running again we shall be returning as at the moment we have to travel. Sadly, there is nothing to do in Kidsgrove now.”

Claire has described how the closure has directly affected her family:

“My four children have no access to swimming and sports now as I do not drive, and travel costs can add up for five of us. The community feels let down and forgotten and there’s nothing for kids to do. Many adults use the centre too, and now they feel more isolated.”

As the negative implications of this closure have affected so many lives, it would be impossible for me to utilise every testimony. The impact of this closure has affected the people I represent in three distinct ways. First, the severe lack of recreational activities in the area has created a void in community cohesion and interaction. Secondly, the impact on public health, especially of those with pre-existing conditions, has been drastic, with 63% of Kidsgrove and Talke now deemed inactive. Finally, the closure has penalised those who cannot afford the money or the time to make concessions and travel further afield to exercise.

The issue faced by the sports centre is not the stickiness of party politics, though it has certainly seen its fair share of that. The sports centre needs the Government to commit to help fund its renovation and to unlock funds from Sport England so that in summer 2021 the people of Kidsgrove will once again have access to exercise facilities. Having spoken to Sport England this morning, I know that £100,000 has already been allocated in principle, but only £150,000 at most can be given from its asset fund. Although it may have other pots, such as the social investment and strategic facilities funds, they have been repurposed due to the damage that covid-19 has done to the leisure sector. Any of the £195 million that Sport England announced in April would be absolutely welcome, but Kidsgrove sports centre requires a cocktail of funding. Newcastle-under-Lyme Borough Council has stood up, as has Sport England. Now, I need the Government to do the same.

James Sunderland (Bracknell) (Con): In east Berkshire, Bracknell is very proud to have a flagship ice rink and ski slope. It is important to the community and is used by many people locally and more widely. I have heard recently that there are fiscal pressures on that particular facility, and I am worried that it may close. I do not want that to happen, and I am going to champion my constituents and ensure that it does not. I am confident that, with support from the community, perhaps from the local council and from local businesses, we can generate the funding we need for this facility to develop and thrive in the future. Does my hon. Friend think that this is a legitimate use of public money and that these facilities, important as they are, should be supported by both local and central Government funding?

Jonathan Gullis: My hon. Friend will know from the many conversations we have had that I am certainly a non-state-interventionist Conservative, but there are times when the Government must intervene. Kidsgrove has a dry ski slope as well, and I completely understand how important it is to protect such sporting facilities, because once they are gone, they do not come back. I am sure the people of Bracknell will be absolutely delighted to

hear that my hon. Friend will champion the ice rink and ski slope. Why should they not be enfranchised to have something that they can be proud of and access in their local area, especially as summer holidays are unlikely to be going ahead as normal? That could be the only source of relaxation for people in Bracknell.

To be frank with the Minister, my constituents are frustrated. Although I remain committed to being a critical friend of the Government, I understand why my constituents are frustrated. Kidsgrove has long been neglected. Around one in 10 children aged four to five in Staffordshire and Stoke-on-Trent are obese. If that is not shocking enough, the number doubles to one in five by the time they are 11. Around two in three adults in Staffordshire and Stoke-on-Trent have excess weight—I include myself in those figures—while one in four are obese, with rates higher than the national average. Obesity has been reported as an issue that the Prime Minister wishes to tackle head on since falling ill with the coronavirus. I know that it is also close to the heart of the hon. Member for Strangford (Jim Shannon).

Jim Shannon (Strangford) (DUP): Will the hon. Gentleman give way?

Jonathan Gullis: I will indeed—what an honour!

Jim Shannon: I thank the hon. Gentleman for giving way. May I first commend him for his energy, interest and commitment and for very quickly learning the ropes for how to do things in this House? May I also say how nice it is to see eight new Members present, which augurs well for the future?

As the vice-chair of the all-party parliamentary group on obesity, I am really concerned about the restrictions on children exercising and getting to clubs. Does the hon. Gentleman agree that it is essential that funding is given to sports clubs that are community led and driven? For that very reason, I fully support him in his battle for his constituency, and indeed all other hon. Members who are battling as well.

Jonathan Gullis: I do not think any Member can have an Adjournment debate without the honour of being intervened on by the hon. Gentleman. I completely agree with him. He tirelessly champions his work on obesity. If we do not tackle this issue, there will be health implications and pressures on our NHS, as well as the mental health aspects. We also need to be aware of the bad education that leads on for generations. I completely agree with the hon. Gentleman that we need community-led, community-run sports clubs that are funded partly by central Government and partly from elsewhere to best serve our constituents.

To restore the heart of Kidsgrove, the project must secure funding for the sports centre to be renovated and modernised to meet the highest health and safety standards, as well as current and future leisure needs. The cost of renovation is significantly lower than that of a rebuild. I endorse unreservedly the expansion of sports provisions, but I cannot say that, when the Jubilee 2 centre was built at a high cost to taxpayers across the county, I did not understand the annoyance and frustration of the residents of Kidsgrove. It should now be Kidsgrove's turn to see investment.

The cost of a fully functional renovation has been projected to be £5.5 million, and the council has already committed £3.1 million towards the project. However,

we are all aware of the cost of covid-19 for local councils, and Newcastle-under-Lyme Borough Council is no different. Government funding of £1.3 million has been secured, and that has reduced the immediate pressure on council finances, but that sum is sufficient only to cover the council's lost income and additional costs for the first three months of the year. The council will be required to draw down all of its revenue reserves, in addition to taking action to restrict all non-essential expenditure, at a time when our communities are looking to the council to lead our local recovery efforts.

Mr Richard Holden (North West Durham) (Con): It is great to hear what is happening in my hon. Friend's constituency. Up in County Durham we have problems with obesity levels similar to those in Stoke, Newcastle and Staffordshire in general. Does my hon. Friend agree that councils like Durham should not be building brand-new council headquarters at a cost of more than £40 million, and should instead invest that money in sports facilities for young people in towns such as Crook in my constituency, as well as in the Durham Dales ladies' hockey club in Wolsingham?

Jonathan Gullis: My hon. Friend speaks with absolute conviction: the people of Durham are being failed. It is self-indulgent for councils to go ahead and build nice, big, shiny brand-new buildings. Members from the west midlands will have seen the west midlands police and crime commissioner wasting taxpayers' money on shiny objects rather than investing in front-line policing, so I completely endorse what my hon. Friend has said. The people of Crook deserve what they need, and I hope the council will listen to my hon. Friend, who speaks with conviction on all issues.

I plead with the Minister to help us in Kidsgrove and Talke. We will require Government support, alongside that from Sport England and the local council, to open up this valuable community asset, helping to create jobs and improve physical and mental health. I am not asking for large sums, but any financial support that my hon. Friend the Minister can give would show that Kidsgrove is no longer forgotten in this House. Reopening the swimming pool in the existing sports centre represents the quickest and lowest-cost option for providing a sports and swimming vision in Kidsgrove. This is not about profitability, although there are solid grounds to suggest that the sports centre would become self-sufficient; this is about health, happiness and community. When we find ourselves able to live freely and safely again, it will become more important than ever to participate in communal activities and keep ourselves healthy, physically and mentally—to join a Zumba class as the kids take their after-school swimming lessons, and to laugh and come together. This could, and should, become a key recovery project in the wake of covid-19.

I know that the Government are committed to encouraging a healthy, active lifestyle and levelling-up across the United Kingdom, and I fully accept that, as we brace for economic recovery, the public purse strings will be pulled that bit tighter. However, it has been demonstrated time and again that investment in leisure and recreational pursuits eases the strain on our national health service and our valued emergency services, as well as reducing crime rates and improving mental health. The people of Kidsgrove ought not to be financially penalised for wanting to keep fit—indeed, encouraging

[Jonathan Gullis]

people to keep fit is a pillar of the Government's strategy—so I implore the Government to do the undeniably correct thing and invest in my constituents, as we promised in December.

7.24 pm

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Nigel Huddleston): I thank my hon. Friend the Member for Stoke-on-Trent North (Jonathan Gullis) for securing this debate and bringing this important issue to my and the Department's attention. I welcome the opportunity to discuss it with him today. I thank and praise him for the persistent and constructive way in which he has brought it to my attention, pretty much from day one since he was elected. I applaud that persistence, and the way that he has engaged with Sport England and other bodies. I am also very impressed by the west Midlands representation in the Chamber this evening.

Lying behind the question of the specific centre in Kidsgrove, at the heart of my hon. Friend's constituency, is an important point: high-quality sport and physical activity facilities should be locally accessible and available to everyone, including the hardest to reach in society, no matter where they come from or where they live. As he is aware, Sport England is my Department's arm's length body, with the responsibility for distributing funding for grassroots sport, including for facilities and planning. Unfortunately, DCMS does not hold the budget for such applications, so I am afraid that there is no separate pot of money that I can delve into and allocate myself, but he is absolutely doing the right things in the approach he is taking. I understand that he is in regular contact with Sport England colleagues, and indeed held a meeting today with senior members of staff there, with a further meeting scheduled for later this month, so he is taking absolutely the right approach to reach what I hope will be a satisfactory conclusion.

We all know the unique power of sport and recognise the way it can transform people's lives for the better. The benefits of sport go far beyond the physical upside, and these broader outcomes are at the heart of what we are trying to achieve. At the core of the Government's Sporting Future strategy is a desire to create a healthier, happier and more productive nation. Supporting people to be more active in the way that suits them best is a crucial part of that.

Covid-19 has had a huge impact on grassroots sport. In order to understand how the sector has been affected, I have been engaging directly with a wide range of sports sector organisations, including through the fortnightly sport working group meetings, where we discuss the impact of coronavirus right across the sector. In addition to the significant economic packages announced by the Chancellor, Sport England has made £210 million of Exchequer and lottery funding available to help community sports organisations to deal with the impact of covid-19. Government guidance on the pandemic, including sport-specific guidance, is available online, providing advice to organisations and facilities that have been affected.

One of the biggest factors affecting people's desire and ability to get involved in sport and physical activity is the facilities they can access. Our Sporting Future strategy was clear that facilities should be a priority and

that they must place people at the heart of their design. Good-quality, inclusive and welcoming environments in the right locations are so important in encouraging people to get back and stay active. To support this, Sport England is investing up to £40 million in large-scale facilities up to 2021 through its strategic facilities fund. Its communities assets fund also provides grants of up to £150,000 to organisations and communities to support spaces and facilities in their local areas.

I am pleased to note that Sport England has previously invested in my hon. Friend's local area, including providing funding for the Dimensions sport and leisure centre in neighbouring Tunstall and the indoor cricket facility over at Clayton. These are two great examples of how Sport England funding has contributed to the provision of support to enable communities to be more active.

It is clear that facilities work only when they are properly planned, used and maintained. This means being really clear on which people we think would benefit most from using them. We all know that some of the hardest-to-reach groups in society are exactly the people who will benefit most from getting more active. This is another key message in our strategy. We want to see a strong focus on the whole sport and physical activity sector—on how we can reach people who have not traditionally thought that sport or activity is for them. Again, this kind of thinking should be at the heart of facility development, ensuring that the principles of accessibility and inclusivity are at the centre of planning from the start. We must avoid building facilities that do not have the support of local organisations and that have not been tested with the community. I understand that the Kidsgrove centre has the strong support of the local community, alongside the charitable community group that is co-ordinating the work to reopen it, and I commend this approach. I want to see more and better facilities across the country that will help people to get active, but I want them to be properly thought through and planned.

It is important, now more than ever, that we harness the positive power of sport to enable us to cope with, and recover from, the challenges covid-19 has brought us. As we begin to recover from the huge impact of coronavirus on all our lives over the past few months, sport and sports facilities will have a key role to play. I want to see communities supported to ensure that everybody, no matter what their ability or their background, feels able to get active and live healthy, happy and fuller lives.

I urge my hon. Friend to continue his conversations with Sport England, relevant local authorities and active partnerships, together with any other interested local parties, to identify a way forward. I know that Sport England colleagues stand ready to continue to support this project and to engage with those involved in it. I thank all hon. Members who have contributed to today's debate—far more than I had expected when I originally heard about it. The points that have been raised today are well made. I hope that progress on this matter will be forthcoming. I am passionate that sport should be for everyone and that sport is at the heart of a happy and healthy nation. My hon. Friend should be applauded for his passion and his persistence in this matter, and I look forward to continuing the dialogue with him so we can come to a positive outcome.

Question put and agreed to.

7.30 pm

House adjourned.

Written Statements

Tuesday 9 June 2020

ATTORNEY GENERAL

Criminal Procedure Investigations Act Code of Practice: Attorney General's Guidelines

The Attorney General (Suella Braverman): I wish to provide an update on the public consultation on the Attorney General's guidelines on disclosure and the CPIA code of practice.

Extended deadline

In February this year, as a result of the hard work undertaken by all involved in the disclosure review, the Lord Chancellor and I launched a public consultation on the revised versions of the Attorney General's guidelines on disclosure for investigators, prosecutors and defence practitioners ("the guidelines") and the Criminal Procedure and Investigations Act 1996 ("CPIA") code of practice.

In order to show support to all those facing increasing covid-19 related pressures, the Lord Chancellor and I decided to extend our consultation. We hope that this new deadline will provide enough time for legal professionals, criminal justice partners and those interested to put forward their views on the changes being made.

As it has not been possible to proactively engage with criminal justice partners as originally anticipated, we wanted to take the opportunity to ask you as Members of Parliament, to encourage those with whom you work who may have an interest in this area to provide feedback to our public consultation. This would help us to engage with key professionals and those with experience in disclosure to ensure that the changes we are proposing are as effective as possible.

The consultation will now close on 22 July 2020 and further details can be found at: <https://www.gov.uk/government/publications/consultation-on-revisions-to-the-attorney-generals-guidelines-on-disclosure-and-the-cpia-code-of-practice>.

Disclosure

The disclosure of unused material in criminal cases remains a crucial part of ensuring a fair trial takes place and is essential in avoiding miscarriages of justice. Unfortunately, the failure to disclose material promptly has led to the collapse of a number of trials and has impacted the public's confidence in the administration of the criminal justice system.

It is a priority for this Government to continue to encourage improvements in the disclosure process and to achieve permanent change. It is essential that we ensure there are fair trials for all and that we increase confidence in the criminal justice system.

The proposed changes

In November 2018, the Government published a review of the efficiency and effectiveness of disclosure in the criminal justice system, which made a set of recommendations to improve disclosure performance and to address the key challenges of modern disclosure

practice. The review recommended that the Attorney General's guidelines on disclosure required an update in order to truly reflect the challenges of today's disclosure regime.

The guidelines provide a set of high-level principles on the disclosure of unused material in criminal cases, aimed at assisting investigators, prosecutors and defence practitioners in England and Wales apply the disclosure regime contained in the CPIA code of practice.

The changes seek to provide a better representation of the challenges faced by the modern day investigator, prosecutor and defence practitioner. The updated guidelines address the need for culture change, earlier performance of disclosure obligations, the use of technology and balancing the right to privacy with the right to a fair trial.

This consultation is an opportunity to take a crucial step in the disclosure process, both to deal with issues that have been a long-standing concern and to provide practitioners with the tools they need to handle their disclosure obligations effectively.

The Lord Chancellor and I thank all of those who have engaged with us during the process and we are grateful for the role that you have played in recognising the complex challenges that affect the proper performance of the duty of disclosure.

[HCWS276]

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

COP26: New Date Announcement

The Secretary of State for Business, Energy and Industrial Strategy (Alok Sharma): I am tabling this statement for the benefit of honourable and right honourable Members to bring to their attention the new date that has been announced for COP26 United Nations climate change conference.

The COP bureau of the UNFCCC (United Nations framework convention on climate change), with the UK and its Italian partners have agreed new dates for the COP26 UN climate conference, which will now take place between 1 and 12 November 2021 in Glasgow.

The agreement followed consultation with UNFCCC members, delivery partners and other stakeholders. The conference was originally set to take place in November 2020, but had been postponed due to covid-19.

In the run up to November 2021, the UK Government as hosts will continue to work with all involved to increase climate action, build resilience and lower emissions. The new date will also allow the UK and our Italian partners to harness our incoming G7 and G20 presidencies in driving climate ambition.

For more information on this please go to <https://www.gov.uk/government/news/new-dates-agreed-for-cop26-uk-italy-presidencies>.

[HCWS279]

Workplace Support for Victims of Domestic Abuse

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): I am tabling this statement for the benefit of hon. and right hon. Members to bring to their attention the details of a review into support in the workplace for victims of domestic abuse.

The Government are committed to supporting victims of domestic abuse and are currently taking their Domestic Abuse Bill through Parliament. The Bill and wider package of non-legislative measures underpinning it focus on raising awareness and increasing understanding of domestic abuse, further improving the effectiveness of the justice system in protecting victims of domestic abuse and their children, bringing perpetrators to justice and strengthening the support available for victims by statutory agencies.

Domestic abuse affects every aspect of a victim's life, so it should come as no surprise that domestic abuse also affects a victim's work. It strips people of their independence, can reduce their productivity, and ultimately denies them the opportunity to flourish and develop in their chosen career.

There is already a lot of support which employers can, and do, provide to domestic abuse victims. A number of organisations have developed best practice guidance and model policies to help employers to improve the support available to employees affected by domestic abuse, such as the Equality and Human Rights Commission, Business in the Community and the Employers' Initiative on Domestic Abuse.

The review is an opportunity to draw together the various existing strands of activity and consider whether there is more that can be done to support victims of domestic abuse in the workplace. It will start with a call for evidence and will investigate:

What practical circumstances arise in relation to domestic abuse and work?

What support can be offered in the workplace for victims of domestic abuse?

What is possible within the existing statutory framework?

What does current best practice look like, in the UK and elsewhere?

What is the potential to do more?

The review will report by the end of the year.

[HCWS277]

CABINET OFFICE

Annual Canvass

The Minister of State, Cabinet Office (Chloe Smith): I wish to update the House on the work that HM Government have been doing to address the risks presented by covid-19 in relation to the next boundary review due to start in 2021, and to the annual canvass. This follows the introduction of the Parliamentary Constituencies Bill on 19 May, and its Second Reading on 2 June.

Boundary review and electoral data

Under current legislation, the next boundary review will be based on the number of registered electors as at 1 December 2020, following the annual canvass. This is

in accordance with the normal, long-established position and that, as a general rule, the revised register that is produced following the annual canvass represents the most up-to-date, robust and transparent information source on which to base a boundary review.

The Government have introduced the Parliamentary Constituencies Bill, which will provide for boundary reviews based on a House of Commons with 650 seats.

As I set out during the Second Reading of the Bill on 2 June, in light of the potential impact of covid-19 on the operation of ongoing electoral registration activities and the annual canvass, we have already been considering carefully the options for the next boundary review to be based on an alternative set of electoral data.

I am now in a position to update Parliament on the Government's plans, following my commitment to the House to do so during the Second Reading debate.

Having engaged with representatives of the parliamentary parties and electoral stakeholders, the Government have decided to bring forward an amendment to the Parliamentary Constituencies Bill at Committee stage to address this issue. This Government amendment will make provision for the next boundary review to be based, on a one-off basis, on the number of registered electors at 2 March 2020.

It is intended that this data will be supplied by electoral registration officers (EROs) to the Office for National Statistics (in England and Wales) and National Records of Scotland (in Scotland), and that the chief electoral officer for Northern Ireland will produce the data for Northern Ireland. ONS will collate and publish the data for all four constituent nations of the United Kingdom. This approach will provide the most up-to-date electoral registration data available from the point before the impacts of covid-19 became widespread. It will capture the registrations that took place in the run-up to the 2019 general election, subject to any monthly updates made to the register between the election and 2 March 2020.

We have engaged with the parliamentary parties panel, other party representatives and electoral stakeholders on this issue in recent months. There is a consensus that, as a consequence of covid-19, a different approach will be needed this year, and I hope this amendment will deliver that.

Annual canvass 2020

The Government intend shortly to lay before Parliament a draft of the Representation of the People (Electoral Registers Publication Date) Regulations 2020.

Like many sectors, the work of electoral services teams have been affected by the current covid-19 pandemic. This includes staff members having reduced access to office facilities; undertaking greater caring responsibilities while working from home; and being shielded or self-isolating, as well as some team members pivoting toward providing essential services within their local communities. At present, however, EROs in England, Scotland and Wales are legally obliged to publish the revised electoral register by 1 December 2020 or they will be liable for prosecution for failure to conduct their statutory duties under the Representation of the People Act 1983.

In light of the covid-19 pandemic, and to provide additional flexibility to EROs in the conduct of this year's annual canvass, this legislation will delay the

publication deadline for the final revised 2020 electoral register in Great Britain by two months from 1 December 2020 to 1 February 2021. This is in line with existing legislation which allows the final publication deadline to be delayed by the same period of time should an election be held in an ERO's area within the canvass period of 1 July and 1 December. This change in publication date will have no negative impact on the conduct of the May 2021 elections, indeed it will allow EROs the greatest possible preparation for their safe and effective conduct.

This greater flexibility for the date of publication for the revised registers complements the flexibility already provided by the newly reformed annual canvass, which will allow EROs to conduct safer and more responsive canvasses than ever before. EROs now have greater flexibility to use digital contact methods in place of paper forms, thereby reducing the amount of manual handling, and are able to use telephone contacts where possible in place of door knocking. The Electoral Commission has already issued guidance to EROs on carrying out a covid-secure canvass and Government officials are monitoring the situation in order to provide further non-legislative support as needed.

In Northern Ireland the canvass is not conducted annually but must be held at least every 10 years. The last canvass was held in Northern Ireland in 2013 and the Coronavirus Act 2020 has postponed the canvass that was due to be held this year to 2021. Under the Northern Ireland system of continuous registration, the chief electoral officer publishes a revised register on 1 December every year (as well as monthly updates) regardless of whether a canvass has been conducted. As boundary reviews are required to be based on electoral data from the same date in all four nations, it is appropriate for the March 2020 data to be used for the next boundary review in Northern Ireland.

In developing our policy we have worked extensively with stakeholders, including the Electoral Commission, the Association of Electoral Administrators and the Scottish Assessors Association, who have all welcomed our proposals. We have also worked closely with the Scottish and Welsh Governments to agree a consistent policy of extending the publication deadline of revised registers across Great Britain, and they intend to bring forward separate, complementary legislation in relation to the local government registers in their respective nations.

[HCWS278]

ORAL ANSWERS

Tuesday 9 June 2020

	<i>Col. No.</i>		<i>Col. No.</i>
JUSTICE	139	JUSTICE—continued	
Bereavement after a Public Disaster.....	147	Prison Capacity.....	150
Court Backlog: Covid-19.....	150	Prisoner Rehabilitation and Education.....	142
Covid-19: Access to Justice.....	151	Secure Estate for Young People.....	140
Departmental Priorities: Covid-19 Implications.....	145	Tenant Eviction: Coronavirus Act 2020.....	149
Early Prisoner Release: Domestic Violence.....	139	Topical Questions.....	152
Personal Protective Equipment: Prison and Probation Staff.....	144	Video and Audio Use in Court Proceedings.....	148

WRITTEN STATEMENTS

Tuesday 9 June 2020

	<i>Col. No.</i>		<i>Col. No.</i>
ATTORNEY GENERAL	9WS	BUSINESS, ENERGY AND INDUSTRIAL STRATEGY— continued	
Criminal Procedure Investigations Act Code of Practice: Attorney General's Guidelines.....	9WS	Workplace Support for Victims of Domestic Abuse.....	11WS
BUSINESS, ENERGY AND INDUSTRIAL STRATEGY	10WS	CABINET OFFICE	11WS
COP26: New Date Announcement.....	10WS	Annual Canvass.....	11WS

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CONTENTS

Tuesday 9 June 2020

Oral Answers to Questions [Col. 139] [see index inside back page]
Secretary of State for Justice

Future Relationship with the EU [Col. 159]
Answer to urgent question—(Penny Mordaunt)

Education Settings: Wider Opening [Col. 176]
Statement—(Gavin Williamson)

Employment (Dismissal and Re-employment [Col. 196]
Bill presented, and read the First time

Pedicabs (London) [Col. 197]
*Motion for leave to bring in Bill—(Nickie Aiken)—agreed to
Bill presented, and read the First time*

Counter-Terrorism and Sentencing Bill [Col. 200]
*Motion for Second Reading—(Robert Buckland)—agreed to
Read a Second time
Programme motion—(Eddie Hughes)—agreed to*

Petitions [Col. 260]

Kidsgrove Sports Centre [Col. 263]
Debate on motion for Adjournment

Written Statements [Col. 9WS]

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
