

Friday
9 December 2022

Volume 724
No. 89



**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Friday 9 December 2022

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The House met at half-past Nine o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Chris Clarkson (Heywood and Middleton) (Con): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163) and negatived.

Protection from Sex-based Harassment in Public Bill

Second reading

9.35 am

Greg Clark (Tunbridge Wells) (Con): I beg to move, That the Bill be now read a Second time.

Two weeks ago, a group of more than 50 girls and women walked after dark from Rusthall, one of the villages in my constituency, to the centre of Tunbridge Wells. Those women, several of whom are in the Public Gallery, walked together to make a point. They felt safe together, but had they walked the same route alone at night, they would have felt afraid. Some would not have embarked on the journey at all, and many would have taken avoiding action such as getting a lift, a bus or a taxi. Some would have arranged to walk with someone else. Others would have deployed tactics all too familiar to women and girls across the country such as pretending to have a conversation on their mobile phone to signal that they were in contact with someone else. If alone, they would have been fearful of being followed or of having an offensive, suggestive or obscene comment directed at them, or of being obstructed or intimidated as they walked alone, as well as the fear of being physically assaulted.

For every woman and girl on that walk, hundreds more find that they have to engage in these routines and protections day in, day out to feel safe—and that is in Tunbridge Wells, a place with a strong community, a committed police force and less crime than in many others. When I visit schools, and especially sixth forms, confidence in using our streets, especially at night, is almost always raised by students, including by one young woman who came to see me to describe how outraged she was by the experience of being kerb-crawled by a man in a car when she was out jogging one morning. Why should a woman feel less confident on our streets than a man? The streets are theirs equally, but that is not how it is experienced.

According to the charities Our Streets Now and Plan International, who have done so much to highlight the issue and press for change, twice as many girls and women feel unsafe when alone on our streets as do boys and men. It is not just the commission of physical violence or assault that makes women feel unsafe. Deliberately distressing acts such as following a woman

closely through the streets at night or directing explicit, abusive comments at women can and do contribute to that insecurity.

At the moment, there is no specific offence of public sexual harassment, yet in private settings, such as the workplace, everyone knows that sexual harassment is specifically and explicitly prohibited. Other types of harassment in public are identified in law—rightly, in my view—as being especially serious. They include harassment of someone on the grounds of their race or because they are gay. My Bill would close a loophole in the law whereby deliberately harassing another person on the grounds of their sex with the intention and effect of causing alarm or distress would be a specific criminal offence. It would, like harassment on the grounds of sexuality or race, be capable of similar penalties, should the court wish, as those other crimes.

The proposal was subject to a consultation carried out by the Home Office. I am grateful to the former Home Secretary, my right hon. Friend the Member for Witham (Priti Patel), for her passionate commitment to confronting the issue and for launching the consultation before the summer. The Bill follows that consultation, and I am grateful for the assistance of the current Home Secretary, and to the Minister and her officials for their help in preparing it.

The Bill is a simple one, as private Members' Bills should be. It is intended principally to close a loophole and bring into alignment the treatment of harassment on the grounds of sex with harassment on the basis of other protected characteristics. It follows the comments of the Law Commission to its report on hate crime laws in December 2021, which said the Government should consider

“a specific offence to tackle public sexual harassment, which would likely be more effective than adding sex or gender to hate crime laws.”

One reason not to simply add sex to the list of hate crimes is that although harassment on the grounds of race is considered to be driven by a hatred towards a person's race, specifying hatred or hostility could leave open a legal defence that a man who deliberately harassed a woman in public was not guilty of a hate crime offence, because it could not be proved that his behaviour was motivated by actual hatred of women. The simplest way to proceed, and a subject that the Home Office consultation examined, is to add to the existing law of harassment in the Public Order Act 1986. My Bill would therefore add a new offence of intentional harassment, alarm or distress on the basis of sex to that Act of Parliament.

Under my Bill, if an act of intentional harassment, alarm or distress is carried out in a public place because of the relevant person's sex, an offence of sex-based harassment has been committed and can be punished, as with offences on racial grounds or grounds of sexuality, at the higher tariff that applies to those crimes by dint of the Crime and Disorder Act 1988—in other words, above the limit set in the magistrates court.

It is important to make a few features of the Bill clear. First, it is not meant to—nor will it—criminalise thoughtless or clumsy words. It is sometimes the case that behaviour, although unwelcome, is not motivated by the deliberate intention to cause alarm or distress. Sometimes, men and boys—even girls and women—can say or do the wrong thing without meaning to make another person threatened or alarmed. Such behaviour

[Greg Clark]

is not within the scope of the Bill, neither is behaviour that would be considered reasonable by normal standards. The Bill targets people who deliberately target other people to do them harm.

Secondly, although I referred to sexual harassment, the scope of the offence includes, but does not have to entail, a motivation of sexual gratification. Just as in the workplace, the harassment of women may be based on attitudes towards women that might not be best described as linked to sexual gratification. Thirdly, the Bill is drafted to address the specific loophole in the law about harassment based on sex. That means, in principle, that it applies to women and men if they are deliberately publicly harassed based on their sex. Public sexual harassment can affect men and boys, but we should be clear that it disproportionately affects women and girls.

Some might be concerned that my Bill, if enacted, would place extra pressure on police forces to investigate and arrest those suspected of deliberately sexually harassing women in public places. We all want the police to focus on fighting crimes, but these are serious crimes that affect the lives of millions of girls and women every day, causing them to change their behaviour when they should have no reason to do so. Recent years have shown that it is important that all of us, including the police, give greater attention to the protection of women. The consequence of passing this law to make sexual harassment in public a specific offence, triable if necessary in the Crown court, will be to establish that setting out deliberately to alarm or distress a victim is a serious matter that will be dealt with seriously.

The real purpose of the Bill is to help to change the culture of society so that it becomes even more obviously unacceptable to abuse, humiliate and intimidate women and girls in public. I hope that few prosecutions under the law would ever be required, but it is important that the law is there. We have seen that this is possible. To see someone abusing someone else racially in public is now universally seen as deeply shocking and obviously wrong. In my spare time, I enjoy attending football matches, and it is not many years since it was quite common to hear racial abuse on many terraces. It would be inaccurate to say that it has been completely eradicated, but it is vastly less frequent and is taken with great seriousness not just by the authorities, but by other people present.

Too many girls and women feel unsafe when alone on our streets—twice as many as men. Two thirds of girls and women have changed their plans at some time because they have been worried about or have experienced public sexual harassment. Our streets are their streets, and they should not have to do that. The Bill, if it is supported by Parliament, would eradicate the unconscionable situation in which public sexual harassment is not a specific crime. It will make it clear that the crime is serious and it will provide sanction against those who deliberately set out to frighten women and girls on our streets. It is a tightly drawn but, as I hope the House will agree, valuable step in protecting the more than half of our population who, for too long, have had to change their ways of living their lives when the abusers should change theirs.

Dr Luke Evans (Bosworth) (Con): My right hon. Friend is making a fantastic point. I fully support the Bill, but it still has to go through Parliament. Is he

aware of the StreetSafe service, run by the police, through which any person who feels unsafe can report dark spots, lights that are out and difficult areas? Authorities can then look at and address them to make sure that we are immediately safer in our communities.

Greg Clark: My hon. Friend makes an excellent point, which allows me to emphasise that although I think my Bill will be a great step forward in providing for a specific offence, many other measures are needed. That includes providing information nationally and, especially, locally. I commend the Home Office for its initiative in recent weeks to advertise in public places, encouraging people to step in when they see women and girls being abused. All of us as Members of Parliament and everyone in the community can step up and make a difference through those actions.

Those of us in the Chamber today can go a step further and make it very clear that the offence of harassing someone on the grounds of their sex in public will be taken very seriously. It will provide clarity that people will be arrested for that, and I hope that it will lead to a safer future for women and girls in this country. On that basis, I commend the Bill to the House.

9.47 am

Stella Creasy (Walthamstow) (Lab/Co-op): I congratulate the right hon. Member for Tunbridge Wells (Greg Clark) on introducing the Bill. It reflects not a recent concern, but years and generations of campaigners and women speaking out about the most basic and fundamental thing: freedom. At its heart, the Bill is about our freedom as women to lead the same lives as men in where we go and what we do.

I will start by adding to the list of organisations and campaigners that we acknowledge and recognise for their work on this issue. They include Our Streets Now, Plan International UK, Citizens UK, the Fawcett Society, Stonewall, Tell MAMA, Nottingham Women's Centre, Dimensions, René Cassin, Refuge, Hope not Hate, Sister Supporter, the Jo Cox Foundation, the Young Women's Trust, Safe & The City, Nottingham Trent University and the University of Nottingham. I also pay tribute to the work done in the other place by Lord Russell and Baroness Newlove.

The right hon. Member for Tunbridge Wells talked about his shock that women in Tunbridge Wells felt unsafe walking their streets. Every woman in this Chamber was not surprised by the picture that he painted. It is the culture we grow up in, and we should start by recognising and naming that culture: misogyny. This is about the sense that 51% of the population do not have the same rights and freedoms to move around and to be seen as others do.

It is fantastic that the Bill learns lessons from what we know from the police about how to recognise that and how it drives crime, and I will root my support for the Bill in that. I hope that the Government will support this move because it reflects Government consultation, and I will make suggestions about how we can further develop the Bill so that it truly is the landmark Bill that it can be. Twelve police forces out of 44 are now united with those campaigners and the people who the right hon. Member talked about in recognising that women are disproportionately subject to harassment.

I say to the hon. Member for Bosworth (Dr Evans): this is not about dark streets. This is one of the few crimes where we always challenge the victim. We query them: “What were you wearing? Where were you going? Did you have your headphones on? Were you carrying your keys? Were you sensible?” We tell young women that it is their responsibility to protect themselves, in a way that we would never do with any other crime. We hold education sessions, which we would not do for burglary. Yet somehow, when it comes to the basic freedom of women and girls to go about their daily business, we ask them to be responsible, rather than holding those who seek to abuse that freedom accountable.

I often hear—from men, I am afraid—this idea of them having had a “revelation” that safety should be an important thing. I hear some men—indeed, men in positions of serious importance—talk about how being a father of girls has opened their eyes to the need to tackle these issues. I like to call that the Jay-Z defence, because he said the same thing about having a girl while being married to Beyoncé. This kind of legislation is not just about daughters. It is about wives, sisters, aunts, grandmothers, friends, neighbours and co-workers. Women are everywhere, but we do not get to go everywhere without being frightened—without that daily experience of thinking, “What route should I take? Should I put my keys in my hand? Should I be frightened about going down this street? It’s a cold night now, so maybe I won’t go out in the dark.” It is not the dark that is the problem; it is the people. That is what we need to tackle and that is what the Bill does.

According to data from the Office for National Statistics, every single day 24,000 women in this country experience public harassment, with those from minority communities much more likely to be affected. Frankly, I will stop campaigning for misogyny to be recognised as a driver of crime when I go to a wedding and the bride gets up and says, “Well, he followed me down a dark street, demanding to touch my breasts, and I thought it was the most romantic thing I’d ever heard. I had to stop and get in his van.” It does not happen. Yet millions of women have a story like that—a story about the fear and the impact it had on their lives.

No other crime is so prevalent that it is shrugged off as a fact of life, yet the harassment of woman has been for too long. Why is that? It is because when women come forward to report, often they get asked whether they did something to generate that experience. Often, the experience women then have is that they are told—I am sorry to say that this goes for both the police and the Crown Prosecution Service—that it is too difficult to find the person or that it was perhaps a misunderstanding.

I want to be very clear in supporting the Bill: this is not about bad manners between men and women. We are talking about crimes and offences. When we started campaigning for misogyny to be recognised as part of hate crime, we were told we were somehow criminalising wolf-whistling. One of the things I find really powerful is that people have now finally recognised that any form of harassment or unwanted attention in the streets is not endearing. It enables a culture in which it is acceptable to target women. That is what we have to change.

Catherine West (Hornsey and Wood Green) (Lab): I thank my hon. Friend for giving way and for her excellent campaigning in this area, and I thank the right

hon. Member for Tunbridge Wells (Greg Clark) for bringing forward the Bill in a joint, cross-party way. Does she agree that the Bill will only be successful if the enforcement of this important legislation is properly resourced?

Stella Creasy: I completely agree. Indeed, one of the frustrations that many of us have had through the years has been police sources in forces that do not adopt this approach saying that it is a resourcing issue. There is no other form of crime to which we say, “Look, there’s just so much of it that we’re not going to do anything about it.”

We know how serious these crimes are. We look at the histories of offenders involved in rape or serious sexual assault and we see the escalation process; because, oddly enough, the person who starts by following women down the street does not usually stop there. Tackling that is absolutely crucial to addressing these crimes. That is why I want to pay tribute to Sue Fish. Anybody who has spoken to Sue Fish, who started off by recording misogyny as hate crime in Nottingham, knows how powerful and transformative her approach has been in Nottingham, and there are now 12 police forces taking this approach. They have recognised how it is driving crime. One crucial aspect to this issue is change to the culture within the local police. Some 80% of women do not report crimes to the police, because they do not believe that the police will take them seriously. I have been in meetings where the police have said, “Well, the women have to come forward.” They do not recognise that they are not creating an environment in which women feel they will be taken seriously.

As an MP in London, I am dealing with a dramatic loss of confidence in the police because of institutional misogyny, institutional racism and homophobia. The differences seen in the police forces that have introduced this policy are one reason why I have been such a passionate champion of it and why I have challenged my local police to pick it up too. Misogyny is at the root of many crimes against women. This is not just about public harassment; it is about changing the culture in our police forces and, indeed, as the right hon. Member for Tunbridge Wells said, in our society. We have normalised the harassment of women and an environment in which it is acceptable to target women, and then we blame women for not taking the joke and not thinking that it is a fair game or that it is nice that somebody is attracted to them—it is never about attraction.

The 12 police forces currently recording where a crime is motivated by a victim’s sex or where their sex is a factor in it have clearly stated the benefits of that approach, and the Bill will underpin and enhance it. One of my frustrations is that, nearly two years ago, the Government agreed that police forces should record that data, but some forces are yet to implement that policy. Therefore, all the benefits of institutional change and reporting change that we have seen in Nottingham, North Yorkshire, Devon, Somerset and Gloucestershire have not yet been rolled out across the country. Residents in those communities are clear that the policy has increased police confidence and changed the way the police deal with serious sexual assault. Oddly enough, when forces have this policy, it is not wolf-whistling that people come forward to report, but rape, kidnapping

[Stella Creasy]

and assault. People recognise that the police will not only believe them, but treat those things as the crimes they are.

I want to be very clear that, in some ways, we should not need this Bill, because it does not criminalise anything that is not already criminal. Nothing has been more frustrating for me, as the person who secured the Law Commission review into misogyny as hate crime, than hearing people ponder whether we should make street harassment, or public harassment, an offence—it already is. The point about the Bill is the uplift, and that is why this is such a powerful moment, because we are mimicking the idea of bringing misogyny into hate crime legislation. We can argue about and debate cut-outs, where the Law Commission got to and why it has taken so long to get here, but I really welcome the fact that we are here, and I hope the Bill will be the start of something much bigger. This will be the first time that every police force has had to record this data. Therefore, every police force will have to be trained in what it is looking for and how to recognise it.

That change matters, not least for those who are affected by these things. Right now, we ask women to pick a side of their identity in order for a crime to be recognised as targeting them. Particularly with women from minority communities, we have to ask, “Is it because you’re a Muslim? Is it because you’re gay? Is it because you’re disabled?” It may be all those things, but we are asking women to fit a box, rather than recognising all those things. That is why the Bill is so powerful and why it is so important that it is about public harassment, not sexual harassment.

A couple of years ago, somebody in my local community was targeting Muslim women and pulling off their hijabs. That was not just about Islamophobia; it was also about misogyny, because this person was not targeting Muslim men. The offences in the Bill would allow us to recognise that and to see the victims for who they are, rather than asking them to fit a box. The Bill also covers men, which is important, but I note the data from the police forces that are already putting this policy into practice, which show that 80% to 90% of the victims coming forward are women. The Bill will help us to start changing the culture.

Dr Luke Evans: I appreciate the point about data on men and women, and this is predominantly a women’s issue. However, we are also talking about culture, and men might not come forward because they perceive that no one will listen to them. This is about creating a culture where anyone who experiences this behaviour can come forward.

Stella Creasy: I agree that we want people to come forward, but it is also about time that we recognised—and, frankly, apologised to the women of this country for the fact—that it has taken us this long to see that they are disproportionately affected by street-based harassment and that it is curtailing their lives. I go back to my initial point: this is about our freedom. I would hope that nobody in this Chamber and nobody in the times to come will ever experience what I experienced as a woman growing up in that culture—I am middle-aged now—as I know every woman in the Chamber did. I would not

wish this for the hon. Gentleman, but we have to recognise that challenge. So, absolutely, we want everyone to come forward, but it is about time women were heard on this issue, and therefore about time to recognise that women will particularly benefit from this Bill. That is a good thing, not something we have to have a qualm about.

If there is one thing I would want to encourage the right hon. Member for Tunbridge Wells on, it is how we can build on this legislation when, as we hope, the Government accept it. I note what he said about proving hatred, and I think there is a real challenge here. We live in a culture in which it has become so endemic to harass women that often we look at women and say, “Why are you reacting like that?” rather than saying to the other person, “Why are you doing this?”. Even worse, for several years the Met police have been running education sessions in my local community and somehow treating this as a matter of bad manners; it is as though if we talk to men nicely, they will not harass women any more. The time has come to recognise that most men do not harass women and therefore most men know that harassing behaviour is unacceptable. Where the Bill can be further improved is by learning from other parts of the law about the concept of “foreseeable” harassment incidents. So I give the right hon. Gentleman notice that if we do progress this legislation, I would like to see it learn from that concept.

What does “foreseeable” mean? It means that there would not be a defence of someone not realising that a woman would be offended when they were trying to grope her private parts, because most men do know that and it is about time we held men to account for the fact that they should know better. The concept of foreseeable harassment means that we would remove that defence of, “I did not realise that a woman would be offended if I did that.” That is particularly important when it comes to street-based harassment. In normal harassment cases there have to be several instances and a point at which the victim has said, “Stop!”, but with street-based harassment we need to tackle men who think they have a right to harass women and who should know better.

I note that the Minister said that the Government were looking at the concept of foreseeability as part of the consultation, so it would be helpful to understand from her whether that has progressed further. The one gap in the Bill relates to making sure that there is not a defence of, “I just thought she couldn’t take a joke”, because women have had to take those “jokes”—we have had to take those comments. We have had to be the ones carrying keys in our hands, not going out late at night, trying to find somebody else to travel with, and being told by that the police, “Oh, it’s about dark spots”, or, “I’ll tell you what, we’ll walk with you”. That has meant we have not had the freedom that we want for every woman of any age in this country to go where she wants, do what she wants, wear what she wants and be what she wants. I congratulate the right hon. Member for Tunbridge Wells, because this Bill and the recognition of misogyny as a driver of crime is a start of that process. We have a long way to go. I hope, like him, that in 20 years’ time “jokes” that we see on our television right now and people like Dapper Laughs will never be seen as acceptable ever again. I think this Bill can be part of that, and I look forward to seeing it go through Committee.

10.2 am

The Parliamentary Under-Secretary of State for the Home Department (Miss Sarah Dines): I rise with some trepidation, as this is my first debate of this sort in this role, but what a pleasure it is to do so with what I hope will be cross-Chamber and cross-party agreement on this serious issue. I thank all right hon. and hon. Members for being here on a Friday to discuss this serious Bill. In particular, I thank and pay tribute to my right hon. Friend the Member for Tunbridge Wells (Greg Clark). Members who are here will have heard the real passion and conviction with which he presented his arguments in introducing the Bill. That interest has been inspired by not only his own deep-felt thoughts of what is right, but by hearing individual accounts from constituents, including women who are here today. I am grateful to him for his dedication. One thing I can say is that society is changing for the good in this space, and this Bill will make things better. Things such as intentional kerb-crawling are not going to be acceptable.

I also wish to thank the other Members who will be speaking today and the hon. Member for Walthamstow (Stella Creasy), who has already spoken. I know that many have campaigned compassionately and passionately for a long time to introduce this legislation, and I would mention Members who are not here but who have been working hard on this issue, such as the right hon. and learned Member for Camberwell and Peckham (Ms Harman). Of course, we will be hearing from many other Members shortly.

I pay tribute, too, to the many charities that have worked assiduously for change, such as Plan International UK and Our Streets Now. My ministerial predecessors and I have been in receipt of many letters from hon. Members on behalf of constituents who support the campaign. I know that the efforts of Our Streets Now, in particular, are inspired by the real world experiences of its two founders and of many other young women.

Public sexual harassment is a terrible crime and, as we all know, it is far too widespread. Recent Office for National Statistics data, based on a survey carried out in January, February and March this year, found that one in two women and, indeed, one in six men felt unsafe walking alone after dark in a quiet street near their home. It is important to state that this legislation is not in any way to be construed as being anti-men, anti-women or anti-anyone. This is pro safety and pro people. It is to protect people who might be targeted because of their sex. We know that, by and large, it is women, but it is also boys and men. This is to protect us all.

I am sure that colleagues from all parts of the House will agree when I say that the ONS data contains shocking findings. Public sexual harassment is not only harmful, but totally unacceptable. Why should a woman, or a young man, have to let their friends know which route they will take home and what time they intend to arrive? Why should a woman have to hold her keys in her fist? It is the most basic responsibility of Government to keep our public places safe. Everyone should be able to walk our streets without fear of violence or harassment. Women, and of course men too, should feel confident, safe and secure when they are out and about in our cities, towns and villages.

There has been much discussion generally about non-legislative actions. These matters are, clearly, of the utmost importance and they are being treated as such

by the Government. I am really proud of the many actions that we have taken. For example, we have awarded £125 million through the safer streets and safety of women at night funds to help women and girls feel safer in public places and to make the streets safer for all, whether through additional patrols, extra lighting or more CCTV. I know that the figures and sums of money that we cite seem rather abstract, so let me bring them to life with one example. From the safety of women at night fund, we funded West Yorkshire Combined Authority to launch a train safety campaign to promote access to an online link with safety information for public transport users, such as bus tracking. This means that there is no longer a need for someone unnecessarily to stand at a bus stop alone waiting for a delayed bus. That is just one of many examples of how money can help in this area, rather than just giving a nod to what ought to be.

Stella Creasy: Anybody who lives in London and has to wait for buses that never seem to show up would welcome that, but it is also important to say that it is not the case that, if somebody was at a bus stop that did not have any lighting, or if they went somewhere that was still dark, they are somehow culpable for these crimes. The funding that the Minister has mentioned should be about making sure that everybody is safe. Women in particular should not face any challenge that they went somewhere that was not on the list of places where there was the lighting, for example.

Miss Dines: That is, of course, part of the change that we all want to see. As with most Government strategy now, we will be looking in the future at the perpetrators, not the victims. That is a move forward. Although the hon. Lady's intervention re-echoes what she said a little earlier, I just want to remind the House that there are a number of great initiatives under way. Just yesterday, I had the opportunity to meet Deputy Chief Constable Maggie Blyth, who, as we know, is the national police lead for violence against women and girls. The Government has confirmed, with, I hope, the support of all parties in the House, that we are adding violence against women and girls to the strategic policing requirement. This is that huge shift from victims to perpetrators, which is only right.

Let me provide some other examples of where money is effectively and properly being targeted on these issues. Our safer streets tool is allowing people to pinpoint on a map places where they felt unsafe. This really helps. We all know how digital innovations can make things far easier and far more focused. More than 23,000 reports have been made using that tool. That is empirical evidence. We very much need to base our legislation on the evidence—not on window dressing or what is thought to work, but on what actually does work. This Government, with Opposition assistance, are moving in the right direction.

In addition to what we are instigating, the College of Policing and the CPS have published new guidance for officers and prosecutors on how to respond to reports of public sexual harassment. I know that Members are concerned about enforceability and getting convictions and the right evidence. We are doing that.

Finally for the moment, I ask everyone to look at the Enough campaign, which has been funded and stretched out over the past few months. This communications

[Miss Dines]

campaign is giving bystanders—because we are all in this together, and our focus should not just be on particular people experiencing alarm and distress—the confidence to safely intervene when they see harmful behaviour. It is empowering victims and getting to the root of the perpetrator’s behaviour. We all know that it can start young and then gain in momentum.

Dr Luke Evans: I pay tribute to the Government for their advertising campaign and for giving the public strategies to step in, even if just as a distraction by asking for directions, for example. Breaking the behaviour is so important, and everyone in this place and across the country can try to call it out.

Miss Dines: My hon. Friend is right. The campaign has cut through. We see posters and stickers everywhere, even on vape stores. Those who have a lot to do with young men and women have seen a change in the conversation, with young men in particular saying to their friends, “That’s not okay,” and women saying, “We’re not going to copy men’s banter.” We have seen progress, and the campaign is based on empirical evidence and the money is targeted. It is not about how much money we spend, but about how we spend it. I am glad to see progress in this area.

Danny Kruger (Devizes) (Con): On offender behaviour, will my hon. Friend give some attention to the work that is being done in prisons to address perpetrators of sexual violence? The projects that support reduction in reoffending by sexual offenders are varied in their effect, and it is worth the Government paying close attention to the varied effect of those programmes. Some are better than others, but those that are good really do work and should be supported.

Miss Dines: One of the joys of being a relatively new Minister is the feeling that we can have substantive change. I would welcome anyone in the Chamber coming to talk to me about issues that have concerned them for years. I say to those in the Public Gallery as well as to hon. Members that every member of society can change something in this area: you can go to school or university and you can change things.

Alongside the measures we have taken, legislation has a key part to play, and that is why we are here today. As has been well set out by my right hon. Friend the Member for Tunbridge Wells and others, the Bill will provide that if someone commits an offence under existing section 4A of the Public Order Act 1986—namely, the offence of intentionally causing someone harassment, alarm or distress—and does so because of the victim’s sex, they could get a longer sentence of up to two years in prison, rather than six months. That is real change.

The Bill is deliberately not prescriptive about exactly what types of behaviour are covered. We do not want to create a tick-box approach that limits the behaviours that could be prosecuted. The explanatory notes will give Members a good idea of that. Cases will, of course, be dependent on the individual circumstances, but examples might include somebody being followed closely at night, obstructing a person’s passage down the street—otherwise known as cornering them—or making an obscene gesture at someone. The offence targets not lawful behaviour but actions clearly intended to intimidate. I know that

the issues of intention and intimidation will be looked at very closely. At this stage, the right way to go, in my respectful view as a lawyer, is that there needs to be intent. The House will, of course, look at all aspects of this good Bill.

Our approach reflects our considered view that all the behaviours are covered by existing offences—though I know that others take a different view—so a wholly new offence that duplicated existing ones would not have positive consequences. We cannot just window dress things and bring in laws for the sake of it. We need to be bespoke and clever about what we are doing, and actually get results. There is a real need to provide a clear offence in law that would help to deter perpetrators and give victims the confidence to report what has happened to them. Many victims do not want the aggressor or the perpetrator just to have a slap on the wrist; they want them to have a real meaningful sentence, which will drive change.

I have mentioned intention, but it is so important. The police and the CPS will need to properly gather the evidence that they need, of course—that is the way the system works—but we are working extremely hard to improve that core part of the criminal justice process. One thing that I would like to say at this point in the debate—I know that hon. Members will say more on it—is that there are always concerns that a person could claim that they had an intention other than harassing the other person. We need to look at particular actions, such as wolf whistling. I would not for one minute say that the state needs to intervene on every piece of language used, but when intention needs to be proved we know what a wolf whistle is when it leads to nefarious motives.

This law will not, I hope, in any way say that a low-level wolf whistle gets someone two years in prison. We need to have a sense of proportion. We cannot demonise any section of society, whether it is men or women. We cannot demonise people, but we can stop perpetrators, whatever their sex is. It is disrespectful to women, and wolf whistling, as we know, extends into other behaviours. We need to look at the overall picture, and Enough’s communication focuses on exactly that.

I confirm the Government’s strong support for this excellent Bill.

Dr Luke Evans: Will the Minister give way?

Miss Dines: Very briefly, as I am on my last paragraph.

Dr Evans: The explanatory notes, under “Territorial extent and application”, say that the Bill extends to England and Wales, and that clause 2 will apply only to England. As the matter is devolved to Scotland and Northern Ireland, I wonder whether the Minister is in conversation with the rest of the Union to work out whether a similar piece of legislation is being introduced, or is already in place, there?

Miss Dines: My Department is, of course, in conversation there.

Before we get to other Members who want to add to the debate, I thank my right hon. Friend the Member for Tunbridge Wells for introducing the Bill. I look forward to its swift passage through this House and the other place. It is an issue that goes to the heart of what

sort of society we want to live in. The idea that in 2022 anyone should be harassed, intimidated or targeted when simply going about their everyday life is scarcely believable, but we know that it is happening, and too often. It is still, by far, too much of a reality for many people. That is why it is high time that we send an unambiguous message that we will do everything in our power to ensure that women, and indeed everyone, can walk on our streets without fear.

Mr Speaker: I call the shadow Minister.

10.18 am

Alex Cunningham (Stockton North) (Lab): Thank you very much, Mr Speaker, and apologies for the croaky voice this morning.

Mr Speaker: It is that time of year.

Alex Cunningham: It is indeed. I welcome the Minister to her new role. She and I have shared time on Bill Committees, and it is good to be debating these issues again with her. I congratulate the right hon. Member for Tunbridge Wells (Greg Clark) on achieving Government support for his Bill. I very much welcome the people from his constituency who are in the Gallery, and who perhaps played a part in helping him to introduce the Bill. Seeing as they are in the Gallery, I reference a television programme called “God Rot Tunbridge Wells!”, which tells the story of Handel’s life. The honourable people in the Gallery and the right hon. Member may like to watch that programme, because they will see that I play a starring role in it. That is something to look out for.

I also pay tribute to Plan International UK for all the amazing work it has done in its “Crime Not Compliment” campaign, launched in 2020 to call on the Government to finally make public sexual harassment a crime. My hon. Friend the Member for Walthamstow (Stella Creasy) has named a large number of organisations this morning that have been working in this space, and my tribute goes out to them, as well.

That we have such behaviour in our society is bad enough, and the statistics in Plan International’s report, “Everything is Racialised on top” make for stark reading. Its work shows that, while 75% of white girls have suffered public sexual harassment, that figure rises to 82% for black, black Caribbean and black British girls, and 88% for mixed race girls. The Bill today does not go quite as far as Plan International would like. It would like a law that criminalises all forms of public sexual harassment and comprehensively closes the legal gaps surrounding this behaviour, but the Bill is a welcome first step in the right direction, and Labour is pleased to support it. That will be of no surprise to the Government, as we tabled many amendments to address sex-based harassment in public when the Police, Crime, Sentencing and Courts Act 2022 was in Committee last summer. Sadly, the Government voted those ideas down.

We were in the same position last week, with the Offenders (Day of Release from Detention) Bill, to which my hon. Friend the Member for Bolton South East (Yasmin Qureshi) spoke. We tabled a specific amendment to the same Bill, and I am pleased that prisoners will not now be released on Fridays, when many of the services they need are closing down.

While I am glad that the Government are finally taking action on all these issues we were debating a year and a half ago, the chaos at the heart of Government means that these important reforms are still being delayed time and again. It is simply not good enough, and our constituents deserve better.

I turn to the content of the Bill. We all know that public sexual harassment can have a real and serious impact on those who experience it. It can seriously impact how safe and confident women feel in public places, and it is mostly women who are victims of this abuse at the hands of mostly male perpetrators. However, as has been mentioned, it is also important that male victims are included, and we are glad that the Bill makes such provision.

As we have already heard, sexual harassment in the streets can be a precursor to even more serious kinds of discrimination and violence against women and girls. As Laura Bates, the founder of the Everyday Sexism Project, puts it:

“As a society, the normalisation of sexual harassment in public spaces plays a huge part in creating a gendered power imbalance and ingraining derogatory attitudes and behaviours towards women. What starts in public spaces doesn’t stay there. It plays into discrimination against women in the workplace and abuse in the home. If we say street harassment doesn’t matter, we’re designating women’s bodies public property. And that has a huge knock-on impact.”

As we know, the call for evidence for the Government’s tackling violence against women and girls strategy received 180,000 responses. I wonder how many women out there would have liked to contribute, but did not know that they actually had that opportunity. I suspect that, if they all had known, it could have run into millions of people sharing their stories. However, the fact that there were 180,000 responses is testament to the extent of the problem. Those who have bravely spoken up have contributed to some distressing, although sadly not surprising, findings. One in two women and one in six men felt unsafe walking alone after dark on a quiet street near their home. Some 45% of women and 18% of men felt unsafe walking alone after dark in a busy place. One in two women aged between 16 and 34 had experienced one form of harassment in the previous 12 months, with 38% of women aged between 16 and 34 having experienced catcalls, whistles, unwanted sexual comments or jokes, and 25% of women felt they were being followed in the street.

Last year, research by UN Women UK found that only 4% of women who had suffered sexual harassment reported the crime, and only 45% believed that reporting the crime would make any difference. Among those who did not report the crime to the police were people who had been groped, followed and coerced into sexual activity. It is deeply distressing that women do not feel they can put faith in our justice system when it comes to such abuses. The figures underline the urgency of the need for concrete action from the Government beyond the provisions of this Bill, as so much more needs to be done.

I am encouraged that in this debate there is cross-party consensus that enough is enough. We need to make sure that women and girls can trust the justice system to address these harms in the knowledge that this type of behaviour will be treated with the severity it truly deserves. If we demonstrate how seriously we take such behaviour,

[Alex Cunningham]

the perpetrators on our streets will know their abuses will not be tolerated. The Opposition agree that public sex-based harassment is a crime, not a compliment.

The Minister talked about the money spent on many initiatives throughout the country, and that spend is welcome. She also referred to the fact that many young boys now recognise that the behaviour of some of their peers is far from acceptable, and I agree. It is wonderful that education in schools is perhaps now catching up and boys are getting the right message about how they should treat girls. More importantly, it is tremendously good news that some of them are prepared to stand up and defend women and young girls in their own classroom.

We need changes in the law to ensure that women and young girls can feel safe. The House needs to do so much more to ensure that they feel safer in public spaces. The Government missed golden opportunities to do so in the Police, Crime, Sentencing and Courts Act, but I am glad that today we can at least take another step in the right direction. We will support the Bill.

10.27 am

Caroline Nokes (Romsey and Southampton North) (Con): I pay tribute to my right hon. Friend the Member for Tunbridge Wells (Greg Clark), who has done such an incredible job to get the Bill to this point. I appreciate that it has a long way to go yet, but I welcome the cross-party support for it and the comments made by my hon. Friend the Minister.

I do not recall the first time that I spoke in this Chamber about public sexual harassment, but I vividly recall doing an interview with “Woman’s Hour” in 2019, when I was ridiculed for saying that public sexual harassment should be a specific crime. I remember the commentary on the website afterwards saying I did not know what I was talking about, and I remember the *Daily Mail* calling me mirthless because I did not think it was funny. The reality is that public sexual harassment is never funny: it is always scary and it dominates the lives of too many women.

There has been some focus this morning on the lives of young women, but the stark reality is that there is probably not a woman in this place who has not experienced public sexual harassment at some point. It can happen at any age to any person, and it does happen to men as well, particularly young gay men. They need our support every bit as much as women do.

I certainly remember why I first started talking about this issue: it was largely because of a coalition of really impressive women and women’s organisations—people who had come to see me and raised the issue with me. I am going to list them all, because I argue that, once we have on our side Our Streets Now, Plan International, the Girl Guides, the Soroptimists and the Women’s Institute, we have brought together a very impressive coalition of women of all ages and backgrounds who are prepared to speak up and determined to do so. When we read the statistics, they are absolutely terrifying. They show the sheer scale of the problem. When an issue dominates the Girlguiding girls’ attitude survey and dominates the experiences of young women at school, college and university, we have to reflect that it is well past time that we did something about it.

I pay tribute to my hon. Friend the Minister, who will have the pleasure—I suggest—of responding to my right hon. Friend’s Bill, of taking it forward, and of seeing it eventually go on to the statute book. However, there is a long history of other committed female Ministers, many of whom, over the past few years, have sidled up to me and said, “Keep going: keep pushing at that door.”

Let me give some indication of the scale of support there has been. I remember my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), on many occasions in Westminster Hall, begging me to keep going—to keep on asking difficult questions, and to keep on ensuring that this issue remained uppermost in people’s minds—but, of course, she is not the only one. My right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley) has held this brief, as have my hon. Friend the Member for Redditch (Rachel Maclean) and my hon. Friend the Member for Mid Sussex (Mims Davies), who was in the Chamber earlier: she too has played a role in keeping this issue on the priority list. There is also, of course, my right hon. Friend the Member for Maidenhead (Mrs May), not to mention the former Members of Parliament Amber Rudd and Sarah Newton, both of whom also held this brief at various points.

As my right hon. Friend the Member for Tunbridge Wells said, back in December last year we saw the Law Commission’s review, which clearly stated that the Government should consider making public sexual harassment a specific crime, although, interestingly, at that time the commission rejected the idea of adding misogyny to the list of hate crimes. I was not particularly happy about that, but I was prepared to wear it on the grounds that we would see public sexual harassment made a crime. It was a shame that there was not enough time for the Government to do that, but I pay tribute to my right hon. Friend for bringing the issue as far as this point.

I want to pay tribute to some of the brilliant women out there in the community who are working both for and alongside the police, whom I consider to be real champions in this regard. The Minister mentioned Maggie Blyth, the deputy chief constable of Hampshire constabulary—my home force—who is also the national police lead for violence against women and girls. I also pay tribute to our police and crime commissioner in Hampshire, Donna Jones. I have attended many events relating to violence against women and girls where she too has proved herself to be a real champion in sticking up for the 51% of the population who are affected by these matters. Another is Caroline Henry, whom I met the day before yesterday to talk about the issues affecting women and girls.

Let me give a specific example to show why I think the Bill is so important. I have heard successive Ministers say that such legislation is not necessary, because there is existing legislation to protect women and girls from sexual harassment. I am going to recount the story of a constituent who spoke to me about it, and my subsequent conversation with the then Minister about what had happened to that constituent. This was a 22-year-old working in the retail sector—a very glamorous job, pushing trolleys around the supermarket car park in the depths of February. I want Members to imagine her uniform: a puffer coat made of hi-viz material, a pair of

leggings, heavy boots, a bobble hat, and, because this was at the height of covid, a mask. She said to me, “I hate lunchtime.” I thought that was bizarre: I thought most young people quite liked having a lunch break. She said, “I have to work from 12 pm until till 2 pm, because that is when the supermarket is busiest and I have to return all the trolleys to the front door, and I hate it.” I said, “Why? What is so difficult about lunchtime?”

I apologise for generalising, and I apologise to all those employed in the construction industry who will hate what I am going to say next. My constituent replied, “Because that is when the builders come for their lunch.” When I asked what happened when the builders came to the supermarket to get their lunch, she said, “They make comments about me, they follow me around the car park, they talk about how my bum looks, and this week one of them came up to me, put his hands on either side of my face, and told me that I was too beautiful to be pushing trolleys.” I looked at her in horror, and then I went to see the Minister at the time and said, “You’ve been telling me for months that there are crimes already being committed and that there is legislation to protect people like my constituent who tells me that she hates lunchtime and spends it pushing trolleys back to the entrance of the supermarket as quickly as she can, because that is where the security guards are—she spends her lunchtime trying to be within range of the security guards. What was the specific crime there? What legislation can we use to protect girls like her?” She looked at me and said, “I don’t know. I don’t think a crime has been committed there.” I entirely accept that we must not demonise all men and we must not demonise all builders, but that is the type of behaviour that this legislation is designed to counteract, so I welcome it wholeheartedly.

We know that 50% of young women have experienced sexual harassment in schools or colleges. We know that 37% have experienced it on public transport. I pay tribute to the amazing work done by the British Transport police, among other organisations, to highlight the unacceptability of it and the strategies and tactics that we can all use to stop being bystanders and to intervene and help women in situations where they are uncomfortable and are being harassed. We know that 33% of sexual harassment happens in public buildings and that 75%—three quarters—of all women have experienced sexual harassment at some point in their lives. All of us in this Chamber know a victim of it, which also means that all of us in this Chamber know a perpetrator. It is the perpetrators who we need to identify and we need to stamp out their behaviour.

I want briefly to talk about the cultures behind public sexual harassment. My Select Committee has done and continues to do significant work on this. I remember telling a colleague that we were doing some work on the cultures that underpin male violence against women, and she looked at me and said, “You’re trying to overturn 2,000 years of male behaviour, are you?” I said, “Yes! Absolutely—that is what we have to do.” We have to put a marker down somewhere. If we are not prepared to do it now, today, in this place, then do we wait another 10, 20 or 1,000 years? Are we prepared to do that? I am certainly not. I find that it is very liberating being a woman in your 50s; you suddenly find that you are in a terrible hurry to get stuff done now. Now is today, and the Bill is that of my right hon. Friend the Member for Tunbridge Wells.

My Committee is doing some great work looking at the experience of young women in education settings, and it is harrowing. I did a roundtable with the Agenda Alliance for women and girls at risk, which includes girls who have been through the care system and girls who have experienced all sorts of horrors in their lives. Many of them told me about their experiences in pupil inclusion units; we have to be careful about the terminology we use, in terms of whether it is exclusion or inclusion. Girls in those settings are heavily outnumbered. In some instances, it is 90% boys and 10% girls. One of the girls told me that there is a poster in her education setting talking about consent, and every day, that poster is slashed and torn off the walls. She said, “How do you think that makes me feel? It makes me feel that I am not worthy. It makes me feel that I am in danger and at risk in my education setting.” She was perfectly happy to accept that it was a suboptimal education setting, and that there were many reasons why she had ended up there, but she said, “I should be valued and protected as much as the boys in that place.”

The work that the Committee is doing is fascinating, important and worth while, but it is harrowing to hear the stories and the experiences, particularly of black women working in the music industry and of how they can be sexualised, victimised and harassed because of their skin colour, their sex and the fact that they want to get on in an industry that is incredibly male-dominated and competitive. They feel that if they make a fuss, their careers will be pushed to one side.

We heard a couple of weeks ago from Fern Whelan, the ex-England footballer, about the experiences she had as a footballer. We like to think that sport is a great leveller and that everybody is equal, but the harassment that women still face in football is significant, and it continues when they move on to careers in the media after they have finished their playing careers. She told a fantastic tale of how she had made a comment and was endlessly trolled for it, with hundreds of comments basically telling her to get back into the kitchen, while her male contemporary had made the same comment and not one single person had reacted to it in any way.

While these incidents may appear to be the less serious end of harassment, it is cultural, and it is embedded in all the places that women go, where women work and the activities they want to take part in. It is crucial that we pursue the culture. I absolutely accept that it is not all men; there are some brilliant men. I think in particular back to 2020, when women were feeling empowered and emboldened to speak up about their experiences walking home, and I shared the fact that, when I leave this place at night, I do so with my flat keys in my hand and wearing a pair of trainers. I know that they are not much beloved of Madam Deputy Speaker, who would prefer none of us to wear trainers in this place, but actually as a woman it is much easier to run home in flat shoes. I suspect that few of my male colleagues have ever reflected on their footwear before trotting home across Westminster bridge.

We must tackle the cultures. We must recognise this good Bill, which my excellent colleague has brought forward, as a first step. There will be a very long way to go yet for all of us to stand up for brilliant young women like Maya and Gemma Tutton, who have been

[*Caroline Nokes*]

such an inspiration to me and others in this place, and ensure that this is a first step and that we continue the work.

10.41 am

Karen Bradley (Staffordshire Moorlands) (Con): I have a hard act to follow in my right hon. Friend the Member for Romsey and Southampton North (*Caroline Nokes*), who made an excellent contribution. I also congratulate my right hon. Friend the Member for Tunbridge Wells (*Greg Clark*) on one of the many other excellent contributions as well as on securing the Bill and bringing it to this point. I know that he will take it further and get it on the statute book, because everybody in the Chamber wants to see the Bill become an Act of Parliament. He embodies what we need to do, because men are part of the solution.

Men are the problem—there is no doubt about it. We have talked about how the Bill can protect men and women, but women and girls are predominantly the victims of harassment in public, so we need men such as my right hon. Friend to stand up and say “No” and to say that they need to be part of the solution, because the many fantastic women who have campaigned on this for many years will get it finished only if men come on board, too. I congratulate him on his work so far. I know that he will succeed and that he and others in the Chamber and in this place believe that this the right approach and that men need to be part of the solution.

We should be thinking about the safety of women and girls all the time. The media get interested in it only when there are high-profile cases. Those cases are heartbreaking and, every time there is such a case, I, and I suspect every other woman in this place, think how it could have been them. They remember the time they took the short cut home and wondered why they had when they finally got behind their door because that short cut is dangerous. They remember walking home with their keys in their hand. I still do, because if my hands are in my pocket and my keys are in my hand, should someone approach me, I have got a weapon—something that allows me to counteract the strength of a physical attack from, inevitably, a much stronger man.

We have all got the bus to the next stop—one more stop than we would normally go—because that is the lighter walk home, so we feel safer. In these cold, dark nights, we will all think, “Is it the right way to go, or should I walk out of my way and take that different route home that means that I will not be home, enjoying the warmth of my home, until later than a man would?” A man will not think about that. A man will just take that short cut or take the short bus route home. A man will not have to think about it.

The hon. Member for Walthamstow (*Stella Creasy*) talked about how this is not right. We have to start being able to just live our lives. We should not be saying to women, “Oh, just man up.” Goodness me, that is not right. We should be able to take the bus route that gets us home quickly. We should be able to walk the shortcut. We should not have to have training on how to protect ourselves. This is not what our society should be. The hon. Lady was absolutely right and I pay tribute to her campaigning. When I was the Minister in the place of my hon. Friend the Member for Derbyshire Dales

(*Miss Dines*), the hon. Lady was a thorn in my side, but quite rightly because she said many things that made a great deal of sense. It is great to see that this issue has now come to this House.

I welcome my hon. Friend to the Front Bench. She made a point that I want to gently pick her up on. She said we want to empower victims. We do not want to empower victims; we do not want victims in the first place. We do not want to be in a position where we are apologising and explaining our behaviour. It is about the perpetrators. We want people not to be perpetrators. We do not want the crime to happen in the first place, and we need to send that very clear message.

Let me compare the attitudes on this issue with attitudes on bullying in the playground. Nobody says that somebody being bullied in the playground should man up and learn how to fight back and protect themselves. No, we deal with the bullying. We take the bully and tell them that it is socially unacceptable to be a bully. I have seen the difference in my children’s education from what I received at school. They are told, “No, you can’t be a bully. If you’re a bully, we’ll take you out of the school. You will be excluded.” We deal with the perpetrators of bullying in the playground, yet in the field of violence against women and girls, we far too often look at potential victims and try to stop them from being victims. Everyone should take safety measures. We should lock our front doors when we leave and close our windows with security locks to stop us from being burgled. Of course we should take sensible measures, but we should not have to take additional measures as women just to go about our lives because we may be harassed in public, as if that is okay and acceptable.

I was the Minister with responsibility for this area way back when. As my right hon. Friend the Member for Tunbridge Wells said, I think I was the first woman in the coalition Government to manage that portfolio. I was followed by Sarah Newton, my hon. Friends the Members for Louth and Horncastle (*Victoria Atkins*), for Redditch (*Rachel Maclean*), for Mid Sussex (*Mims Davies*) and now for Mid Derbyshire—sorry, Derbyshire Dales. I should know that, as she is my next-door neighbour.

It is a wonderful portfolio, but it can be the most difficult portfolio to deal with emotionally because the depravity that human beings can show to other human beings is sometimes extraordinary. The safeguarding brief is one that exposes any Minister to the depths of human behaviour, but it also shows the best sides of human behaviour. It can be the time when the champion and the hero is found—the person who will stand up and be counted. It can be the most rewarding.

I pay tribute to my hon. Friend the Member for Thurrock (*Jackie Doyle-Price*), because when she was a Health Minister she took this issue seriously. It is not just a Home Office response; there has to be a response from across Government. While I am getting tributes out of the way, when my right hon. Friend the Member for Maidenhead (*Mrs May*) was my boss at the Home Office, she was the Home Secretary who spotted that this victim-based crime needs to be taken seriously. Victims need to be believed, and we need to stop the perpetrators before they even become perpetrators. Too often with this sort crime, we remove the victim from the setting. We take the victim to another place and it is the victim who suffers, rather than the perpetrator. It

must not be that way—it must be the perpetrator who suffers. I continue in the theme of congratulating women Ministers by mentioning Amber Rudd and my right hon. Friend the Member for Witham (Priti Patel). All those women Ministers in the Home Office have taken this issue seriously.

To conclude on this point, the Bill demonstrates what Parliament and parliamentarians want. We are showing leadership: we are saying that this is not acceptable and society needs to listen and act differently. Taking steps like this—making what appear to be very small changes to the law—can make an enormous difference.

I want to pick up on the point that my right hon. Friend the Member for Tunbridge Wells made about hate crime. He is absolutely right that the more effective way to deal with the issue at this stage, as the legal framework sets out, is to make this change to harassment in public. However, it might not necessarily be the right way or everything we need to do in future, in a different framework. My right hon. Friend the Member for Romsey and Southampton North talked about the campaign continuing, and it does. This is not the end; it is just another step in this long journey that we are taking. But this simple Bill makes a big statement, and I say to police forces, law enforcement bodies, prosecution services and others: Parliament wants you to act in this area; Parliament wants you to take action and make sure these crimes are taken seriously. The greatest success of this Bill after it becomes an Act is that there will not be any prosecutions, because there will not need to be prosecutions, because society will have recognised that this is not acceptable and will start to behave differently.

I again pay tribute to my right hon. Friend the Member for Tunbridge Wells. He has my full support on this Bill, and I look forward to it returning to this place for Report and Third Reading, and then to the other place, and then to my right hon. Friend coming in with Royal Assent at some point in the future.

10.51 am

Jackie Doyle-Price (Thurrock) (Con): It is with great pleasure that I add my support to the Bill of my right hon. Friend the Member for Tunbridge Wells (Greg Clark). I congratulate him on bringing forward what is actually quite a radical measure. There is an outbreak of consensus across the House today, but we should reflect on the fact that these issues have been causing nuisance and misery for women for generations. We have had women representatives in this place for over 100 years, and it is amazing that it has taken us this long to bring forward a measure that, as the hon. Member for Walthamstow (Stella Creasy) said, will be liberating, because we as women have all had our freedoms compromised by having to tolerate behaviour that should have been ruled unacceptable a long time ago.

I listened very carefully to my right hon. Friend's speech, and he presented his Bill in such an articulate and factual fashion that he made it unarguable. That is a great contrast with what I heard a Prime Minister say from the Dispatch Box only this year: that we should not criminalise this as it would cause too much work for the police. That statement on its own tells us that women remain second-class citizens before the law of this country, because women are not the problem here. Women are the victims; the problem is the behaviour, and that behaviour absolutely must be tackled.

It is also great to follow three great champions of women in this place: we wheeled out the star turns today, in no small part down to my right hon. Friend, who helpfully reminded us all that this Bill was coming forward today, but it is great to see them here. I pay particular tribute to my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes), who has been dogged in her pursuit of Ministers on this issue. As she pointed out, only in 2019 she was vilified for making a public claim on this topic, and in that very short space of time this debate has been transformed. So this is a good day for women in Parliament.

I am pleased that the Minister said the Government support this measure. I am, however, slightly concerned by what she said about establishing intent, because the behaviours that the Bill is designed to tackle should be unacceptable in any context. Let me draw an analogy. When the Mayor of London reduced the speed limit on the Embankment to 20 mph, I got two speeding tickets because I did not know. I did not intend to break the law, but I had committed an offence because the law had changed and I was in breach of it. I had no real grounds on which to defend myself, because the behaviour was wrong. That is exactly the standard that should be brought to bear here, particularly as some of these crimes will be committed by groups of men in gangs, cajoling each other and egging each other on. Somebody may feel that they could argue, "Well, it wasn't a problem. I didn't intend to cause any offence. We were just having a bit of fun." That cannot be acceptable; there can be no question of allowing any kind of loophole.

We have heard repeatedly in this House that women have to take decisions every day of the week about their safety. As my right hon. Friend the Member for Romsey and Southampton North outlined, we need to bring those to life to make the whole House realise what we are talking about. She talks about wearing her trainers to walk home, and that is the kind of thing we do. I am sure I am not alone in putting my hood up to make sure that no one can see me. Even now, as a woman in her 50s, I am still making these decisions; these things do not just affect young women. However, I want to speak specifically about young women this morning, because some of the experiences they have during their teens, as they start to become noticed for being women, can cause real harm. Young girls can be traumatised by the attention they attract from men. I have said before in this place that, for young women going through puberty and through changes in their body that they are not comfortable with, it can be traumatising to have uncomfortable male attention overlaid on to that.

Let me relay a conversation I had recently on a school visit. All of us go into schools and talk about being Members of Parliament. Sometimes those visits are really good, and sometimes they are quite hard work and it takes a while to get the students going and asking questions. This visit was for International Women's Day, when I went to speak to a group of girls who were all 13 or 14 years old. It was hard work; they were not being very forward. Then, I just chucked in, "So, how many of you in this room have been victims of street harassment?" I am not naive about this sort of stuff, but even I was shocked, because every single one of them had a story. One particular girl, bless her, was quite inspirational. She was 14 but could have passed for much older, and she told a story about how she had

[Jackie Doyle-Price]

been followed. She had started to feel threatened, because this man was coming up quite close and he kept making suggestive comments to her.

Bless that girl, at 14 years old, she deliberately walked to where there were a lot of people in a shopping centre, turned round and hollered at him. I suspect that that was not the first time he had done that to any girl. I also suspect he will think twice about doing it again after she did that. This was a 14-year-old girl doing that. If we are expecting our teenage girls to have that degree of courage, bravado and strength, we are expecting an awful lot of them. The reality is that what should be tackled is that aggressive, entitled behaviour. What that man was doing was basically saying, “My entitlement to get enjoyment from ogling you, young girl, trumps your ability to say no.” The fact is that we have allowed our laws to continue to absolutely embed that principle in all aspects of our law. This Bill will help to change that.

The other aspect of that visit was that a male teacher was in the room, and the beauty of it was that, as each one of their girls shared their experiences, you could see the revelation for him. At the end of the meeting, he spoke quite emotionally to the girls and said, “Look, we need to do something about this in school. We need to start telling the boys how you feel when they behave like this.” I thought, “That’s great. I have done a good day’s work here,” and off I tootled. A few weeks ago, I was attending a church service and this girl up to me, grabbed hold of my arm and said, “I just wanted to thank you, because I was in that room when you came to school. I have now become the head girl and we have a project running all the way through the school and we are all talking about it.” I thought, “Fantastic,” but this is the lived experience of teenage girls up and down the country.

There is lots of criticism of the fact that there are too many cars outside schools. We have to get people on to public transport, but for girls it is like a war zone. We talk about how there is not a single women in this House who has not experienced this stuff, and public transport systems are probably one of the worst places to be. When introducing policies to achieve net zero, we need to think about some of the implications of these things. It is why things such as this Bill are so important to make everybody safe.

I am pleased that opinion is changing, and changing very rapidly. One of the reasons for that is that the terrible incident of Wayne Couzens, and the dreadful crimes that he perpetrated, forced everybody to stop in their tracks, and perhaps tell all the men in this House that it could happen to anyone. These are not crimes that are just directed at people in more deprived communities, lower-income groups or people who have been through the care system. They can, and do, happen to anyone.

I remember speaking to a ministerial colleague who told me that he had gone home and expressed his shock at what happened, only to have the revelation from his wife and sister that this was our lived experience all the time. Another colleague, after I had been on one of my regular diatribes on this subject, told me that now when he gets into the lift in Parliament with a woman he feels really uncomfortable in case he is intimidating her. I

thought, “Good. We’re achieving something.” When men start to think about how their behaviour affects women, we are doing something right, so I make no apologies for making him feel uncomfortable.

The truth is that society has looked the other way for too long. We have seen these behaviours normalised, and women have been expected to just suck it up, and we have. Some women still think that it is “just bants”. Well, it is not bants; it can do harm. As I said, this is about power. This is about men using their collective accepted powers to reassert their power over women. Again, it comes as something of a shock that, for all our messages of equalities and efforts to get more women into Parliament and to create more equality of opportunity, some men still use low-level behaviours to intimidate women. They would use powers to intimidate other people as well, but women are perhaps the softest target to make inadequate men feel superior. It just is not okay to do that.

Lewd cat-calling, which covers some of the behaviours that we are talking about, can also make women feel very uncomfortable about their bodies. I return to the issue of how uncomfortable it can be for teenage girls. It is no surprise to me that so many teenage girls are exploring new gender identities at the moment, because the attention that they are receiving from men can be so unwelcome. If I think back to my time as a teenager, we did not have the amount of porn, one click away on the screen of a phone, that we do now. In those days, porn was much more restricted. Highly sexual images of women, and women’s bodies, were not as freely available.

The truth is that boys will have seen the kind of stuff that used to be on the top shelf of a newsagent before they reach their teens. It is no surprise, therefore, that a sexualised view of girls starts to materialise much quicker. As my right hon. Friend the Member for Romsey and Southampton North outlined, so much of the sexually aggressive behaviour that girls experience starts in schools. There is a broader behavioural pattern here. One of the most important things about the Bill is that it will send a message to society that this behaviour is not okay—that it is wrong and harmful. As for the idea that we should worry about the volume of work that the police will have to do as a consequence of the Bill, that is not the issue. This is about sending out the message that we are not prepared to tolerate this behaviour any more.

I want to underline the point that the hon. Member for Walthamstow made about the Bill changing the culture of how women view the police in this area, because the crimes that will be escalated and reported are such things as rape and domestic violence. The message will be sent out that the criminal justice system is on the side of women. Culturally, we have to put up with things that cause us harm but which the law trivialises. Automatically, that does not put us in a good position to have respect for the institutions of the law. The fact that the police will have to record incidents will mean that they take the whole issue of gender crime more seriously.

As consequence of the Bill’s implementation, I would like to see, and I am confident that we will see, much more willingness on the part of victims and law enforcement to pursue these serious crimes. I look forward to the rape conviction rate being higher. We all share that objective, but we have never really examined how the wider aspects of the law affect women and get in the

way culturally. That is also the reason why so many incidents of domestic violence go unpunished. It has been a long time since women were treated as the property of their husbands and fathers-in-law, but behaviourally, those issues have left a legacy. That means that women are not treated fairly in the criminal justice system when it comes to getting justice.

In summary, I am hugely supportive of the Bill and I am grateful to my right hon. Friend the Member for Tunbridge Wells for promoting it. I am pleased that the Government support it, but we need to challenge much more on the wider issues of the law and the behaviour of all our institutions to make sure that we tackle violence against women—the fact that we call it “violence against women and girls” rather than “male violence against women and girls” epitomises the problem. We have always made it the victim’s problem, a woman’s problem, but it is not; the perpetrators are the problem. The perpetrators are men and we should send a very strong signal that some behaviours will not be tolerated and that we will do all we can to protect women and girls.

11.8 am

Siobhan Baillie (Stroud) (Con): I have spoken before about the serious and outrageous behaviour that girls from Stroud High School in my constituency reported to me. Those girls, in their distinctive school uniform, deal with completely unwanted public sexual harassment from men. There are random comments sometimes, and the comments are sometimes sexualised and are sometimes just really weird. I listened to their experiences. They took the initiative of creating a survey, so they went around their school—these are really smart kids—and they discovered, to their horror, that girls as young as nine had experienced public sexual harassment.

We have all experienced that and we have spoken about that in the Chamber. It ranges from being shouted at to comments by those who think they are being funny, to people being flashed at and far more serious incidents. We saw from the Everyone’s Invited campaign that this is prevalent among schoolgirls and schoolchildren. I started to investigate this, listening even more closely to my excellent colleagues and looking at the fantastic work that went on prior to my joining this House, and it became really obvious that things needed to change.

In Stroud, sadly, we have had a series of rapes and sexual assaults, which is totally devastating for the victims and their families. It has also completely rocked our community. This is a safe, beautiful Cotswolds town, which is similar to what my right hon. Friend the Member for Tunbridge Wells (Greg Clark) said about his area and the need for strong police and strong communities. We now have women who are worried about going out. We have women who are worried about going for a run during the day down our championed canal routes, because one of the attacks was in broad daylight. The Bill is not about rape—I get that—but about public sexual harassment. None the less, from speaking to the women and girls in my constituency and from listening to the experienced hon. and right hon. Members in this place, I know that, although the harassment on the streets and the trolling that is happening online daily, even hourly, to women and girls may be down to keyboard warriors being idiots, it is also fuelling physical abuse in the real world.

Caroline Nokes: My hon. Friend is making the important and powerful point that we must never ever forget that there is, uncomfortable though we may find it, a pyramid of offending. Although not every flasher becomes a rapist, every rapist has started somewhere, and public sexual harassment can be the somewhere. Does she agree that that is one of the many reasons why we have to make sure that it is stamped out at source?

Siobhan Baillie: I completely agree with my right hon. Friend. That is why I get so frustrated when people dismiss this as unnecessary, going too far, or too heavy-handed. It is a very short hop, skip and jump from someone shouting obscenities or being rude to a woman on the street to being rude in their own home, if that is their mentality. We have to make that connection and we have to keep making it strongly.

When we had those rare horrendous incidents in Stroud, the advice that was immediately given was for women. They were told, “Change your behaviour. Change your clothes.” It was exactly as the hon. Member for Walthamstow (Stella Creasy) said. It was also, “Don’t wear your headphones. Think a little bit more about where you’re going to walk”. Where do I want to walk in a beautiful Cotswolds market town? I want to walk everywhere. I do not want my thought processes to be about whether I will get attacked on any given day.

But Stroud fought back. This is a very spirited place, very politically bouncy, as anyone who follows politics will know, and my inbox is very bouncy, too. Anybody who thought that they would get away with attacking women and girls or being rude to them on the streets in my area was very, very wrong. We have all banded together to make changes, which is why I am so much in support of what my right hon. Friend the Member for Tunbridge Wells is doing. Our voices are being reinforced, although it is not just about our voices: in all of our constituencies, we have Government support for a very important Bill.

I have led a successful campaign, which the Government have now supported, to change the law and reduce anonymous online abuse, which, as I said, is completely connected to the real world. Hundreds of people in Stroud have marched, on a number of occasions now, specifically on these issues. Our police and crime commissioner, Chris Nelson, and our police have joined those marches. That is a really important step. Our PCC has made tackling violence against women and girls a focus of his work. The hon. Member for Walthamstow was talking about police forces that were ahead of the curve; Gloucestershire is one of them and I am very proud of it for that, although the police have a lot more work to do. We held a public meeting about these issues, and even though we have been reporting hate crimes and public harassment for much longer than other forces, women were standing up saying that they still did not feel comfortable going to the police. There is an awful lot of work to do, and I know that the Gloucestershire constabulary understand that.

Two fabulous constituents, Nikki Owen and Sydney-Anne McAllister—I met Sydney quite recently—have launched a pressure group called This Ends Now. They want to change the law and the media, and they are challenging both to do better, particularly on language. Where there is a rape, it should be reported in the media as a rape, not as a sexual assault, and it should not be

[*Siobhan Baillie*]

played down in any way, shape or form. I believe that committed women in my patch will be pleased to see what we are trying to do today.

I encourage all Members of the House to look up the work of the Holly Gazzard Trust, which was set up by a family who were devastated by the loss of their daughter. They have gone on to campaign on domestic abuse and to really change the lives of many other families, and they are front and centre in supporting and fighting for women and girls in Gloucestershire.

We also have Chrissie Lowery, who is winning awards all over the place. Following the rapes and other incidents I have mentioned, and the rise of concern among our school girls about public sexual harassment, she took up the baton and created the Safe Space campaign, which Stagecoach, the police and lots of local businesses are now on board with. After an incident in a very dark, dingy, scary tunnel, Chrissie took the initiative of getting some amazing artists together, and we painted the tunnel, which sounds very simple. My daughter and I went down, and we put butterflies on the wall of this horrendously dark tunnel; it is now a beautiful open space that people are comfortable going down during the day, and we are looking at having lighting and CCTV at night. These efforts are small acts of kindness, but they will all join up to make a difference.

Gloucestershire police have created something called the Flare app, which is being rolled out to other forces. It allows people to put in the details of places they are worried about in the Stroud district and creates a heat map, so the police know to go to specific points of concern and the council can come in and do work on things such as CCTV. It is really innovative, and we can probably do more with it, but 3,000 people have downloaded it, so it is going pretty well for a new piece of kit.

Given that my community and constituents have done so much legwork—there are more examples, but I will not go on and on—it is right that we in this place constantly review the law. Following the advice from bodies such as the Law Commission—where very learned people have spent a lot of time investigating this issue—my right hon. Friend’s Bill assists us in doing that. We are creating a new law that deals with intentionally harassing or seeking to cause alarm, which is a gap in the legislation that we have in this place, so I welcome the Bill.

However, it is right that there is a balance in what we are trying to do and in what happens should somebody be pulled up for sexual harassment, so I welcome the explanation of what will and will not result in imprisonment. The headlines and challenges that we have seen—that someone will be sent to prison because they wolf-whistled—are immediately dismissive. It is therefore right that we are clear about what the Bill does and does not do and about how we have sought to strike a balance. The test is the intention to cause distress. Where somebody is being a plonker, that is a very different test—we could deal with plonkers in other ways. This intention to cause distress is a serious test, which will hopefully lead to prosecutions in the right places and then to deterrence, so that we can start to change society and culture.

Stella Creasy: Does the hon. Lady also recognise the point I made earlier about adding the concept of “foreseeable”? The risk with intent is the young man

who says, “I didn’t realise that this would be harassment,” when everybody else would. When we look at intent, we have to be clear that it is foreseeable that some behaviour could cause distress; otherwise, we create a big loophole, and we will not make the progress we want to make.

Siobhan Baillie: I heard what the hon. Lady said earlier. It is not something that I have looked at, but I understand that there are already examples in legislation and I heard the challenge to the Minister to look carefully at this. It is important. We cannot create legislation in the knowledge that people are going to get let off the hook or that they will learn how to respond when pulled up by the police. That is why we have to be clear about the balance and about what the Bill does and does not do. We have to think through a range of different examples and about the responses that will be given by the perpetrators, so that the legislation is tight.

As the shadow Minister, the hon. Member for Stockton North (Alex Cunningham), made clear, we have to avoid demonising all men and boys. They are not all bad. They are not all plonkers. We know that men and boys are very much part of the solution. Early education in our schools is absolutely vital, but we cannot get away from the fact that the incidents are generally perpetrated by men. It is right to continue that debate and to also be really careful with our language about men and boys.

To conclude, the reality is that only 26% of those who experience public sexual harassment report the incident to the police, no matter how scared, harassed or intimidated they have been by it. We have also heard examples such as that robustly and passionately given by my right hon. Friend the Member for Romsey and Southampton North of the girl in the supermarket. That was a really visual story of the nonsense that girls and women have to go through every single day when they are not asking for it or wearing anything provocative but just trying to do their job. With such examples in our minds and this happening every single day of the week, of the month, of the year, we have to make changes.

I am relieved and really grateful that the next time I am in Stroud with Stroud High School girls or with the campaign group This Ends Now and other teams, or the next time I am on a march or dealing with these issues in front of a group of people in our town hall, I will be able to point to the Government backing this Bill as yet another example of the Government wanting to protect women and girls and being prepared to create the legislation to do so and bring our laws up to date.

11.22 am

Laura Farris (Newbury) (Con): It is almost two years since Maya and Gemma Tutton from Our Streets Now first approached me in Parliament. I pay tribute to them for their campaigning. As the hon. Member for Walthamstow (Stella Creasy) points out, there have been many voices along the way, but those two are notable because they are among the youngest campaigners and have been among the most persistent over the past two years. This Bill is in no small part a product of their efforts.

I have asked for laws on public sexual harassment a number of times in this place and have been met with two objections, both of which are legitimate and which

I want to deal with at the outset. The first is the point about wolf whistling. Are we creating a de minimis criminal offence that will result in the police going on a wild goose chase after builders who have happened to wolf whistle at somebody? Gemma Tutton was asked that question when interviewed on the “Today” programme this morning. I will return to it later in my speech, but her answer was no and that what we are talking about is “really sexual intrusive abuse”. When we mention that in any roundtable we conduct in our constituencies or when we meet women’s groups, everybody knows an example of what is being referred to. The language used in that context would be completely unacceptable to repeat in this place, but such behaviour is pervasive and serious and the purpose of the offence is to address it.

The other objection that I have encountered in the past is that it is already a criminal offence under the Public Order Act 1986. The truth is that that is true in principle, but it is not really true in practice. Very rarely do women even know that they would have a right to go to the police to report public sexual harassment if someone said something really obscene to them in the street. On the very few occasions that I have encountered somebody who has been to the police, they tell me that they have been met with a really inconsistent and imperfect response by police officers who—and I say this respectfully—sometimes do not really know that there is such an offence and are unfamiliar with what they are required to do under the Public Order Act. I think that creates two imperatives to look at this.

I was very glad to hear the Minister respond positively at the Dispatch Box. I am going to expand on why the Government need to be enthusiastic about the Bill. It is right that the Government are responding to the recommendation of the Law Commission. I know that, when the Government have developed their work on tackling violence against women and girls, they have always wanted to do so following consultations and with a proper evidence base. After the comprehensive work the Law Commission did, it is difficult to say now that that has not come forward.

It is true to say that, in the last two to three years, the Government have increasingly shown that they are willing to enter the public sphere—the public, rather than the private—in the treatment of women. An example of that is when they outlawed upskirting. We are currently discussing the Online Safety Bill and the sharing of intimate images. My right hon. Friend the Member for Basingstoke (Dame Maria Miller) is leading the charge on this, but the Government have made positive indications, and downblousing, another form of intrusive imagery, is likely to be included.

It was this Government a decade ago who created a distinct offence for stalking. I want to make it absolutely clear that I am not suggesting stalking is comparable to public harassment. It can be a much more serious offence, but at its inception, the first time someone acts, there is the idea of fixating on somebody and thinking about how to encroach on their public space in a way that will humiliate them, cause them fear or have a predatory impact. That offence has something in common with what we are trying to achieve today.

The purpose of this commendable private Member’s Bill from my right hon. Friend the Member for Tunbridge Wells (Greg Clark) is in some way to draw all these strands together. I would respectfully say that it is far

better that we talk in the wider language of public sexual harassment, rather than in a piecemeal way, where we deal with individual acts and offences as they arise, such as upskirting and downblousing. Even those slightly contrived expressions show that we are dealing with the issue in a piecemeal way, rather than looking at it in a more cohesive sense.

There is also an important point to be made about consistency with the law. Since 1975, there has been a prohibition on sexual harassment in the workplace and in educational settings. That was set out in the Sex Discrimination Act 1975, but it now appears in section 26 of the Equality Act 2010. It is clear that the 2010 Act has informed this Bill, because I notice that some of the statutory language is replicated. It is not as if the Government are unfamiliar with the law of sexual harassment, or that it does not exist anywhere. It does and it has been borrowed a bit here.

The whole sense of sexual harassment is something that has been brought into sharp focus since #MeToo particularly. We talk about sexual harassment in the workplace, but in the last year or so, particularly in educational settings such as universities, we have talked about non-disclosure agreements. That has been a big topic, and it is another part of what we are discussing today.

Another point, which we have all been tiptoeing around a bit, is how we draw the line at reasonableness and find the minimum threshold at which it would not be appropriate to criminalise somebody’s conduct. I would respectfully say that that already exists in law. I refer the House to section 26(4) of the Equality Act, which sets out a reasonableness condition that is necessary to establish, whatever the conduct complaint in the workplace, that it meets the threshold for unlawful harassment. It is not simply enough for somebody to assert that something has happened and on proving those facts establish that a civil tort has been made out. They must meet the reasonableness threshold set out in the Act, and I see no reason why equivalent terms could not be transposed into the criminal law, because the law is already used to looking at this.

It is true to say that there is a pervasive problem about women’s safety in public places. When I did a women’s safety survey in my constituency, 85% of respondents gave me an example of somewhere in the town of Newbury where they had felt unsafe. When specifics were given, they were much analogous to the kinds of harassment this Bill seeks to proscribe. Nearly every incident that I was given detail about had occurred in Newbury and at night, and I note that there have been two sexual assaults reported to the police in Newbury alone.

I want to pick up on another point that many MPs have made. I represent a market town in Berkshire; it is a low-crime area. None the less, in the three years since I was elected, the area has seen one violent murder of a woman by her partner, for which Christopher Minards was sentenced to life at Reading Crown court last September; a rape, for which Mark Tooze was sentenced to five years at Reading Crown court last July; a former Newbury police officer given a three and a half year sentence for abusing his position by coercing vulnerable women into sexual relationships; and a number of sexual assaults. Even in a low-crime area, very serious violence

[*Laura Farris*]

against women is happening, and therefore I do not take gateway issues, which I believe public sexual harassment can be, lightly.

As my hon. Friend the Member for Stroud (Siobhan Baillie) said, public sexual harassment is particularly directed at younger women and girls. Like her, I did a roundtable with some schoolgirls, and the girls at Park House, a big secondary school in Newbury, told me about being particularly targeted when wearing their uniforms and the men who kerb-crawl at the end of the day or wait at certain junctions, saying obscene things out of the window. The girls definitely thought that there was a link to wearing the school uniform and felt more vulnerable when wearing it. My constituency of Newbury is far from alone in this. Plan International gave me some data when I was preparing for the debate, and it shows that 75% of girls and women aged 12 to 21 have experienced some form of sexual harassment in a public space.

This is a very important and helpful Bill because it creates for women a clear set of contours so that they know when their rights have been infringed. It is also helpful to the police, because the words “public order offence” are quite vague, and if there is a public sexual harassment offence and police have training on it, it will be much clearer to them what they are expected to do and how they are expected to act when it is drawn to their attention. We can probably all agree that there has never been a more important moment for the police to reinject confidence in their relationship with the public, particularly in terms of how they are prepared to deal with violence against women and girls.

I want to end by agreeing with my hon. Friend the Member for Thurrock (Jackie Doyle-Price): I cannot bear the expression “tackling violence against women and girls”. I regret that we use it and that we tolerate it in the passive voice. It is male violence against women, and as lawmakers, we should call it what it is; I really feel strongly about that. Overall, this Bill is an important and valuable tool in our long battle to completely overhaul women’s safety.

11.32 am

Mr Gagan Mohindra (South West Hertfordshire) (Con): It is an honour to follow my hon. Friend the Member for Newbury (Laura Farris), and I commend my right hon. Friend the Member for Tunbridge Wells (Greg Clark) for bringing this Bill before the House. Listening to the speeches this morning has been a real eye-opener. We have heard some powerful arguments from Members across the House for why this legislation is unfortunately still necessary.

I repeat the plea of my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes): hopefully this legislation will never have to be used. What I am hearing from across the House is that lived experience needs to be more widely shared. I became an uncle again last week to a beautiful little girl who we have nicknamed Jingles while her parents think of a more appropriate long-term name, and I want to be able to say to her and my other nieces, as well as to my sisters-in-law, my parents and all my female friends and family that we are on a journey to making sure that this is stamped out.

I was brought up in the Greater London area, and I remember walking the streets of east London and how I was intimidated back then. If I could speak to an equivalent of myself at that age now, I am pretty sure their life would be a lot easier, but that journey has not been as quick for women in this country. As a House, we recognise that, which is part of the reason we are debating this today, but there is much more that can be done. As someone who has spent a bit of time in the Home Office, I know that the Government are doing a lot on this. My hon. Friend the Member for Thurrock (Jackie Doyle-Price) spoke about the terminology used in a particular report, and I hope that those on the Front Bench listened to that.

We need to continue to make men a bit more self-aware. My hon. Friend the Member for Thurrock spoke about a colleague being a bit self-conscious in the lift; that is absolutely the right type of attitude that we want to instil. We need to be conscious that when men walk down the local street or home from the tube station, we generally do not bat an eyelid in respect of our safety. When I was at university—I remember this shocking me at the time—each and every one of my female friends at the time had a story about feeling scared. If I repeated that exercise today, the likelihood is that unfortunately each person would have the same answer.

We have spoken about some stats; I would argue that a lot of those stats are probably hiding a lot of the issues. Although the stats show that 75% of females feel intimidated, I am pretty sure it is closer to 100%, but the other 25% do not yet feel confident enough to start to say, “Actually, I may have been a victim of harassment or other issues.”

We need to be more socially and culturally aware. As someone who thinks about doing the right things even when no one is watching, I know that there will have been instances when I was with a bunch of predominantly male friends, especially in my younger days, when we may have ended up with a herd mentality. We need to nip that in the bud.

I compliment British Transport police: on my commute in recent weeks and months I have seen advertising hoardings that tell people to call out bad behaviour and explain how to intervene safely and securely if they see a potential domestic violence issue on the London underground. Part of what we need to do today—I hope to take this away afterwards—is encourage further education for us all on how to nip things in the bud at an early stage. We spoke earlier about the pyramid model, and I do think that is correct. If we do not deal with bad behaviour early in someone’s trajectory, they could go on to bigger and worse offences that none of us wants to see.

I am conscious that I have probably spoken for longer than I intended, but I am grateful for being allowed to contribute.

11.36 am

Holly Mumby-Croft (Scunthorpe) (Con): I thank my right hon. Friend the Member for Tunbridge Wells (Greg Clark), who is very well respected in Scunthorpe because of his work on the steel industry some years ago. I thank him for that work and for bringing forward this very important private Member’s Bill. It is a pleasure to be here to speak about it. It is important that we

recognise that we are having this debate during the UN's 16 days of activism against gender-based violence. This is a matter of interest to many of my constituents and I am pleased to represent them today and to talk about this issue.

I am also here as a person who completely understands, as we all do, the fear of being inappropriately approached in public. I am here as a parent, as an aunty and as a member of our society who understands. There cannot be anyone present who has not had a friend, a sister, their mum, their aunty or somebody they know ring them up and say, "Can you just stay on the phone with me please? I have got off the bus and I think maybe there is someone behind me," or, "I feel a little uncomfortable; will you stay on the phone with me until I get home and let you know that I'm safe?" We will all have experienced that.

As the Office for National Statistics tells us, one in two women feels unsafe walking home at night. The proportion for men is much lower, at one in six. It is no wonder that the calls for change we have heard so passionately expressed by so many colleagues today are so loud, because we all understand, instinctively and innately, that this is an issue of concern that affects our families, friends and constituents. We all understand that it is right that we address it, so I am grateful that we have the opportunity to do so today.

We have seen various petitions and many of our constituents have expressed concerns. As has been said, we have to acknowledge that legislative change alone will not address this issue in its entirety. It has to be a much wider conversation that we start with our own children, nieces and nephews and other children we spend time with, and part of the conversations we have in schools, colleges, universities and the workplace. It should be a conversation that we continue to have and revisit throughout our whole lives.

I want to recognise the work in my local area through my local police and crime commissioner, Jonathan Evison. He has opened a community safety fund that supports projects that, among other things, improve the safety of outdoor public spaces and support those most at risk of crime. I absolutely take on board the points that have been made today. We should be safe to walk anywhere at any time, whether the lighting is good or terrible, and whether it is an alleyway or a wide open space—whatever it is. It is helpful and right that we make those spaces as safe as we can by making them well-lit and by recognising areas where it is less pleasant and where we feel less safe and addressing that.

The police and crime commissioner's strategy emphasises the collation of data and understanding some of the root causes we have heard about today. My right hon. Friend the Member for Tunbridge Wells mentioned the thousands of years of history and some of the root causes of the behaviour that we still see. The strategy seeks to put forward some solutions to this violence that women and girls face.

We also saw the launch of the safety of women at night fund, which is specifically targeted at public spaces at night. We all know of areas in our constituencies and places where we spend time that feel safe, open and well-lit in the daytime, but which at night can be a completely different environment where we do not feel comfortable or safe spending time. I congratulate the

police and crime commissioner on that work, because this is real money going to real effective projects, and we can see the results.

We also have, as was mentioned earlier, the StreetSafe project. I have spoken to young women and girls in my constituency who have told me that they know areas where they expect this kind of behaviour to take place. I have spoken to local police officers who were genuinely concerned and understood the issues. They, too, knew where some of these places were. The StreetSafe tool, which is a mapping tool that I have advertised on my Facebook and encouraged people to use, allows us to share information, build a picture and collect the data about areas where this behaviour is taking place. The police can then understand that and show that resources need to be allocated to those spaces.

In terms of the wider legal context, I am not a lawyer. I understand the arguments about existing legislation, and what that does and does not cover, and I defer to my more learned colleagues who do understand that. I am well convinced by the words of hon. and right hon. Members that this Bill is required and that we are not able to take the steps we need to take, to send the messages we need to send and to make the changes we need to make with what is available to us at the moment. I am completely convinced on that matter.

My view is that the intention of this Bill is good. It is needed, and we can see that it has cross-party support in the House today. This Bill should only ever have been rejected if the Government could show that the existing framework would put us in a position where we can tackle this issue. I am pleased to hear the Government's response today. I want us to reach the end of this process and be able to say clearly that the law is written in the most optimal way it can be to prevent further instances of sex-based harassment on our streets. I wish my right hon. Friend the very best with this Bill as it continues its progress, and I commend him on the work he has done so far. I hope we reach the correct outcome.

11.44 am

Duncan Baker (North Norfolk) (Con): It is a great privilege to speak in this debate and in support of my right hon. Friend the Member for Tunbridge Wells (Greg Clark). Like many Members, I am new to this House and sitting here this morning I was starting to think that, as a new MP, sometimes we are away from home for quite a lot of time. This week has been a full week, before I go back to North Norfolk to switch on a few Christmas trees in my constituency tonight. I have sat here listening to the contributions, some of which have been extremely powerful. I think it was the one from my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes) that made me suddenly think for a moment about how I would feel.

Sitting here, we begin to think about going back home to our families. I have two little girls; I have often spoken about them. Like their father, they are quite nice little dots. Isabelle and Eleanor are 11 and seven, with blonde hair. I sat here, as a father, listening to what my right hon. Friend said. I think that I speak for every father, and indeed mother, in this place when I say that if one day I had to come home and hear about one of my little girls being spoken to by a man about what she looks like, or what her bottom is like, and having had a

[*Duncan Baker*]

man touch her while she was waitressing or putting trollies away in the supermarket, I would want the law to protect her. What we heard from my right hon. Friend was disgraceful, and well done to her for looking after her constituents so well. I am very honoured to support the Bill based on what was said this morning.

Turning to the Bill and some of the research that I have done, harassment in public on the grounds of race or disability is rightly treated extremely seriously. Following what I have just said, I firmly believe that to harass someone due to their sex is absolutely no different, and should incur exactly the same response. I have heard over the last three years from constituents, usually women and girls, about their own lived experiences. To hear some of those stories, just like what has been spoken about this morning, is deeply saddening, and in many cases they feel powerless to get something done about it.

I find the statistics extraordinary, with 75% of girls reportedly experiencing unwanted sexual attention in public and over 30% of girls receiving verbal harassment at least once a month. It is unthinkable, and clearly something must be done about it. We need to ensure not only that sexual harassment is punished, but that the victims know who they can report it to, and where they can receive the necessary aftercare. I find the statistic of 68% of adult women experiencing sexual harassment since the age of 15 deeply disturbing.

Florence Eshalomi (Vauxhall) (Lab/Co-op): That is a really important statistic. Has the hon. Gentleman heard the term “adultification”, which sadly a number of young black girls suffer from? They are perceived as being much older than they are, and they are treated unfairly, including unwarranted sexual assault and sexual touching.

Duncan Baker: I thank the hon. Member for that intervention. I am not an expert in this area, and it is not something that I know a great deal about, but I have had the privilege of sitting here this morning and hearing and learning. I will certainly go away and look at her point, and I thank her for making it.

To sum up my thoughts, I will go back to my two little girls, whom I look forward to seeing later. I, like every other Member of this House, want my daughters to be able to walk home at night feeling safe. I want them to be able to feel confident that the law will protect them. I find the statistics that we have been given a sad reflection on society. We have a society that seems to tacitly tolerate so much sexual harassment, and turn a blind eye to it. For too long, women and girls have had this experience of deliberate harassment intended to raise alarm and cause concern when they are just going about their everyday lives. I entirely support the Bill, and commend it to the House.

11.50 am

Chris Clarkson (Heywood and Middleton) (Con): It is a pleasure to follow my hon. Friend the Member for North Norfolk (Duncan Baker), and to take part in the debate.

I congratulate my right hon. Friend the Member for Tunbridge Wells (Greg Clark) on his Bill. I have the privilege of serving on his Select Committee, the Science

and Technology Committee, and the Bill bears all the hallmarks of his forensic attention to detail and, indeed, fundamental decency. I also pay tribute to Safenet, Rochdale Women’s Welfare Association, Independent Choices Greater Manchester, and Superintendent Nicky Porter of Greater Manchester police, who is the VAWG lead for GMP and also my local superintendent. She does remarkable work, and I look forward to supporting her in that regard.

I was struck by something that the hon. Member for Walthamstow (Stella Creasy) said in her speech. We often talk about oppressed minorities in this place, but in this instance we are talking about an oppressed majority. She said something thoroughly depressing: “Women are everywhere, but we do not get to go everywhere without being frightened.” What an awful statement that is, and how awful it is to have to realise that that is the truth, the lived experience for the majority of people in the country. It is flabbergasting; it is horrendous.

Safety is not something we should ever be able to take for granted. Walking down the street at night, travelling to school, going to the gym—these are things that women and girls, and men and boys, should be able to do without fear. However, that is just not the case. It is not the lived reality. According to Plan International, 62% of women have avoided doing something routine because they have either experienced sexual harassment or feared it. That is a disgrace, and that is why the Bill is so important. By amending section 4A of the Public Order Act 1986, it will make public sexual harassment a sex-specific offence for the first time. Some have suggested that it might be simpler to add misogyny and misandry to the list of hate crimes. However, as my right hon. Friend the Member for Tunbridge Wells pointed out, we do not want to leave open a loophole enabling an abuser to simply say that the harassment was not motivated by hatred of a particular sex. While I agree that this is a good first step, I think we need to think about how, technically, we can make those offences work in law.

More important is the fact that the changes proposed in the Bill have not come out of the blue. I take the point made by my hon. Friend the Member for Thurrock (Jackie Doyle-Price) that the passive term “violence against women and girls” is not an appropriate moniker, and I hope we will start to change that language, but it was the Government’s VAWG strategy that highlighted the need to take public sexual harassment more seriously. The Law Commission then suggested that more attention should be paid to legislative changes. It was therefore good to see the Home Office launch its consultation over the summer to determine how best the law can protect individuals from public sexual harassment.

I say “individuals” because it is important that to remember that this behaviour does not just affect women and girls, and that men can also experience harassment based on their sex. As was pointed out by my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes), it disproportionately affects the LGBT+ community. I certainly do not wish to diminish the experience of the women who are in the Chamber today, but I myself have experienced a form of sexual harassment. I am a member of that community, and it is pervasive. Even if only one in six men fear it, I think we need to keep an eye on it.

I hope that the Bill will enable us to give more support to victims of public sexual harassment so they are able to identify instances of criminal behaviour, and to feel confident that once they have been reported, their cases will be dealt with properly. Only through greater clarity in the law can the public have confidence that intentional harassment based on sex will be dealt with swiftly and appropriately by the police.

Stella Creasy: The hon. Gentleman is making a powerful case about the importance of being specific, and I think we need to be clear about the fact that this is not about sexual harassment alone. It is about sex-based harassment, because these behaviours are about power—the power to demean and insult somebody, with that sense of entitlement. It must be made clear that, in the case any of the victims, this does not have to involve sexual words or behaviour to be sex-based harassment under the Bill. Whether it constitutes misogyny or misandry, it is unacceptable.

Chris Clarkson: The hon. Lady makes an extremely important point, and I absolutely agree with her; these behaviours are entirely about power, and therefore a sexual element is not always necessary in order for them to permeate. I am simply speaking to the use of the language. As I said, this Bill is a good starting point. We need to have a broader conversation about how we specifically make misogyny and misandry hate crimes, but obviously the technical implementation of that will take time. We need this legislation in place now, which is why I will be actively supporting it.

We have heard some powerful speeches today. People have said, “As a father”, “As a husband”, “As an uncle”, and so on, and those are laudable reasons to give. I am not a father, which will not surprise anybody. I am not married to a woman. I have female relatives, but that is not the reason I am supporting the Bill. I am supporting it because it is morally the right thing to do. It is completely unsustainable that the majority of the people in this country live in constant fear of injury, harassment and simply not being able to go about their lives as I can.

I have the privilege of being a white middle-aged man. I live in a society that was specifically designed by people who look like me for people like me; that is fantastic, I can breeze through life and 90% of the time I will not be affected by anything. I am a member of a particular protected characteristic, but perversely the law already protects me. I can be protected on the grounds of my sexuality but not on the grounds of my sex, which is not an appropriate way for the law to operate in this day and age. So I will be supporting the Bill because it is morally the right thing to do. It is the decent thing to do and, once again, I congratulate my right hon. Friend the Member for Tunbridge Wells on having the initiative to do this, because it has been far too long.

11.56 am

Anthony Browne (South Cambridgeshire) (Con): I, too, want to start by congratulating my right hon. Friend the Member for Tunbridge Wells (Greg Clark) on introducing this important Bill. It is humbling to speak after so many passionate speeches; there have been more than in any other debate I have been involved

with, particularly from the female Members. I think in particular of the speeches from my hon. Friends the Members for Newbury (Laura Farris) and for Thurrock (Jackie Doyle-Price), the hon. Member for Walthamstow (Stella Creasy), my hon. Friends the Members for Stroud (Siobhan Baillie) and for Scunthorpe (Holly Mumby-Croft), and my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes). We heard a lot of incredibly informed and powerful speeches.

I think it is important for me as a man also to speak about this, for two reasons. The first is that this Bill is about a problem that affects us all. As other Members have mentioned, we men have daughters, wives, mothers, sisters and we are also directly affected by this; I want all my loved ones not to have to live in fear. Secondly, it is important for men to speak about this because although this problem primarily affects women—it does affect some men as well—it is primarily and overwhelmingly men who are the perpetrators of it. The problem is not women’s behaviour. The problem is men’s behaviour and it absolutely need to change, and that is what we hope this Bill will succeed at. We also need to educate men about the importance of changing behaviour and about how a lot of what they currently do is unacceptable. Wolf-whistling is unacceptable, so is deliberately following women down streets at night and so is leering over them in the tube and making sexual comments—it is not okay. Men have to change their behaviour, and we need to educate young men, boys, children in schools that that behaviour is unacceptable.

Attitudes have changed over time. I recall as a child going past a building site where various builders cat-called, wolf-whistled out to a woman, who was clearly very distressed by it, and other people nearby found it acceptable that that was happening. It was a sort of “joke”, although clearly it was not a joke for her. Nowadays, people would find that far less acceptable, but clearly attitudes need to change far more. One clear lesson from this morning’s debate—I will not recite all the statistics that other Members have used, although I have them here—is that this is still a very widespread problem. It is far too prevalent. Clearly, it is completely unacceptable that the majority of the population live in fear and we absolutely have a duty as a Parliament to deal with it.

As the hon. Member for Walthamstow mentioned, we already have a law for this. The Public Order Act 1986 does cover harassment, not sex-based harassment, and there are penalties for it. Clearly, however, the current legal framework does not work, because this is still a problem. That is why it is clearly necessary to up the ante, have a particular sexual harassment-based crime and increase the penalties, as this Bill does. That should sent out a message to three different groups: the police, the victims, and the perpetrators. The message to the police, law enforcement agencies, courts and judges is: society and Parliament expect you to treat this with the seriousness it deserves; this is not something you can expect victims to shrug off or “man up” and deal with. Some people have talked about that.

The police and the courts have an absolute duty to clamp down on this. Increasing the penalties and having a specific law for it will make it clear to them that they need to do that. It sends a message to victims as well that it is important that they get the protection that they want.

[Anthony Browne]

It sends a message to victims as well that it is important that they get the protection that they want, and that there is a law out there to protect them. The law enforcement agencies, if they step up to the plate—we expect them to—will make it clear to victims that the harassment they are experiencing is not acceptable. The victim should therefore feel more empowered to come forward and report it. At the moment, few do so, because they know that it will be ignored, but the Bill will ensure that such cases are taken seriously.

The third message—this is perhaps the most important one—is to the perpetrators: that such behaviour is totally unacceptable, that they absolutely must stop doing it and that, if they do not, they could face up to two years in prison. Perpetrators should know that cases will be taken seriously, that victims will report them and that the law enforcement authorities will treat them with the seriousness that it deserves.

I am proud to speak in favour of the Bill and glad that the Government are supporting it. Again, I commend my right hon. Friend the Member for Tunbridge Wells for bringing it forward.

12 noon

Peter Gibson (Darlington) (Con): It is a pleasure to follow my hon. Friend the Member for South Cambridgeshire (Anthony Browne). I congratulate my right hon. Friend the Member for Tunbridge Wells (Greg Clark) on bringing forward the Bill. He is taking the opportunity to raise a hugely important issue and has introduced a Bill that will better protect our constituents. We have heard some excellent and moving speeches, and with good reason, because this is an important issue that affects everyone, either as a victim or as a relative of a victim.

Having served on the Women and Equalities Committee under the excellent chairmanship of my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes) and on the Bill Committee for the Domestic Abuse Act 2021, together with regular engagement with my local police, my local domestic abuse refuge and the night-time economy, including a recent shift at the newly established night-time hub in Darlington, I am only too well aware of the need for our society to do more to protect people, and particularly women and girls. I am therefore pleased to support the Bill, which will help to put in place further measures that will improve the safety of our constituents.

The Bill is undoubtedly another good step forward. It is simply wrong that, in modern Britain, women and girls still face harassment and fear being in public alone. Victims of abuse and harassment—predominantly women and girls—have been failed time and again by the criminal justice system. We can always do more, and we must do more to prevent that from continuing.

I again commend my right hon. Friend the Member for Tunbridge Wells on bringing forward the Bill for its Second Reading. It will provide another layer of protection in our society and is a great move in the right direction. It is vital that we see it progress through its legislative journey, and I offer my services on the Bill Committee should he require them.

12.2 pm

Miss Dines: With the leave of the House, I will make a few comments about the way in which the debate has been conducted. It has been a pleasure to respond on behalf of the Government to the excellent Bill promoted by my right hon. Friend the Member for Tunbridge Wells (Greg Clark). Sitting next to me is the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Mid Sussex (Mims Davies), who previously held my role.

On the history of this issue, I want to give thanks not only to the parliamentarians on both sides of the House but to those who have held office and fought really hard continuously to get this moving. I must also mention the former Prime Minister, my right hon. Friend the Member for Maidenhead (Mrs May), all the senior parliamentarians who have held ministerial posts or the Chairs of Select Committees, and everyone who has worked so hard on this. The joy of this place, and not only for those watching our proceedings at home, is that there is a learning curve. The pace of change gets faster, and this issue is one on which we can look forward to seeing real, radical change brought in by the Government, hopefully with cross-Chamber support.

Another joy of this place is that I, as a member of the 2019 intake, can look around me and see a wealth of experience, which, may I say, comes in all shapes and sizes, let alone sexes and appearances, and haircuts? It is just so wonderful that, with every election, we have a new intake in this wonderful place, which brings fresh ideas, fresh experiences and fresh ways of engaging with communities. We have heard a lot about the good work with communities.

I pay tribute to many of our police and crime commissioners who are stepping up to the plate. We have heard numerous examples from Members across the House of their own initiatives brought forward by police and crime commissioners. That is exactly what this is about: change from the police as well as change from perpetrators. I thank the hon. Member for Walthamstow (Stella Creasy) for her hard work. She spoke about freedom; it is always wonderful when Members of all parties use that word. That is what we are here for. It is all about freedom, in contrast to many countries in the world. We are leading the world in this piece of work, and it is wonderful it is cross-party.

On the challenges moving forward, a few Members mentioned that I said I want to empower the victim. I do not say that with any exclusivity, to mean that the victim is at fault or that is the only forward. It is not mutually exclusive. The Government's focus is on perpetrators—it is about gathering information and evidence on perpetrators with new initiatives, not least on rape and serious sexual offences and violence against women and girls. That is wonderful. It is exactly what will cut through. I apologise for having said “empowering victims”—I mean that in the context of empowering them to go to the police and expect to be taken seriously, rather than being brushed off and told that it does not really matter because it is part of being a young girl. That is the empowerment I meant, though the emphasis may not have been quite right.

I thank all those who intervened and did not make a substantive speech, such as my hon. Friend the Member for Bosworth (Dr Evans). Some very serious points

were made. In response to the forthright and useful comments made by the Opposition spokesperson, the hon. Member for Stockton North (Alex Cunningham), I reassure him that when he said enough is enough, that resonates with the Enough media campaign. I paid quite a harrowing visit to Charing Cross police station with the public protection unit yesterday. I heard horrendous stories, as hon. Members can imagine. Some of the senior officers were saying that enough is enough. These are words that resonate and have the power to change.

My right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes) has done a huge amount of powerful work. I thank her for the explanation that she gave of constituents and other people who have spoken to her and given evidence to her in her work over the years. She mentioned Donna Jones, the police and crime commissioner for Hampshire, whom I met just a few weeks ago. She is leading in this field. I am so pleased that women—men, too, but it seems to be mainly women—can work together to cut through this issue. It is useful, and I thank her for that. The right hon. Member for Staffordshire Moorlands (Karen Bradley) has worked closely with others in the field and was a Minister in the role that I now hold. We need trailblazers to kick us in the right direction, and I thank her for her work.

My hon. Friend the Member for Thurrock (Jackie Doyle-Price) is always an impassioned speaker, and I always listen carefully to what she has to say. For MPs from the 2019 intake, such as me, it is wonderful to have depth of experience from across the House to help us. She spoke about mens rea and whether there needs to be intention to commit an offence. She made a comparison with speeding, which is a straightforward, strict liability, no-defence case. There will be further discussion. As mentioned by my right hon. Friend the Member for Tunbridge Wells, we need to prove the defendant's mental state. That is a well-established legal tradition over hundreds of years, and we have to be careful if we go in a totally new direction. We will look at each of the points that my hon. Friend the Member for Thurrock raised.

My hon. Friend also raised, as did many Members, the need to put together better male education together for our young boys—also girls, but particularly boys—so that they do not get peer pressure towards certain behaviour when the hormones kick in and think that it is okay. The sooner we shout out that sort of behaviour, the better. As a basic comparison, it is like when we teach a child not to steal 50p from the table. It means that they are less likely to steal 50p from a shop and go on to commit fraud. In the same way, failing to call out harassment when someone is very young can lead to much more serious crime in future, as many Members said. It is important to tackle that, and education across the board is needed.

My hon. Friend the Member for Stroud (Siobhan Baillie) is very experienced in this field, as are all the other Members who have contributed today, and has done commendable work. It is startling to hear of such serious crimes being committed in Stroud or in Newbury; it is shocking to think that sleepy places experience crimes as serious as those anywhere else. This truly happens across the country. In my new role, sometimes eyebrows are raised and I am asked which part of the country this affects—people ask whether it happens

everywhere or is geographically specific. We need a bespoke approach to dealing with certain issues in certain areas, but we need to improve on this across the board. It does not matter where we live: girls and boys must have the same rights.

We need to empower girls and boys who have suffered from sex-based harassment to go to the police. A lot has been done on this, and my hon. Friend the Member for Newbury (Laura Farris) set out the new laws and the work we have done: there is the new law on upskirting, and we are working on downblousing and online safety. This is important, innovative work, and I am very pleased to be part of a Government who are taking this issue by the neck and shaking it. I was particularly interested in the discussions my hon. Friend the Member for Newbury has had with secondary schoolchildren, especially girls. That takes us back to the need for better education across the board.

I thank my hon. Friend the Member for South West Hertfordshire (Mr Mohindra) for his intervention. It is always touching to hear a few heartfelt words from a Member who has thought deeply about these matters; everybody has thought deeply, but that came over very well and clearly from South West Hertfordshire's eloquent MP. He mentioned education again, too.

We cannot the forceful points made by my hon. Friend the Member for Scunthorpe (Holly Mumby-Croft), not on this occasion about steel, but about the equally important subject of her police and crime commissioner Jonathan Evison and the use of mapping tools. I am sure the police use those tools in other areas, not just in constituencies represented by Conservative MPs, and mapping tools that are adapted to each locality have proved very effective and a good use of money. I look forward to them being used more.

My hon. Friend the Member for North Norfolk (Duncan Baker) movingly described his concerns for his daughters, but, as others have said, it is no longer just fathers and uncles who should talk about these things; everybody must speak out now. I also thank the hon. Member for Vauxhall (Florence Eshalomi), who is not in the Chamber at present, for her brief intervention, and my hon. Friends the Members for Heywood and Middleton (Chris Clarkson), for South Cambridgeshire (Anthony Browne) and, last but not least, for Darlington (Peter Gibson) for their comments.

I thank all Members for their useful contributions, but finally I once again thank my right hon. Friend the Member for Tunbridge Wells for introducing this really good Bill and I look forward to it progressing.

12.12 pm

Greg Clark: I would like to briefly respond to this excellent Second Reading debate. I thank all colleagues for coming in, and we have heard powerful contributions from all parts of the House. As the Minister said, it is particularly good not only that we have heard from the accomplished Women and Equalities Committee Chair, my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes), but that a galaxy of former holders of office are represented here. I welcome the Minister stepping into her new responsibilities, and she clearly has plenty of good advisers.

I will not comment on every speech, as some Members want to get on to the business to follow, nor will I add to the long list of organisations outside this place that

[Greg Clark]

have been mentioned, but I do want to emphasise one that was mentioned, the Soroptimists. They are very active and important members of the Tunbridge Wells community, and they are represented in the Public Gallery, today so I emphasise my welcome to them.

It is clear from the speeches made today that there is universal recognition that public sexual harassment is an all too frequent experience that women and girls, especially, endure every day in all parts of the country. The most powerful change we can and must make is cultural—it must become as obviously unacceptable to abuse a woman on the streets of our country on the basis of her sex as it is to abuse someone on the basis of their race or sexuality—but the law can play an important role in accelerating that cultural change. As we heard, the lack of any specific crime of public sexual harassment can contribute to uncertainty on the part of victims as to whether it is worth reporting it to the police, as well as to uncertainty, I dare say, in the minds of perpetrators who might commit these crimes that this is a crime. They should be well aware of that. The Bill will make a significant step in establishing that deliberately intimidating and abusing women is a crime.

Good suggestions have been made about how the Bill might be improved and I hope that the Bill Committee will provide that opportunity. That said, I am conscious that, for a private Member's Bill that does not have the luxury of Government time attached to it, what might be the Bill's ideal scope and coverage has to be proportional to the opportunity that we have, which is to change the law to make public sexual harassment an offence for the first time in our history, and to do so before the summer. Future Bills, whether they are Government or private Members' Bills, could make further reforms, and I hope that Members will have that in mind in Committee.

I want to end by thanking the Home Secretary and the Minister for their support and for the hard work of their excellent officials in advising me on the Bill's contents. I am grateful to the Government Whips Office and its officials. In particular, my hon. Friend the Comptroller of His Majesty's Household is very effective, and she is assisted very ably today by my equally honourable Friend, the Vice-Chamberlain of His Majesty's Household. I also thank the superb Clerk of Private Members' Bills in the House Service, Anne-Marie Griffiths, and the print team for its patience and responsiveness when the deadlines for printing the papers for the Bill sometimes went close to the wire. In the hope that we might make the first big step towards safety and confidence for women and girls right across the country, I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

Child Support (Enforcement) Bill

Second Reading

12.17 pm

Siobhan Baillie (Stroud) (Con): I beg to move, That the Bill be now read a Second time.

It should not be controversial across the House that parents should be responsible for their children unless they really cannot do that and need help. That parental responsibility is in all of us and the state welfare benefits and state systems in many other ways will step in to support families when it is absolutely necessary to do so. However, parents are too often let down by ex-partners for a range of reasons and they do not receive the support that they are due financially or otherwise.

In the case of child maintenance issues, parents who are receiving that money and, in many cases, relying on it to live on should be able to trust the child maintenance system to move as swiftly as possible to help them to recover maintenance arrears when it becomes necessary to do so. I am interested in that area through my experience as a family law solicitor, for my constituents who regularly bring incredibly complex child maintenance matters to me, and because this is an area of Government business—in a fantastic Department that works incredibly hard to help people who come to it with their issues—that can actually lift children out of poverty. I want to give the Child Maintenance Service, my constituents and everyone involved as much support as possible to do their job, which is where the Bill comes in.

This is an important measure to improve the recovery of arrears from parents who fail to meet their financial obligations to pay child maintenance. Before going into more detail about what this Bill aims to achieve, it may be helpful if I explain the purpose of the Child Maintenance Service for anybody who is not aware. The CMS is to facilitate the payment of child maintenance between separated parents who are unable to reach their own agreement following separation. That is an incredibly challenging job done in very difficult circumstances. Many Members will have experience of the CMS through their constituents. Some of that will be positive and some will be negative, but those Members who remember the Child Support Agency will I am sure acknowledge that the CMS, which was launched in 2012 to replace the Child Support Agency, is performing relatively well and is much better than previous systems. My parents are separated. My dad has some war stories about the Child Support Agency. We must not forget that that thing was on the front of newspapers, and that is not something that we see with this system, even though I am here in the Chamber saying that we can make improvements.

To emphasise the importance of the service, I should say that, in the past 12 months, more than £1 billion of payments were arranged or collected through the Child Maintenance Service. Under the Child Maintenance Service Act 2012, payments are calculated so that they are fair and affordable for both parents. That is key for these things to be successful.

The CMS uses gross income for calculation, whereas the old system was based on net income. To keep the impact of the calculation broadly the same, the 2012 scheme introduced modifications to the percentages with the banding system. In family law, it should be

known that we would do the calculations for child maintenance for the parent client before us in our office before we turned to the other parent for other maintenance payments, so these calculations and the formula are important and it does work in many cases.

The statutory scheme is designed to limit the number of changes throughout the year. That is why the threshold for in-year changes to income is set at 25%, so that the liability remains consistent and parents can factor this into their own financial planning. Children are expensive. We need to be able to plan.

The CMS manages cases through one of two services. The first is direct pay and the second is collect and pay. Direct pay does what it says on the tin. The CMS provides a calculation and a payment schedule, but, effectively, the parents arrange the payments between them. For collect and pay, the CMS calculates how much maintenance should be paid, collects the money from the paying parent and pays it to the receiving parent, so it is a much more interventionist activity. Cases in collect and pay tend to include parents where a collaborative arrangement has either failed or has not been possible to achieve. Paying parents on collect and pay are therefore considered to be less likely to meet their payment responsibilities.

The difference that child maintenance payments make to children's lives is critical, and the CMS takes action to tackle payment breakdowns at the earliest opportunity, to re-establish compliance and to collect unpaid amounts that have accrued. I give credit to groups such as Gingerbread, which often raise with MPs and Select Committees the impact on single parents; often, we are trying to help single parents through the CMS support schemes.

Where compliance is not achieved and the parent is employed, the CMS will attempt to deduct their maintenance, including any arrears where appropriate, directly from their earnings. Employers are obliged by law to co-operate with that action. Enforcement powers also allow for deductions to be taken directly from bank accounts, including joint accounts and business accounts, either as a lump sum or regular amounts—so far, so good. That is the run of the mill enforcement stuff. Members needed to understand that to understand the more severe enforcement measures used to collect child maintenance, which is what the main part of the Bill deals with.

The CMS is committed to modernising and improving and, as part of that commitment, it is reviewing the enforcement powers to make them as effective as possible in recovering arrears from parents who are failing to meet their financial obligations to their children. Under current legislation, the CMS must apply to the magistrates or the sheriff courts to obtain a liability order before the use of enforcement powers such as instructing enforcement agents or sheriff offices, or the use of more stringent court-based enforcement actions. So there is an extra step to go to court to get that stage of enforcement. Enforcements can include disqualification from driving or from holding a UK passport, or committing a non-compliant parent to prison. So it is serious stuff.

Obtaining a liability order through the courts is time-consuming. At the moment, the Government website tells parents that it can take anything from a few weeks to a few months. We know that there are now also an awful lot of delays in the courts—there was a pause

during the pandemic, when the courts were closed—so I imagine it has been even more difficult recently to obtain these things.

That delay in receiving child maintenance has a consequence for the receiving parent and the children. Delay is bad for children, and we know that that principle underpins much family law. Furthermore, this additional step in enforcing debt is no longer required by other Departments, such as His Majesty's Revenue and Customs. Other Departments are doing what my Bill is trying to achieve, so give me those powers so that the CMS can do the same.

We are also trying to introduce a lot of speed. The Bill will repeal the sections of the Child Support Act 1991 requiring the CMS to apply to the courts to obtain the liability order. It will stop applications to the courts by making amendments to uncommenced powers in the Child Maintenance and Other Payments Act 2008. Those powers, once enacted, will allow enforcement measures to be used more quickly against parents who have failed to meet their obligation.

Jerome Mayhew (Broadland) (Con): My hon. Friend makes the good point that the procedural step in the current system of requiring the CMS to apply to the courts for a liability order creates delay. Can she give the House an indication, based on her experience, of the sort of delay we are talking about?

Siobhan Bailie: I have been looking through my casework, and the delay has been months in some cases. What is worse is that, even though the system we have is well-meaning, few parents have trust that anything will ever happen. Even where there have been successful liability orders—they are in the hundreds, and I have figures here—any delay becomes the chat in the communities and there is no trust. Any delay or confusion about what can and cannot be achieved is damaging to these families. I thank my hon. Friend for his important intervention.

To preserve the safeguards for paying parents, the Bill makes provisions for secondary legislation to allow the paying parent a right of appeal to a court against an administrative liability order—so there will be appeal rights. The first regulations relating to appeals against liability orders will be subject to the affirmative procedure.

The Bill will operate across England, Wales and Scotland, as they are all part of the same child maintenance regime. The court system governing the enforced collection of child maintenance is governed by broadly the same statutory provisions in England and Wales. In Scotland, however, the judicial system is devolved, so provisions in the Bill allow for a later commencement date, by which time changes to the appropriate court processes can be made. For that reason, the Child Maintenance Service will work with legal colleagues in the Scottish Government to ensure that the policy is effectively delivered in Scotland. I would also say, to those colleagues who always are interested in devolution issues, that Northern Ireland has its own arrangements.

To conclude, this is quite a techie thing—it is nerdy, which is why I like it. However, it introduces a genuine change for families on the ground by avoiding delay, which is harmful for children.

Dr Luke Evans (Bosworth) (Con): My hon. Friend is making a fantastic speech and bringing forward a great piece of legislation. I was in the House only a few weeks ago supporting my hon. Friend the Member for Hastings and Rye (Sally-Ann Hart), who was making changes to the CMS for those suffering domestic abuse who are trying to get payments. Has my hon. Friend the Member for Stroud had a conversation with her about how this Bill can dovetail with her Bill? Perhaps the Government can take both Bills forward to provide extra protections for those who are struggling to get payments for their children.

Siobhan Baillie: I thank my hon. Friend for his intervention. I actually read all of that debate in *Hansard*, including his many interventions on my hon. Friend the Member for Hastings and Rye, so I think he just wanted to show you that he really knows his stuff, Mr Deputy Speaker. He is absolutely right that my hon. Friend the Member for Hastings and Rye is taking a Bill through the House that will protect people who have experienced domestic abuse, because so often, where there has been domestic abuse and a breakdown of a relationship, there is then no payment between the parents. It is probably very unusual for the Department to have to deal with two Bills, but we have very enthusiastic Members of Parliament who want to help families caught up in this system. I have real confidence in the Government teams and the Ministers to use the corporate knowledge for both these Bills and get this done.

This Bill will introduce a quicker and cheaper process to pursue enforcement, not just for the taxpayer but for the people who are waiting for their money, and it will ensure that more money is collected for more children. These are often children of single parents and children who desperately need £5, £10, £15, £20 or £100 a month—whatever the amount is, it will make a difference. I thank all Members in the Chamber for being here to debate the Bill and the Department for helping me with the drafting, and I very much hope it will receive support today.

12.31 pm

James Sunderland (Bracknell) (Con): We have heard much about the Bill already, so I do not want to go into the detail of it, but I do want to commend my hon. Friend the Member for Stroud (Siobhan Baillie), who is an outstanding MP and a fantastic champion for her constituency. What she has done in this place in the short time since 2019 for families and family law is amazing, so I congratulate and thank her.

This Bill is a no-brainer—it is an easy one to support, and I know that the Government are supporting it, so I will not talk for long, but I am delighted to support it. The bit that really interests me is that, where the Department for Work and Pensions agrees that a person has failed to pay an amount of child support maintenance and a deduction from earnings has not been possible or is not appropriate, the Bill will enable the DWP to make a liability order in respect of that amount against the person. There is an element of coercion that we have not seen before, and it is absolutely justified.

The bit of the Bill that really matters relates to direct pay. Where a parent does not pay their liability in full and on time, the so-called person with care should inform the Child Maintenance Service, which will take

swift action to move the case to collect and pay to enforce payment. Without a court order, the Child Maintenance Service may collect arrears through a deduction from earnings order, a deduction from earnings request or a deduction order. The bit I really like is that, with a court-obtained liability order, the Child Maintenance Service may instruct bailiffs to take control of goods and apply to the court for an order of sale of an asset once it is registered with the court.

This is really important, because we have seen over the years so many cases of absent parents, errant parents and non-resident parents who have an obligation to provide for their children but do not. Constituents in Bracknell come to see me all the time for help in chasing these absent, errant or non-resident parents, and I feel their angst. I can now at least reassure them that the law is being tightened, that non-resident parents can now be held to account much more forcefully and that means now exist whereby they will be forced to make good. This is a step in the right direction. I commend my hon. Friend for all the work she is doing, and I fully support the Bill.

12.33 pm

Laura Farris (Newbury) (Con): I will speak very briefly on the Bill. The non-payment of child maintenance is an issue that disproportionately affects women, who make up more than 90% of single parents, but more importantly, it is a principal driver of child poverty. Victoria Benson, chief executive of the single parent charity Gingerbread, said:

“Research shows that 60% of single-parent families living in poverty and not receiving child maintenance would be able to escape the poverty trap if they were paid the money they’re owed. Parents have a legal and moral duty to contribute to their child’s upbringing whether they live with them or not, and where this money isn’t paid willingly the CMS needs to step in.”

I know that the CMS does its very best, but if we look at the statistics for the collect and pay service for the quarter ending June 2022, we see that it remains the case that more than a third—36%—paid no maintenance at all, and only 44% of all the people using the collect and pay service paid 90% or more of the child maintenance owed. That creates a huge poverty hole through which some of the most vulnerable families in this country are falling again and again.

My hon. Friend the Member for Stroud (Siobhan Baillie) has set out beautifully all the mechanisms that exist, but there is a persistent problem with the amount of time it takes for them to be activated. This year’s National Audit Office report says that

“it can take years before payments are made to receiving parents if the paying parent refuses to comply”.

That was certainly echoed in what I heard when I visited the family centre at Hungerford Nursery School in my constituency, which deals with vulnerable families. In every single case, it was a woman that I met and, without exception, they were not receiving the child maintenance payments to which they were entitled. I heard really grim anecdotes about one woman who tried to enforce but had hit a wall because her former partner was still paying off a car loan, which apparently took priority over what was owed to his children. I do not know whether that was the case, but it was certainly the perception and there was also a sense that there was no point in pursuing it any further.

Even if that was only perception, it is to some extent mirrored by the conclusions of a recent Mumsnet survey, which illustrates the despondency with which some parents view the current system. Eighty-three per cent. of respondents told Mumsnet that they never expect to receive what they are owed in arrears, and nine out of 10 respondents said that they thought it was too easy for their former partners to evade paying child maintenance.

I welcome any Bill that will give the CMS more teeth—this Bill does so through liability orders—and, in particular, that reduces the wait that families face to get the money to which they are properly entitled.

12.36 pm

Jerome Mayhew (Broadland) (Con): I, too, rise to support this Bill and the great efforts of my hon. Friend the Member for Stroud (Siobhan Baillie) in support of families.

Relationships are a wonderful thing. From my personal experience, they are the aspect of life that gives me greatest fulfilment. What lies at the core of our relationships provides the value of life, much more so than careers, even careers in this place. We have to recognise, however, that they do sometimes go wrong and that the negative experiences can be as intense as the positive ones.

Although relationships can change, responsibilities for our actions remain. That is particularly the case when children are involved. A person's livelihood and support for their children are factors when it comes to a broken-down relationship. It is very important to say that when relationships that involve children break down, in the vast majority of cases the absent parent continues to provide financial support on a voluntary basis. Negotiations take place, often without solicitors or lawyers, and an informal arrangement is reached that is satisfactory to both parties. What we are dealing with here, however, is the small minority of cases where negotiations have failed or where an agreement that has been reached is subsequently breached. That is why the CMS is such an important agency to provide support for those families who are most in need.

Existing child support legislation is intended to provide a mechanism for the collection of support funds when voluntary agreements have failed. My hon. Friend set out in her opening speech the various mechanisms that are currently available. It is true that under the current scheme, the CMS can apply to the court in certain circumstances in order to get a liability order to seize, through the bailiffs or the sheriff courts, assets to satisfy a debt. The reason I intervened earlier was to highlight the hugely significant role that delay plays in frustrating the needs of families and, in particular, the children. That is particularly the case in the covid aftermath, when delays in the civil justice system are very substantial. I am sorry to say that even before covid, there was significant strain in the civil court process, leading to lots of delay. That delay matters, because we are dealing with the financial support necessary to feed, clothe, heat and support children.

Right hon. and hon. Members will be intimately familiar with the problem, because of the casework that they receive. To my mind, the Bill is very timely, because just last month a constituent came to me who was owed by the absent—non-resident—parent the sum of £136,833 in arrears of child maintenance. We have to stop for a

moment and consider the profound impact of that non-payment on the children. It is simply not good enough to say, “You can go back to the CMS, which in time can make an application to the courts for a liability order. Once that has been processed, we can apply to the bailiff court, and in due course we will get an order to seize goods.”

I welcome the Bill's intention, which is to cut out the delay of having to apply to the court, and to give powers to the DWP to make a liability order in certain circumstances that allows assets to be targeted via the bailiff or sheriff courts, without the additional factor of delay. Essentially, the Bill aims to fill a lacuna in the armoury of the recovery of funds to support children, and maintain financial responsibility for children from a non-resident parent. It will help my constituents, and for that reason alone I support it.

12.41 pm

Peter Gibson (Darlington) (Con): It is a pleasure to follow my hon. Friend the Member for Broadland (Jerome Mayhew), and to speak for the second time today, this time in support of the Second Reading of the important Bill introduced by my hon. Friend the Member for Stroud (Siobhan Baillie). It is important to highlight that the Bill closely complements another private Member's Bill, as has already been alluded to, currently progressing its legislative journey: the Child Support Collection (Domestic Abuse) Bill, introduced by my hon. Friend the Member for Hastings and Rye (Sally-Ann Hart). Both Bills will significantly improve the child support system. I was delighted to support the Child Support Collection (Domestic Abuse) Bill, and I am equally delighted to be here to see today's Bill pass its Second Reading, as I am sure it will.

It is absolutely right that all parents have a legal responsibility to support their children financially, quite apart from any moral responsibility that they have too. Child maintenance is key to reducing the number of children in low-income households through family-based arrangements and Child Maintenance Service arrangements. Parents in separated families receive approximately £2.4 billion a year in child maintenance payments, which are essential to those families' wellbeing and financial security. There are an estimated 2.3 million separated families in Great Britain, with 3.6 million children in those families, and 60% of separated families have child maintenance arrangements.

The Child Maintenance Service manages cases either through direct pay or, as we have heard, collect and pay. In both cases, the Child Maintenance Service calculates how much maintenance should be paid. For a direct payer, the money passes directly from one parent to the other. For collect and pay, the CMS collects the money from the paying parent and pays it to the receiving parent, but there are collection charges for the use of collect and pay—20% on top of the liability for the paying parent, and 4% of the maintenance received by the receiving parent.

Under current legislation, direct pay is the default option unless both parents request collect and pay, or the receiving parent requests collect and pay and the paying parent is deemed unlikely to pay by demonstrating an unwillingness to pay their liability. That is so that paying parents have the option not to incur additional

[Peter Gibson]

charges should they pay in full and on time. Some 846,300 children are covered by CMS arrangements, of whom 526,500 are covered through direct pay and 298,400 children are covered by collect and pay. Given the growing number of children covered by CMS arrangements, the Bill is welcome.

The Bill deals largely with the way in which child support payments are recovered in cases in which arrears have accumulated. Currently, if arrears have accumulated under the collect and pay system, the non-resident parent is usually sent an arrears notice. Caseworkers may negotiate and put in place a repayment plan. The Child Maintenance Service aims to recover arrears within two years and expects the non-resident parent to pay up to 40% of their net income to clear it.

In March 2022, the National Audit Office published a report on child maintenance that said that parents now rely less on the state to help them to make maintenance arrangements—an aim of the Government's 2012 reforms. Although the number of people who make a family-based arrangement has increased as intended, there has also been an increase in the number of people with no maintenance arrangement. The report said that, as a result, there has been no clear change in the number of families with effective child maintenance arrangements since the Government reformed the system in 2012.

It is estimated that only one in three separated families in Great Britain has a child maintenance arrangement for which the agreed maintenance is paid in full. Indeed, at the end of June 2022, cumulative arrears stood at £493.5 million and the National Audit Office projection is that at current rates the amount will reach £1 billion by March 2031. That figure is far too high. It is absolutely right that we have in place a system that ensures that we can and do enforce payments effectively. The House will be aware of the National Audit Office report that highlights ongoing issues with Child Maintenance Service collection and enforcement activities. I doubt that any Member has no constituency cases on the issue; indeed, I have had more than two dozen in my case load.

If the paying parent refuses to comply, it can take years before payments are made to the receiving parent. Enforcement in respect of arrears does not always ensure future compliance. It can take years before payments are made to receiving parents if the paying parent refuses to comply. In addition, enforcement has not been properly built into the universal credit system. Currently, the Child Maintenance Service can deduct only a flat rate of £8.40 of maintenance from a person's universal credit award and cannot deduct partial deductions. Before 2019, the maximum that the Child Maintenance Service could deduct from benefits towards arrears was a mere £1.20 a week.

There are currently four ways for the CMS to collect arrears without a court order: a deduction from earnings order; a deduction from earnings request for those in the armed forces; a deduction order from bank accounts; and the collection of assets from a deceased non-resident parent's estate. A court order gives much stronger powers of collection, with the use of bailiffs in England and Wales and of sheriffs in Scotland.

Following the removal of a parent's right to enforce themselves in 2005, the state now has sole responsibility for enforcing obligations and has discretion over whether

to pursue enforcement. It is clear that the state must do more to ensure the enforcement of child maintenance collection. The Bill introduced by my hon. Friend the Member for Stroud would do just that. Her Bill would alter the current regulations to ensure that if the DWP agrees that a person has failed to pay an amount of child support maintenance and a deduction from earnings has not been possible or is not appropriate, the DWP would be able to make a liability order in respect of that amount against the person. This will replace the existing system whereby the DWP must apply to the courts for a liability order, thereby streamlining the system and removing the unnecessary delay to the recovery of child maintenance arrears that the process of applying for liability through the courts can create. The Bill would give the CMS the ability to ramp up the enforcement of collection much quicker than it has previously been able to.

I see how this Bill complements the Child Support Collection (Domestic Abuse) Bill introduced by my hon. Friend the Member for Hastings and Rye. It would allow child maintenance cases to be placed on the collect and pay service if there is evidence of domestic abuse, providing another layer of protection to some of the most vulnerable in society by preventing survivors of abuse from having to engage directly with their abuser through the CMS. However, on the collect and pay system an abuser may seek to continue to torture their victim by not paying the child support they owe. The Bill from my hon. Friend the Member for Stroud will ensure that swift action can be taken in such cases, so that an abuser cannot evade paying child maintenance.

I am delighted to be able to support this Bill, which will streamline the child maintenance system and enable us to ensure that more people can pay child maintenance on time and in full. I am sure it will command cross-party support, and I offer my sincere thanks to my hon. Friend for bringing it forward today. I wish her all the best as she continues to guide it through the legislative process, and I hope to see it pass all its stages very soon. I have got into the habit of offering Members my services on their Bill Committees, having offered once already this morning, so I offer the same to her.

12.50 pm

Danny Kruger (Devizes) (Con): We are talking about the saddest thing possible, the breakdown of the relationship of a couple with children—and not just the pain of the breakdown, but an ongoing feud that often lasts for years, re-traumatising the children and embittering the parents. We must always remember that the effect of divorce or separation is usually impoverishment, both for the adults involved and for their children—and indeed for elderly parents; they should not be forgotten in this, nor the capital that is lost to them and their future care. The effect on whole families of divorce and separation and the loss of half a child's adult world when his or her parents separate acrimoniously can often cause a lifetime of emotional damage.

I start by stating plainly that there is nothing more important we can do as a society or in this place than to help people to form stable, lasting and loving relationships, particularly in the context of bringing up children. I am conscious that we spend a lot of time in this place debating means of mitigating the effects of family breakdown, but not a lot of time debating how to

prevent the breakdown in the first place. We discuss how to provide ambulances at the foot of the cliff to pick up people who are falling off, but spend very little time discussing how to put fences at the top of the cliff to prevent the damage in the first place.

Nevertheless, when the worst happens, it is right that we do what we can to ensure that the obligations of parents to support their children are upheld. That is why we have the Child Maintenance Service. I want to reflect on the work that the service does. Its work is increasing; as we have been hearing, the CMS manages over 600,000 arrangements for child maintenance, up 9% just in the six months to last December. We have also seen an increase in the collect and pay arrangements—a bad sign in itself—with 37% of the total number of CMS arrangements now managed through collect and pay, up from 30% just a few years before. Compliance is running at around two thirds, which is understandable, but sad and essentially unsatisfactory.

My hon. Friend the Member for Stroud (Siobhan Baillie) mentioned the 2012 reforms, which were partly designed to encourage voluntary and family arrangements, and have been successful in that regard. I agree with her about the success of those reforms and that those arrangements have increased, but we must recognise that the number of separated couples without an arrangement has also increased. According to the National Audit Office, it appears that there is no clear change in the number of families with an effective arrangement in place.

The fact is that only one in three separated families have arrangements that are working and in which payments are made in full. For all the progress that has been made—and I recognise my hon. Friend's point that the CMS is dealing with very many difficult cases—we still have too many non-payments or payments not made in full. At any one moment, we are all dealing with many cases of constituents reporting their frustrations with the CMS. It is very frustrating for our offices to deal with them, too. I want to quickly pay tribute to my senior caseworker, Camilla Jequier, who is dealing with so many of these cases any one moment—I am sure that we all have a Camilla in our offices battling with the CMS on behalf of our constituents. She does tremendous work, patiently and sympathetically supporting constituents.

I will give a couple of examples on both sides of the parental dispute. A caring parent reports that the non-resident parent has another job and has increased their earnings, with that apparent to HMRC, but the CMS will not increase the payments that the non-resident parent—the father—is making. Another non-resident parent has continued his old business using cash. He is claiming universal credit fraudulently—a CMS financial investigation has confirmed that—but, because the UC claim is in place, it cannot collect the child maintenance that is due. I spoke yesterday in support of keeping cash in our economy, and I very much support that, but I recognise opportunities that that gives for such fraudulent behaviour.

On the other side, there is the case of a paying parent who has been out of work for six months. The collect and pay arrangement has continued, and the father's home is now under threat because the CMS has not recognised the loss of earnings. There is another case where the CMS is using gross earnings from before the

pandemic, not recognising the substantial loss of earnings that that parent has endured in recent years. It is not able to use up-to-date HMRC data.

I reference those as examples of the frustrations that constituents have, while also acknowledging the very good work that the CMS is doing. We do not get reports of good work from Government agencies; we just report the bad ones. However, I am afraid that there are still too many of those.

I support the Bill and pay tribute to my hon. Friend the Member for Stroud, who has been a tremendous campaigner on the issue. It is a good Bill, and I am pleased to see that the Government—and, I am sure, the Opposition—supporting it. It is an important step to ensure that we can improve compliance. I also thank the DWP for its support for this important Bill and for enabling the CMS to do its work better. I hope that we will see the same from HMRC in due course.

12.56 pm

Dr Luke Evans (Bosworth) (Con): Who would have thought when I went to conference four or five years ago and was joined by my hon. Friend the Member for Stroud (Siobhan Baillie), who is sat next to me, that we would both be here in the Chamber having this debate, almost three years to the day since our election? Actually, it was patently obvious at that point that she was going to become an MP, because she is diligent and driven. Her introducing the Bill is testament to that.

On reading my hon. Friend's comments from her Westminster Hall debate last month, it was so sad to note that about 280,000 children see their parents separate. That is a hugely concerning statistic, and a figure that we need to closely reflect on, as my hon. Friend the Member for Devizes (Danny Kruger) pointed out. I am lucky and eternally grateful to have benefited from a being in a loving and stable family for nearly 40 years, but I appreciate that that experience is not universal.

We all have CMS cases in this House, and we have often seen the anguish and the upset that the process generates. More broadly, before I came to the House, I saw in hospitals and GP surgeries the anguish that a given mental or physical issue would bring. A medical professional's starting point is: how can I make things better? While I often could not solve the problem, I could help inform and equip people and ensure that the process ran smoothly. This Bill gives people a real chance to try and make these things better.

I fully support this important legislation, because I believe that it sits well with the Government's wider reforms to ensure that the work of the Child Maintenance Service is effective in preventing parents from evading their financial obligations to their children. While couples may fight and frustrate, we must keep in mind the best outcome for the children's sake. When I was researching for the debate, I was surprised to see that more than 30 years have passed since the Thatcher's Government critical "Children Come First" White Paper. Society has made changes since then, and methods to collect payments have certainly changed over those years. Much scrutiny and change has taken place, substantial amounts of water have passed under the bridge, and we have seen major systems redesigned.

I note the important work of the Labour and coalition Governments to encourage and support family-based arrangements, and the fact that that work, and

[Dr Luke Evans]

wider policy, have progressed with, seemingly, some decent success. Changes to the Child Maintenance Service have built on earlier reforms to ensure a fairer assessment of parents' earnings, helping to prevent them from evading their financial obligations. These powers make a real difference in compliance by closing loopholes and strengthening enforcement.

We must be thankful for this progress. We must never give up on the ideals, but we must balance them with the reality. According to a report from the National Audit Office published in March 2022, while the number of people making a family-based arrangement has increased as was intended, there has also been an increase in the number of people with no maintenance arrangement, as was pointed out by my hon. Friend the Member for Darlington (Peter Gibson). I sense that the CMS is facing a considerable workload. At the end of December 2021, it was managing more than 600,000 arrangements for 560,0900 paying parents, a 9% increase in the number of arrangements since the end of June 2021.

We must also consider those who fail to pay any amount of child support maintenance, especially when deductions from earnings are not possible. I think that enabling the DWP to make administrative liability orders is a step forward, and I also think it right that those who are subject to such orders are able to appeal. I believe I am correct in saying that they can appeal but cannot challenge the amount that has been decided by the CMS, and I think that is the right approach.

I hope the Bill is successful, and I also hope it can be seen in the wider context of the Government's work to ensure that the child maintenance system has the legislation and the resources to enable it to manage modern Britain. No two cases in the UK are the same, and there are nuances that play out in all our constituency surgeries. We know that these have real, far-reaching consequences, but I sense that the Bill can be a key part of a wider commitment among my ministerial colleagues to ensure that, over time, everyone pays, everyone receives the right amount, and, most importantly, the child—

Danny Kruger: Will my hon. Friend give way?

Dr Evans: I will.

Danny Kruger: It is important for my hon. Friend to experience what it is like to be on the receiving end of an intervention.

My hon. Friend said earlier that many couples did not have an arrangement at all. What does he think we can do about not just the couples whose arrangements have broken down, but those who did not put one together in the first place?

Dr Evans: That is a very good question—and I am so grateful to my hon. Friend for his sword-like intervention, cutting me off with one word to go before the end of my speech!

It is important to engage with couples and ensure that they know where the resources are to enable them to have the necessary discussions, and I think that that is starting to happen as a result of signposting to, for instance, health visitors, GPs and schools, so that parents have an opportunity to speak to someone establish

what their options are. Enabling them to have that dialogue is part of the work that the DWP and the Government as a whole should be doing. People need to understand fully what is available to them, and going through the court system may not be the right way for that to happen.

I am hugely grateful to my hon. Friend the Member for Stroud, and I welcome the Government's support for the Bill. I hope that it makes much haste.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Minister.

1.3 pm

Matt Rodda (Reading East) (Lab): We wholeheartedly support the principle that non-resident parents should pay child maintenance, and that there should be enforcement when absent parents fail to pay. I thank the hon. Member for Stroud (Siobhan Baillie) for her work on the Bill and, indeed, for her wider work on this complicated and important matter.

Too many absent parents fail to pay child maintenance, often leaving children and families in desperate need and emotional distress, which, as we heard earlier, can have very serious consequences for them. I pay tribute to those families who are suffering as a result of terrible backlogs and delays, and the whole House is deeply concerned about them. Many Members have tried to help constituents facing these dreadful problems, and will have responded through their casework. I also want to put on record my support for the work of charities such as Gingerbread that support parents, and to thank the Child Maintenance Service for its efforts in this important area. It continues to chase non-payment despite a series of difficult challenges, to which I shall refer later in my speech.

Turning to the substance of the Bill, as I said at the outset, we completely support the principle that non-resident parents should meet their responsibilities for child maintenance, and where they fail to do so the state must step in to enforce payment. The CMS manages over 500,000 arrangements for child support, affecting 750,000 children. Maintenance payments are very important in reducing child poverty, as the hon. Member for Newbury (Laura Farris) mentioned, and it has been estimated that as many as one in five single-parent families on benefits are lifted out of poverty by receiving child maintenance payments; that is an important point for us to consider. Not only do we support the principle, therefore, but we recognise that the enforcement of child maintenance obligations needs to be improved.

Enforcement action was affected by the pandemic. CMS staff were redeployed to manage the surge in universal credit claims, and the courts were closed. The number of liability orders in process fell from 6,900 in March 2020 to 2,400 in September 2020. That was a considerable drop, but since 2020 there has been only a partial recovery, and the most recent figures, for June 2022, are not only far lower than before the pandemic at 4,200, but are lower than in June 2021 by over 1,000 cases. The CMS therefore clearly faces some serious issues. The number of enforcement agency referrals now in process is less than half the number before the pandemic. The system for ensuring that child maintenance is paid needs to be efficient and fair, and we must address these points and discuss them thoroughly in this House.

Although I understand the principles behind the Bill, I therefore have some questions. As I understand it, the purpose of the Bill is to make changes to powers introduced in the Child Maintenance and Other Payments Act 2008, but it seems that some of the powers—those that allow the Secretary of State or Department to make an order without having to go to the courts—have not been used by the Government. I realise this is a detailed point, but I ask the Minister to address it in her reply and to reassure me on it.

The Bill makes provision for the Secretary of State to issue regulations governing appeals, and the powers granted are wide-ranging. For example, the Secretary of State will be able to make

“provision with respect to the period within which a right of appeal under the regulations may be exercised”

and

“provision with respect to the powers of the court to which the appeal under the regulations lies.”

This wording seems to give the Secretary of State a great deal of power to limit the grounds on which appeals can be made and the opportunity to appeal. Why are these powers being sought?

Time is limited today, so I will conclude. We wholeheartedly support the principle that non-resident parents should pay child maintenance and that there should be enforcement for absent parents who fail to pay. I again take this opportunity to thank the hon. Member for Stroud for her excellent work on this; she has a great deal of expertise and the House and country is benefiting from it. I also pay tribute to parents and families affected by this terrible problem, as well as charities and campaigners, and to CMS staff working on those parents' behalf. I hope the Minister will address my questions; they are somewhat technical, however, and I would be happy for her to write to me with further detail on them.

1.8 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mims Davies): It is an honour to speak in this debate, and I thank my hon. Friend the Member for Stroud (Siobhan Baillie) for introducing the Bill and raising this important issue. I am pleased to confirm that the Government intend to support the Bill.

I was going to start by providing a brief background on the purpose of the CMS, but many Members have done a brilliant job on that so I will instead turn to the context of the Bill, making a couple of points and answering some questions, of course. I also want to pay tribute to all the DWP teams that work tirelessly in this space delivering the CMS service so diligently. As a constituency MP and a friend to many single parents, I have seen cases where help from former partners is needed to support children; making sure positive arrangements are in place is crucial to youngsters in every constituency.

I must declare an interest as a single mum. I know personally how important it is for children to know, where possible, that they have the support of both parents, both financially and emotionally. I thank the Gingerbread charity for its advocacy work. I concur with many of the points made today. Our Minister in the other place, Baroness Stedman-Scott, who has day-to-day responsibility for the policy, is strident in her

support for reducing parent conflict and making sure that children get the backing that they need and deserve from both parents. We are determined to ensure that the CMS process improves.

I thank all hon. Members who have contributed, including my hon. Friend the Member for Bosworth (Dr Evans), who raised the CMS process and the other private Member's Bill, the Child Support Collection (Domestic Abuse) Bill, which will be in Committee very shortly. I am delighted to have his support. There were thoughtful contributions from my hon. Friends the Members for Newbury (Laura Farris), for Darlington (Peter Gibson) and for Bracknell (James Sunderland). My hon. Friend the Member for Devizes (Danny Kruger) rightly paid great tribute to MPs' caseworkers, who deal with the challenges and manage both sides of this issue day in, day out. We are grateful to them. On the point made by my hon. Friend the Member for Broadland (Jerome Mayhew) about the delays in court and liability orders, it takes three to six months from the case being referred to court for a liability order to be granted. We expect that to reduce significantly.

On the wider point about the Child Support Collection (Domestic Abuse) Bill introduced by my hon. Friend the Member for Hastings and Rye (Sally-Ann Hart), I am glad to endorse what many Members have said. The Bill will allow for cases to be moved from direct pay to the collect and pay service when one parent is a victim of domestic abuse. That is an important measure, and I am grateful to hear further support for it in the Chamber today. Its Committee stage is forthcoming.

On the point made by my hon. Friend the Member for Newbury about why compliance figures have been decreasing, the Child Maintenance Service has been experiencing falling compliance figures since March 2021 after a period of improving compliance. A key driver of falling compliance is the difficulty of deducting child maintenance from universal credit payments. Universal credit prioritises other third-party deductions ahead of child maintenance deductions. Let me reassure the House that work is ongoing with universal credit policy colleagues to identify how deductions for child maintenance can be rightly reprioritised, and to recognise that collect and pay deals often with the most difficult cases. Parents can co-operate and make their own arrangements—that is one scenario—but we are talking about the difficult scenarios.

I thank the hon. Member for Reading East (Matt Rodda) for raising concerns about backlogs. The CMS is committed to delivering service of the highest standards and has been recognised with customer service accreditation, an independent validation of achievement. It responds quickly to parents using the service. In the quarter ending June 2022, 84% of changes in circumstances had been actioned in 28 days. I say to parents that, as we heard from my hon. Friend the Member for Devizes, if something has changed, they should let the CMS know. Call handling has been improved, with calls directed to the most appropriate person.

I would like to pick up on what my hon. Friend said about why maintenance calculations changes are factored in. Parents are able to report changes of income at any time. I reiterate that to him and any of our caseworkers. Where that change is greater than 25% of the income we hold on our system, we will alter their liability. Parents can ask for a calculation decision by the CMS

[Mims Davies]

to be reviewed through the mandatory reconsideration process within 30 days. If they are still not satisfied, they can appeal to the tribunal service.

Danny Kruger: I very much appreciate that point and that is indeed the case. I just wonder why 25% is the cut-off. It is quite a large amount. If a change comes in just underneath that, why should not that be considered as well?

Mims Davies: I thank my hon. Friend for raising that. I do not personally know the answer, but I am happy to look at that point and write to him.

James Sunderland: The Minister is talking eloquently about the need for courts to uphold and the need for parents to be chased for the money that they owe through the CMS. By the same token, although it is not within the scope of the Bill today, could she comment on the ongoing plight of those who do not have access to their children—those who are prevented from seeing them? We can all recall the plight of Fathers 4 Justice—Spiderman hanging from the gantries on the M25. It is important that we discuss, or at least raise today, the issue that it works both ways and that we also have to give deference in law to those seeking access to their children.

Mims Davies: I thank my hon. Friend for raising that. He is right to say that. We have seen this in our constituency surgeries: there are always two sides to every story. It is right that we have processes that are able to respond to that and that parents are able to see and engage with their children. I reiterate that my hon. Friend in the other place, who has day-to-day policy responsibility for this matter, is very much focused on reducing parental conflict. Above all, this is about supporting children, getting them the best start and ongoing support to thrive in life.

Let me make some progress on the importance of today's Bill. Child maintenance payments provide vital support to separated parents. Approximately 140,000 fewer children are growing up in poverty as a result of child maintenance payments. This includes payments through the family-based process and through the service. As my hon. Friend the Member for Stroud has already stated, in the past 12 months, more than £1 billion-worth of support was arranged or collected through the Child Maintenance Service. That exemplifies the intent of the service, which is to promote collaboration between separated parents and encourage parents to meet their responsibilities in providing for their children, meaning that youngsters get the financial support that they need for that good start in life.

Research shows that children tend to have better emotional wellbeing and higher academic attainment growing up with parents who, together or indeed separated, have that good-quality relationship and are able to manage conflict well. Child maintenance cases are managed by two processes, as we discussed earlier. The collect and pay caseloads are more challenging. That is where a collaborative arrangement has either failed or not been possible. Therefore, these parents are considered less likely to meet their payment responsibilities.

We know the difference that child maintenance can make in people's day-to-day lives, so unpaid child maintenance should be paid immediately. We know that the vast majority of parents want to do the right thing to support their children financially. Where a parent fails to pay on time or in full, our strategy is to tackle payment breakdowns at the earliest opportunity and to take action to re-establish compliance and collect any unpaid amounts where they have been accrued.

The Child Maintenance Service is able to deduct £8.40 a week towards ongoing maintenance or arrears from certain prescribed benefits, as I have discussed. Where measures prove ineffective or inappropriate in collecting arrears, the CMS will apply to the court service or the sheriff court for the liability order.

The liability order enables the use of more stringent powers, as we have heard, and we are able to take more serious action. Since June 2022, the Child Maintenance Service has collected £2.7 million from paying parents with the court-based enforcement action in process.¹ We regularly review processes and policies in line with best practice to deliver the best outcomes for parents and children, and I note the point made by my hon. Friend the Member for Devizes.

Matt Rodda *rose*—

Mims Davies: I just wanted to turn to the hon. Gentleman's point. I would like to write to him on that as I am not the Minister responsible for that day to day. I hope that he will understand.

The details of these powers will be set out in secondary legislation, with the right for a liable parent to appeal against an administrative liability order. Regulation powers and other provisions will be included. That means that proper scrutiny can be undertaken by the Government and the relevant Committee. We can then make sure that the regulations include the right to appeal. Those regulations will also be subject to the affirmative procedure.

The Bill is of great importance for the Child Maintenance Service. It will make sure that we make the necessary improvements we have heard about today to the enforcement process and, above all, that we get the money to children more quickly. I am pleased that the Bill has been introduced, and I commend my hon. Friend the Member for Stroud for bringing it to the House.

1.20 pm

Siobhan Baillie: With the leave of the House, I would like to thank all the hon. Members who have contributed to the debate, and particularly my hon. Friends the Members for Bracknell (James Sunderland), for Newbury (Laura Farris), for Broadland (Jerome Mayhew), for Darlington (Peter Gibson), for Devizes (Danny Kruger) and for Bosworth (Dr Evans). I have notes of all their key points, and I think it was my hon. Friend the Member for Bracknell who said that the Bill is a no-brainer.

The thing we have to be clear about is that family breakdown is absolutely devastating and often incredibly fraught. If the basics are wrong—if money is not flowing between the parents and payments are not being made—the fracture is compounded, and that is very damaging for children. The CMS plays a role not just as a calculator

1. [Official Report, 11 January 2023, Vol. 725, c. 7MC.]

or a money box for people to get cash out of; it is actually fundamental. That is why I have been quite narrow in my scope today, although, unfortunately for the Minister and the Department, I am interested in many other areas of the Child Maintenance Service and universal credit and in the issues that the National Audit Office has raised.

The Bill will achieve administrative efficiencies for the Child Maintenance Service. That is better for the taxpayer, and it will get money into the pockets of the parents looking after the children, which is where it should be. I really hope the Bill makes progress in the House, and I thank everyone.

Question put and agreed to.

Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

Powers of Attorney Bill

Second Reading

1.22 pm

Stephen Metcalfe (South Basildon and East Thurrock) (Con): I beg to move that, That the Bill be now read a Second time.

Powers of attorney are important legal arrangements that allow people to appoint others—the donees of the power, known as attorneys—to act on their behalf. The powers normally relate to financial matters, and the attorney must act on instructions from the donor of the power—the person who made it.

Lasting powers of attorney, or LPAs, are a specific type of power of attorney with even wider scope. Such arrangements allow someone to appoint another to act on their behalf after the donor has lost the mental capacity to make their own decisions and give instructions. LPAs can apply to not just financial decisions but health and welfare decisions too.

Powers of attorney generally, and lasting powers of attorney specifically, are incredibly powerful and useful appointments. They allow people to retain control over aspects of their lives, in circumstances where they might not otherwise be able to make decisions or take actions. LPAs, in particular, ensure that people have the opportunity to make provision for a future where they may no longer have the mental capacity to understand what is happening to them and therefore to make decisions about the things they care about.

With the prevalence of dementia increasing and our population ageing, these documents will become ever more important in ensuring that people can continue to live the lives they want to. They will be even more important in protecting people who might otherwise be the target of fraud, scams and abuse. I have seen that in my constituency and on a personal level. These are powerful documents, and they need to be used carefully.

Lasting powers of attorney are part of the toolkit to ensure that people can live the lives they want to. That is why I am delighted to bring forward this Bill in my name. It delivers two important changes to legislation around powers of attorney. First, it will reform the process of making and registering a lasting power of attorney to make it safer, easier and more sustainable. Secondly, it will widen the group of people who can provide certified copies of powers of attorney to include chartered legal executives.

Before I get into the detail of this Bill, I will set out the history of these documents and the problems that have arisen as a result. Under the Power of Attorney Act 1971, the power of attorney is a formal appointment whereby one party, the donor, gives another party, the attorney or donee, the power to act on their behalf and in their name. Power of attorney, in contrast to appointing an agent, can only be created and valid where certain legal formalities are observed, and they must be granted by deed. The ordinary or general power of attorney is for when the donor only needs help temporarily, for example when people are in hospital or abroad and need help with everyday tasks such as paying bills.

Ordinary powers of attorney are common in the commercial world, where they may be used in a number of ways, most typically to enable another person to

[Stephen Metcalfe]

execute documents on the donor's behalf or in a transactional context. Another use is in appointing a power of attorney to manage financial or property matters in a donor's absence. However, there were issues with these powers of attorney, as the power ceases to have effect when the donor lost mental capacity to make decisions and give instructions. As the Law Commission pointed out in 1983:

“at a time when the assistance of the attorney has become for the donor not merely desirable but essential, the attorney has no authority to act.”

This resulted in the introduction of the Enduring Powers of Attorney Act 1986. As the name suggests, enduring powers of attorney endure past the loss of mental capacity, allowing an attorney to continue acting on a donor's behalf. Individuals concerned about their ability to control their own lives in future could now ensure that the people making those decisions were the people they had chosen and that they trusted.

Peter Gibson (Darlington) (Con): My hon. Friend is making an important speech and highlighting the legislation that brings us to today and his important Bill. I just put on record the importance of those enduring powers of attorney that predate the current lasting powers of attorney and to highlight to the House the necessity for people to register them when capacity is lost. Many mistakenly believe, where an enduring power of attorney is in place, that there are no steps to take in order for it to be used.

Stephen Metcalfe: I am grateful to my hon. Friend for his clarification. Obviously, he knows considerably more about the history of this than I have perhaps been able to gain during my research. In the 1990s, there were greater concerns about the abuse of enduring powers of attorney. I am told there was concern that between 10% and 20% of enduring powers of attorney were potentially being used in an abusive way. To resolve that, and following extensive work by the Law Commission, the Mental Capacity Act was passed in 2005. Enduring power of attorney was replaced by lasting power of attorney, or LPA, in 2007.

New safeguards were introduced—primarily the requirement for the LPA to be registered by and with the new Public Guardian and their office, the Office of the Public Guardian, before it could be used, whether before or after a loss of capacity; and the role of the certificate provider, who must confirm that the donor understands their LPA and that there was no fraud or undue pressure.

Fifteen years on, the system is in need of an update. The Government's 2021 consultation on modernisation clearly set out the issues, and media coverage over the past year has further emphasised the need for reform. First, people wishing to make LPAs struggle to understand the system and to complete their LPA accurately. Guidance can be overwhelming and full of jargon such as “donor”, “attorney”, “certificate provider”, “execution” and “jointly and severally”. This is specifically daunting in urgent circumstances—for instance, due to a recent diagnosis of dementia or terminal illness.

The reliance on paper also makes it more complicated than necessary. The legislative framework and operational process involved mean that, even where the LPA is filled

in online, each LPA has to be printed off and signed on paper in five places in a specific order by at least three people to be valid. The possibility for error to creep in is high, and the Office of the Public Guardian indicates that as many as 11% of LPAs sent to the OPG cannot be registered because of signing mistakes. Donors cannot understand why the LPA process does not make use of technological improvements since 2007. They want to use a digital system to fill in, sign and submit documents. As the Government set out in their consultation, that would allow a speedier process, reduce the administrative burden on people and help to reduce or even remove many of the errors in the process.

Secondly, the OPG is drowning in paperwork, and that does not allow the OPG to deliver the service that its fee payers expect. Many in this place will know about the media reports on the backlog in registrations. The OPG reports that it is taking up to 20 weeks on average to process an LPA application, against its target of eight weeks. Others will be receiving letters from constituents asking for assistance, as they are left unable to support their loved ones because an LPA is currently sitting in that backlog.

We all agree that this situation is unsustainable. The OPG carries out manual administration checks. It stores 11 tonnes of paper at any one time, and LPA applications are generally increasing, with the number of LPAs submitted for registration more than doubling between 2014-15 and 2019-20. That is creating an ever increasing need for staff, equipment and storage space. The ability to use a digital channel—alongside, I stress, a paper route—to make and register an LPA would help to resolve some of those issues. Most of the current manual checks could be automated. Physical storage requirements could be reduced and, critically, it would increase the OPA's resilience to backlogs caused by the disruption of paper processing.

The third point, and probably the most important one, is that while a digital channel is desirable for donors, attorneys and the OPG, it must be balanced against the need for suitable safeguards. The risk of fraud is small, but it is a real risk. The BBC Radio 4 programme “You and Yours” reported last year on the case of Marie—not her real name—who was a victim of LPA fraud when someone took out an LPA in her name and attempted to sell her home. Concerns about undue pressure and abuse are also common. Earlier this year, in parallel with another report by “You and Yours”, a debate was held in the other place on LPAs and the economic abuse of older people.

I firmly believe that LPAs are a positive way for people to control what happens if they lose mental capacity. They are an insurance policy that people should take out to appoint people they trust to make decisions in their best interests, should the worst happen. But I cannot ignore that there must be protections in the system to reduce the chance of it being manipulated by those who intend ill will towards others.

James Sunderland (Bracknell) (Con): I am not a lawyer—heaven forbid!—but my understanding of the Bill is that it will do a number of really important things. It will provide much better safeguards on financial and property issues, and it will provide safeguards where there is loss of mental capacity and against abuses of power. It will also make the process a bit more streamlined,

as we will not be so dependent on expensive lawyers now that legal executives can do this. My question for my hon. Friend is, will it be any cheaper?

Stephen Metcalfe: My hon. Friend asks a very good question. Although I cannot guarantee it will be cheaper, I can say that it will be no more expensive. We need to make the system sustainable and the relatively straightforward reforms in my Bill will allow that to happen, while keeping the price competitive, as it is at the moment.

My hon. Friend has hit upon the point at which I am going to describe some of the detail of the Bill and how it resolves some of the issues to which I have alluded. It makes a number of changes to the Mental Capacity Act 2005, specifically to schedule 1, which covers provision for the making and registration of LPAs. The most crucial change is that the Public Guardian will verify the identity of certain parties as part of the registration. It is important to strengthen safeguards in that way on a document that can confer such wide powers on access to savings, investment and property. The Government's consultation indicated that these proposals were well received by respondents, including the public, as a necessary safeguard. This will be a key protection against the horrible position Marie found herself in, by increasing confidence that the people named in the LPA have actually been involved in the process of making it. This provision is even more important now, with identity fraud on the rise and perpetrators making use of ever-more sophisticated methods for targeting their victims. Removing loopholes in the system before they can become further exploited and other members of the public are put at risk is one reason I chose to take this Bill through Parliament.

The second main change is on the requirement for the application to register, requiring the donor to apply and changing what must accompany the application—currently, the instrument intended to create the LPA and the fee. This will facilitate a flexible system, so that instead of just a paper channel or a digital channel, each actor, whether they are the donor, the attorney or the certificate provider, can use the method that best suits their needs to complete a single LPA. This will reduce the administrative burden on donors and attorneys, while automated and early error checking will help to reduce the potential for signing and other errors that prevent registration.

Changes to the notification system will also facilitate this flexibility. The system requires that people the donor named in the LPA are informed by the applicant when the LPA is sent for registration, so that they can raise any objections. In the future, the Public Guardian will send these notifications. This change is made for three reasons. First, the Public Guardian can be certain that the notifications have been sent, increasing the protection provided. Secondly, it removes the administrative burden from the donor. Thirdly, the Public Guardian will be co-ordinating the execution of the document, so is best placed to send these in a timely manner.

That links to changes to the process for objecting to the registration of an LPA. The current process is complex, with different routes for different people, depending on the type of objection. People and organisations not named in the LPA do not even have a formal route to raise objections. That group currently includes organisations such as local authorities, which

have a statutory safeguarding duty but no formal way of raising related concerns about an LPA's registration with the Public Guardian. Although the Public Guardian currently processes these objections, because it is the sensible thing to do and offers the best protection for the donor, the scope of the current legislation is limited and creates ambiguity. To rectify this issue, the Bill introduces a single route for all objections, starting with the Public Guardian and ending at the Court of Protection, if that is required. It applies to all individuals and organisations, even if they are not included in the original LPA. So there is more clarity about where and how to raise concerns about the registration.

Let me turn to increased protection for donors. Finally, to modernise LPAs the Bill changes the evidence of registration of the LPA. As I said, LPAs are currently paper documents. That means that if there are changes—for instance, if an attorney is removed because of abuse—the Public Guardian needs to amend the paper documents. As I am sure the House can imagine, why would someone who has been removed from an LPA because of abuse want to return it to the Office of the Public Guardian? The LPA will therefore be registered as an electronic document. That will create a single source of truth that can be accessed in real time by third parties, but more importantly, updated in real time by the Public Guardian without requiring the paper to be returned.

I recognise, however, that some individuals and third parties will remain unable to use an electronic system. For that reason, the Bill also provides for other methods of physical proof. I believe that those will be set out further in regulations.

As I stated, my Bill seeks not only to modernise LPAs, but to amend section 3 of the Powers of Attorney Act 1971 to enable chartered legal executives to certify copies of a power of attorney. That Act sets out how a copy of a power of attorney can be made and who can certify or sign copies, stipulating that only

“the donor of the power...a solicitor, authorised person or stockbroker”

can sign or certify

“that the copy is a true and complete copy of the original”.

The Bill seeks to include chartered legal executives among those who can certify a copy of a power of attorney.

We have come a long way since 1971; it is more than half a century since that Act came into force. Chartered legal executives are allowed to provide legal services under the Legal Services Act 2007 and now provide many of the same legal services as solicitors. It is therefore completely right that chartered legal executives have the ability to certify copies.

I am conscious of time, so I will draw my remarks to a close. I have outlined a number of specific changes that the Bill will make. It is a relatively straightforward piece of legislation, but is important none the less. It will make the Office of the Public Guardian more sustainable; streamline the process; increase the number of people who can authorise copies of lasting powers of attorney; and introduce some important safety checks. I very much look forward to hearing what the Minister has to say. I thank him and his Department for working with me to bring the Bill to this stage and I hope that, after today's debate, we can take it further forward. I commend the Bill to the House.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Minister.

1.43 pm

Alex Cunningham (Stockton North) (Lab): I congratulate the hon. Member for South Basildon and East Thurrock (Stephen Metcalfe) on promoting this private Member's Bill and on introducing it today. He made his case very well; this is a matter of great importance that can affect so many of us.

Last year, I wrote to the then Justice Minister overseeing this portfolio, the hon. and learned Member for Cheltenham (Alex Chalk). I had several concerns, particularly regarding the lack of training and awareness on the limits of power of attorney, that had been brought to my attention by a number of practitioners. The then Minister's response was reassuring and I am glad that the agenda in this area is moving forward with Government support, but there is still much to be done to improve the system beyond the Bill's parameters. That said, Labour supports the Bill's aims and welcomes the modernisation of the process for making and registering lasting powers of attorney.

It is of cardinal importance that donors are protected. If technology can provide more effective ways of strengthening those protections, we should make full use of it. Furthermore, although I understand that the strain on the Office of the Public Guardian has reduced in recent times with the recruitment of more caseworkers, the staff there are still stretched and delays are still being experienced. I hope that the modernisation process provides the necessary streamlining to ease the burden on the Office of the Public Guardian.

We welcome the Bill's amendment to section 3 of the Powers of Attorney Act 1971, which the hon. Member for South Basildon and East Thurrock mentioned, which will enable chartered legal executives to certify copies of powers of attorney. It is good to see that particular matter addressed. However, there are several areas on which I would welcome the thoughts of the hon. Member or the Minister to inform my understanding of why they have been omitted from the Bill. One notable absence from the Government's response to the consultation was the Law Society's recommendation that certification should expressly include consideration of the donor's capacity. This seems like a sensible proposal to me, and I am interested to hear why the Bill has not taken it on.

While LPAs are one important mechanism by which it is possible to support the exercise of legal capacity, as Alex Ruck Keene KC notes in an article on his excellent website about mental capacity law and policy, it is certainly not the only mechanism. He notes that it would be possible within the same zone of endeavour as this Bill

"to flesh out the provisions of the Mental Capacity Act 2005 to secure that a person is recognised as being able to make their own decisions in more situations than is currently the case."

Should we expect further legislation that would provide for wider reforms, or is this Bill the extent of the Government's ambition for legislative work in this area? I ask with genuine interest, as we are looking forward to working with the Government, and the hon. Member, on introducing reforms in this important area.

I was pleased to read in the Minister's foreword to the consultation response that

"it remains for me to emphasise again the importance of us modernising LPAs in a way that is right for donors. They are the ones who choose their attorneys, they are the ones that should set the scope of the powers they wish to confer under an LPA, and they are the ones whose rights and freedoms must be protected and facilitated through this service. It therefore remains the case that their needs are paramount and must come before those of any other party as we seek to make changes."

We very much agree with this sentiment and are looking forward to scrutinising and potentially improving these measures at Committee stage.

1.47 pm

Holly Mumby-Croft (Scunthorpe) (Con): I thank my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) for bringing forward this private Member's Bill. If I may, Madam Deputy Speaker, I would also like to thank you, as the right hon. Member for Doncaster Central (Dame Rosie Winterton). I carried out some research before I came today, as I have worked on lasting powers of attorney in a previous life, and I note that you have done an awful lot of work in the background on this subject. I want to put on record my thanks for that work and what that has brought about today.

I wholeheartedly support this private Member's Bill. I absolutely understand and have seen first hand the need for the measures in it. I would like to put on record my thanks on behalf of this side of the House. I wish my hon. Friend well with his Bill.

1.48 pm

Jerome Mayhew (Broadland) (Con): I aim to be as brief as my hon. Friend the Member for Scunthorpe (Holly Mumby-Croft). I want to put on record my support for this Bill. Often in Friday sittings we talk about photogenic furry animals, but this is very different. This is an important Bill that will affect us all. To take the example of just one disease, it is estimated by Alzheimer's Research UK that there are 944,000 people in this country suffering from dementia. The estimate is that one in three children born this year will develop and suffer from dementia in the future. This is an issue that affects us all now or will do in the future.

I want to highlight the importance of lasting powers of attorney and point out that there are not one but two different types. There are the ones that affect property and affairs and there are, crucially, the ones that affect welfare and health. From personal experience as an attorney in this area, I found the current system surprisingly complex, and that was as a qualified barrister. To be using only paper is surprising in this day and age. The complexity of sequential signatures was also surprising, and the identity checks relying on witnesses are frankly inadequate in modern times. I welcome the intention of the Bill, which is to make it easier to create LPAs, using digital facilities where appropriate. I recognise that about 25% of those over 65 do not have easy access to the internet, although on many occasions it will be younger family members whom they will be appointing as attorneys, and in those circumstances many of that 25% will be given assistance to use digital access as well. However, it is important that a paper alternative continues to be provided, and I am glad that is recognised in the Bill.

My final point is that it is great that the Bill contains increased protections from abuse, particularly in paragraph 7(2) of schedule 1, which makes reference to

the process for objecting to registration for third parties. That is a useful addition, and I thoroughly welcome this Bill.

1.50 pm

Peter Gibson (Darlington) (Con): It is a pleasure to be called to speak for the third time this day; I draw the House's attention to my entries in the Register of Members' Financial Interests. As a solicitor, I have prepared many hundreds of lasting powers of attorney for both health and welfare and property affairs and, before their advent, many enduring powers of attorney. I still act on a regular basis to take care of the affairs of individuals who have appointed me as their attorney, often in circumstances where they had no family to act for them or they did not want to entrust such responsibility to a family member. Indeed, I know I have many more future nominations that will require me to act.

I welcome the steps the Bill takes to update the process of preparation for LPAs, which have been around for well over a decade, and I congratulate my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) on bringing it forward. An LPA is a very powerful document, and we should always be aware, in making changes to them, that they can, in the wrong hands, be open to abuse.

In my personal opinion, the engagement of a legal professional to assist in the preparation can be invaluable, but not essential. My own uncle, always keen to save a bob or two, especially in order to avoid legal bills, recently prepared powers of attorney and decided to do it himself, which in actuality involved him making many telephone calls to me while he filled the forms in. Sadly, his forms were rejected by the Office of the Public Guardian and he had to start all over again. At the end of the saga, he concluded that he wished he had gone to a lawyer to get the job done in the first place. I welcome the measures in my hon. Friend's Bill, which would certainly have streamlined the process for my uncle.

My final point is about we are with powers of attorney in respect of the high street financial institutions. There seems to be a great lack of training among our high street banks on how to engage with people who have been appointed as attorneys and the security measures involved. They make it almost impossible to deal with them in a co-operative way as an attorney, and I would welcome the Minister's comments on that. I wish my hon. Friend well with his Bill and, should he require assistance on his Bill Committee, I would be delighted to serve.

1.53 pm

Danny Kruger (Devizes) (Con): I will be brief: I completely agree with the purpose of this Bill and will be supporting it, but I want to speak briefly in recognition of the great significance of LPAs. I quote from Stephanie Boyce, the President of the Law Society, who has said:

"LPAs are arguably one of the most important legal documents that a person will make because they delegate such wide-reaching powers over their life...the consequence of an attorney making a poor decision could result in the loss of all their assets, being put into a care home against their current or past wishes, or even their premature death".

It is death that is on my mind, because of my role as chair of the all-party parliamentary group for dying well, which campaigns against a law for assisted dying in this country. The problem of elder abuse is sadly

endemic in our society, and I am afraid that ensuring that we get the signature or the verbal assent of an elderly person is not always enough to protect their interests. We must always hold to the essential dignity of a person in old age. The more dependent they are, the more dignity they need.

I spoke yesterday about my concerns about the drift towards a cashless society. We are moving towards a paperless society as well. That may well be a good thing for older people, but it can also become more bewildering and expose us to greater potential for abuse. I think we need a grand review of the effects of digitalisation in our society, on our communities, on vulnerable people and on liberty.

1.54 pm

The Parliamentary Under-Secretary of State for Justice (Mike Freer): I thank my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) for promoting this vital Bill. I look forward to supporting him as the Bill completes its journey and, I hope, makes its way on to the statute book.

My hon. Friend did an effective job of laying out the provisions of the Bill and its purpose. It is immediately clear both from his words and from the contributions of Conservative colleagues—I will turn in a few minutes to the question raised by the shadow Minister, the hon. Member for Stockton North (Alex Cunningham)—that we all recognise that a lasting power of attorney is a vital resource and how important it is to ensure that the process has sufficient safeguards, while remaining accessible and efficient.

It is a deed that gives peace of mind and assurance to individuals, should there be a time when they lose mental capacity to make decisions for themselves. It gives them peace of mind that there is a pre-selected loved one or professional there to help them, whether to provide support and make decisions about managing their financial affairs, or to make decisions relating to their healthcare. A lasting power of attorney ensures that a person's wishes and preferences can be taken into account, and reduces the stress and burden on families when capacity is lost unexpectedly.

My hon. Friend rightly highlighted in his opening remarks that we are living in a society with an ageing population. One of the implications of this is that we are likely to see an increase in people who lack mental capacity due to age-related conditions. For example, as my hon. Friend the Member for Broadland (Jerome Mayhew) mentioned, the Alzheimer's Society says that there are currently around 900,000 people with dementia in the UK. That figure is projected to rise to 1.6 million by 2040, meaning an increase in the number of families who will find themselves faced with the reality of needing to make critical decisions about their loved one's finances or welfare.

I know that those can be difficult decisions, talking about and preparing for the worst-case scenarios, including preparing for loss of capacity. It can be harrowing for people, their friends and their family. However, preparing early is the key to ensuring that life can continue in the way the person wanted. Putting in place a lasting power of attorney gives family and friends an insight into a person's wishes and preferences and who they would like to make decisions on their behalf when they are

[Mike Freer]

unable to do so. Given the importance and significance of the document, and the gravity of the power it confers, it is absolutely right that we look at how we can make the process for making and registering a lasting power of attorney safer, simpler and more accessible.

I am grateful to my hon. Friend the Member for South Basildon and East Thurrock for setting out so eloquently the problems that exist in the current system. Members of this House will be aware that the Ministry of Justice has consulted on potential solutions to some of those challenges, and I am delighted that the Bill promoted by my hon. Friend reflects and builds on the Government's response to the consultation.

Turning to the question raised by the shadow Minister, in terms of the capacity issue, the Government remain committed to the principle of supporting decision making but believe that that is provided best by the Mental Capacity Act 2005. The proposals in the consultation were carefully considered by the Government, but we still have concerns that a formal framework may be unnecessarily legalistic and would overlap with other provisions, such as advocacy.

I want to give a commitment to the House that we are seeking to ensure that the system is as simple and easy to navigate as possible. My hon. Friend talked about the current backlog in the Office of the Public Guardian, which is leading to longer waiting times for LPA registrations. That has been exacerbated by the limitations arising from the current legislative framework and the operational practice it requires. My hon. Friend explained that all LPAs are currently made on paper, which creates a huge logistical burden on everyone involved. It is also not reflective of the needs of users in today's society, but I take on board the point made by my hon. Friend the Member for Devizes (Danny Kruger) about ensuring that, as we embrace technology, we must also ensure that there are sufficient checks and balances for those who may be vulnerable to abuse.

Frankly, people expect Government services to be available online, while also having the option to do things on paper when they prefer to. I am pleased that the Bill will create a digital channel to make an LPA, while also improving the paper channel for those who need or choose to use paper. A digital route will make LPAs more efficient and realise many benefits. It will allow for a speedier process, reduce the administrative burdens on individuals and automate many checks that should reduce the risk of errors in the paperwork that often delay registration and therefore the ability to use the LPA.

The Bill goes further than simply the digital and paper channels. By facilitating a more flexible system, the ability to move between the channels to create a single LPA will provide a far more flexible service and far more benefits to a wider group of people. Even those who want to use paper will benefit from others using digital elements in the process. The challenges faced by the OPG cannot be solved without reform, which is why I am grateful for the improvements that the Bill seeks to facilitate. I am confident that by introducing a digital process and automated checks and reducing some of the burdens on the organisation, we will build resilience into the process, meaning that people will be able to register their LPAs more quickly. It should also significantly reduce the chances of backlogs forming.

I assure the House that the vast majority of LPAs—there are currently more than 6 million on the register—are used properly to provide the support they are intended for. However, we know that LPA fraud and abuse takes place, and steps must be taken to address it. In 2021-22, the OPG investigated 2,408 LPA cases in response to concerns received. Of those, the OPG took remedial action in 649 cases. Such action can include an application to the Court of Protection to remove an attorney or revoke an LPA, as well as working with the attorney to provide education and guidance on how they should carry out their role.

Although the matters I have outlined apply to a very small proportion of the LPAs registered by the OPG, the impact on the individuals who experience abuse can be significant, which is why I am pleased that the Bill includes provisions to make the process more secure, especially for the donor, and lays the groundwork for further changes to be made in regulations.

In line with the Government's consultation response, the Bill introduces identity checks as a requirement of registration. This is an important safeguard that will assure the OPG that those who claim to be involved in the LPA are who they say they are and reduce the risk of fraud by false representation. Regulations will support the change by specifying who will be subject to checks—the donor and the certificate provider—as well as how those checks will be carried out and which documents will be acceptable. I am committed to providing a wide range of options as soon as possible, given that the average age of a donor is currently 74 and most are over 65.

Provisions are being made to streamline and improve the objections process so that it is easier to lodge a concern with the OPG. That is a vital safeguard that will include those with a legitimate concern—such as local authorities, care workers and even the police—who previously did not have a formal route through which to express their concern.

My hon. Friend the Member for South Basildon and East Thurrock pointed out that the Bill gives us the levers to make further changes in regulations that will improve other protections, including the role of certificate providers. By having the certificate provider take on the role of witness, we are strengthening safeguards. In addition to this increase in safeguarding, by combining the roles of certificate provider and witness we will also reduce the burden on the donor.

I am pleased that the Bill also addresses the role of chartered legal executives. It cannot be right that a chartered legal executive—a legally qualified Chartered Institute of Legal Executives lawyer—who legitimately participates in the creation of a power of attorney should be rendered unable to certify as genuine a copy of the same document that they were instrumental in creating. The Bill will address that anomaly.

In closing, I reiterate how vital the improvements in the Bill are to support individuals to make a lasting power of attorney and to certify copies of such important documents. The efficiency savings will ensure that donors and attorneys have a better system, with the savings made reinvested to increasingly improve the service, so it is an all-round benefit.

Finally, I reiterate my thanks to my hon. Friend the Member for South Basildon and East Thurrock and thank my hon. Friends the Members for Devizes, for Darlington (Peter Gibson), for Scunthorpe (Holly Mumby-Croft) and for Broadland for their contributions.

2.4 pm

Stephen Metcalfe: With the leave of the House, I will draw together some final remarks. This has been a short but interesting debate. The scope of the Bill, as I expressed, is relatively tight, but it will make some important changes. It will improve access to lasting powers of attorney through a new technical and digital route while—I stress—maintaining a paper route. It will put in some additional checks on identities to ensure that those claiming the powers are who say they are. As we have heard, there will be a better route for raising objections when we think such powers are being misused and a simplification in the process of applying for an LPA by making it quite so onerous in timing and the order of signatures. In addition, there is the increased and enhanced role for chartered legal executives.

As I said, the Bill is relatively straightforward. I am grateful to have heard support from both sides of the House, including from the hon. Member for Stockton North (Alex Cunningham). I look forward to taking that further as we go into Committee. I am also grateful to my hon. Friends the Members for Scunthorpe (Holly Mumby-Croft), for Broadland (Jerome Mayhew) and for Devizes (Danny Kruger), and I am particularly grateful to my hon. Friend the Member for Darlington (Peter Gibson) for offering to serve on the Committee. If any other Member wishes to serve on the Committee, please do feel free to volunteer.

It has been an enjoyable debate, and I look forward to the Bill moving on to the next stage. I place on record my thanks to the Minister, the officials and all those involved in helping get it to this point. I also thank the Whips, and especially my neighbour, the Comptroller of His Majesty's Household, my hon. Friend the Member for Castle Point (Rebecca Harris). I would not live it down if I did not mention that.

Question put and agreed to.

Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

Short-term and Holiday-let Accommodation (Licensing) Bill

Second Reading

2.7 pm

Rachael Maskell (York Central) (Lab/Co-op): I beg to move, That the Bill be now read a Second time.

Housing matters. Our communities matter. There can be no greater human right than having shelter, yet in many of our communities housing is being flipped over to short-term holiday lets amid a housing crisis. Housing is snatched to make wealth for investors while housing poverty's grip freezes families out of their homes and out of their communities. Children are being taken out of school and people are being forced to leave their jobs as they cannot find somewhere to live, all so that others can profit from those dwellings. Villages are becoming desolate and urban streets are being turned into party metropolises. There is something very wrong in what is happening, and our constituents are suffering. My Bill would fix that.

Rural, coastal and urban communities are at the centre of an extraction of wealth and housing that is leaving destitution and despair. For the Government not to license short-term holiday lets but just to register them will let landlords off the hook and deepen the housing crisis. A registration scheme will appease the industry, landlords and short-term holiday let platforms but fail to give local authorities the tools that they need to protect residents. That is why I call for support for my Bill, which would bring fair and balanced changes into legislation.

I am grateful for the support of housing campaign groups such as Generation Rent, Acorn and Action on Empty Homes, as I am for that of Members across the House in the other place. Other countries are years ahead of us, yet the obsession with deregulation has caused the Government to hesitate. It is now incumbent on MPs to ensure that we legislate.

The Government's new plans to register short-term holiday lets will not give local authorities opportunities to create controlled zones where Airbnbs are banned or numbers limited, nor to raise penalties where breaches of locally determined criteria occur so that fines can be issued or licences removed. My Bill would legislate to achieve that. Measures have been already deployed throughout Europe and in many places across the world. With the Bill, we would simply catch up by addressing the challenge.

A registration scheme tells us simply where holiday lets are, but we already know that because they are listed on public platforms. My Bill would add controls to that and do something about it, unlike the Secretary of State's current approach. The Government are also calling for a new use class consultation up to the summer, but that concerns me, as a new use class will lock in short-term holiday lets, making it more difficult for such properties to return to residential use. Under my Bill, when the owner changes the property will automatically return to residential use—quick and simple.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987 to introduce a new use class, stating that buildings

[*Rachael Maskell*]

or lands that were in those particular use classes prior to transfer would be treated as automatically moving into the new use class, according to the House of Commons Library. That would mean that 330,000 short-term holiday lets would be automatically deemed for that purpose. With the stroke of a pen, the Secretary of State is taking a third of a million properties out of residential use, and then requiring a full planning process for each to return to being a residential dwelling—difficult, timely and costly. This has not been thought through.

My legislation would be far more receptive to reversing properties back to housing. In April 2016, just 76,000 properties were marketed on the Airbnb website. That has risen substantially just in the last year by another 14%, but there are many other platforms out there. Every day, 29 more properties flip from residential use to short-term holiday lets. So much time has been lost, which is why we cannot delay.

Matt Rodda (Reading East) (Lab): My hon. Friend is making an excellent speech. This is clearly a huge issue across the country, including in my constituency in Reading. Does she also believe that more action needs to be taken on the wider range of temporary lettings that can take properties out of use by families, such as some types of student lets and some other temporary lettings?

Rachael Maskell: I thank my hon. Friend for his intervention. So many things need to be done on housing, and I know that a Labour Government will put it foremost in their agenda, to ensure that everyone has a home to live in. In York, we have over 2,000 short-term holiday lets. The Government consulted over the summer about a registration scheme, but that horse has bolted. The market is out of control. It needs regulating, and my legislation would achieve that. With a licence, people do not get just a register but safety certificates, ensuring that standards are in place and complied with. If not, the licence can be revoked. Those are the challenges that we want to be addressed.

We have clearly seen a massive growth in this industry. What started off in San Francisco as an air mattress on a floor is now a £57 billion industry worldwide. That is why we have to get a grip on it. It is not just about a spare bed in the shared economy; whole swathes of streets are now pepper-potted with residential accommodation turning into holiday lets. In my constituency, we have seen a particularly sharp rise. It seems to be an issue for holiday destinations.

Peter Gibson (Darlington) (Con): I know only too well some of the issues that the city of York has faced over the years, particularly having introduced its own specific rules with regard to houses in multiple occupation in recent years. I wonder whether the hon. Lady has engaged with my hon. Friend the Member for Cities of London and Westminster (Nickie Aiken), who has also raised this issue in the House?

Rachael Maskell: I have indeed. Many MPs across the House share an ambition to control this market. At the heart of the issue is the fact that we are losing housing that is desperately needed by our constituents.

Also, villages are being hollowed out, which is impacting communities. In places such as York, as these properties spread along family streets, families are being hemmed in by party homes. The trolley comes up the road on a Friday night, and dread grips the community, which knows what lies ahead of it, starting with the music turning up and then sleepless nights, and profane language coming over the garden wall until quiet comes again on Sunday evening. People are desperate for measures to be introduced to control that environment. This impacts greatly on the property market. Demand outstrips supply, and costs in the private rented sector and in owned housing are extortionately high. That is why we need to ensure that good regulation is in place.

Local authorities are also missing out. They are not getting council tax from these properties as they are flipping over to become small businesses, enjoying small business rates exemption. Local authorities are losing millions of pounds, but local authority services are still required. Labour in Wales introduced a doubling of council tax and that is now rising to 300%, making sure it benefits from this situation in order to pay for the services that are often required.

I have mentioned the impact on the local community, but the economy is also impacted as we struggle to recruit, whether, ironically, in the hospitality sector, the NHS, or the perma-crisis that is causing a real challenge in social care. Bed and breakfasts and guest houses are struggling to compete with these deregulated forms of accommodation, too. That is why it is so important that we introduce a licence scheme, which will make such a difference to all our communities.

There is always a darker side with unregulated markets. The lack of accountability harbours an even more worrying trend. In York, we have seen pop-up brothels in short-term holiday lets, businesses that come and are then gone after the weekend. This summer I had a case of a property being used for drug dealing; the landlord knew and did nothing. County lines gangs have learned the benefits of this unregulated industry, as have those exploiting others through modern slavery. I dread to think what is happening around child sexual exploitation. The law is lax and that is why we must legislate.

I therefore say to the Minister that we need to move urgently to get a licensing scheme in place for short-term holiday lets. Let's licence these lets.

2.17 pm

Barbara Keeley (Worsley and Eccles South) (Lab): I pay tribute to my hon. Friend the Member for York Central (Rachael Maskell) for her hard work on this issue and congratulate her on introducing the Bill, which Labour strongly supports.

Short-term letting, facilitated by businesses such as Airbnb, could be positive for our tourism sector and local economies, but short-term letting is only a good thing if it is sustainable and strengthens communities, rather than weakening them, and currently the unchecked prevalence of short-term and holiday lets is causing harm. First, there is a stream of temporary visitors who are not invested in the place in which they are staying; they may not follow rules on noise levels or health and safety. But even more fundamental, as my hon. Friend described, is the problem of what happens to a community when too many residential properties become short-term

or holiday lets. Instead of the investment, employment opportunities and strong tourism industries that communities need to thrive, this kind of letting is causing a housing and public services crisis across coastal and rural parts of the UK and her area of Yorkshire.

Areas such as Shropshire, Northumbria and Cornwall are seeing house prices soar and availability drop as wealthy outsiders buy up second homes to let out. That squeezes the affordability and availability of homes, particularly for local first-time buyers and private renters. It also results in houses left empty for large chunks of the year, reducing permanent populations. That can impact the local community disastrously: schools become unsustainable and close as local families are forced out, transport services are cut, and health and other services disappear as demand drops.

This Bill would help communities to regain control and is in line with the findings from Labour's commission on the UK's future. As we have heard, the Bill proposes to give local authorities the powers to implement licensing schemes for the conversion of domestic properties into short-term and holiday-let accommodation. It would also, importantly, give them the right to exercise appropriate powers over those schemes: issuing fines or removing licences where key conditions are not being met; varying local tax rates in relation to such properties; limiting the number of days a year that short-term holiday lets can be rented; and banning their licensing in certain areas.

If this Bill becomes law, places will be able to reap the rewards of thriving tourism, without the risk of communities becoming ghost towns when the holiday season ends, and locals will no longer be priced out of their own neighbourhoods. Getting this right quickly is essential, as my hon. Friend has been saying. Our tourism sector is doing all it can to attract visitors, but is doing so while grappling with the slow recovery from covid, a cost of living crisis and rising energy bills and inflation. I urge Government Members not to talk out this Bill today, but to join Labour in supporting it.

2.20 pm

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Stuart Andrew): I thank the hon. Member for York Central (Rachael Maskell) for bringing this important debate to the House and for her diligence in continuing to highlight this important matter. I know that we had a lot of exchanges while I was the Minister for Housing, and I am sorry that we never got around to doing the roundtable I promised to do with her in her constituency.

The short-term and holiday letting sector is a matter of considerable interest across all parties, and many hon. Friends have raised it with me, too. I am sure it will continue to be a big issue. The voices that we have heard are key to keeping this debate going and I offer my thanks to the hon. Lady.

The short-term and holiday letting of residential accommodation to paying guests is not a new phenomenon in this country. We have long been able to boast about the quality and range of England's guest accommodation offer. The quintessential English bed and breakfast, holiday cottage or homestay have been important parts of our accommodation offer for many years. They have long catered for the needs of tourists, those travelling for work or people in need of temporary accommodation. However, it is clear that, over the past 10 to 15 years,

there has been a rapid and significant growth in the short-term and holiday letting market, which has changed the shape and size of England's guest accommodation sector.

At the heart of that change has been the emergence of the sharing economy. Online platforms have played a key role in making it easier to connect homeowners who want to rent out their accommodation with people who are looking for a place to stay for a short period. I want to be clear that the rise of these online platforms and the subsequent expansion of the short-term and holiday let market has been beneficial for hosts, consumers and the wider visitor economy. I am sure that many Members attending the debate today will have made use of them themselves, as will many of their constituents. At the same time, however, we must recognise that this expansion has created challenges and concerns in some of our communities.

Chris Clarkson (Heywood and Middleton) (Con): Obviously we are still facing a housing crisis in this country and, while I completely agree that short-term lets go some way to helping our tourism economy recover from the after-effects of covid-19, does the Minister agree that we need to strike the right balance between the usage of private rented accommodation for short-term lets and ensuring that there are enough good-quality affordable homes available for people who would want to buy or rent them?

Stuart Andrew: I absolutely agree with my hon. Friend that we need to have a measured and effective approach, and I will come on to that shortly.

Rachael Maskell: On the issue of the private rented sector, the reason why so many are flipping is the inequality within the tax system, where landlords can no longer gain tax benefit as a result of the improvements they make to their property. We clearly now have an inequitable situation. Does not the Minister agree that that is why it is so important to bring forward tighter regulation to license these properties?

Stuart Andrew: I do. There are many complex issues around this important point, and the hon. Lady highlights one of them. During my time as the Minister for Housing, I was speaking to colleagues across Government about various solutions we could come up with, and I hope to elaborate on that a bit more in a moment.

Our ambition has been and will continue to be to ensure that we sustainably reap the benefits of short-term lets and holiday lets, while protecting the interests of holidaymakers and local communities. The Government have recently taken a series of steps that we are confident will help us to achieve our ambition for the sector. The Government have recognised for some time now that there are significant concerns that need to be investigated further. That is why, in last year's tourism recovery plan, we set out our intention to consider a tourist accommodation registration scheme in England. That forms part of the Government's ambition to create a more innovative, resilient and data-driven tourism industry.

There is, unfortunately, a lack of information and data on the short-term lets market in England. That is why our first step was to carry out a call for evidence, which ran from 29 June to 21 September this year. We

[Stuart Andrew]

had two key aims for that call of evidence. Our first aim was to hear from a range of stakeholders, to help us to develop a fuller understanding of the current market. Our second aim was to use the data and information we gathered to develop policy options. To do that, we asked questions about the changes and growth that have been evident in the market, the benefits and the challenges of short-term lets and the impact of potential policy responses. In total, we received 4,000 responses from all manner of individuals and organisations located throughout the country. Those included hosts operating in the market, guest accommodation businesses, online platforms, enforcement agencies such as local authorities and representative bodies and groups.

That brings me on to the next steps we are taking to improve the short-term lets sector. The call for evidence highlighted that there is a case to introduce light-touch regulation in this currently unregulated sector. The Government are therefore introducing a registration scheme for short-term lets through an amendment to the Levelling-up and Regeneration Bill tabled on Wednesday 7 December. There are a number of benefits to introducing a registration scheme. It will deliver much-needed data and evidence on short-term letting activity across England, providing transparency on the numbers and locations of short-term lets for local authorities, central Government and enforcement agencies. It will improve consistency and coherence in the application of statutory health and safety regulations. It will boost England's reputation as a destination for visitors, and it will help to attract more international visitors by giving a visible assurance that we have a high-quality and safe guest accommodation offer for all. Finally, it will support local authorities where a high number of short-term lets are deemed to be impacting their local housing market.

Local authorities have highlighted the challenge of accurately assessing the scale of short-term lets in their areas, often having to rely on data from third party providers. As there are some questions over the reliability of that data, a registration scheme would provide local authorities with better information on short-term letting in their area. A consultation on the design of the scheme will be carried out next year before the summer recess. For those reasons, the registration scheme should be seen as a significant step in our policy approach to the short-term lets sector.

Rachael Maskell: Does the Minister realise that over that period, another 6,525 properties—29 a day—will flip over to become short-term holiday lets? Surely we need to get on with licensing now.

Stuart Andrew: I hope that I have indicated how seriously the Government take this issue, but it is right that we do this properly and make sure we get as much data as possible, so that we really know the position we are facing.

The registration scheme is an altogether different step from the licensing scheme put forward in the Bill. As the Government are already progressing with the registration scheme that I have outlined, I am afraid we cannot support the Bill. None the less, the Government recognise that a registration scheme alone will not address all the challenges that have been highlighted today, particularly

in the case of housing. The Government are aware of calls for changes to the planning system. Currently, planning permission is not normally required when an existing house starts to be used as a short-term let. We therefore propose to consult next year on whether planning permission will more often be required when a house seeks to start to be used as a short-term let and for new short-term lets, especially in tourist hotspots.

Today's debate has also touched upon concerns that landlords may be prioritising short-term letting activity instead of long-term tenancy agreements. This has limited the ability of local people to secure affordable private rented sector properties. The Government are also committed to giving private renters a better deal, with greater security of tenure and safer, higher-quality homes. On 16 June, we published our White Paper, "A Fairer Private Rented Sector" which sets out our plan to fundamentally reform the sector and level up housing quality in this country. Since then, we have also committed to banning section 21 no fault evictions to protect tenants.

2.30 pm

The debate stood adjourned (Standing Order No. 11(2)).
Ordered, That the debate be resumed on 24 March.

Business without Debate

REMOVAL OF TITLES BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

FORMER MINISTERS AND PRIME MINISTERS (ABOLITION OF PAYMENTS) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

INDEPENDENT ADVISER ON MINISTERS' INTERESTS (APPOINTMENT BY PARLIAMENT) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 20 January.

PUBLIC ADVOCATE (NO. 2) BILL

Resumption of adjourned debate on Question (15 July),
That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 3 February 2023.

**PRE-PAYMENT METERS
(SELF-DISCONNECTION) BILL**

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

Hon. Members: Object.

Bill to be read a Second time on Friday 20 January.

CARBON EMISSIONS (BUILDINGS) BILL

Resumption of adjourned debate on Question (25 November), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 24 February 2023.

BALLOT SECRECY BILL [LORDS]

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

Question put and agreed to.

Baby Banks: Government Support

Motion made, and Question proposed, That this House do now adjourn.—(*Nigel Huddleston.*)

2.32 pm

Stella Creasy (Walthamstow) (Lab/Co-op): Children are expensive and wasteful. The amount of stuff they go through and the cost to a parent's pocket is horrific. In this country, it should be our collective mission to put food banks out of business, because nobody should go hungry in a modern, dignified democracy. But would we have the same ambition for baby banks? What, Madam Speaker, do I mean by baby banks? I promise you that this is not about a very strange form of deposit, or loan or even withdrawal. This is about how we change the stigma that somehow says that sustainability is a middle class indulgence, because in the time of a cost of living crisis, we cannot afford to do anything but for our parents' pockets and for our planet.

To date, those efforts about being green have focused on things such as jobs and wind farms, but now it is time to focus on the role of give and take. I would venture that everybody in this Chamber—those who are left—probably remembers that from being a child. I was the youngest of a number of cousins. During the 1980s, I did not want for leg warmers, because I had multiple pairs of those donated to me. The truth is that for parents facing those costs of children, sharing is absolutely integral.

Research from the Child Poverty Action Group shows that it costs around £160,000 to raise a child. For single parents, it is £190,000. Every penny matters. But it is not just about the costs; it is about the cost of carbon and the waste that it means when a parent has to buy new things for every individual child. Parents are facing a cost of living crisis as never before. Since 2020, the costs facing new parents have risen by a third, as the cost of living and inflation have pushed up the price of essential goods such as nappies. Indeed, over the last two years, the price of a pack of nappies has risen by a shocking 75%, meaning that, for most families with a new baby, the spend on nappies alone has gone up by £41 a month. The prices of other consumable goods have also gone up, with baby formula costing an extra £12 a month, and baby wipes up 16%.

It is not just about those everyday costs when someone has a new baby; it is also about the one-off, massive purchases. Car seats and pushchairs cost 38% and 25% more respectively than they did in 2020. Yet, during the same period, statutory maternity pay has risen by only 3.6%.

Christine Jardine (Edinburgh West) (LD): The hon. Lady is making a good case. I wonder whether safety is a big aspect where children are concerned. If parents cannot afford to buy new all the time, the children's safety might be compromised. That is where food banks, by providing safe alternatives, could be helpful.

Stella Creasy: It is precisely this issue about how parents make sure they look after their child, which is what every parent wants to do well. That is why baby banks need to become the norm; I want to put food banks out of business, but I want baby banks to become the norm.

[*Stella Creasy*]

One of the issues for us in the This Mum Votes campaign is that we need to understand the pressures on families across the country and to join up Government action. Baby banks provide a solution by giving parents the opportunity to swap and reuse equipment, toys and clothes, as well as access to vital support networks. They are a response to two challenges at the same time: the deepening poverty we see in our communities and the need to care for our environment through the greater reuse of items. There are currently around 200 baby banks in this country. They are often run by women—by volunteers—who have recognised the need to join up the dots to help everybody share. That is as much about bringing those new parents together as it is about the practicalities and the costs that families face.

Half of the 4.2 million children living in poverty in this country live in a family with a child under the age of five. Younger children, in particular, who go through so much stuff and need so much stuff so quickly, are expensive. That is why having the This Mum Votes perspective and understanding should be part of our policymaking. Some 1.3 million of those 4.2 million children are babies and children under the age of five. The total number of children in poverty is predicted to rise in the next year alone to 5.2 million—that is an additional 1 million children, many of whom will be of that younger generation.

We know that investing in the early years reaps a reward, but we do not always invest in helping parents with those early years. That is why fantastic organisations such as Little Village, which supports families with children under five living in poverty across London, are such a godsend, and why I am calling on the Government to make sure that every community has a baby bank—somewhere that collects and distributes pre-loved clothes and equipment. As Little Village's amazing chief executive, Sophie Livingstone, points out, it fixes the systems that trap families in poverty.

Since launching in 2016, Little Village has supported over 25,000 children. Last year alone, it supported over 6,000 children, including 1,000 new-born babies. It takes referrals from across our statutory sector, because anyone working with young families knows about baby banks. In my community, we have a brilliant baby bank run by the Lloyd Park children's centre, and I make referrals to it, as do midwives, social workers and health visitors. Baby banks aid the work of our statutory sector.

Baby banks also help at that immediate crisis point. We have maternity wards saying that they have mums without anything and that they will not let them leave the hospital. It is the baby banks that step in to help, providing vital goods for those newborns, whether it is the nappies, wipes, creams, clothes, blankets or hats that people will not be allowed to leave the hospital without.

Baby banks are also often a vital link for parents who are sceptical about the statutory sector. These are organisations that those parents can trust and that definitely have their child's best interests at heart. They can also be a bridge to further services.

This week, we have seen the worrying reports from the British Pregnancy Advisory Service of families who are watering down their baby formula to save money. Little Village's work shows similar horror stories about what is happening right now in this country: a family

that was using sanitary towels as nappies because they did not have the money to buy nappies; a mum of three who could not afford to heat her home was coming to the baby bank with her child to keep warm; a child with grade 3 pressure sores due to the extreme rationing of nappies; a parent who was reusing nappies that had already been soiled in order to save money; and a family rationing Calpol in order to get through the day.

Despite the amazing work that baby banks do in this country to try to tackle these problems, not every local authority welcomes them. Some refuse to provide access to community spaces that are vacant because they do not want to admit that that kind of poverty exists in their local community. Space is crucial. Any parent knows that new children take up a lot of space, so just imagine a baby bank having to find space for multiple buggies, cots, baby baths and jumperoos. Having local authority support with space is crucial, as is taking into account the costs of running these places, including the costs of energy and of buying things such as nappies to hand out.

Ministers and people listening may think that this is a debate about poverty, but it is not just about that; it is also about the planet, because an estimated 350,000 tonnes of clothing goes to landfill every year. Even if we ended poverty in this country tomorrow, we would still want baby banks to exist, in order to tackle that problem at the same time and to promote the reuse, repair and sharing of items. Little Village gifted 26 tonnes of clothing, 26 tonnes of furniture, 3.5 tonnes of small electricals, 2 tonnes of books and more than 1 tonne of small plastics last year alone, and that is just one baby bank. That saved 85 tonnes of carbon dioxide-equivalent emissions, which is the equivalent of taking 18 cars off the road. More than 8.5 million new toys are thrown away—they head to landfill or incinerators—in the UK every year. There is a mountain of clothes, toys, plastic and tat that every family acquires and then no longer needs because their child has grown out of it and is then abandoned on an almost weekly basis. These things also represent a cost that a lot of families feel they have no choice but to incur.

We saw that most clearly in Walthamstow with our amazing “swap shop” project. I wish to pay testament to it, because it shows a model of a way forward. We have been running swap shops in our local community, where parents bring items they no longer need and take the items they do need; we have helped thousands of parents since we started doing this in August, enabling them not only to take items out of our landfill and our incinerators, but to manage the costs that they face. I wish to say thank you to my local Salvation Army; The Mill community centre; Waltham Forest Council; our amazing Walthamstow toy library; all the volunteers; the 17&Central shopping centre, which hosted us so that parents could find us easily; and, in particular, the members of my team, Safa, Jess and Ashley, who helped to run that project, which meant that during the weeks it was open nothing that came into our centre went to a landfill or an incinerator.

Failing to reduce waste and deal with climate changes often hits the poorest in our communities, as we have seen with those who have been repeatedly flooded out of their houses or from the evidence that shows that incinerators are three times more likely to be sited in areas of deprivation than affluent regions. Yet asking

the public to look ahead to that green future and to be more climate conscious is impossible to do when they do not know where the next meal is going to come from for their families or they are thinking that they cannot afford to put their baby in warm clothing that evening.

If Ministers will not listen to me about why we should make sure that every community has access to baby banks, please listen to the Princess of Wales, because she has been championing them. She has visited Little Village and she is bringing together 19 British brands to donate to these baby banks so that they have items to hand out. The Minister may be wondering and saying, “This is all very well, but what does this MP want the Government to do?” There are some simple things they could do. First and foremost, we should invest in baby banks as a way of saving money, because this country is spending hundreds of thousands of pounds every year on sending things to landfill and to incinerators. Baby banks are not recognised in this country in the way that food banks are. That is what we have to change, because this is as much about the donations and the networks that come from that, as it is about the people who need their support. The Trussell Trust does amazing work for food banks; it is an almost £60 million a year organisation. We need to invest in baby banks in every community as a way of matching that, so that it becomes the norm to reuse, repair and support your local community and other local parents in the same way.

Little Village, the Baby Bank Network in Bristol, Save The Children and the Ark are working together to create a new national baby bank network. I ask the Minister to put on record the Government’s support for that process, along with a commitment to do what they can to roll it out as quickly as possible. It is not enough for these organisations to be scrabbling around for funds with which to do the work they are doing; we should be investing in them. There are some minor things we could do to raise the money, because we are not talking about hundreds of millions of pounds, and we are not talking about a state-run initiative. The brilliant volunteers do not need us to do it for them; they need us to work with them.

If we were to make a small increase—0.2%—in the stamp duty paid on second homes to provide for our nought to two-year-olds, we could raise £880 million a year. We could invest all that and have a baby bank overnight. I know that that may not be something to which the Minister would want to commit herself, so let us look at something a bit simpler. The landfill tax is currently set at £96.70 a tonne, and is raising £660 million this year. Even an increase of a mere £4 would raise £687 million, creating an additional £27 million that could be put towards funding baby banks and could help to remove items from landfill and incinerators altogether.

There are other things that local authorities could do with the Government’s help. For many parents, it is the size of the item that they want to donate that creates the risk of their not donating it. Those who are dealing with fly-tipping are often taking out goods that could be reused for children. We could also advertise those services. The point is that this is a win-win for all of us. Kids may be expensive and wasteful, but they are going to inherit this earth, and right now millions of them in this country are living in poverty. Baby banks are not

the only solution, but they are absolutely the one investment, the one deposit, that the Government could make that would give a better future to millions of us overnight.

2.46 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mims Davies): It is a pleasure to respond to the debate, and I congratulate the hon. Member for Walthamstow (Stella Creasy) on securing it.

This is a time of—understandably—great public concern about the cost of living. I personally was so grateful, as a new mum, for the advice that I received, along with the bargains, hand-me-downs, products, ideas and insights on what really matters in that bewildering time. Who knew that you needed a Bumbo seat? I never thought I would use that term here in the House of Commons, but it is an infant seat to help babies to sit up when they are taking their first solid food, especially during baby-led weaning.

My mum’s Poundland box, of which she was incredibly proud, was an absolute marvel. We still have it, with all of the paraphernalia inside. The hand-me-downs mentioned by the hon. Lady, such as smocked dresses, came my way. I was very proud when I arrived home last night to find my oldest doing a shoes and clothes clear-out to help others, mindful of both need and the environment. There is currently a coat exchange to help people in my town of Haywards Heath. There is huge pressure on new parents to have new things and buy new things, and to make sure everything is perfect, but we know that our lovely little terrors get their sticky mitts on everything and draw on everything, and they do not really care. Sharing advice, products and information about what really works makes a big difference.

As Minister responsible for social mobility, youth and progression, I fully understand the hon. Lady’s point about “invest to save”. It is my mission in Government. I also note the points that she made about the landfill tax, fly-tipping and other matters. I will keep this debate in mind when we come to the next stage of the design of the household support fund, and will think about how we can reach parents and understand the pressures they experience.

Let me reassure the hon. Lady and the House that the Government are committed to providing key support for families with new babies and very young children through targeted support and more general schemes, and by expanding both employment and skills opportunities for parents. Many mums, as we have heard, use the opportunity to grow their thinking and turn things they have learned into future businesses—never more so than in the mum arena.

The support schemes available include the Sure Start maternity grant, the NHS’s healthy start scheme, family hubs, our childcare offer for recipients of universal credit, cost of living payments, the household support fund and the wider universal credit payment system, which got a significant uprating from April 2023. However, I take the hon. Lady’s point and, as a former charities Minister, I always admire the great work people take on for causes that matter to them, nationally, internationally and locally.

Baby banks are independent charitable organisations that help local communities to come together to support people nearby and are another example of the generosity

[Mims Davies]

of spirit in our great country. They are very welcome as a support network, as the hon. Lady mentioned, and as a showcase of community kindness. They are also environmentally friendly and positive. In researching for this debate, I found it eye-opening to see just how many brilliant organisations and individuals are aiding mums in that time of need.

Christine Jardine: On that point about environmental damage, one of the things the hon. Member for Walthamstow (Stella Creasy) mentioned was the impact on the environment when she spoke so movingly about mothers reusing nappies. I find myself, in this recycling age, doing things my mother did, such as having glass milk bottles and paper bags in shops. Would there be a way of encouraging the comeback of reusable nappies such as those we used to have when I was a child? I remember, although it was a while ago now, just how expensive and what a drain on someone's income the constant buying of nappies can be.

Mims Davies: The hon. Lady makes an important point. Speaking to many mums and grandmums, having baby in the garden in the pram and pegging out the reusable nappies—those lovely white nappies—is a moment of pride: “I'm getting this right and it's going well.” It is extortionately challenging to try to balance the environmental problem with nappies and also reusing; I know many mums who have managed to do that successfully; I must admit, to my shame, that that was not me, but I was very admiring of anyone who did manage it. We need to make those schemes more acceptable and understandable. Some people think they are strange and that the only option is disposable.

Stella Creasy: I hope the Minister will agree perhaps to meet me and representatives of Little Village and my own local baby bank to discuss this point. Many of our environmental organisations, particularly within local government, have schemes to encourage reusable nappies and recycling. However, that does not join up with a recognition of how that can help to tackle poverty, and it is baby banks that are doing that joining up. I am pleading for Government to do that joining up as well, so that is not just brilliant volunteers at a local level saying, “Actually, there is a scheme for reusable nappies from our local environmental charity”, but Government helping to make that network happen. If she meets the organisations I mentioned, she will find people who would be fantastic advocates to take to other Government Departments on these issues, for example.

Mims Davies: The hon. Lady makes an important point: the cost of living, nappies and the environment, Healthy Start and ensuring that those most in need know where to turn and are not overlooked are all cross-Government issues. I will take her point away across Government to look at the right way to take forward what she is asking for. I hope that is helpful to her.

I want to mention the work that many people do knitting hats and supporting newborns. One of the biggest things I learned as a new mum is how much warmth newborns need. People in this space add so much that, whether through knitting, advice, or creating

baby banks. I was certainly quite surprised to see just how much the sector has grown. I understand the hon. Lady's passion for and interest in this particular area, and this debate has certainly sparked my interest, so I thank her very much for bringing it to the House.

The Sure Start maternity grant provides £500 in England, Wales and Northern Ireland for costs associated with the expenses of caring for a baby—as we have heard, becoming a parent is a very expensive business—if there are no other children under the age of 16 in the claimant's family. The Sure Start maternity grant was devolved to Scotland in December 2018, and the Scottish Government have established alternative support through the Best Start scheme.

The NHS Healthy Start scheme also provides £4.25 a week to eligible low-income families in England, Wales and Northern Ireland to buy fresh fruit and vegetables, with recipients also eligible for free Healthy Start vitamins to help them to boost their children's long-term health.

To give families holistic support, family hubs are bringing together services for children of all ages. I am particularly interested in how that links into the start for life offer, which is at the core of those. The Government are investing more than £300 million jointly with the Department for Education and the Department of Health and Social Care to transform our start for life services from conception to age two. That includes boosting family support services in 75 local authorities in England.

The Government are providing a network of family hubs. I note that that is not the same thing that the hon. Lady talked about, but that is how we assist positive parent and infant relationships, support perinatal mental health and infant feeding, and boost and help people with their parenting skills. In addition, the DFE will ask all those 75 local areas to publish their start for life offer and will provide funding on innovative trials of workforce models for a smaller number of authorities. I wonder whether that is a way to link in some of what has been discussed today.

I reiterate that the Government's universal credit childcare offer aims to make it easier for low-income families to choose to work, stay in work and progress in work, so that after the baby comes, parents can move to a point where they can be more financially resilient. I remind people that eligible UC claimants can claim back 85% of their registered childcare costs each month, regardless of the number of hours that they work, compared with 70% in tax credits.

Additionally, those who need extra financial support with their first set of childcare costs or when moving into work or taking on additional hours can apply for further help from the flexible support fund. That discretionary, non-repayable payment will pay their initial childcare costs directly to the provider. Help is available for eligible universal credit claimants through budgeting advances.

I say to anybody struggling, listening, or helping and advising in the sector, “Please look at the benefits calculator on gov.uk and at the cost of living website. Please make sure that you are claiming everything that you are entitled to, because there may be further help out there that you are not aware of. There is also the Help for Households campaign. We are helping with £37 billion of support for cost of living pressures between 2022 and 2023, and an extra £26 billion was announced

for that purpose in the autumn statement, so please make sure that you reach out. For households on eligible means-tested benefits, up to £900 in cost of living payments is available for people to take up.”

Stella Creasy: The Minister is setting out the help that the Government believe there is for those on low incomes. Baby banks are a big boost for tackling poverty, but there is an environmentally sustainable element. We want to encourage everybody, whether they are wealthy or not, to donate, because families do not need a cot or a pushchair for that long. They will be perfectly serviceable for someone else to use. One of the benefits of baby banks is that they ensure that the quality of the items is such that people will want to reuse them. That revolution in thinking is not one for those on the lowest incomes alone but for everyone if we are to save the planet as well as saving parents cash.

Mims Davies: I absolutely agree. This is not revolutionary thinking but old-fashioned sensible thinking that is suitable for our environment and our families. An issue that parents often worry about is quality, and sharing and responsibility when it comes to reusing items. I take the hon. Lady’s point about safety. We have seen that particular charities are willing to take some products

but not others. That means that, as she pointed out, sometimes very large, useful products are the things that you see stuck on the side of the road, creating fly-tipping problems. But they could be incredibly useful for young families if they can be accredited.

I want to reassure the House that the Government are taking action to support families on low incomes. We will continue to remain vigilant about what people need in these challenging times, particularly those who are most vulnerable, or indeed those who are on the just-about-managing list—a lot of people who have come into focus due to the impact of the covid pandemic. I urge those people to reach out and know that there is help for them.

I thank the hon. Lady for her work and for securing this debate on the value of baby banks. I remind people of the Sure Start maternity grant, Healthy Start, family hubs, the childcare offer, cost of living payments, the household support fund and our benefit uprating. We will tackle the root cause of poverty, but it is right that, where communities can, they do everything they can to help families in need.

Question put and agreed to.

3.1 pm

House adjourned.

Written Statements

Friday 9 December 2022

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Government Chemist Review 2021

The Minister for Science, Research and Innovation (George Freeman): The 25th annual review of the Government Chemist has been received. The review will be placed in the Libraries of the House plus those of the devolved Administrations in Wales and Northern Ireland. The review will also be laid before the Scottish Parliament.

The Government Chemist is the referee analyst named in Acts of Parliament. The Government Chemist's team carry out analysis in high-profile or legally disputed cases. A range of referee analysis work was carried out during 2021, which included the evaluation of genetically modified organisms in rice products, pesticide detection in an organic peanut product, aflatoxin in dried figs, and structural data around a liposomal vitamin C product. The Government Chemist continues to work closely with Government Departments, their governance group, devolved Administrations, non-governmental organisations, and industry to identify tools, standards, and guidance to facilitate effective testing for food fraud and to grow knowledge transfer activities.

[HCWS427]

UK Measurement Strategy

The Minister for Science, Research and Innovation (George Freeman): A measurement strategy for the national measurement system is being published today. The national measurement system (NMS) is an essential part of the UK's research and innovation infrastructure that is critical for science, innovation and trade.

This strategy describes how the UK will capitalise on its world-leading national measurement system in the 2020s.

The national measurement system will focus on three challenges where enhanced measurement capability and expertise will support the UK:

The health and wellbeing of a growing population

The national measurement system will support the UK's position at the forefront of leading-edge healthcare, enabling people to live longer, healthier and safer lives.

Managing and reducing our environmental impact

The national measurement system will provide the critical measurement infrastructure needed to help the UK improve energy efficiency, transition to clean energy sources and mitigate and adapt to the effects of climate change.

Increasing prosperity and supporting innovation

The national measurement system will support new and existing innovative businesses, providing access to the measurement capability and expertise needed to translate new ideas into products.

[HCWS426]

TREASURY

Financial Services

The Chancellor of the Exchequer (Jeremy Hunt): In the autumn statement, I set out the Government's strategy for boosting growth by investing in our people, in the infrastructure that connects our country, by creating the right environment for business investment, and by supporting our world-leading financial services companies and innovators. Alongside this, I identified five growth sectors—one being financial services—for which the Government will prioritise the review of retained EU law, to ensure we identify changes that will support these sectors to grow.

I am today setting out a bold collection of reforms taking forward the Government's vision for an open, sustainable, and technologically advanced financial services sector that is globally competitive and acts in the interests of communities and citizens. These reforms will create jobs, support businesses, and power growth across all four nations of the UK.

The UK is one of the world's leading financial centres and our financial services sector is one of the engines of the UK's economy. Financial and related professional services employ over 2.3 million people, two thirds of whom are outside of London, with hubs in Belfast, Birmingham, Cardiff, Edinburgh, Glasgow, Leeds, and Manchester.¹ In 2021, the financial services sector contributed £173.6 billion to the UK economy, 8.3% of total economic output.²

The announcements being made today build on the reform agenda the Government are taking forward through the Financial Services and Markets (FSM) Bill. The Government's approach recognises and protects the foundations on which the UK's success as a financial services hub is built: agility, consistently high regulatory standards, and openness. This approach will ensure that the sector benefits from dynamic and proportionate regulation, and that consumers and citizens benefit from high-quality services, appropriate consumer protection, and a sector that embraces the latest technology.

I have set out below details of the measures being taken forward, which I look forward to delivering in close collaboration with our vibrant financial services sector.

A competitive marketplace promoting effective use of capital

Building a smarter regulatory framework for the UK

The Government have today published their policy statement "Building a smarter financial services framework for the UK". A copy will be deposited in the Library. This is an ambitious plan for repealing retained EU law in financial services and replacing it with a new framework tailored to the UK, embracing the new opportunities presented by our position outside the EU.

Our approach includes:

Publishing draft statutory instruments to demonstrate how the Government can use the powers within the FSM Bill to reform the prospectus and securitisation regimes and to ensure the Financial Conduct Authority (FCA) has sufficient rulemaking powers to regulate payments services and e-money. Overhauling the prospectus regime will enable the Government to implement recommendations from Lord Hill's UK listing

review, helping to widen participation in the ownership of public companies, simplify the capital raising process for companies on UK markets, and make the UK a more attractive destination for initial public offerings. The Government are also committed to working with the FCA and Prudential Regulation Authority (PRA) to bring forward relevant reforms identified in HM Treasury's 2021 review of the securitisation regulation.

Plans to repeal the regulations for the European long-term investment fund (ELTIF), without replacement. This reflects the fact that no ELTIFs have been established in the UK, removing unnecessary retained EU law, and that the newly established long-term asset fund (LTAF) regime provides a fund structure better suited to the needs of the UK market. Firms have already begun to seek FCA authorisation for funds taking advantage of this new structure.

Publishing the short selling regulation review, a call for evidence on the UK's regime for regulating short selling, with the aim of putting in place a regulatory regime tailored to the UK, which supports market integrity and bolsters the competitiveness of UK financial markets.

Publishing PRHPs and UK retail disclosure, a consultation on a proposed alternative framework for retail disclosure in the UK. Following the repeal of the packaged retail and insurance-based investment products (PRIIPs) regulation, the new framework for retail disclosure in the UK will work more effectively with the UK's dynamic capital markets and foster more informed retail investor participation.

Publishing the information requirements in the payment account regulations consultation which examines proposals to remove unnecessary customer information requirements related to bank accounts imposed by the EU in the payment accounts regulations. This would reduce unnecessary regulations on banks, freeing them up to better meet the needs of UK customers.

Updating banking regulation and the ringfencing regime

The Government will bring forward secondary legislation in 2023 to improve the functionality of the ringfencing regime. These reforms, in response to the independent review on ringfencing and proprietary trading, will benefit customers, the financial services industry, and the economy, while maintaining appropriate financial stability safeguards. The Government will also issue a public call for evidence in the first quarter of 2023 to review the practicalities of aligning the ringfencing and resolution regimes.

The PRA intends to consult on removing rules for the capital deduction of certain non-performing exposures (NPEs) held by banks. This would allow the PRA to apply a judgment-led approach to address the adequacy of firms' provisioning for NPEs, help to simplify the UK rulebook and avoid the unnecessary gold plating of prudential standards. Such an approach would be possible only because of our regulatory freedoms outside the EU.

The PRA intends to consult on removing rules for the capital deduction of certain non-performing exposures (NPEs) held by banks. This would allow the PRA to apply a judgement-led approach to address the adequacy of firms' provisioning for NPEs, help to simplify the UK rulebook, and avoid the unnecessary gold plating of prudential standards. Such an approach would only be possible because of our regulatory freedoms outside the EU. The Government will also legislate, when parliamentary time allows, to amend the Building Societies Act 1986 to give building societies in the UK greater flexibility to raise wholesale funds, enabling them to grow and compete on a more level playing field with retail banks, while retaining their mutual model. As

part of this, the Government will also modernise relevant corporate governance requirements in line with the Companies Act 2006.

Ensuring a regulatory focus on growth and competitiveness

The Government are legislating through the FSM Bill to introduce new secondary objectives for the FCA and PRA to provide for a greater focus on growth and international competitiveness while maintaining their existing primary objectives. To further support this aim, I will today lay before Parliament new remit letters for the FCA and the PRA which will set clear, targeted recommendations for how the regulators should have regard to the Government's economic policy.

Separately, the Government and regulators will separately commence a review of the senior managers and certification regime in Q1 2023. The Government will launch a call for evidence to look at the legislative framework of the regime, and the FCA and PRA will review the regulatory framework. The Government's call for evidence will be an information gathering exercise to garner views on the regime's effectiveness, scope and proportionality, and to seek views on potential improvements and reforms.

Wholesale markets reforms

The Government are committed to strengthening the UK's position as a world-leading wholesale capital markets centre, and is taking forward reforms to the markets in financial instruments directive (MiFID) framework through the wholesale markets review. Measures in the FSM Bill deliver key elements of this. To further support this agenda, the Government:

Will today lay before Parliament the Markets in Financial Instruments (Investor Reporting) (Amendment) Regulations 2022, which will remove burdensome EU requirements related to reporting rules. This also builds on the reforms brought forward through the Markets in Financial Instruments (Capital Markets) (Amendment) Regulations 2021 laid in June 2021.

Will bring forward secondary legislation in Q1 2023 to remove burdens for firms trading commodities derivatives as an ancillary activity, for example, when manufacturers seek to fix the future price of their purchases of specific raw materials.

Are committing, alongside the FCA, to having a regulatory regime in place by 2024 to support a consolidated tape for market data. A consolidated tape will bring together market data from multiple platforms into one continuous feed. This will improve market efficiency, lower costs for firms and investors, and make UK markets more attractive and competitive.

Will launch the investment research review: an independent review of investment research and its contribution to UK capital markets competitiveness. The review is part of the Government's wider commitment to enhance the UK's ability to attract companies to list and grow.

Will establish a new industry-led accelerated settlement taskforce to explore the potential of faster settlement of financial trades in the UK. Reducing settlement times from the current industry standard of two days could reduce counterparty risk and increase operational efficiency. The taskforce will bring together industry stakeholders to recommend an approach that works for the UK.

Unlocking investment to drive growth across the whole economy

The UK's financial services sector is an engine for growth across all four nations of the UK. The Government are therefore bringing forward measures that will unleash the sector to drive investment and growth.

The Government set out their plans to reform Solvency II at autumn statement, unlocking more than £100 billion pounds for UK insurers to invest in long-term productive assets. HM Treasury is working with BEIS to deliver the

recommendations made to Government as part of the secondary capital raising review, and more broadly on reforms to corporate governance, to further enhance the attractiveness of UK public markets.

Going further, the Government announce today that they:

Will, in early 2023, consult on new guidance to the local government pension scheme (LGPS) in England and Wales on asset pooling. The Government will also consult on requiring LGPS funds to ensure they are considering investment opportunities in illiquid assets such as venture and growth capital, as part of a diversified investment strategy.

Are committed to accelerating the pace of consolidation so that no pension savers are left in poorly governed and underperforming schemes. In the new year DWP will lead the way by consulting on a new value for money framework, alongside the FCA and the Pensions Regulator, which will set required metrics and standards in key areas such as investment performance, cost and charges and quality of service that all schemes must meet.

Will amend the tax rules for real estate investment trusts (REITs). With effect from April 2023, new rules will remove the requirement for a REIT to own at least three properties, where they hold a single commercial property worth at least £20 million; and amend the rule that applies to properties disposed of within three years of significant development activity, to ensure that this rule operates in line with its original intention.

Have today published a technical consultation, VAT treatment of fund management: consultation, which sets out proposals for legislative reform intended to codify existing policy to give legal clarity and certainty, not to make policy changes. The consultation seeks input on whether the proposed changes achieve this objective.

A world leader in sustainable finance

The Government are ensuring that the financial system plays a major role in the delivery of the UK's net zero target, and are acting to secure the UK as the best place in the world for responsible and sustainable investment. The UK is the world's premier financial centre for sustainable finance.

The Government are acting to ensure the UK retains global leadership in this rapidly growing sector. To deliver on their commitment to align the financial services sector with net zero and to support the sector to unlock the necessary private financing, the Government:

Will publish an updated green finance strategy early 2023.

Will consult in Q1 2023 on bringing environmental, social, and governance (ESG) ratings providers into the regulatory perimeter. HM Treasury will also join the industry-led ESG data and ratings code of conduct working group, recently convened by the FCA, as an observer. These services are increasingly a component of investment decisions, and the Government want to ensure improved transparency and good market conduct.

A sector at the forefront of technology and innovation

Our regulatory framework for financial services must support innovation and leadership in emerging areas of finance. To ensure the sector is prepared to embrace and facilitate the adoption of cutting-edge technologies, the Government are:

Setting up a financial market infrastructure sandbox in 2023, and is legislating to implement this in the FSM Bill. This will enable firms to test and adopt new technology and innovations, such as distributed ledger technology, in providing the infrastructure services that underpin markets.

Working with the regulators and market participants to bring forward a new class of wholesale market venue, which would operate on an intermittent trading basis. This highly innovative approach would be a global first and would act as

a bridge between public and private markets, boosting the UK as a destination for all companies to get the investment they need to create jobs and grow.

Legislating in the FSM Bill to establish a safe regulatory environment for stablecoins—which may be used for payments—and ensure the Government have the necessary powers to bring a broader range of investment-related cryptoasset activities into UK regulation.

Publishing their formal response to the consultation on expanding the investment manager exemption to include cryptoassets, which will facilitate their inclusion in the portfolios of overseas funds managed in the UK. The Government intend for this change to be made through HMRC regulations this year

Bringing forward a consultation in the coming weeks to explore the case for a central bank digital currency—a sovereign digital pound—and consult on a potential design. The Bank of England will also release a technology working paper setting out cutting-edge technology considerations informing the potential build of a digital pound.

Delivering for consumers and businesses

The Government are committed to a financial services sector that supports the real economy and will continue to work with the regulators and industry to ensure that the sector is delivering for people and businesses across the UK. The Government:

Have published a consultation, Reforming the Consumer Credit Act 1974. By modernising the regulation of consumer lending, reform will update consumer protections and ensure they work well in a modern and increasingly digital economy. It will also increase accessibility of credit products by allowing firms to better serve consumers through more innovative credit products.

Have consulted on reforms to remove well-designed performance fees from the pensions regulatory charge cap and will lay regulations early in the new year. This will provide clarity for industry and ensure pension savers can benefit from investing in UK innovation.

Are committed to working with the FCA to examine the boundary between regulated financial advice and financial guidance, with the objective of improving access to helpful support, information and advice, while maintaining strong protections for consumers.

I am confident that the measures announced today, in tandem with the work taken forward through the FSM Bill, will deliver for this key growth sector, and the people and businesses that rely upon it.

Documents relating to all announcements can be found on gov.uk www.gov.uk/government/collections/financial-services-the-edinburgh-reforms.

¹ TheCityUK calculations based on Nomis, "Business register and employment survey: open access", (May 2022), available at: <https://www.nomisweb.co.uk/query/construct/components/date.asp?menuopt=13&subcomp=>

² House of Commons Library "Financial services: contribution to the UK economy": <https://commonslibrary.parliament.uk/research-briefings/sn06193/>

[HCWS425]

DEFENCE

Combat Air: Tempest Aircraft

The Secretary of State for Defence (Mr Ben Wallace):

In the summer I updated the House on progress under the UK combat air strategy, setting out the crucial importance of combat air to the nation's security, sovereign industrial base and to our role in international affairs. I

outlined the significant progress being made to develop a next generation combat air system, highlighting the substantial work underway with close and valued partners Japan and Italy.

It is with great pleasure that I now offer a further update on international partnering for our future combat air capability. In a landmark announcement, the Prime Ministers of the UK, Japan and Italy announced that we will work together under a joint programme partnership, the next step in deepening our collaboration. Within the UK, the aircraft under development will be known as Tempest.

Together, our ambition is to develop a next generation capability designed to outmatch adversaries even in the most highly contested environments, by utilising a network of cutting-edge capabilities such as advanced sensors, weapons and data systems. Due to enter service in 2035, it is being developed to keep ahead of the threat for decades to come and undertake a wide variety of missions within our wider military, across all domains.

Tempest will be developed by the newly formed Global Combat Air Programme (GCAP), under a spirit of equal partnership, created by the merging of Japan's FX programme with the UK and Italy's Future Combat Air System (FCAS). This new programme will take forward our joint conceiving activity and support technological and operational sovereignty across partner nations.

This announcement represents a major opportunity to develop our sovereign defence-industrial capabilities, demonstrating our commitment to the 2018 combat air strategy and the 2021 defence and security industrial strategy. The programme is delivering an uplift in skilled jobs for all three partner nations, providing a launchpad for careers in science and engineering. The enterprise already employs over 2,500 highly skilled personnel in the UK alone, including engineers and programmers, with recruitment expanding rapidly.

This programme will also be important in supporting economic growth across the country, with key combat air hubs in the north-west and south-west of England and in Edinburgh, supported by a supply chain of hundreds of organisations from one end of the UK to the other. It is a key avenue for investment in research and development, both public and private, with MOD and our industry partners having already invested well over £1 billion in developing the skills and technologies needed to deliver at pace.

This capability will be designed by some of the world's leading defence companies. In the UK, these include BAE Systems, Leonardo UK, MBDA UK and Rolls-Royce, working closely with the Ministry of Defence. The international partnership includes MHI, IHI and MELCO for Japan; and Leonardo SpA., Avio Aero, MBDA IT and Elettronica for Italy.

This is a truly strategic endeavour, demonstrating our commitment to maintaining the capabilities needed to defend the UK, protect and reassure our allies and partners and deter those who would threaten international security. It is a clear sign of a global Britain working with like-minded partners from across the world to deepen our defence capabilities, grow our advanced industrial capacity, and demonstrate our shared commitment to international security.

[HCWS428]

DIGITAL, CULTURE, MEDIA AND SPORT

App Security and Privacy Code of Practice: Response to Call for Views

The Minister of State, Department for Digital, Culture, Media and Sport (Julia Lopez): I am pleased to inform the House that the Government have published two documents titled "Code of Practice for App Store Operators and App Developers" and "Call for Views Response on App Security and Privacy Interventions". This follows on from a call for views held between 4 May and 29 June 2022 where we sought feedback on our proposed interventions to protect users' security and privacy from malicious and poorly developed apps.

We are publishing a world-first voluntary code of practice that sets minimum security and privacy requirements for app store operators and app developers. Given that people's lives are dependent on apps to use services, such as online banking, health and entertainment services, this code is essential as malicious and poorly designed apps continue to be accessible to users on app stores which can result in the loss of personal data, money and access to devices. This work will help deliver an objective within the national cyber strategy to reduce the cyber risk at source by ensuring that app stores—and app developers—follow better levels of cyber security.

This code will improve the security and privacy practices of both developers and operators and therefore ensure that apps are more suitably built. The code, and the eight principles within it, have been informed by feedback from operators, developers and security experts following the call for views, and received support from a vast majority of respondents. It has been thoroughly tested to ensure it strikes an appropriate balance in protecting users whilst also not overly burdening operators and developers. Furthermore, the code will ensure that more information about an app's data practices is conveyed to users so they can make informed decisions when deciding whether to download an app.

Given the global nature of cyber security issues and digital markets, we plan to prioritise creating international alignment on the code's security and privacy requirements. We will do this by engaging with international counterparts to promote the need for the requirements, particularly in the context of future competition regulation, and explore the viability of creating an international standard based on the code.

I will place a copy of both the "Code of Practice for App Store Operators and App Developers" and "Call for Views Response on App Security and Privacy Interventions" in the Libraries of both Houses.

[HCWS429]

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

Human Rights and Democracy Report 2021

The Secretary of State for Foreign, Commonwealth and Development Affairs (James Cleverly): I have today laid before Parliament a copy of the 2021 Foreign, Commonwealth and Development Office (FCDO) report on human rights and democracy (CP 768).

The report analyses human rights developments overseas in 2021 and illustrates how the Government worked to promote and defend human rights globally, including our work to stop sexual violence against women and girls in conflict around the world and to eradicate modern slavery, to defend those who are abused, targeted or killed for their religion or beliefs, to promote media freedom and to support human rights defenders.

Against a backdrop of violations of human rights and increasing authoritarianism in the world, the UK remains steadfastly dedicated to protecting and promoting human rights.

[HCWS430]

Sanctions Designations

The Minister of State, Foreign, Commonwealth and Development Office (Anne-Marie Trevelyan): On 9 December, to mark International Anti-Corruption Day and Human Rights Day on 10 December, the UK announced a package of 30 sanctions under our global human rights, global anti-corruption and geographic sanctions regimes. Travel bans and/or asset freezes have been imposed on designated individuals and entities.

Covering targets from 11 countries, the package demonstrates the UK's continued determination to take action to tackle corruption and to hold to account perpetrators of human rights abuses and violations.

Under the Global Anti-Corruption Regulations 2021, sanctions can be imposed for involvement in serious corruption, which covers bribery and misappropriation of property. The sanctions announced today include designations of individuals and entities involved in serious corruption in the western Balkans and Moldova.

Under the Global Human Rights Regulations 2020, sanctions can be imposed for involvement in serious violations and abuses of certain human rights: the right to life, the right to be free from torture or cruel, inhuman or degrading treatment or punishment, and the right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour. The sanctions announced today include designations addressing serious violations and abuses of human rights in Nicaragua, Pakistan, Russia and Uganda.

The UK's geographic sanctions regimes are also a powerful tool for targeting perpetrators of, and those involved in, human rights abuses and violations that involve specific countries.

Designations announced today under our Mali, Myanmar, South Sudan and Iran regimes aim to send a strong signal about respect for human rights and the UK's preparedness to take action. Designations under our Russia sanctions regime target those who have destabilised or threatened the territorial integrity of Ukraine.

The UK is also using all the levers at our disposal to prevent conflict-related sexual violence and to ensure that perpetrators are held to account. This is why today some of these designations specifically address the abhorrent crimes of sexual violence.

The full list of designations is as follows:

Western Balkans

Slobodan Tesic: Serbia/Bosnia, dealer of arms and munitions in the Balkans

Milan Radojcic: Kosovo, Vice President of Serb List (SL)

Zvonko Veselinovic: Kosovo, businessman and leader of an organised crime group

Moldova

Vladimir Plahotniuc: businessman and former chairman of the Democratic Party of Moldova (PDM)

Han Shor: businessman and Member of Parliament and chairman of the Sor Party Nicaragua

Yohaira Hernandez Chirino: Deputy Mayor of Matagalpa

Sadrach Zelodon Rocha: Mayor of Matagalpa Pakistan

Mian Abdul Haq: cleric of Barchundi Sharif shrine

Russia

Colonel Ramil Rakhmatulovic Ibatullin: Commander of the 90th Guards Tank Division

Valentin Aleksandrovich Oparin: Major of Justice and an investigator of the 534 Military Investigation Department of the Armed Forces of the Black Sea Fleet of the Russian Federation

Artur Rinatovich Shambazov: former senior detective in the main department for the protection of national statehood of the Ukrainian security service (SBU) in the Autonomous Republic of Crimea

Andrey Vyacheslavovich Tishenin: former senior detective in Ukrainian security service and former officer in Russian federal security service in Crimea

Oleg Vladimirovich Tkachenko: former head of the Department for Public Prosecutors for the Rostov region

Uganda

Kale Kayihura: former Inspector General of the Ugandan Police Force

Mali

Katiba Macina: jihadist armed group in Mali led by Amadou Kouffa and founding member of the AQ-aligned JNIM terror group

Myanmar

33rd Light Infantry Division of Myanmar Army: part of the Myanmar armed forces under the command of Brigadier-General Aung Aung

99 Light Infantry of Myanmar Army: part of the Myanmar armed forces under the leadership of Brigadier-General Than Oo

Office of the Chief of Military and Security Affairs (OCMSA)

South Sudan

Gordon Koang Biel: County Commissioner for Koch, Unity State

Gatluak Nyang Hoth: County Commissioner for Mayendit, Unity State

Iran

Iman Afshari: Presiding Judge of Branch 26 of the Tehran Revolutionary Court

Ali Alghasimehr: Public Prosecutor of the Revolutionary Court of Shiraz and Chief Justice of Fars province

Mohamed-Reza Amouzad: Presiding Judge of Branch 28 of the Tehran Revolutionary Court

Allah Karam Azizi: Head of Rajaei Shahr prison

Hassan Babaei: member of the Iranian Judiciary in Tehran province

Ali Cheharmahali: former Director of Greater Tehran Penitentiary and former Director of Evin prison

Mousa Gazanfarabad: former Head of the Revolutionary Court in Tehran

Seyed Ali Mazloum: Presiding Judge of Branch 29 of the Tehran Revolutionary Court

Mustafa Mohebi: former Director of the Prisons Organisation in Tehran

Gholamreza Ziyayi: former Director of Evin prison and Director of Raja'i Shahr prison

[HCWS432]

HEALTH AND SOCIAL CARE

Advertising Restrictions on Less Healthy Food: Delay in Implementation

The Parliamentary Under-Secretary of State for Health and Social Care (Neil O'Brien): The Government are delaying the implementation of the introduction of further advertising restrictions on TV and online for less healthy food and drink products until 1 October 2025.

Due to a delay to Royal Assent of the Health and Care Act 2022, and recognition that industry needs more time to prepare for the restrictions, in May 2022, Government announced a year delay to the implementation of these restrictions to 1 January 2024.

However feedback from industry and the regulators is now clear that there is insufficient time to prepare for implementation on the previously announced date of 1 January 2024.

This is because ahead of implementation there are a number of steps that need to be taken including: a Government consultation on draft regulations that are required to set out the details of the advertising restrictions, such as the definition of product categories in scope of the advertising restrictions and the definition of the exemptions for small and medium enterprises, audio only content and services connected to regulated radio; the subsequent making of such regulations; a consultation from the statutory regulator (Ofcom) on the designation of a frontline regulator; the possible designation of a frontline regulator by Ofcom; and publication of guidance to support business compliance with advertising restrictions, following consultation on such guidance from the frontline regulator.

Through discussions with key stakeholders it is clear that this process cannot be delivered by January 2024.

We have listened carefully to the concerns raised by advertisers, broadcasters and regulators about the importance of having sufficient time with these documents to fully prepare and restructure their advertising. We also recognise that businesses need time to reformulate their products. This is why we have decided to delay implementation of this policy until 1 October 2025.

Parliament included a power in the Health and Care Act to delay implementation of the advertising restrictions if necessary. We will be utilising this power to amend the date of implementation for the advertising restrictions by secondary legislation, which we are laying today.

To illustrate our commitment to this policy, we are also launching a consultation on the definitions included in secondary legislation, to provide detail to that included in the Health and Care Act. This consultation will run for 16 weeks, until 31 March 2023.

This consultation will not be inviting opinions on the policy or looking to deviate from anything announced in the consultation response in June 2021—it will be to confirm the clarity of the definitions used and that the text in the secondary legislation is fit for purpose.

Addressing obesity remains a priority for the Government. Having a fit and healthy population is essential for a thriving economy and we remain committed to helping people live healthier lives.

New regulations on out of home calorie labelling for food sold in large businesses including restaurants, cafes and takeaways came into force in April 2022 and restrictions on the promotion by location of products high in fat, salt or sugar came into force in October 2022.

[HCW433]

INTERNATIONAL TRADE

UK-South Korea Trade Agreement: Update

The Secretary of State for International Trade (Kemi Badenoch): Today the Department for International Trade has launched a public call for input on a future free trade agreement between the United Kingdom and South Korea. The call for input can be accessed via the following link— <https://www.gov.uk/government/consultations/trade-with-south-korea-call-for-input>.

The UK is committed to building on our strong, existing trade and investment relationship with South Korea. South Korea is our 20th largest trade partner with bilateral trade worth £14.3 billion in 2021.

The UK's current trade relationship with South Korea is based on the EU-South Korea trade agreement, which was negotiated by the European Commission in 2011 and, after a further negotiation, formed the basis of the UK-Korea trade agreement on 1 January 2021. We now have the opportunity to update the agreement, ensuring it is a modern and fit-for-purpose arrangement that meets the specific needs of the UK. This will include important areas such as digital trade, enhanced climate provisions and further support for small and medium-sized businesses.

South Korea was the world's 10th largest economy in terms of GDP in 2021, with a population of almost 52 million people. An updated agreement could provide the UK with the opportunity to increase the value of UK exports to South Korea, which were worth £8.1 billion in 2021. With updated modern provisions the UK can seek to expand our key exports in digital, business and financial services, contributing to domestic growth at a time of global economic hardship.

Opening discussions towards a modern deal will assist both nations to take an ambitious, progressive, and sustainable step towards shared growth and job creation. As two countries with a strong record of co-operation, resting on shared democratic values, a bespoke trade agreement will provide a foundation for further growth in our trading relationship.

The Government have been clear that when we are negotiating trade deals, the NHS will not be on the table. The price the NHS pays for drugs will not be on the table. The services the NHS provides will not be on

the table. We will not agree measures which undermine the Government's ability to deliver on our manifesto commitments to the NHS.

As we committed to in our manifesto, in all of our trade negotiations, we will not compromise on our high environmental protection, animal welfare and food standards.

The call for input will run for eight weeks and invite businesses, public sector bodies, individuals, and other interested stakeholders to set out their priorities for a closer trading relationship with South Korea.

The information that the Government receive through this exercise will be crucial in shaping our approach to negotiations and our priorities and objectives, ensuring that our final approach is informed by stakeholder needs and the demands of the British economy.

Next steps

The UK and South Korean Governments share a desire to develop closer ties and we have jointly agreed to aim to launch negotiations as soon as possible next year, after we have fully reflected on the results of the call for input and developed a negotiating mandate. Prior to launching negotiations, the UK Government will publish their approach to negotiations. This will include a response to the call for input and our strategic objectives, as well as an economic scoping assessment. We will continue to keep Parliament, the devolved Administrations, UK citizens and businesses updated, as we make progress towards seizing the opportunities presented by a new, modern trade agreement with South Korea.

[HCWS431]

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**not later than
Friday 16 December 2022**

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