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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Monday 15 May 2023

House of Commons

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The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Afghan Relocations and Assistance Policy

1. **Steve McCabe** (Birmingham, Selly Oak) (Lab): What recent assessment he has made of the adequacy of the timescales for processing applications to the Afghan relocations and assistance policy scheme. [904884]

The Minister for Armed Forces (James Heapey): The Ministry of Defence continues to process ARAP applications at pace, thanks to the recruitment of more caseworkers and improved systems and processes. In the first four months of 2023 we issued more than 12,200 eligibility decisions. We aim to process all outstanding initial applications by August 2023.

Steve McCabe: I have recently written to the Minister about a family still trapped in Afghanistan, whose case, I was told in January, was being processed by the MOD, but this is about more than a constituency case. The standing of our armed services is affected, and scandals such as the pilot threatened with Rwanda do not help. Does the Minister recognise that the shambles over our treatment of Afghan refugees is damaging the reputation of our military, with obvious implications for future operations?

James Heapey: I certainly do not recognise the connection that the hon. Gentleman has made. The offer made through ARAP, the scheme to bring to the UK Afghans who served alongside the UK armed forces and whose lives are now at risk as a consequence, is being honoured and continues to be a major line of effort by the MOD. We have had hundreds of thousands of applications, the vast majority of which have come from people who either served in the Afghan national forces—while their effort was heroic, they were never who ARAP was aimed at—or never had anything to do with the UK armed forces at all. Their desperation to leave their country is understandable, but the ARAP scheme is what it was always set up to be, the evacuation of those who served alongside the UK armed forces, and the MOD continues to put a lot of effort into delivering that. We will complete the processing of applications by this summer.

Sir Julian Lewis (New Forest East) (Con): Does my right hon. Friend the Minister accept that, while people who served with our armed forces are at grave risk within Afghanistan, they are not out of danger even when they cross the border into Pakistan? If they cross the border without papers, they could well be sent back. What pressure are we putting on the Pakistani authorities to ensure that no one who served with British forces is sent back to a terrible fate while we are processing their applications?

James Heapey: My right hon. Friend gives me the opportunity to pay tribute to the Pakistan Government for the co-operation they have shown in helping us to deliver ARAP. We are not encouraging people to cross the border illegally, and the Pakistan Government have given us a number of windows in which to bring people across legitimately. The consular section at our high commission in Islamabad has grown to support those who are in Pakistan waiting for their onward transportation to the UK. However, my right hon. Friend has raised specific cases with me in the past, and if he knows of people who are at risk or are being pursued in a way that I do not think is in our agreement with the Pakistan Government, I stand ready to take up those cases with them through our high commission.

Maritime Security: Scotland

2. **Patrick Grady** (Glasgow North) (SNP): Whether his Department is providing funding for maritime security in Scotland. [904885]

The Secretary of State for Defence (Mr Ben Wallace): The national maritime security strategy details the Government's approach to maritime security. The MOD funds direct operational activity that contributes to maritime security, including the continuous at-sea deterrent, oceanic surveillance and maritime domain awareness capabilities. Additionally, the MOD supports the Joint Maritime Security Centre, a multi-agency organisation that supports wider maritime security throughout the UK marine area, including Scotland.

Patrick Grady: I am not entirely sure that that is the advert for the broad shoulders and strength of the Union that the Secretary of State would like to think it is. Can he confirm—[*Interruption.*]

Mr Speaker: Order. I am sorry, but we cannot have conversations going on with those in the Box.

Patrick Grady: Thank you, Mr Speaker.

Can the Secretary of State confirm that there is not a single armoured surface ship permanently based in Scotland right now? How exactly does that enhance our maritime security, protect our undersea cables and offshore infrastructure, or make Russia feel any less emboldened about sailing into UK waters?

Mr Wallace: First, some of the most formidable subsurface boats in the world are based at Faslane. That does make the Russians calculate. Of course, the SNP wants to get rid of that, make tens of thousands of people redundant and fantasise about what that will do. Secondly, a warship is best used at sea, not at port. That is how to

deter Russia. Tying it up alongside, empty, no doubt as part of the Scottish “navy” under an independent Scotland, will hardly frighten anyone.

Mr Speaker: I call the shadow Secretary of State.

John Healey (Wentworth and Dearne) (Lab): The Defence Secretary is right, of course, that for strong maritime security, we need our Navy ships at sea, not in dock for repairs. For the last two years, he has been telling us that we are

“on track to deliver more days at sea for ships.”

Yet in last year’s data, eight of the Navy’s active warships never went to sea at all, and the new Prince of Wales carrier has, since it entered service, spent just 267 days at sea and 411 days in dock for repeated repairs. Why is he still failing to get more of our ships at sea more of the time to keep Britain safe?

Mr Wallace: First, it is very normal for a third of a fleet to be alongside for maintenance, deep maintenance and, indeed, preparation to sail and training—that is not unusual. Secondly, the claim that I made was that we would get more days at sea off the Navy, rather than days alongside, and that is indeed the case. If the right hon. Gentleman is talking about more ships and more days at sea, he makes the point that there are maybe not enough ships at sea at the same time, which is exactly why I commissioned the propulsion improvement process to get the Type 45s—made under his Government—actually back out to sea rather than tied alongside. We have now completed three—one at Cammell Laird in Merseyside, one at Portsmouth, and a second at Cammell Laird—with tremendous success. They will be out and more available.

The right hon. Gentleman wants to talk about the aircraft carrier. I am responsible for a lot of things, but it was not me who commissioned the build the design of the aircraft carriers that we have to rectify; it was the Labour party.

Housing for Armed Forces Personnel

3. **Christian Wakeford** (Bury South) (Lab): What recent assessment he has made of the adequacy of housing for armed forces personnel. [904886]

The Minister for Defence Procurement (James Cartlidge): In the last seven years, the Ministry of Defence has invested more than £936 million in service family accommodation improvements. Currently, just under 97% of the MOD SFA meets or exceeds the Government’s decent homes standard. Only those properties are allocated to service families.

Christian Wakeford: Over the last couple of years, I have been fortunate enough to visit bases across the UK and speak to many servicemen and servicewomen. The recurring theme is that accommodation is beyond poor. Having seen family accommodation at first hand, with cracks and mould on the walls of bedrooms, I have to agree. The Minister responded to an urgent question on this topic on 20 December, so what has his Department done since then to improve this awful situation for our heroes and their families?

James Cartlidge: We all want to see our armed forces service personnel living in good-quality accommodation. The key to that is investment, of course, which is why I hope that the hon. Gentleman will recognise and welcome the huge investment that we have put into that space: £936 million in the last seven years, as I said, including £185 million in 2022-23 alone, and I can confirm that we are investing at least a further £1.8 billion over the next 10 years.

Mr Ranil Jayawardena (North East Hampshire) (Con): I welcome the investment that has been put in over the last seven years, which my hon. Friend the Minister mentions, but he is of course dealing with a backlog from the last 20 years. Will he visit RAF Odiham in my constituency to see some of the problems caused by poor contractors and to discuss solutions with the service families there?

James Cartlidge: I would be more than happy to visit—this is an important issue. I recognise the challenges. It is a complex issue that has built up over many years, as my right hon. Friend says, but we are putting the investment in place and are determined to deal with it.

Mr Speaker: I call the shadow Minister.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): In March, Labour launched Homes Fit for Heroes, our campaign to highlight the failings of defence housing for service personnel. One member of the armed forces who has served for more than two decades told us that they feel pushed to leave the Army because their house is in such a state of disrepair that they described it as “unfit to live in”. The Government could have solved that crisis over the past 13 years if they had wanted to, but it is getting worse and worse, with personnel leaving because of poor housing. Will this problem be fixed before the next general election, or will the Minister leave it to the next Labour Government to clean up this Tory mess?

James Cartlidge: It is a pleasure to engage with the Labour Defence Front Bench for the first time. It is interesting that the hon. Gentleman does not welcome the significant investment that we have put in place. Of course, we recognise that we have had long-standing issues with mould and so on. I emphasise that the maintenance backlog from December is now down by 75%. He might want to reflect on the fact that his party’s Government oversaw private finance initiative contracts for service properties in Bristol, Bath and Portsmouth, which, I can confirm, had a cost of £25,000 per home whether or not they were occupied.

Veterans UK

4. **Janet Daby** (Lewisham East) (Lab): What recent steps Veterans UK has taken to support veterans and their families. [904888]

5. **Chris Elmore** (Ogmore) (Lab): What recent steps Veterans UK has taken to support veterans and their families. [904889]

8. **Alex Cunningham** (Stockton North) (Lab): What recent steps Veterans UK has taken to support veterans and their families. [904892]

The Minister for Armed Forces (James Heapey): We continue to deliver a range of services to our veterans and their families. That includes pension and compensation payments, and tailored support through our Veterans Welfare Service and Defence Transition Services. We are also pressing ahead with our £40 million transformation programme, which will digitise old, paper-based practices, improving processes and creating a single entry point for pensions and compensation by the end of 2024.

Janet Daby: The number of claims leading to financial compensation through the armed forces compensation scheme has dropped from 65% to 47% since 2011-12, while rejections have risen from 24% to 41%. Can the Minister say why that is, and how do he and Veterans UK plan to address the issue?

James Heapey: The digitisation programme I referred to in my initial response to the hon. Lady's question will make a big difference; in fact, the early evidence is that that is the case. My right hon. Friend the Minister for Veterans' Affairs recently visited Veterans UK and was hugely encouraged by what he saw. My right hon. Friend the Minister for Defence People, Veterans and Service Families, who sends his apologies, Mr Speaker, for not being able to be here today, is on this issue very closely. Whatever the failings of the past, the transformation process should lead to significantly better outcomes.

Chris Elmore: The Minister will know that 14% of veterans in England and Wales are female. In a recent survey, 23% of those veterans said they had suffered sexual harassment in the armed forces, and a further 23% said they had been subject to emotional bullying. That has significantly contributed to post-traumatic stress disorder cases among female veterans. Will the Minister set out what the Government are doing to ensure that these veterans get the best support they can and that they get it while they are serving, so that we can both encourage more women to join the armed forces and meet the Government's target of 30% of the armed forces being female in the next five years?

James Heapey: I thank the hon. Gentleman for raising such an important issue, which gives me the opportunity to pay tribute to the work done by my hon. Friend the Member for Wrexham (Sarah Atherton) on the Defence Committee and while she was a Minister in the Department. This is an issue that the Department is working on. The Defence Secretary has made it a priority that we address any remaining issues around the culture in our armed forces. As the hon. Gentleman noted in his question, we need to make sure that that extends to the support we offer female veterans as well.

Alex Cunningham: Further to the question raised by my hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe), Ministers will be aware of the series of articles in *The Independent* campaigning for asylum protection for veteran Afghan pilots and others who fought with the British forces in Afghanistan at great personal, mental and physical cost. Will the Minister confirm once and for all that these veterans will have their asylum applications processed quickly and that not one of them will be deported to Rwanda or anywhere else?

James Heapey: The hon. Gentleman is referring to a veteran of the Afghan national security forces rather than the UK security forces. As I said in response to the original question on ARAP, the terms of ARAP were, from the very beginning, about those who worked with the UK armed forces in direct support of our role in Afghanistan, not the entirety of the Afghan national security forces. In the case the hon. Gentleman refers to, the gentleman applied only on 9 April. We are looking at whether there are any special circumstances under which his application could be approved but, in principle, as a member of the Afghan national security forces, rather than somebody who worked alongside the British armed forces, he would not automatically be in scope.

James Gray (North Wiltshire) (Con): There is one group of veterans to whom a terrible injustice was done many years ago, namely LGBTQ+ soldiers, sailors and airmen from before 2001 who lost their rank, who were dismissed and who lost their pensions—to this day, none of that has been restored. The Government have appointed Lord Etherton to look into this matter and to try to right some of those wrongs. When will his report be brought before the House? Will there be an oral statement on the matter so that we can cross-examine Ministers on it? Is the Minister confident that he will now find a way of righting these dreadful wrongs?

James Heapey: I personally agree very much with the sentiments of my hon. Friend's question. The way that gay people were treated during their service in the armed forces at an earlier time does not reflect the values of the modern British armed forces. The review will be here soon, I am told, and we will make sure that its lessons are learned and adopted by the Department.

Sir Mike Penning (Hemel Hempstead) (Con): Today is 15 May, the day that Captain Robert Nairac from 1st Battalion the Grenadier Guards was taken by the IRA and murdered. His murderers are still walking free and we do not know the truth. Does the Minister acknowledge that those who served on Operation Banner need to know the truth about what happened to Captain Robert Nairac? The veterans' groups in my constituency and that of my hon. Friend the Member for Watford (Dean Russell), led by David Brocklehurst, who sadly was killed on Monday in a road traffic accident, need the support of the Minister for Veterans' Affairs, my right hon. Friend the Member for Plymouth, Moor View (Johnny Mercer), as we go forward. We have the success of peace in Northern Ireland, but it is no peace when we do not know who murdered Captain Nairac.

James Heapey: I, too, read over the weekend that the anniversary of the death of Captain Nairac was today. His case is a particularly barbaric one. There is a great deal of work going into the legacy of the troubles and how investigations should or should not be progressed. The Minister for Veterans' Affairs leads on that. I know he will have heard the question that my right hon. Friend has asked today, and I am sure he will want to pick up the issues with him in due course.

Jack Lopresti (Filton and Bradley Stoke) (Con): Can my right hon. Friend update the House on the progress of the roll-out of veterans ID cards, which I understand is due to be completed by Remembrance Day this year?

James Heappey: I have no reason to believe that my hon. Friend's expectations are inaccurate, but I will make sure that the Minister for Defence People, Veterans and Service Families, my right hon. Friend the Member for South West Wiltshire (Dr Murrison) writes to him, in case that is not the case.

Mr Speaker: I call the shadow Minister.

Rachel Hopkins (Luton South) (Lab): Tomorrow is the 60th anniversary of the last serviceman being stood down from national service, and I express our thanks to all those who served. The headline findings of the five-year review of the armed forces compensation scheme found the process overly burdensome and even distressing. I have heard many complaints about the scheme from veterans and their families, as I am sure have Ministers. With the Government missing their own casework targets, delaying action on the scheme is not good enough, as it continues to let down our armed forces community. Can I press the Minister on when we will see the final report of the review? Can he confirm that meaningful improvements will be made to the scheme before summer recess?

James Heappey: As I have said in response to earlier questions, around £40 million is being invested in the ongoing transformation process to digitise the existing paper-based processes and records, and that will be transformative. These are hundreds of thousands of records kept largely on paper, which makes them extraordinary difficult to process and has caused all of the delays that the hon. Lady rightly mentions. Since the new online digital claims service was launched through the gov.uk website, the service has been available to service personnel and veterans. The new service has been well received and already accounts for 50% of all new injury and illness claims being made.

Sudan Conflict

6. **Edward Timpson (Eddisbury) (Con):** What steps his Department has taken to support the Government's response to the conflict in Sudan. [904890]

21. **Mrs Flick Drummond (Meon Valley) (Con):** What steps his Department has taken to support the Government's response to the conflict in Sudan. [904905]

The Secretary of State for Defence (Mr Ben Wallace): Defence was pivotal in the success of the wider Government effort to evacuate British passport holders and other eligible persons from Sudan. A range of UK military assets and capabilities were deployed in our response, resulting in the evacuation of more than 2,400 people—the longest and largest evacuation of any western nation from Sudan.

Edward Timpson: I thank my right hon. Friend for that answer. A constituent of mine was holed up in a Khartoum corridor with a French family for days, unable to receive email or WhatsApp instructions from the Foreign, Commonwealth and Development Office due to the power outages. My office was having to relay updates to his distressed family. Mercifully, he was airlifted out by the French *armée de l'air*. I recognise the complex and

challenging nature of the evacuation, but what can His Majesty's Government do to help improve awareness of and communications with stranded British citizens in potentially unstable states to enable our armed forces to mount efficient and effective airlifts in the future?

Mr Wallace: My hon. and learned Friend raises an important point, but not an easy issue to solve. In Sudan, we were seeing less than single digit percentage coverage of or access to the internet at any one time, in the middle of effectively a civil war, as it was then. For Defence, it is an easier thing to solve, as we bring our own communications with us. When 16 Air Assault Brigade deployed, we managed to bring a limited amount of capability so that we could try to communicate with British citizens. For the main part, the Foreign Office has primacy in this area. We will always stand by to help it with that advice, but I also advise that travellers look at advice before they travel. Indeed, we have to find a way through that challenge in a communications-denied space, but it is not straightforward or easy.

Mrs Drummond: I have been seeing some of the amazing work that the Royal Air Force does through my membership of the armed forces parliamentary scheme. Will my right hon. Friend join me in congratulating the RAF on the work it did in Sudan, evacuating more than 2,500 people from over 24 countries under very dangerous circumstances? Will he also inform the House which other stakeholders made that a success, so that we can recognise their work and thank them as well?

Mr Wallace: My hon. Friend is right to highlight the RAF. To fly into an airfield with unsure conditions, often in the dark and without much of an advance recon is some achievement. If you remember, Mr Speaker, we also saw the RAF do that in the large evacuation of Kabul. Alongside the RAF, a specialist unit from 16 Air Assault Brigade flew in and helped to fix the runway, which, of course, was not used to the level of demand placed on it; only Britain had that ability. That allowed a better relationship with the Sudanese armed forces and enabled the longer-term evacuation to continue. That is an example of the breadth of experience our armed forces carry.

Mrs Emma Lewell-Buck (South Shields) (Lab): Three of the four Atlas aircraft used in the evacuation of British nationals from Sudan are reported to have developed faults, two thirds of the incoming fleet are listed as unavailable and there remains no clarity that the fleet can perform the niche functions that our Special Air Service and Special Boat Service need. Has the Secretary of State not made a mistake in pressing ahead with ditching the Hercules fleet in their favour?

Mr Wallace: I have heard these tired arguments that what we need to do is keep the Herc and get rid of the A400. The A400 outperforms the Herc in most areas. It has a longer ranger and a bigger capacity, and it can land in the same area; in fact, it can land in a shorter distance. In the massive evacuation of Kabul, one A400 had a fault for six hours and managed to continue on its course. The A400 is performing. The migration to special forces and other capabilities is on track, with jumps having been done from it and other parts. The simple reality is that the A400 outperforms the Hercules, and

its availability was extremely successful. The Hercules accounts for only 10% of the fleet, and the overall fleet for lift is now the biggest it has been for 50 years.

John Spellar (Warley) (Lab): I join the Secretary of State in congratulating our armed forces on their role in Sudan, as in Afghanistan. However, there is a problem: in Afghanistan and Sudan—but also during covid, when lots of our citizens were stranded around the world—while the Ministry of Defence was up for early action, the Foreign Office was not. Can we have a stronger role for the MOD in the machinery of government, so that we get the can-do attitude of the MOD, rather than the can't-do attitude of the Foreign Office?

Mr Wallace: I can do, by helping the right hon. Gentleman ensure that the resilience of the whole of government is supported by the MOD. There are definitely lessons to be learned, and I will ensure that they are taken away and shared across Government.

Defence Exports to Global Allies

7. **Paul Holmes** (Eastleigh) (Con): What steps his Department has taken to support defence exports to global allies. [904891]

24. **Marco Longhi** (Dudley North) (Con): What steps his Department has taken to support defence exports to global allies. [904908]

The Minister for Defence Procurement (James Cartlidge): The UK scores highly in the global rankings for defence exports, which create jobs and prosperity across the country, building the industrial resilience and capacity we need for our national security. Through the defence and security industrial strategy, we and the industry are strengthening our position by diversifying our exports and target markets, and by collaborating more closely.

Paul Holmes: I welcome the Department's announcement that both Germany and the United Kingdom will work together on the development of advanced armour-piercing tank ammunition. Given that these new rounds will be able to be fired from both British and German tanks, supporting compatibility within NATO, what export potential does this new capability have?

James Cartlidge: I am grateful to my hon. Friend, who is right to highlight this important collaboration with one of our major allies. Enhanced kinetic energy munitions are a key part of the Challenger 3 and Leopard 2 main battle tanks programmes, and will deliver battle-winning capabilities to UK and German armed forces. I am confident that their advanced performance will be recognised as world-leading, and their export potential to NATO and other allies will be promoted by the MOD, as ever in close partnership with the Department for Business and Trade.

Marco Longhi: I congratulate the Defence Secretary and all Ministers past and present who may have played their part in securing the £1.9 billion export deal with Poland for missiles. Does he agree that significantly strengthening our defence and security relationship with Brazil can increase exports to that country, too?

James Cartlidge: I am grateful to my hon. Friend, and he is absolutely right to celebrate a great British success story. The MBDA British-designed common anti-air modular missile is the latest-generation air defence system in service with the Royal Navy and British Army; it can engage targets up to 25 km away and is capable of hitting a tennis ball-sized object travelling beyond the speed of sound. It is already deployed in Poland to protect its airspace following Putin's barbaric invasion of Ukraine. We work closely with the Department for Business and Trade in supporting Energy UK's export campaign through dedicated teams. This network is supporting delivery of numerous CAMM campaigns, and I can confirm to my hon. Friend that we have a positive defence relationship with Brazil: he makes a very good point, and the MOD continues to work with the Brazilian Ministry of Defence and armed forces on how we and UK industry can support their equipment capability shortfalls and development requirements.

AUKUS Submarine Project

9. **Henry Smith** (Crawley) (Con): What recent assessment his Department has made of the adequacy of progress on the AUKUS submarine project. [904893]

The Secretary of State for Defence (Mr Ben Wallace): I recently accompanied Prime Minister Albanese to Barrow-in-Furness, where the next generation of AUKUS nuclear submarines will be built for the Royal Navy—a testament to our joint commitment. This multi-decade undertaking will create thousands of jobs in the UK, delivering on the Prime Minister's priority to grow the economy, and demonstrating the experience and skill that is embodied in British industry.

Henry Smith: I welcome the Australian Government's decision to design their submarines on the SSN-AUKUS model, and I understand that Australian Prime Minister Albanese was in Barrow recently to see that work. What assessment has my right hon. Friend made of the benefits of AUKUS and the design being made in this country to the supply chain across the United Kingdom?

Mr Wallace: Building complicated machines such as submarines has the benefit of a long and broad supply chain. The AUKUS model will be truly collaborative: while based on a UK submersible ship nuclear replacement, I expect it over time to be built by Australian hands and with United States skills and supply chains, which will provide opportunities to both countries, alongside ourselves. That is good news for British industry, for skills in places such as Barrow-in-Furness, and for our alliances with Australia and the United States.

Mr Kevan Jones (North Durham) (Lab): I thank the Secretary of State for his response to that question. I visited Australia last year and saw the great work that the Australians are undertaking on AUKUS; it is a great national endeavour. Is he confident that in the UK the Department for Business and Trade and others realise that if we are to get the benefit of this exciting project, we need that national endeavour here, especially on skills and technology across Government?

Mr Wallace: The right hon. Gentleman will know that getting sign-off on a project such as this involves engagement across Government, including getting the Treasury's buy-in. Once that has been locked in, we can

progress. I am confident that the whole of Government stand behind the project, which is important not just to regenerate places such as Cumbria and the north-west but to lock in the skills base that we need for our future. This is a very exciting project. It will be building long after the right hon. Gentleman and I have probably left this House, in many decades to come. Britain has been at this game—nuclear submarines—for 70 years, and it is not something that one commits to and then backs out of. We expect Australia, alongside the United States and ourselves, to be doing this for a very long time to the benefit of British jobs.

Mr Speaker: I call the shadow Minister.

Chris Evans (Islwyn) (Lab/Co-op): I welcome the new Minister, the hon. Member for South Suffolk (James Cartlidge), to his place; I got on with all his predecessors and I look forward to our exchanges in future. As has been said, the AUKUS agreement is a game changer not only for our forces but for British industry. The Government have promised a jobs bonanza for generations to come in places such as Derby, Barrow-in-Furness and Devonport in the constituency of my fellow shadow Minister, my hon. Friend the Member for Plymouth, Sutton and Devonport (Luke Pollard). Will the promise be underwritten by contractual guarantees to ensure that future generations are trained in the skills that we need for this vital programme?

Mr Wallace: It is already underwritten by contractual guarantees. In Barrow-in-Furness, BAE is recruiting for 11,000 to 17,000 jobs. Derby is investing for the next generation of reactor, and that is starting. The key point about AUKUS is that it not only gets a commitment from the Treasury and the Government for the British replacement of the Astute class but locks in the potential of the Australian supply chain and working together collaboratively on skills in both countries. That process is already under way, with £2 billion recently unlocked to start building the infrastructure needed in both Derby and BAE in Barrow, and that will continue. This is further down the path than the beginning, but the real work starts now.

Trident Renewal

10. **Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba):** What recent estimate his Department has made of the (a) timescale and (b) cost of the renewal of Trident. [904894]

The Minister for Defence Procurement (James Cartlidge): The Dreadnought submarine programme remains within overall budget and on track for the first of class, HMS Dreadnought, to enter service in the early 2030s. As the programme is in its preliminary phases, it is too early to provide cost estimates for the replacement warhead programme.

Neale Hanvey: The financial cost of weapons of mass destruction is one thing; the potential human cost from radiation leaks is quite another. On 7 November last year, I raised concerns from a whistleblower about a serious radiation breach at Coulport on Loch Long. The Secretary of State promised that he would provide

a detailed written response. Despite my persistence, six months later I have still not had a reply, other than a leak to the media saying:

“The alleged radiation incident referred to...did not”

take place. Will the Secretary of State confirm today from the Dispatch Box whether HMNB Clyde staff were moved from building 201 in Coulport to building 41 elsewhere due to a serious radiation breach?

James Cartlidge: Obviously, I will have to look into the matter and will write to the hon. Gentleman further. I would make one point. He talked about the other costs. If I may, while the SNP has a merely quirky position of unilateral nuclear disarmament but supposedly remaining in NATO, the position of the Alba party is both nuclear disarmament and withdrawal from NATO. What would be the cost of that policy? In the light of the current situation where Russia has invaded Ukraine, what would happen if we were to announce our withdrawal from NATO?

Neale Hanvey: It is not questions to me.

James Cartlidge: He should reflect on the cost of—

Mr Speaker: Order. That was a long answer, which did not really answer the question. What I am more concerned about is that there has not been a reply to a letter that was put in six months ago. Can somebody check that? I am bothered about MPs getting replies from Ministers, not scoring points.

Ukraine: NATO Response

11. **Dr Luke Evans (Bosworth) (Con):** What assessment his Department has made of the effectiveness of NATO's response to Russia's invasion of Ukraine. [904895]

The Secretary of State for Defence (Mr Ben Wallace): Mr Speaker, I will endeavour to ensure that the hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey) gets a reply, and to find out why it has taken so long. It is too long, if that has been the case. Maybe we put it in the camper van.

The UK and international partners committed to providing the capabilities that Ukraine requires, including training, artillery, air defence and armoured vehicles, and to driving further international donations to resolve the war. However, the Ukrainian people should not be forced into concessions. To ensure that Ukraine is in the best possible position to negotiate, the UK and its partners will continue to provide military and economic support, apply sanctions and increase international pressure on Russia.

Dr Evans: NATO's key strategic concept is that of ensuring the collective defence of its members. The best way to do that is to secure peace in Ukraine, but, given Russian aggression, I support the UK and NATO in their work. What assessment has the Secretary of State made of the likelihood of securing peace and, failing that, the defensive capabilities of the alliance should a war escalate?

Mr Wallace: NATO has done a lot of work—not only from February last year when the invasion started—to ensure that it is ready and to use that readiness to deter Russia on NATO's borders. That is incredibly important. To date, we have not seen any deliberate strikes into a

NATO country by Russia. While we have seen deeply provocative events in the Black sea, Russia has so far been respecting those NATO borders.

The most important thing is to ensure that President Putin realises he cannot win this war in Ukraine. His brutality is having the opposite effect—it has driven two new nations into NATO—and the west, including the United Kingdom and Germany, as I saw in an announcement, is stepping up more and more to ensure that Ukraine has success on the battlefield so that it can negotiate, if it wishes, from a position of strength.

Dame Nia Griffith (Llanelli) (Lab): We on the Opposition side stand firmly behind and support Ukraine. However, Ukraine is depleting our military stockpiles, and the Government seem to be acting too slowly to replenish them. What progress has the Secretary Of State made on a stockpile strategy? What talks has he had with NATO allies about their replenishment plans to ensure the most effective sequencing of replenishment?

Mr Wallace: The hon. Lady makes an important point that is common not just to the United Kingdom but across Europe. Ukraine has woken everyone up to issues such as ammunition stocks. The first challenge was to wake up that supply chain. Many of the orders we had placed were filled, and the supply chain went on to do something else. We have now placed orders for new NLAWs. Let us remember the anti-tank weapons and new anti-aircraft missiles from Thales in Northern Ireland in conjunction with our Swedish and, I think, Finnish colleagues. We are in the process of, hopefully, awarding a contract to replenish 155 mm shells. At the same time, I have worked across the international community to make sure that we stimulate those supply chains and to make sure that Ukraine does, as well.

Mr Speaker: I call the Chair of the Defence Committee.

Mr Tobias Ellwood (Bournemouth East) (Con): I welcome President Zelensky's visit to the UK. Clearly, a warm relationship is developing between the President and our Prime Minister. We have a proud track record of being the first to provide those NLAWs, and of providing training on Salisbury plain, those main battle tanks and the long-range weapons systems. What next? Perhaps fast jets.

There is much talk of a counter-offensive, but I want to ask the Secretary of State about the comments of Yevgeny Prigozhin, the leader of the Wagner Group. He openly criticised President Putin for the absence of ammunition and battlefield tactics. Is the Secretary of State concerned that if the counter-offensive is successful and terrain is gained, Putin will turn ugly and resort to non-conventional chemical and biological weapons, as he did in Syria?

Mr Wallace: We always have to be on our guard about the behaviours of the Russian military and President Putin. As my right hon. Friend rightly comments, the use of chemical weapons in Syria was another turning point, as was the use of chemical weapons here on the streets of the United Kingdom in the poisoning of the Skripals in Salisbury. We are on our guard. The international community regularly communicates. We stand ready with NATO. We have increased our readiness and we

have started to increase investment in our capabilities. That is all important, but my right hon. Friend is right that we must be on our guard about what happens next.

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): Figures show that NATO allies in partner countries have provided Ukraine with more than 98% of the combat vehicles promised. What steps are Ministers taking to ensure that Ukraine continues to see high levels of support from NATO?

Mr Wallace: NATO allies regularly meet alongside other international partners at Ramstein in Germany, at a US-chaired donation conference, which builds on my first international conferences. It is a regular drumbeat to keep up on that. As hon. Members can tell, President Zelensky and members of his Government are regular visitors to international communities to keep that momentum going. Britain is at the forefront of that momentum and will continue to be. Our determination is to see it through.

Defence Procurement System

13. **Dan Jarvis** (Barnsley Central) (Lab): What recent assessment he has made of the effectiveness of his Department's defence procurement system. [904897]

The Minister for Defence Procurement (James Cartlidge): We are driving the delivery of capability to the frontline. When requirements, budget and risk are clear, we have proven our ability to deliver. The majority of our programmes are on or ahead of time and budget. The Ministry of Defence has set out an affordable 10-year equipment plan to ensure that our armed forces are being given what they need, while living within our means.

Dan Jarvis (Barnsley Central) (Lab): I heard what the Secretary of State said about Atlas. He has previously given me a commitment that there will be no loss of capability, but today, Deborah Haynes at Sky News is reporting that the UK will be left dangerously exposed when the C-130J is cut next month. That comes amid concerns that its successor, the Atlas A400M, has yet to be cleared to perform the niche but mission-critical functions of the C-130J. Will the Minister give an absolute assurance that our defence procurement system will ensure no loss of operational capability?

James Cartlidge: I am more than happy to give the hon. Gentleman that assurance. There is a great deal of affection for the Hercules, but to go back to what the Secretary of State said about the recent performance in the important operation in Sudan, the largest number of evacuees that the Hercules carried out from Sudan was 143. The largest number in an A400M was about 100 more than that.

Mr Speaker: I call the Scottish National party spokesperson.

Dave Doogan (Angus) (SNP): Continuity, focus and a relentless grip on detail are the hallmarks of a competent defence procurement Minister. In less than a year, we are on our fourth defence procurement Minister, so we do not have the continuity bit nailed down. Will the new Minister reassure the House of his competence by enlightening us of the most challenging defence procurement issue on his desk this week?

James Cartlidge: I look to my left and my right and I see continuity. I am grateful to follow in the steps of my right hon. and learned Friend the Member for Cheltenham (Alex Chalk), now Lord Chancellor and Secretary of State for Justice, who did a sterling job. To give one example, the hon. Member for Llanelli (Dame Nia Griffith) mentioned the issue of replenishment. I recently had the privilege of visiting British troops training Ukrainian forces, as referred to by the Chair of the Select Committee, my right hon. Friend the Member for Bournemouth East (Mr Ellwood). We have to remember, it is not just that we are training 15,000 personnel to go back out to Ukraine and defend their homeland; every time they go we are giving them high-quality kit. There are lessons to learn from what has happened in Ukraine, but we should be incredibly proud of that effort. We have procured at pace, gifted in kind and ensured that Ukraine has been able to sustain its fight to this day.

Dave Doogan: Well, that's crystal clear. One of the things the Minister said when talking about Ukraine, in answer to my question about procurement, was about replenishment. He will know, even in his short tenure in the job, that small and medium-sized enterprises are the lifeblood of any military-industrial complex. Can he explain why, in answer to my parliamentary question a couple of weeks ago asking if the Ministry of Defence would attend a public sector meet-the-buyer event in Edinburgh, which is attended by other UK Government Departments, the MOD—a £50 billion-resourced organisation—cited a lack of resource as the reason it could not attend? Is that a special kind of indifference that is reserved for Scotland?

James Cartlidge: Of course not. I am happy to look into that. I want to assure the hon. Gentleman that the latest figures show that the proportion that the MOD spends with SMEs has increased from 19.3% in 2018-19 to 23% in 2021. I ran an SME before coming to this place—it was not a defence SME but I know how important they are. They give us creativity and innovation, and I want to work with them and the primes in delivering the British defence industry, because we see that as a key part of our own defence capability.

Ukrainian Military Defence

15. **Jason McCartney** (Colne Valley) (Con): What steps his Department is taking to help support Ukraine's military defence against Russia. [904899]

The Secretary of State for Defence (Mr Ben Wallace): The UK, our allies and partners are continuing to respond decisively to support Ukraine as the conflict evolves. We have trained over 15,000 recruits and provided £2.4 billion of support, including artillery ammunition, as well as leading the world on the gifting of vital capabilities, such as multiple-launch rocket systems, Challenger 2 tanks and now Storm Shadow missiles.

Jason McCartney: I again congratulate my right hon. Friend on the announcement of the delivery of long-range Storm Shadow missiles to Ukraine. I am proud that the UK has been able to provide this vital capability to the Ukrainians ahead of their long-expected counter-offensive. Given that the Ukrainians will need all the support they can get for that, can he reassure me that the second

spending round of the international fund for Ukraine is proceeding at pace? When might we expect to see contracts placed with the remaining £300 million?

Mr Wallace: My hon. Friend will be glad to know that the second spending round was launched last month. It is seeking expressions of interest in a phased approach, beginning with the needs for air defence, long-range strike and mobility support, and it is open to huge numbers of SMEs to apply for funding. Submissions are being assessed right now and more requirements will be launched in the coming weeks. Successful companies will be chosen by the UK, alongside our IFU partners, and contracting will begin as soon as possible.

Topical Questions

T1. [904909] **Catherine McKinnell** (Newcastle upon Tyne North) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Mr Ben Wallace): I place on record my thanks to all the members of our armed forces who contributed to the coronation parade. It was a remarkable day in the history of the nation. It was both an immense privilege and a solemn responsibility for the Ministry of Defence and our armed forces to fulfil. I thank them once again for contributing in an exemplary way and with such extraordinary personal commitment and dedication, while also meeting all other operational requirements. We are immensely proud of them all and privileged to belong to the defence community.

Catherine McKinnell: I echo the Secretary of State's comments in their entirety. The visit by President Zelensky today highlights how vital a collective approach is to our national defence and security. To that end, what steps are the Government taking to ensure that we have security and defence agreements in place with our nearest allies in Europe, in response to Russian aggression?

Mr Wallace: The hon. Lady is absolutely right that we get our strength through coalition and our alliances, and NATO is the most successful military alliance the world has seen. In addition, I led the way in ensuring that countries that were not covered by NATO at the time—Sweden and Finland—signed together a mutual defence pact about two years ago, when no one thought that they would now be joining NATO. We encourage nations to join NATO and to apply using the open-door policy; at the same time, we seek to help other nations to join using memorandums of understanding and other agreements, to try to bolster that enabling alliance.

T2. [904910] **Mr Rob Roberts** (Delyn) (Ind): Following the groundbreaking work done by my hon. Friend the Member for Wrexham (Sarah Atherton) on the experience of women in the military, Delyn constituents were pleased to hear the announcement of a women veterans strategy. Could the Secretary of State provide an update and a timeline on when that might be implemented?

Mr Wallace: I can. I will write to the hon. Gentleman, as the strategy will be the responsibility of the Office for Veterans' Affairs. I will be happy to provide him with further details.

John Healey (Wentworth and Dearne) (Lab): We welcome President Zelensky's visit and the extra military aid announced today. The invasion of Ukraine has reinforced the importance of strong deterrence and Army numbers. While NATO is responding by increasing its high-readiness force to 300,000, the Defence Secretary is still set on cutting the British Army to its smallest size since Napoleon. Will he halt the cuts in next month's defence Command Paper?

Mr Wallace: I have been really clear that this is not a numbers game; it is about making sure that, whatever the size of our armed forces, we have a completely well-equipped and well looked-after workforce. If we simply go on a numbers game, without the appropriate funding—and I have heard no commitments from the Labour party—we will go back to a world that I served in, under Governments of both parties, where we had numbers on paper and on parade grounds, but hollow forces. I will not repeat that. I will make sure that whatever we have is fully equipped and fully 360. That is the real lesson of Ukraine.

John Healey: Labour has argued for over two years for a halt to these cuts. Despite the Secretary of State's bluster, the truth is that he has failed to get the new money for defence, apart from for nuclear and for stockpiles. Why will he not just admit it? Far from responding to the threats that Britain faces, he is cutting the Army to cut costs.

Mr Wallace: This is like "Through the Looking Glass", Mr Speaker. The reality is that as Defence Secretary I have achieved an increase of over £24 billion, both in resource departmental expenditure limit, in parts, and also in capital spend. It is important that the House understands that the world and the battlefield are changing. If we simply go to a numbers game, we will head back to a first world war. What we need is to learn the lessons and equip and support people properly. I have still not heard from the Opposition a single mention of their defence budget. Reversing the cuts, of course, will cost billions of pounds. I have heard nothing so far.

Mr Speaker: I do not think they have any responsibility today, so let us go to Dr Luke Evans.

T3. [904911] **Dr Luke Evans** (Bosworth) (Con): I recently had the privilege of becoming honorary president of the Royal British Legion's Hinckley branch. My first engagement was to join the Hinckley armed forces and veterans breakfast club at the Hansom Cab in Burbage for its fifth-year celebration. That amazing organisation helps veteran men and women, providing support, companionship and banter for those who have served. Will the Minister thank all those who give their time for such organisations? More importantly, what more can he do to support armed forces and veterans breakfast clubs?

The Minister for Armed Forces (James Heapey): I congratulate my hon. Friend on his presidential duties at the Hinckley branch of the Royal British Legion—my own branch in Burnham-on-sea will just about let me make the tea. He is absolutely right to draw attention to the fantastic work of veterans breakfast clubs. The Government have supported those through the Armed

Forces Covenant Fund Trust. I know that that support is as well received in his constituency as it is in mine, where there is an excellent club in Glastonbury.

T4. [904912] **Judith Cummins** (Bradford South) (Lab): Today the UK is pledging a new package of military support to Ukraine. What assessment has the Minister made of the pace of delivery of those vital supplies to Ukraine?

Mr Wallace: Right from the start, the United Kingdom has been at the forefront of ensuring that the supplies get into the country as soon as possible, basing people not only in the international donor co-ordination cell in Germany—there are over 70 military personnel there—but in neighbouring countries, to ensure the logistics of getting supplies to reach places in time. We are still managing to commit to that pace.

As President Zelensky has said, some countries have made pledges but part of the delay has been in their getting equipment ready to donate. Ours is already in—our 12 Challengers are already in the country. We will make sure that we keep monitoring the situation and pushing as fast as possible.

T5. [904913] **Sarah Atherton** (Wrexham) (Con): The Mayor of London has generously permitted 54,000 friends and family of Transport for London workers free travel around London. He has also granted police officers from eight services free travel when not in uniform. Will the Minister explain to service personnel, particularly those from Woolwich barracks, why they can travel free only while in full uniform, which makes them and those around them a target? Are there any plans to rectify that discrepancy?

James Heapey: The Labour Mayor of London is also expanding the ultra low emission zone charge, which will affect thousands of armed forces personnel who are based in the outer boroughs. I suspect that our Opposition colleagues will have heard of this impact on their cost of living, and will be earnestly encouraging their Mayor to ensure that free travel is extended to armed forces personnel who are not travelling in uniform.

T7. [904915] **Holly Lynch** (Halifax) (Lab): The transition to the new NATO force model must be complete by this year. Can the Secretary of State update the House on how prepared the UK is for more capability at greater readiness, so that we can continue to play our leading role in NATO?

Mr Wallace: The Supreme Allied Commander Europe recently issued his regional plans, which extend to 3,000 pages of detailed proposals for the defence of Europe. From that will stem a donation conference at which all the member states will present their contributions to the plans. Within that, we will develop the new force model that will contribute to the new force structure of NATO. Once we have got through that period of the next few months, we will be able to tell the House exactly what we have put forward, how ready it is, and whether it meets the ask of the Supreme Allied Commander Europe.

T6. [904914] **Mr Mark Francois** (Rayleigh and Wickford) (Con): Clive Sheldon KC, of 11 King's Bench Walk chambers, submitted his Lessons Learned report on the

AJAX programme to the Ministry of Defence some four months ago. We are told that it is still undergoing a “fact-checking” process, but there are growing rumours that some people who are adversely implicated in the report are trying to water it down or even suppress its publication. As the Secretary of State personally commissioned the report, and as it is his birthday today, and as this is, I think, my fourth time of asking, will he please give us all a birthday present and tell us when the report will actually be published?

Mr Speaker: Happy birthday.

Mr Wallace: Thank you very much, Mr Speaker. What a birthday.

My right hon. Friend is entirely right. I have not yet seen the draft, and I have asked to see it as well as the final report so that, on the basis of what I have seen with my own eyes, I can decide whether or not it is appropriate to change it. I have been told, after raising the issue recently, that its arrival is imminent, and it is extremely important to ensure that it does reach me. My right hon. Friend has a real point here: namely, that I am not in the business of shielding people from their errors; I am interested in learning lessons.

T9. [904917] **Sir Mark Hendrick** (Preston) (Lab/Co-op): You, Mr Speaker, the Defence Secretary and I all have thousands of constituents who work at BAE Systems in Lancashire. They have been working very hard on Typhoons and F-35s, but for the last couple of years there has been a great deal of excitement and hype about the Tempest programme. I understand that the Tempest is still a concept, in terms of its development, so can the Defence Secretary tell us when the detailed design and production stages are likely to take place?

Mr Wallace: My hon. Friend has raised an issue that is important not only to our part of the world but to the whole United Kingdom: the ability to deliver a sovereign capability. I recently went to Japan, where I signed another agreement with my Japanese and Italian counterparts. The global combat air programme, or GCAP—Tempest to us—is incredibly important for jobs in the north-west. It is already moving into the design phase, and we will then start to deal with the question of the political balance—of how much work is shared among the partners. However, there is a strong Government commitment to take this forward. We expect to see test flights before 2030, and we hope that the project will progress strongly for all our sakes.

T8. [904916] **Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): On 1 March this year more than 22,000 armed forces personnel had been described as being in dental categories 2 or 3, which means that their dental fitness was suboptimal. In addition, constituents of mine who are spouses or dependants of military personnel are struggling to obtain treatment from NHS dentists owing to their frequent house moves. What are my right hon. Friend and the Department doing to ensure that we meet our obligations to service personnel and their families?

James Heapey: I understand that my hon. Friend recently met the Minister for Defence People, Veterans and Service Families, my right hon. Friend the Member for South West Wiltshire (Dr Murrison), to discuss this matter.

Defence service personnel have more access to dentistry than would be expected by the general population. When people are awaiting dental care ahead of deployment, their care is prioritised. As for the wider issue relating to dental provision for service families, my hon. Friend has made an important point, and I will ensure that it is conveyed to Ministers in the Department of Health and Social Care. It does, of course, involve armed forces covenant issues.

Richard Foord (Tiverton and Honiton) (LD): It was good to hear that the Appledore shipyard in Devon will see the construction of modules for the three support ships for the Royal Fleet Auxiliary, as announced last November. It has been reported in the press in the last week that shipyards belonging to our ally, Poland, will construct blocks of hull for the Type 31 frigates, with final assembly to be carried out at Rosyth. What parts of the Type 31 will be built in Poland, and what value will that amount to?

Mr Wallace: My understanding is that the smallest part—[*Interruption.*]—1% will be built in Poland. That is of course Babcock’s decision, made under the original contract, but overall this will be completed in Rosyth and I have already been up there to visit. I am also delighted that, for example, the contract model we put together for the fleet solid support ship has enabled places such as Appledore to get work. It is important that we keep all our yards busy and that they do not just go from feast to famine.

T10. [904918] **Simon Baynes** (Clwyd South) (Con): Will my right hon. Friend comment on the ways in which the Ministry of Defence is maximising defence procurement from Wales, particularly from north-east Wales where my constituency is situated?

James Cartlidge: Wales plays an integral part in all aspects of the UK’s defence policy, with a number of the MOD’s major suppliers and small and medium-sized enterprises having a presence there. In 2021, for example, the MOD awarded a £110 million contract to the Raytheon UK plant in north Wales, which is providing the RAF with one of the world’s most modern and capable intelligence-gathering assets. We are also working with the Welsh Government and the Defence Electronics and Components Agency to create an advanced technology research centre at MOD Sealand. The centre will develop cutting-edge sovereign capability to support international collaboration, job sustainment and skills retention while meeting our changing defence requirements.

Kim Johnson (Liverpool, Riverside) (Lab): I would like to thank the PCS union and the staff at Defence Business Services for their work on negotiating important wins for disabled and non-mobile staff, who have been offered flexible and hybrid working as a reasonable adjustment. Not forcing staff to move without their agreement, along with the creation of a voluntary release package, is a positive step. Can the Secretary of State commit to ongoing negotiations with PCS and the Liverpool staff to keep their terms under review, to ensure that staff are given the support necessary to keep their jobs under reasonable conditions?

James Cartlidge: I am glad that the hon. Lady recognises that these have been constructive negotiations. She mentioned the offer of flexible working and, as she knows, there have to date been no compulsory redundancies.

I would just stress that, even with the £30 million cost of the new site, there will be a total £40 million saving, so this is good value for taxpayers as well as a good deal for the workforce.

Robert Courts (Witney) (Con): I welcome the new Minister to his place. It was great of him to make his first visit to Carterton recently, where we discussed the upgrading of existing MOD housing and the purchase of new housing. I look forward to discussing that with him further following the Defence sub-Committee report that will be produced shortly. He also saw the large brownfield site known as REEMA North, where MOD housing has been demolished and not yet replaced because the money has not been found to do it. We always talk about prioritising brownfield land. This is a prime site where housing is much needed but the money has not yet been found. Will he work with me to ensure that we not only use this brownfield land but protect West Oxfordshire's land supply and give the RAF the homes that it needs?

James Cartledge: I very much enjoyed my visit to Brize Norton. It was actually my second visit after Abbey Wood. Just to be clear, we remain fully committed to the development of new housing for service personnel at the REEMA site. We are in discussions with industry partners to facilitate this, but given the time that has elapsed, I am happy to continue to engage with my hon. Friend, who I know is a champion of his local service personnel, many of whom serve in the RAF. I am more than happy to stay engaged with him.

Alex Norris (Nottingham North) (Lab/Co-op): In March, 8,000 Afghan relocations and assistance policy scheme families were given eviction notices from their hotel accommodation by the Home Office. What assurances can we hear from Defence Ministers that these people will not become homeless?

Mr Wallace: I can only talk on behalf of the ARAP cohort of people in the hotels. In the beginning of the process, over half went straight into the community and found places with family or friends. On the ones in hotels, the ARAP lodgers are different from those in the general asylum scheme. They can claim benefits, including housing benefit, and they can work immediately when they arrive. It is time that we found a way of getting them out of the hotels and into the community so that they can start working. They have that ability, and that is the way they can integrate into society and get on their own two feet. At the time, it was right that we took a stand that some of those people had been there for a long time. It is time to move out and use the rights that they have, coming here under ARAP.

Alec Shelbrooke (Elmet and Rothwell) (Con): I have been led to believe that the issue facing HMS Prince of Wales has been an almost incredible complacency on engineering tolerances in the shaft. Is there any financial recourse to the manufacturer in getting the Prince of Wales operational again?

Mr Wallace: From the initial reports I have read, the misalignment of the shaft is around 0.8 mm or 1 mm—a tiny amount that, of course, can make a huge difference at sea. We are examining the liabilities and who should cough up for that. The good news is that, overall, it has

not delayed the Prince of Wales's work-up. We took advantage of some of the maintenance periods to put in pre-planned maintenance and I think she will be back on track and on time to deliver her capability.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): I recently met Elizabeth Wilson, a school pupil who is also a Member of the Hull Youth Parliament and the daughter of armed forces personnel. She is campaigning to establish an armed forces champion in every school to assist pupils with transition and to provide peer-to-peer support. What additional support can the Minister give this young entrepreneur on that project?

Mr Wallace: I would be very happy to meet that young entrepreneur with the Minister for Veterans' Affairs. That excellent idea would plug in perfectly with the local authority forces champions, with their local education remit. That is a really good idea.

Dean Russell (Watford) (Con): I share my condolences with the family of David Brocklehurst. He will be a massive loss to the Abbots Langley veterans association, as my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) said.

May I, through the Front-Bench team, thank the Minister for Veterans' Affairs for recently visiting Watford to meet veterans, including the Abbots Langley group, to hear about the fantastic initiatives in Watford, including Luther Blissett OBE's Forces United initiative?

Mr Wallace: Our veterans are very important to the fabric of society, and it is important that this country is the best place in the world to be a veteran. This Government have been on the right track in delivering that. Yes, there are some things around the veterans card and services, but the agreement of many parts of Government to support the armed forces covenant is the right direction, and we are going from strength to strength.

Mike Amesbury (Weaver Vale) (Lab): In 1969, 74 US personnel perished after the USS Frank E. Evans sank. Two Royal Navy personnel from my constituency were present and they have just been invited to a commemoration, but they are struggling to get there. Can a Minister meet me to look at options to help them get there?

Mr Wallace: I will be delighted to try to do that, either personally or through the Veterans Minister.

James Sunderland (Bracknell) (Con): The Minister will know that I have constituents in substandard military accommodation at Sandhurst. When they asked for help under the Pinnacle Service Families contract over Christmas, it did not turn up. Will he use the relative lull of the summer months to plan ahead with the contractors to make sure we do not have another problem at Christmas?

Mr Wallace: I have already met the contractors and the Defence Infrastructure Organisation, and the good news is that maintenance issues that were around at Christmas have been cut by 75%. That is continuing in the right direction, but my hon. Friend is right: the key is to plan ahead for next winter. That is what we are getting on with at the moment. I am determined to hold these contractors to account.

Douglas Chapman (Dunfermline and West Fife) (SNP): HMS Prince of Wales currently lies in Rosyth for repairs and I hear it has been cannibalised for spare parts. Will this £3 billion asset be back on full operational duties by the end of the year?

Mr Wallace: Yes, by the autumn. It is perfectly normal for ships to take ship stores from each other. HMS Prince of Wales is not being cannibalised because it is off to be mothballed. The ship will be back in full service in the autumn.

Points of Order

3.39 pm

Andy McDonald (Middlesbrough) (Lab): On a point of order, Mr Speaker. In the past few days, there have been media reports by Sam Coates of Sky TV and David Collins of *The Sunday Times* about the complaint to Cleveland police by its own police and crime commissioner, Steve Turner. He was standing to be a councillor on 4 May while remaining as PCC and lost that election after a number of recounts. Prior to the poll, he complained about a leaflet that was distributed in the ward in which he was standing and, as a result, Cleveland police officers attended at the homes of each of the three Labour activists involved in its production, telling one of them that the leaflet had “upset Steve”. Following their interrogations and a week-long inquiry, the police concluded that there was no case to answer.

Nazir Afzal, the former senior prosecutor and former chief executive of the Association of Police and Crime Commissioners, said that Mr Turner appeared to have received special treatment by the police and:

“The perception is that he abused his power in this case”.

The PCC code explicitly says:

“The Commissioner will not use the resources of the office for personal benefit...The resources will not be used improperly for political purposes, including party political purposes”.

We on this side have called for an urgent investigation, but I seek your guidance as to whether you have received any confirmation from the Government that such an inquiry will be held and a statement will be made to the House about these matters.

Mr Speaker: First, I am grateful to the hon. Gentleman for giving notice of his point of order. I have not received any notice about a statement on the matter he has raised.

Alex Cunningham (Stockton North) (Lab): On a point of order, Mr Speaker. Today’s *Financial Times* contains a major exposé on the questionable business

dealings of the Tees Mayor, which, among other things, have seen vast public-owned assets transferred—
[*Interruption.*]

Mr Speaker: Order. I want to hear this point of order. If somebody doesn’t, please leave.

Alex Cunningham: Thank you, Mr Speaker. I am talking about the questionable business dealings of the Tees Mayor, which, among other things, have seen vast public-owned assets transferred to two local businessmen. Secrecy is central to everyone’s concerns about what is happening on Teesside, where there is a total lack of transparency about public assets worth hundreds of millions of pounds. We have even seen the National Audit Office demand that the Mayor corrects his claims that it has given his dealings a clean bill of health. Are you aware of any plans for a statement on this serious issue, so that we can be reassured that Ministers know what is going on and hear of any plans to end the secret activities on Teesside, so that they do not adversely impact any investors’ plans for the area and protect the public interest?

Mr Speaker: First, I am grateful to the hon. Gentleman for giving notice of his point of order. I have received no notice of a statement on this matter, but I am sure that, as with the previous point of order, it will not be left at that and that he will continue, in different endeavours, to ensure that it is heard in a different way.

BILL PRESENTED

NAKBA COMMEMORATION BILL

Presentation and First Reading (Standing Order No. 57)

Layla Moran presented a Bill to make provision about the commemoration of the Nakba; to require the Secretary of State to encourage and facilitate annual commemoration of the Nakba; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 24 November, and to be printed (Bill 306).

Victims and Prisoners Bill

[Relevant documents: *Second Report of the Justice Committee, Pre-legislative scrutiny of the draft Victims Bill, HC 304, and the Government response, HC 932; Oral evidence taken before the Justice Committee on 9 May 2023, on Victims and Prisoners Bill, HC 1340; and Written evidence to the Justice Committee, on Victims and Prisoners Bill, reported to the House on 9 May 2023, HC 1340.*]

Second Reading

3.42 pm

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

Some years ago, shortly before I entered Parliament, I was stood in the Crown court at Birmingham, having been instructed by the Crown Prosecution Service to prosecute five men accused of rape. It was alleged that they had groomed two young girls from Telford aged 15 and 16 and abducted them to Birmingham, where they subjected them to a weekend of degrading and humiliating sexual attacks, offering them up to their friends to do with as they pleased. What made the case even more chilling was that it was clear that the victims had been targeted because of their troubled backgrounds and sometimes challenging behaviour when interacting with authority figures such as the police. The defendants had made a cynical calculation that, if the girls ever did complain, they were unlikely to be believed. Well, they were believed. The jury got the measure of what had really gone on. After a fair trial, presided over by an independent judge, the defendants were all convicted of rape, robust sentences were passed and justice was done.

I mention that at the beginning of this Second Reading debate because it provided me, and I hope now the House, with a powerful example of how supporting victims can make a decisive impact on outcomes. In that case, it was only because all the moving parts of the system came together to support those vulnerable girls to give their best evidence that a just outcome was delivered: conscientious police officers liaised sensitively with the young women to help them record their accounts; compassionate CPS lawyers and caseworkers applied for special measures to assist the victims to give evidence in court; and victim support staff worked hard during the tense days of the trial to assist victims with information and updates.

Here is the central point: all those agencies recognised that, in order to deliver justice, victims must be treated not as mere spectators of the criminal justice system, but as core participants in it. That is the mission of this Government and of this Bill. It will boost victims' entitlements; make victims' voices heard, including following a major incident like the tragedy of Grenfell or Hillsborough; and deliver further safeguards to protect the public.

As the House will know, my predecessor met brave victims such as: little Tony Hudgell, who was so badly abused by his birth parents that he almost died; Denise Fergus and Ralph Bulger, whose two-year-old son James's murder shocked the nation; and Farah Naz, the aunt of Zara Aleena, who was tragically sexually assaulted and murdered last year. I want to pay tribute to them. Through their personal grief they have, none the less, found the strength to strengthen the system for others.

We owe them a profound debt of gratitude. Their pain and their anguish spurs us on to strengthen public protection and to make sure every victim of crime is properly supported.

Bob Stewart (Beckenham) (Con): I thank the Secretary of State for introducing the Bill. As an MP, I have heard so many complaints from victims that no one is listening to them. Can he assure me that victims really will come first in the Bill?

Alex Chalk: I am very grateful to my right hon. Friend. That is exactly the point. If victims are to be not spectators but participants, from the moment of complaint they must be listened to by the officer on the case, the CPS prosecutor and the prosecutor at court. Being listened to is a critical part of victims' confidence in the criminal justice system.

Stephanie Peacock (Barnsley East) (Lab): On that point, will the Secretary of State give way?

Alex Chalk: Can I just make a bit of progress?

Before I return to the key elements I mentioned a few moments ago, I want to set out a little context. Hugely important work has taken place over recent years—this may perhaps answer some of the hon. Lady's questions—to ensure that many of the standards achieved for those victims in Birmingham are now demanded as a matter of course. What it means in simple terms is this: no longer is it considered perfectly normal for a victim of a violent robbery to report their statement to the police, only to hear nothing until a curt instruction out of the blue to attend trial in a week's time. The 2020 victims code requires that they be kept updated. Gone are the days when it was thought completely reasonable for a victim to arrive at court, give evidence and then have to rely on the media to find out whether the defendant had been convicted. The 2020 code requires that they are told the outcome of the case and given an explanation of the sentence if the defendant is convicted.

Stephanie Peacock *rose*—

Alex Chalk: I will come to the hon. Lady in one moment.

The revised victims code, published in 2020, contains many additional entitlements. For example, right 7 is a victim's entitlement to make a personal statement to tell the court how the crime has affected them, so that it can be considered when sentencing the offender; right 8 is the entitlement to be offered appropriate help before the trial and, where possible, to meet the prosecutor before giving evidence; and right 9 is the entitlement to be given information about the outcome of the case and any appeals.

Stephanie Peacock: I am very grateful to the Secretary of State for giving way. My constituent Johnny Wood feels he has been let down by every part of the justice system after his sister was killed by four men with 100 convictions between them who were driving an HGV lorry. The legislation does not address non-compliance with the victims code, so can the right hon. Gentleman tell Johnny and the House how it will make a meaningful change for victims?

Alex Chalk: I am very grateful to the hon. Lady for raising that important case on behalf of her constituent. I will develop those points in due course, but let me make a core point first. We have gone from creating the important victims' entitlements in the code to wanting to ensure that they have a profile, a prominence and an accountability, so that if things go wrong—and from time to time things will go wrong; that happens in any system—people can be truly held to account, and where agencies are failing that is made plain for all to see.

We have also strengthened the system of special measures, completing a national roll-out of pre-recorded examination and cross-examination for victims of rape and sexual offences. That spares them the ordeal of giving evidence in a live trial and having to stand in the same room as their alleged attacker. Really importantly, there has been the introduction of more independent sexual and domestic abuse advisers. These are specialists trained to support vulnerable victims through the justice process. From just the odd pilot scheme pre-2010, there are now over 700 working up and down the country to support victims, and we are rolling out 300 more. It is all part of an unprecedented investment in victim and witness support services, quadrupling 2010 levels.

That is the context. The difference between a decade ago and now is stark. Following those crucial advances, we are now taking steps to secure the entitlements and raise yet further the standards we expect the criminal justice system to deliver for victims. First, the Bill will enshrine the key principles of the victims code in law and provide a framework for the code in regulations, centred around the 12 key entitlements that victims can expect. That will ensure that the good practice I mentioned earlier, which has taken root in many courts and CPS offices around the country, becomes standard practice. The Bill will give these entitlements the profile, the prominence and the weight they deserve and ensure that they cannot be watered down by future Governments. It will place agencies within the criminal justice system, including chief constables, the CPS, British Transport police and others, under a new duty to make victims aware of the code so that every victim knows what they are entitled to.

Jess Phillips (Birmingham, Yardley) (Lab): The right hon. and learned Gentleman talks about what was enshrined in the code, which he said happened in 2020. In 2021—I have just checked the date on my phone—I found out that somebody had been convicted of harassing and threatening me. I found out about it in *The Guardian*, so the code was certainly not enshrined in that particular courtroom in Birmingham, which I mention as he is leaning on Birmingham courtrooms. What right would I have in this Bill to any recourse and what would happen to the people who failed to inform me?

Alex Chalk: The hon. Lady should not have found out in a newspaper. She should have been kept updated and informed. If she would like to come to speak to me about that, I will find out what went wrong in that case. On her specific point, what I think is exciting and heartening about the Bill is that it contains a duty on the Secretary of State and police and crime commissioners not just to promote awareness of the code—important though that is—but to promote compliance. If there is

not compliance, there is also a duty, effectively, to publish that, so that it is plain for everyone to see. The local PCC will be publishing that, which means that the hon. Lady can get some accountability. I reiterate that if she wants to come to speak to me, she must not hesitate to do so. In fact, knowing her, I know that she would not hesitate to speak.¹

Several hon. Members rose—

Alex Chalk: Let me make a little progress.

As I indicated, the Bill will make sure that everyone knows what they are entitled to and it sends a clear signal to the system about the service that victims should be receiving. Secondly, as I suggested, the Bill will ensure stronger oversight by placing a new duty on police and crime commissioners and criminal justice bodies to monitor compliance with the code, to provide the public and this Parliament with a clear picture of how victims across the country are being treated. Ministers will have the power to direct the inspection of justice agencies that are failing victims to help drive improvements using best practice from those agencies that are succeeding.

Thirdly, the Bill will place a duty on specific authorities to respond publicly to the recommendations of the Victims' Commissioner and introduce a requirement for an annual report to be laid before Parliament. That will shine a spotlight on how the system is working and ensure that we have the transparency needed to drive change.

Fourthly, the Bill will provide better support for victims. It will help to ensure that critical support services are targeted where they are most needed by introducing a new joint statutory duty on police and crime commissioners, integrated care boards and local authorities to co-operate and work together when commissioning support services for victims of domestic and sexual abuse and other serious violent crimes.

Rachael Maskell (York Central) (Lab/Co-op): I am grateful to the Secretary of State for giving way. The family of Declan Curran, who tragically took his life, pre-trial, aged just 13, wanted me to stress in this debate the importance of child victims of sexual abuse and their inclusion in clause 2, the victims code, and how they should be able to access comprehensive psychological services without any delay. This must not be seen as interference in the evidence of the trial, with victims' evidence being recorded at the time of the crime. Will that be fully included in the Bill without delay?

Alex Chalk: It is incredibly important that child victims receive the support that they need, and that should not be a bar to their giving a video-recorded piece of evidence, for example, so that they can participate in that trial as well. I am happy to meet the hon. Lady to discuss the particulars. The general principle is this: if child victims, who are victims within the ambit of the Bill, need that support, they should get it.

Priti Patel (Witham) (Con): Can the Lord Chancellor provide the House with slightly more detail on the commissioning functions? He has rightly touched on police and crime commissioners, ICBs, the duty of care and the duty of co-operation. In many walks of life, that co-operation completely fails and, basically, victims

1. [Official Report, 7 June 2023, Vol. 733, c. 10MC.]

[Priti Patel]

are on the receiving end of institutional state failure. It would give the House some confidence if he were able to explain how this will work.

Alex Chalk: I begin by thanking my right hon. Friend for her stalwart commitment to the rights of victims. I venture to suggest that no one in this House has done more to stand up for victims. She is absolutely right; there are plenty of organisations who have a duty in that regard—police and crime commissioners are one, but there are plenty of other providers. We want to ensure that the duty of co-operation means that there will not be duplication in some areas and deserts, as it were, in others. The aim is to ensure that across the piece, if someone needs to make sure that there is sufficient support for rape victims, for example, that that support is provided and there is no potential duplication between what the hospital might be doing and what the PCC might be doing. That is a statutory requirement to co-operate—not a “nice to have”, but a direct requirement. That is the difference.

I have already spoken about the importance of ISVAs and IDVAs. They do exceptional work, and we want to strengthen their role further by introducing national guidance to increase awareness of what they do and to promote consistency.

I can also tell the House that we will bring forward an amendment in Committee to block unnecessary and intrusive third party material requests in rape and sexual assault investigations. I know that routine police requests for therapy notes or other personal records can be incredibly distressing for victims, who can feel as though they are the ones under scrutiny. Some may even be deterred from seeking support for fear of their personal records being shared. Our Bill will make sure that those requests are made only when strictly necessary for the purposes of a fair trial.

Christine Jardine (Edinburgh West) (LD): Many of us welcomed this Bill and hoped it would transform and revolutionise the response, but it fails in several areas. We have heard about the duty of co-operation and collaboration, but there is to be no new funding to allow that to happen and to allow duty holders to commission new services to make the collaboration effective. How would the Government overcome that, and will they consider doing that in future?

Alex Chalk: I welcome the hon. Lady’s overall enthusiasm for the Bill. On that specific point, one of the things I am proud of is that funding for victim services has quadrupled over the past 13 years or so. It is a very significant increase. The money that goes to PCCs, for example, has significantly increased—I think it is more than £60 million or so—but there is additional money that goes directly to charities, such as the Gloucestershire Rape and Sexual Abuse Centre in my own constituency, which is directly funded. That funding has increased.

By the way, I should also note that during covid, when people were genuinely worried that those victim support services might fall over and collapse, the funding went in to sustain them during those very dark times. There is more money, and that is precisely why we want the duty of collaboration to ensure that those taxpayer pounds go as far as they can.

Sarah Champion (Rotherham) (Lab): I thank the Secretary of State for the measures he has brought through on third party disclosures. Could he, though, give a message to the survivors in my constituency and across the country who have been deterred from coming forward by that knowledge, and to those whose cases have collapsed because of their fear of that information getting into the public domain? What message does he have for them?

Alex Chalk: The hon. Lady does an important public service in raising that point and I thank her for doing so. Let the message go out from this Chamber: “Do not be put off coming forward, giving your evidence and reporting allegations of serious sexual harm because of concerns about therapy notes. Get the therapy support that you need.” I want that message to go out loud and clear.

We are going to change the law to make it crystal clear that there will be no routine access to therapy notes; there will be access only when it is absolutely necessary and proportionate, and not by the defence, but principally in the very rare circumstances where a prosecutor needs to look at it. The message goes out that victims should come forward and co-operate with the criminal justice system, if they can.

Part 2 of the Bill provides better support for victims and the bereaved after major disasters such as terror attacks. The House will recall the awful events at Hillsborough and the most recent fire at Grenfell Tower, as well as the Manchester Arena bombing. The impact of those terrible tragedies is still felt to this day, especially by the families and friends of the victims. I know there is consensus on both sides of the House that survivors and families of victims caught up in such disasters must be given every support. No one should be left to feel their way in the dark as they grieve.

I pay tribute to my right hon. Friend the Member for Maidenhead (Mrs May), the right hon. Member for Garston and Halewood (Maria Eagle), the hon. Member for Liverpool, West Derby (Ian Byrne), the noble Lord Wills and many others for their tireless campaigning on the issue. Indeed, one of the most moving debates that I have ever had the privilege of listening to was one to which the right hon. Member for Garston and Halewood contributed on this topic.

The Bill will introduce the UK’s first ever independent public advocate—an advocate to give a voice to those who have too often felt voiceless. The IPA will be a strong advocate for victims, the bereaved and whole communities affected. It will allow us to hear everyone, including those who, in the darkest moments of their grief, may understandably find it impossible to speak up for themselves and their legitimate concerns.

Maria Eagle (Garston and Halewood) (Lab): Will the right hon. and learned Gentleman give way?

Alex Chalk: I will just develop the point and then of course I will let the right hon. Lady come in.

From the earliest days after a disaster, the IPA will work on behalf of victims. It will be a crucial conduit between them and key public authorities, and it will focus resolutely on what survivors and the bereaved actually need, not just what others in authority might assume they need. The IPA will also help victims and

the bereaved to navigate complex processes that most people would find deeply stressful and upsetting, such as investigations, inquests and public inquiries. On a practical level, it will give victims, the bereaved and the affected community a robust way of engaging the public authorities and Government—for example, by asking the coroner or the police for more information about inquests and investigations, or by pressing local government and central Government on their policies for victims.

Maria Eagle: I welcome the right hon. and learned Gentleman to his new role. I wonder whether he will be open to the idea—from those of us who have been working on this for some time—of strengthening the provisions in the Bill to improve them?

Alex Chalk: In preparation for today's debate, I read the right hon. Lady's Bill and have considered it with care. Of course, I am open to further discussions with her; she has lived and breathed this issue for a long time, and it is absolutely right that I consider those points. I think that there are—well, let us leave it at that and discuss those matters in due course.

Maria Eagle: Yes, fine.

Alex Chalk: Thank you.

Mr Ranil Jayawardena (North East Hampshire) (Con): I welcome my right hon. and learned Friend to his role as Lord Chancellor. I have been listening very carefully to what he has said in relation to suggestions made in all quarters of this House. My hon. Friend the Member for Bolsover (Mark Fletcher) recently proposed an excellent ten-minute rule Bill calling for tougher rules on the ability of sex offenders to change their names. Does my right hon. and learned Friend agree that the Victims and Prisoners Bill is a perfect opportunity to bring in tougher rules, and that they should apply not only to changes of name but to changes of legal sex?

Alex Chalk: There is real and clear merit in what my right hon. Friend says. Plainly, we cannot have a situation in which people can, at the stroke of a pen, evade liability for their abhorrent crimes. I look forward to discussing that important matter with him and my hon. Friend the Member for Bolsover (Mark Fletcher) in due course.

Stella Creasy (Walthamstow) (Lab/Co-op): The Secretary of State is making a powerful case on the role of a public advocate, which many of us support. We recognise that there may be more than one victim when traumatic events happen, so does he accept that it is right that the Bill also deals with strengthening support? In my community, a 16-year-old boy was murdered 10 days ago. The entire school community is traumatised. Getting them support, and recognising that his friends, as well as his family, are victims in this instance, is critical. Will he meet me and other campaigners to discuss that issue?

Alex Chalk: How could I not? I would be delighted to meet the hon. Lady on that important issue.

Let me turn now to the measures on prisoners and parole—part 3 of the Bill. The first duty of any Government is to protect the public, including from those who have betrayed trust, robbed innocence and shattered lives.

Victims want to know that the person who has harmed them, their families and friends will not inflict that pain on anyone else. Indeed, I heard that strong message from Denise Fergus when I spoke with her recently. One thing that I found profoundly moving is that, notwithstanding her own private grief, one of her principal motivations is to ensure that others do not suffer in the same way.

Overwhelmingly, the Parole Board does its difficult job well, taking care to scrutinise the cases coming before it for release decisions. Over 99% of prisoners authorised for release by the Parole Board do not go on to commit a so-called serious further offence, but occasionally things go wrong, and when they do, the implications for public confidence can be very grave. John Worboys, the black cab rapist, and Colin Pitchfork, who raped two schoolgirls, were both assessed as being safe to leave prison, only for Colin Pitchfork to have to be recalled shortly afterwards and the Worboys decision to be overturned on appeal. Such cases are rare, but they are unacceptable. The public must have confidence that murderers, rapists and terrorists will be kept behind bars for as long as necessary to keep the public safe.

We have already made changes to improve safety and increase transparency. The most serious offenders now face robust tests to prove they are safe to move into open prisons, and some parole hearings can now take place in public so that victims and the public can see with their own eyes how decisions are made and why.

James Gray (North Wiltshire) (Con): I congratulate my right hon. and learned Friend on his well-deserved appointment. My constituents Matt and Carole Gould have campaigned long and hard on the tragic murder of their daughter some years ago. They are concerned that, when the murderer is released from prison after an all too short 12 and a half years, he will be allowed to return to the village he came from and that they will bump into him in the street. Will my right hon. and learned Friend advise me what normal practice would be in keeping murderers away from the victim's relatives? Is there not an argument that, in rural areas such as mine, the distance should be further than it would perhaps be in an urban area?

Alex Chalk: I thank my hon. Friend for raising that deeply upsetting and troubling case and for liaising with his constituents. Although I do not know the specifics of any licence conditions, it is overwhelmingly likely that those conditions would take into account precisely the point he raises. If family are living nearby, it is usual for licence conditions to indicate an exclusion zone, and that could be expanded to meet issues of justice and safety. Those are matters that the relevant authorities will be taking close cognisance of.

Sir Greg Knight (East Yorkshire) (Con): On parole reform, will the factor determining whether someone is in the top-tier cohort always be the offence or offences committed, or will other factors sometimes be taken into consideration? With regard to top-tier offences, will Ministers have the power to add to or change the list of offences that put someone in the top tier?

Alex Chalk: I will come to those points in a moment, but it is broadly to do with the offences.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Applications can now be made for Parole Board hearings to be held in public, but as Gwynedd resident Rhiannon Bragg learned, they can be refused. She feels strongly that if the hearing for the perpetrator who stalked her and held her at gunpoint overnight was heard in public, it would help her as a victim—she would not face him in a private context, face to face, and the hearing would be covered in the public domain through the press. Will the Minister consider this issue?

Alex Chalk: There is now a power for hearings to be held in public, but it depends on the facts of the individual case. It will be important to weigh up what is in the interests of justice, but that of course also includes what is in the interests of the victim—indeed, that is a pre-eminent consideration. These decisions are necessarily fact-specific, and the Parole Board has to consider them on the facts before it. However, the hon. Lady makes a powerful point, which I am sure the Parole Board will want to take into account in relation to the facts of that particular case.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Will the Secretary of State give way?

Alex Chalk: I will make a bit of progress and then I will of course come to the right hon. Gentleman.

As I indicated, the Bill takes steps to strengthen the system further. First, it will make public protection the pre-eminent factor in deciding which prisoners are safe for release, by introducing a codified release test in law. Secondly, it will impose a new safeguard—a new check and balance—in respect of the top tier of the most serious offenders, drawn from murderers, rapists, child killers and terrorists. In those cases where there is a Parole Board recommendation to release a prisoner, the Bill will allow the Secretary of State to intervene on behalf of the public to stay that release and enable Ministers to take a second look. That oversight will act as a further safeguard in the most serious cases that particularly affect public confidence. Plainly, of course, to preserve fairness in the system that ministerial intervention must be amenable to independent review, and the Bill properly safeguards that right.

Sir Julian Lewis (New Forest East) (Con): I congratulate my right hon. and learned Friend on his well-deserved promotion. I have recently been contacted by a constituent who discovered the murdered bodies of her sister and baby niece. She is a volunteer with a national charity called Support after Murder and Manslaughter. It has given me a list of concerns, which I would like to give to the Minister separately. However, the charity states that the Secretary of State will be able to make this parole decision, which will then be subject to appeal, but the victims will not have a voice at either stage—they will not be able to do impact presentations. Will the Minister look at this point again, because the victims feel that they are being excluded?

Alex Chalk: I thank my right hon. Friend for raising that important matter on behalf of his constituents. The interests and rights of victims are absolutely at the heart of this proposal, because—this shone out from a conversation I had only today—some victims who are concerned about whether a prisoner gets released are of course concerned about what has happened to their

family, but they are also worried about what might happen to others. That is why having public confidence in the safety consideration is so important. I will be happy to discuss my right hon. Friend's points with him, but I emphasise that the rights of victims and the protection of the public are at the heart of this important measure.

Mr Carmichael: The volume and nature of the interventions on the Secretary of State show the difficulty of this area of law. While the changes to parole are welcome, is there not a danger that they will increase further the treatment of those who are currently in the system and those who are still in the prison system—somewhere in the region of 3,000 people—more than 10 years after we abolished sentences of imprisonment for public protection? The Chair of the Select Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), who I see in his place, has called for a review. Sir John Major did the same recently. Would this Bill not be an opportunity to deal with that?

Alex Chalk: It is important to consider these things separately, but the right hon. Gentleman identifies something that is a stain on our justice system. The IPP system should never have happened. Trying to take the politics out of it, I sort of understand why it was proposed, but it was a bad idea. It was a big mistake, and it has left us with a difficult issue. I am considering carefully what the Justice Committee has to say about it, and I will be saying more about it in due course. It is important to treat that separately from the position I am talking about here, which is that in those most serious cases where the Parole Board has directed release, it is right that on behalf of the public the Secretary of State should have a second look, even if that is then susceptible to an independent review thereafter. It is a slightly separate issue, but I take the points that he makes.

Edward Timpson (Eddisbury) (Con): I am pleased to see my right hon. and learned Friend in his place. On the issue of the powers taken in this Bill for a referral to the Secretary of State, in the Justice Committee we heard evidence of other routes for the Secretary of State to intervene: through reconsideration, which has been in place for four years, and through set aside, which is a power that the Secretary of State has taken more recently. That has the added benefit of including victims within the process. Can he just set out what it is that the Bill is trying to achieve that those routes cannot in ensuring that ministerial oversight?

Alex Chalk: There is a very important distinction. When the Secretary of State considers those most serious cases, he will look at this issue of safety for the public. That is not whether, for example, the Parole Board has acted in such a way as to not be susceptible to judicial review; it is a much wider consideration so that the public can be satisfied not just that the Parole Board considered safety, but that the Secretary of State did, too, and that is an important second check. That matters, because in these most serious cases, public confidence is hanging on the single thread of the Parole Board. We want to make sure that an additional thread goes into that structure, so that the public recognise that there has been that second pair of eyes. Plainly, Ministers cannot over-politicise this process, which is why there must be an opportunity to have an independent review of the

Secretary of State's decision. That will allow us overall to have a much more vigorous and robust process that stands up for victims, but is also mindful of the rule of law.

Sir Robert Neill (Bromley and Chislehurst) (Con): Will my right hon. Friend give way?

Alex Chalk: Oh, here we go. Yes, of course I will.

Sir Robert Neill: I am very grateful to my right hon. and learned Friend, whom I warmly welcome to his place, for giving way. Can I just follow up the point made by my fellow Justice Committee member, my hon. and learned Friend the Member for Eddisbury (Edward Timpson)? There are passages in the Bill where, in carrying out that legitimate policy objective—I do not disagree with the Secretary of State on that legitimacy—in certain circumstances, as it is currently drafted, he may be asked to put his finding of fact and his opinion in the place of that of the parole board that actually heard the evidence. Could I therefore ask him to look very carefully at the evidence the Committee received—it is tagged to the Bill on the Order Paper—and find a more effective way to achieve his objective that is legally robust but fair, but does not place him and his successors in the very difficult position of trying to rehear facts at second hand, as opposed to taking the role of those who heard the initial evidence?

Alex Chalk: May I thank my hon. Friend, and say that I have read every word of that important evidence to the Committee? I thank him for the time he took to provide that additional scrutiny, which I found extremely helpful. He is absolutely right that the check and balance is a sensible one, but plainly it has to be operational. We have to be able to deliver it, and we have to be able to do so in a sufficiently timely fashion, ensuring that a decision is not offending against article 5 and so on, but also that all parties have certainty about what is actually going to happen. I hope he will be reassured by my saying that I am looking very closely at the operational aspects of this provision to ensure that it does what is intended, and provides that check and balance, while being deliverable and of course being consistent with the rule of law. If I may, I will now press on, because I know others want to speak.

Thirdly, we are already recruiting more ex-police officers to the Parole Board. Now we will ensure that individuals with law enforcement backgrounds can be included on panels considering the release of the most serious criminals. Their first-hand experience of assessing risk will bring additional expertise to parole hearings.

This Bill will also prohibit prisoners subject to a whole-life order from being able to marry or form a civil partnership in custody, subject to an exemption in truly exceptional circumstances. The rationale for this is simple. Those most dangerous and cruel criminals—the ones who have shattered lives and robbed others of their chance of happiness and a family life—should not be able to taunt victims and their families by enjoying that for themselves. It is simply unconscionable, yet as the law stands, prison governors cannot reject a prisoner's application to marry unless it creates a security risk for the prison, however horrific their crime. Our changes will prevent whole-life prisoners from marrying or forming a civil partnership in prison or other places of detention. That is nothing less than basic fairness.

Jess Phillips: I could not agree with the right hon. and learned Gentleman more. What I would also ask is that people in that situation, especially those who murder their wife and the mother of their children, should also have their parental rights taken away. Why is that not in the Bill?

Alex Chalk: As the hon. Lady knows, we have discussed these issues at some length in a different context, and she should know that I am ready to continue that conversation.

Dame Caroline Dinenage (Gosport) (Con): This is a really excellent piece of legislation, and I congratulate the Secretary of State and his team on everything they are doing, but I could not miss this opportunity of raising the issue of the intergenerational impact of female imprisonment. As the Lord Chancellor knows, women make up just 4% of the prison population, yet two thirds of them have dependent children. Because they are so few, they are generally placed much further away from home and have much less access to some rehabilitative facilities than their male counterparts. That imprisonment can have a devastating impact on the children, so in many cases the children of women in prisons are victims themselves. There has been some fantastic work across the country by organisations such as Hope Street, run by One Small Thing, which I know the Prisons Minister—the Minister of State, Ministry of Justice, my right hon. Friend the Member for East Hampshire (Damian Hinds)—has recently visited. Does the Secretary of State not feel that this Bill would have been an ideal opportunity to try to address that?

Alex Chalk: My hon. Friend makes an incredibly important point. She mentions Hope Street, and the Nelson Trust, which I have visited, does excellent work in this regard. I think we do always have to remember that the job of Government is to ensure that the decision of the court can be upheld.

In other words, a court will of course consider the evidence from the prosecution at a sentencing hearing about what has taken place, will hear a plea in mitigation about the impact on the defendant of incarceration—including the impact on friends and children, their future and so on—and will then reach a decision based on all those matters about the correct sentence. So while I do not seek to downplay any of the really important points my hon. Friend mentioned, we need to do our bit within the criminal justice system to give effect to the order of the court, but to ensure it is done in a way that is humane and understands that there are family considerations.

We want prisoners to serve their time, but to be rehabilitated, and one of the critical ways of being rehabilitated is to ensure that family relationships endure. That is why there has been so much investment in courts in areas such technology to ensure prisoners can keep in contact with the outside, so that when they leave having repaid their debt to society they are in a position to pick up those important relationships.

In closing, I want to put on record my thanks to all who have helped to shape this Bill, in particular the victims who shared their stories and contributed to our consultation. I also pay tribute to my predecessors my right hon. Friends the Members for Esher and Walton (Dominic Raab) and for Great Yarmouth (Brandon Lewis)

[Alex Chalk]

and my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland) for the parts they have played in advancing this Bill.

These measures will help ensure that every victim, from the Telford teenagers I mentioned to the elderly victim of confidence fraud, secures the service from our justice system that they deserve. From the moment of report to the moment of conviction, and indeed beyond if required, victims' interests must be paramount. That is how justice is done, and I commend this Bill to the House.

Mr Speaker: I call the shadow Secretary of State.

4.20 pm

Steve Reed (Croydon North) (Lab/Co-op): I congratulate the Secretary of State on his appointment. I am sure all of us, in all parts of the House, wish him well, because victims need him to succeed. That is particularly the case when we realise that every year one in five people in the United Kingdom become a victim of crime: their freedom is assaulted; they are left feeling angry, fearful and sometimes even helpless.

Our system of justice, once a beacon to the world, should give victims of crime the ability to seek redress for what they have suffered. Victims deserve to be at the heart of the criminal justice system. Those who have wronged them deserve to be prosecuted and held to account in open court. Criminals should face punishment for the harm they have done.

Justice is a cornerstone of any modern and democratic society, the very foundation of law and order. Justice demands respect for the rules that govern the fair functioning of our society. But after 13 years of Conservative government, our justice system is broken. The Conservatives have let victims down time and again. Prosecution and charge rates are now so low that it is no exaggeration to say the Conservatives have effectively decriminalised many serious crimes. Only 6% of burglaries and 4% of robberies come to trial. Victims of car crime are told to report incidents online, and only rarely is there ever a police officer to follow up. Fraud is growing exponentially, with online scammers threatening people's entire life savings, yet the previous Conservative Chancellor dismisses fraud as not an everyday worry.

Most shocking of all is the fact that fewer than two in every 100 reported rapes result in a prosecution and the average wait for a rape trial, for those very few that ever reach court, is now over three years for the first time ever. A three-year wait for a rape trial is devastating for victims, but under this Government three-year waits are the norm, not the exception.

I was contacted by the father of a 16-year-old girl who had been waiting two years for her attacker to face trial. Just four days before the trial was due to begin, his daughter was told it had been postponed for a further nine months. Just imagine how it must feel for a teenage girl who has survived such a horrific crime, and who had the bravery to stand up and report the attack, to then have to wait years and years for her attacker to face justice.

This weekend new research from the Labour party found that delays had become so bad that six out of 10 rape victims now drop their cases. They are left in absolute despair as their attackers remain loose on the

streets. While Ministers routinely dismiss the reality of what they have created, the number of outstanding rape cases has almost doubled over the past year alone, and we must remember that over 98% of reported rapes never result in a prosecution anyway. The legacy of this Conservative Government is victims left facing the longest trial delays on record, which is an absolute disgrace.

But the criminal justice crisis extends way beyond the courts. The Government broke the probation system with a botched privatisation followed by a panicked renationalisation. Under the Conservatives, every week on average one murder and two rapes are committed by offenders who are supposed to be under supervision, but the probation service has never recovered from the wrecking ball that the Conservatives took to it. Some parts of the service still carry 40% vacancy rates. Probation officers are not routinely given full information about an offender's full history when they are asked to risk assess them on release. That was how Jordan McSweeney's risk rating was so catastrophically mis-assessed before he was released and targeted Zara Aleena in one of the most shocking and brutal murders of recent years.

Victims have a right to believe that offenders convicted in court of crimes that deserve a custodial sentence will be locked up—but they cannot under this Government, because they have run out of prison cells. The previous Justice Secretary wrote to judges telling them to avoid locking convicts up. Inside our prisons, violence and drug abuse are raging out of control. Drug and alcohol use in prisons has skyrocketed by more than 400% since 2010, and staff assaults have more than doubled. Instead of offenders being rehabilitated behind bars—that is what the Secretary of State just said he wants to see—they leave prison fired up by violence and high on drugs, posing an even greater threat to the public. Eight out of 10 crimes are committed by someone who has offended before—those are Ministry of Justice statistics. Under the Conservatives, the broken system is not stopping criminals; it is breeding them. If we do not stop criminals, we create more victims. It is a vicious cycle that leaves the law-abiding majority feeling weak and victims feeling abandoned.

Since 2014, convicted offenders have been sentenced to 16 million hours of unpaid work in community sentences that they were never made to carry out. That is a quite staggering failure. What message do the Government think that sends to offenders and their victims? It says: the system does not care. It tells low level offenders that they can get away with it, so they progress to committing more serious crimes. They have learned that they can get away with crime with no consequences under a Government who have gone soft on criminals. Under this Government, crime is not prevented, criminals are not punished and victims are not protected. No wonder victims feel abandoned when so many crimes, from antisocial behaviour to violent sexual assault, go unpunished.

It is eight years and eight Justice Secretaries since the Conservatives first promised new legislation to support victims. For all of that time, Labour has been telling them to act. Now—finally—we have a Bill, but I am afraid that it is a wasted opportunity because it fails in so many ways to rebalance the scales of justice and make a real difference for victims. The Bill lets down rape survivors. It offers no specialist legal advice or advocacy that will help them to navigate the justice system.

Richard Foord (Tiverton and Honiton) (LD): On the hon. Member's point about victims of rape who have been let down, does he consider that the Bill could protect child victims of rape from alleged child perpetrators where both the victim and the accused are due to attend the same school?

Steve Reed: I am grateful to the hon. Member for his intervention. He makes an important point. That is one of so many important ways in which the Bill could do more for victims. I hope that we will get the chance to make some changes to it and strengthen it as it passes through Committee and during the rest of its journey before it becomes an Act of Parliament.

Labour will table an amendment offering free legal advice for rape survivors. We want to ensure that survivors are supported every single step of the way from first reporting a rape at a police station right through to trial. It cannot be right that so many rape survivors describe their experience in court as so traumatising that it feels like they are the ones who are on trial. Labour has been calling for some time now for the protection of third-party material, such as counselling or therapy records, for rape and sexual violence victims. It is welcome that the Government are proposing some changes on that, but victims want more detail, and we will seek that as the Bill progresses. We need to support victims of crime throughout the justice system if we want to reduce victim dropout rates, which deny them justice and let criminals get away with their crimes.

There has, quite rightly, been a great deal of attention in recent years on victims of state failure that have led to major tragedies: Hillsborough, Grenfell and the Manchester Arena to name just three. Tragically, the Bill lets them down, too. Victims of major tragedies deserve the same legal representation as the authorities that fail them in the first place, but that does not happen, and the Bill does not put it right. Labour stands unequivocally with the families and survivors of those tragedies. Giving them proper legal representation is not only a matter of justice for them but helps the system learn from when went wrong, so that future tragedies can be prevented.

We will table amendments to establish a fully independent legal advocate accountable to families, as the Hillsborough families and campaigners have demanded; an advocate with the power to access documents and data not only to expose the full extent of failure but to prevent the possibility of cover-ups, such as those that denied families justice immediately after Hillsborough.

The Bill also lets down victims of antisocial behaviour. Those crimes can leave communities feeling broken and powerless, and lead to a spiral of social and economic decline that we should not tolerate. Whether it is gangs trashing local buildings, offenders intimidating local residents or selfish individuals dumping their rubbish on local streets and green spaces, we must support the law-abiding majority who deserve to feel proud of where they live.

Sarah Champion: Does my hon. Friend agree that not only does the Bill let down victims of antisocial behaviour, but its definition of a victim actively excludes them?

Steve Reed: As is so frequently the case, my hon. Friend makes an important and apt point. I hope that we will have opportunities to amend the Bill as it passes through Parliament. Victims of antisocial behaviour are victims of crime just as much as anybody else.

Labour wants to support victims of antisocial behaviour so that they can choose their own representatives to sit on community payback boards, where they can choose the unpaid work that offenders carry out to put right the wrong that they have done. Victims need to see justice carried out, as part of a functioning criminal justice system. To end the scandal of so many community sentences never carried out under the Conservatives, we would give victims the power they need to make sure that every sentence handed down by the courts is carried out in the community. Justice seen is justice done.

One of the most damaging experiences for any victim who reports crime is the years spent waiting for that case to come to trial, yet the Bill does nothing to cut the court backlog that warps the justice system under the Conservatives. Cases collapse as witnesses forget key details. Victims give up and criminals get away with it. This Government care so little that they have allowed the court backlog to reach record levels.

Ministers will routinely stand at the Dispatch Box and blame the pandemic, but that is just an attempt to cover up their failure. Court backlogs were already escalating to record levels before anyone had heard of covid-19. If the Government cared, they would do something, but there is nothing in the Bill to speed up justice for victims. Maria is a young woman who was subjected to multiple attacks by a serial rapist. She reported the crimes in March 2019, but had to wait three years and seven months for her case to come to trial. The pressure on her grew so intolerable that Maria attempted to end her own life, leaving her with life-changing physical injuries. That is abhorrent. Victims are sick and tired of hearing about failure on this scale while this Government refuse to take responsibility.

It is essential for victims that we speed up justice, but only Labour has a plan for that. We will double the number of Crown prosecutors to speed up trials. We will introduce specialist rape courts to fast-track cases through the system, to put criminals behind bars and get the wheels of justice turning again.

Sarah Champion: I am sure my hon. Friend welcomes the section 28 measures that came in recently, which allow pre-recorded information to be submitted and take a lot of trauma out of the sometimes hostile environment in which victims find themselves. However, from my experience, their use depends on the judge's understanding and granting of them. Will the Bill contain anything to prevent that postcode lottery?

Steve Reed: Once again, my hon. Friend raises an important point that needs to be taken into account fully, not just as the Bill progresses but as we review the different forms of giving evidence that can make the experience of a rape survivor much easier, which makes it less likely that a case is dropped or collapses and that an attacker gets away with it.

In recent months, victims of the most horrific crimes have faced the insult of convicted criminals refusing to turn up in court to face sentencing in person. We have

[*Steve Reed*]

called on the Government to act on that and they have repeatedly said that they will, yet they have done nothing while killers, rapists and terrorists pick and choose whether they turn up to face the consequences of their crimes. Just imagine how the families of Sabina Nessa and Zara Aleena felt when the brutal men who had killed their loved ones refused to come to court to be sentenced. It is grossly offensive to victims and their families to let criminals have that hold over them at such a difficult and traumatic moment. It is disappointing that that is not part of the Bill, and I hope the Government will reconsider. If they will not act, the next Labour Government will. We will give judges the power to force offenders to stand in the dock, in open court, while they are sentenced, and we will do that because victims deserve nothing less.

With the Victims and Prisoners Bill finally coming before Parliament today, disappointingly there is still no Victims' Commissioner in place. The Government have left the post vacant for six months now, and there is still no sign of a new appointment, which sends a message to victims about the Government's intentions. I hope the new Secretary of State will be able to speed up that process. Whoever is eventually appointed, the Bill does nothing to strengthen the powers of the Victims' Commissioner, which, at the very least, should include the necessary powers to enforce the victims code in full and to lay an annual report before Parliament. That would help immensely in holding the Government to account and amplify victims' voices. I hope this too is something the Government might reconsider in Committee.

Victims will have serious concerns about some of the Government's proposed parole reforms. It is essential that the Government should not politicise decisions that should be based on robust professional experience that keeps the public safe. Where the parole board has not been working effectively enough, the answer is to strengthen it, not to undermine it. While I am sure that the current Justice Secretary is reasonable, not all his predecessors have been. We need processes that work effectively and protect the public, whoever is in that post. There have been parole decisions that raised legitimate concern and there is clearly a need for appropriate intervention by a Justice Secretary without unduly politicising the whole system. We will return to that issue in Committee.

To conclude, the first duty of any Government is to protect the safety of citizens. The current state of the criminal justice system shows how badly the Government have failed in that duty. They have repeatedly let criminals off and let victims down. In many ways, this is a victims Bill in name only. Labour will seek to strengthen the Bill and rebalance the scales of justice in favour of victims and the law-abiding majority. We want to strengthen the Bill to speed up justice, to offer rape survivors the free legal support they need and deserve, and to give victims of antisocial behaviour a voice and the power they need to make community sentences really work. Our aim is to prevent crime, punish criminals and protect victims. That is what the public and, above all, victims expect a functioning justice system to do.

4.39 pm

Sir Robert Neill (Bromley and Chislehurst) (Con): I start by warmly welcoming my right hon. and learned Friend to his position, to which nobody in this House is better suited. I know that he will fulfil it in the most distinguished manner; he comes to the position of Secretary of State and Lord Chancellor with a background in our criminal justice system that is second to none and a reputation at the Bar for scrupulous fairness and integrity.

My right hon. and learned Friend and I both used to deal in the same kind of work and we are both still in contact with many who work in the criminal justice system. His reputation as both prosecutor and defender was impeccable. It is right that the House should know that, and it is important because it means that he will know the importance of going on the evidence and of acting on a fair, rational and ultimately humane basis. The best prosecutors are the fairest and the most humane, and he was a very good prosecutor. I hope he will bring those attributes to the role of Secretary of State and Lord Chancellor.

My right hon. and learned Friend was also an active and distinguished member of the Justice Committee. I hope he will remember some of the work we did together. I am delighted to see another former Justice Committee member in the form of the Attorney General, who is sitting on the Treasury Bench as well. I feel a little like Banquo—not on the Treasury Bench, but the father of Law Officers. I am proud of having worked with both of them.

I turn to the Bill, which is an admirable place for the Secretary of State to make his debut. It is a bit dangerous to make classical allusions, but the Bill is a bit like Caesar's view of Gaul—divided into three parts—and one can come to different judgments about those different parts.

Let me start with part 1, which relates to victims. It is welcome. It fulfils a manifesto commitment of our party, and I am glad to see it there. The Justice Committee very much appreciated the opportunity the Government gave us for pre-legislative scrutiny of part 1. That was helpful and I hope the Government found it so. We also welcome the fact that the Government accepted a number of our recommendations—in particular the inclusion of bereaved families specifically as victims in the Bill, the strengthening of the role of Victims' Commissioner, and the statutory obligation on statutory agencies to make victims aware of the contents of the code.

Those are important steps forward, although, with respect, I think that more could be done. I particularly thank the Minister of State, my right hon. Friend the Member for Charnwood (Edward Argar), for his constructive and full engagement with the Committee throughout the pre-legislative scrutiny. It was a good example of how such scrutiny can help the process. I might come back to that point in relation to other parts of the Bill.

I think that more could be done in some areas, but I nonetheless welcome the Bill. I suggest that we look at a couple of areas that the Select Committee picked up as the Bill goes forward. There are more areas as well. One is that although it is right to put the code on a statutory basis, there is a gap at the moment. If we give individuals legal rights, it is important to give them proper means of enforcing those rights and a proper

remedy for their breach or for when there is non-compliance from the agencies charged with delivering those rights. At the moment, specificity is still lacking in that regard. As the Secretary of State knows, if we give somebody a right we must give them a remedy—that is basic sound law. At the moment, the clarity about the remedy is lacking. I hope that we can consider that as we go forward.

There is also an important point, which the Justice Committee report referred to, about victims of antisocial behaviour that does not end up being charged as a crime, for whatever reason. There would be no harm at all in adopting a more generous and broad approach on that issue, and I hope the Government will consider that. Our evidence on both points I have mentioned was pretty strong. Subject to that, however, this is a good part of the Bill, and I hope that we can work constructively across the House to improve some aspects of it.

Part 2, which deals with the appointment of an independent public advocate, is an addition that I broadly welcome. I know that there are those who will say that it does not go far enough, and I accept that. The Committee did not have a chance to look at it in detail, although we did hear some evidence connected with it in relation to other inquiries—notably from the Right Rev. James Jones, who did such fantastic work on the Hillsborough inquiry. I think there is something helpful to be learnt from that evidence. I also pay tribute to the right hon. Member for Garston and Halewood (Maria Eagle), my fellow Committee member, for her exceptional work in relation to the Hillsborough disaster, and the work that has followed from that. Those in the House and beyond are in her debt.

While I think that the appointment of the independent public advocate will be valuable, I hope we can look at some other issues, in particular the scope of the scheme—the areas into which the advocate might be able to go—and the question of equality of arms for bereaved families at inquests when the actions of a state body are in question and that state body will inevitably be represented, at public expense, by lawyers, while the bereaved families are not. I hope that, for the sake of fairness, the Secretary of State will think again about that. Equality of arms is a concept with which both he and I are very familiar, and this strikes me as a gap in the system that it would not be onerous, in the overall scheme of things, to remedy.

Part 3 deals with prisoners and parole. Here I am afraid I must adopt a slightly different tone, because this is a rather less welcome addition to the Bill. That is not because the policy objective is wrong. As the Secretary of State said, it is clearly right and proper for the public to have confidence in our parole system, and that means there must be both a robust test of the grounds on which a prisoner can be released from sentence or moved to open conditions, and a robust system of ensuring that the test is applied. I think that the difficulty has been in the detail thereafter, and that may be reflected in the fact that this part of the Bill was not subject to any pre-legislative scrutiny. The Justice Committee wrote to the then Secretary of State offering to provide such scrutiny, but the offer was declined. I also note that the evidence we heard from the Parole Board only last week indicated only the most perfunctory engagement with

the board itself. There was no face-to-face engagement; there was, I think, one meeting and a notification, effectively, after the event.

The Secretary of State, who has seen the transcript of that evidence session, will know that the Parole Board is a serious and expert body of people. As he rightly said, the vast majority of cases deliver results because people do not reoffend. It is perhaps surprising that a little more attention was not paid to the views of the board or, indeed, those of many other people working in the criminal justice system. The absence of outside consultation with almost anyone with knowledge of the system weakens the credibility of part 3.

Sarah Champion (Rotherham) (Lab): In his role as Chair of the Justice Committee, the hon. Gentleman has done some remarkable work on the Bill, and I pay tribute to him and his Committee. I was stunned, although not surprised, to hear that there had been no consultation with either him or the Committee on part 3. I am also not aware of any consultation with the broader non-governmental organisations, campaigners, charities and survivors. Is he aware of any such scrutiny?

Sir Robert Neill: The short answer is that none has come to my attention or that of the Committee. We did endeavour to secure a range of views, particularly from practitioners in the field. It is helpful to hear such views, and I therefore hope that as the Bill proceeds, the Secretary of State and his Minister of State, my right hon. Friend the Member for East Hampshire (Damian Hinds), will, as fair-minded people, find opportunities to take them on board.

What we want is a system that is robust, because that is critical, but also—as the Secretary of State said—a system that is operationally effective. One of my main concerns is that the evidence we did receive suggested, in respect of nearly all the principal aspects of part 3, that there were serious question marks over how operationally effective it would be. This is a classic case of where Committee improvements ought to be made, and I hope the Government will move to do that.

I want briefly to flag up some of those areas. The current test is a very short one of some 20 words, but it is robust. Essentially it says that the protection of the public comes first, and that is what we want to achieve anyway. It is expanded somewhat by a non-exhaustive number of other matters that can be taken into account. There is nothing wrong in that, but I hope that it does not make the test unduly complicated. It is also worth remembering that there is sometimes a misunderstanding, particularly in media reporting, in relation to the work of the Parole Board. That comes in two forms. First, as the Secretary of State said, in 99% of cases people released on parole do not reoffend, and that context is important. Secondly, there is a suggestion of some kind of balancing test, but that is not the case.

It is clear from the evidence that since the case of Knight in about 2017, the Parole Board very properly changed its guidance to reflect the primacy of the protection of the public test. I think there is an element in this part of the Bill of trying to solve a problem that does not exist and therefore a risk of over-engineering the system, which we might not need. So let us look again at the best way to do the test. There is nothing

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wrong with changing it, and perhaps nothing wrong with expanding it, but are we sure that we are getting this right?

The next matter is the way in which the Secretary of State will, from time to time, step in and review. There is nothing wrong with a review but I have two concerns about the way it is done. In certain cases set out in the Bill, it will be necessary, if the Secretary of State chooses to carry out those powers, to intervene and substitute the Secretary of State's decision, including on the facts, for those of the board, which will have heard first-hand evidence. The Secretary of State is not in a position to hear first-hand evidence, so he would have to rely on a provision that enables a person to be appointed to interview the applicant for parole and then report to the Secretary of State. I do not think the Secretary of State would normally feel happy acting on hearsay in such circumstances, because at the end of the day it is second-hand evidence and he would have to substitute his judgment for that of those who had heard first-hand evidence. I am not sure that is a fair or satisfactory way of resolving that problem.

The second concern relates to the very proper means of review. As the Secretary of State rightly said, there has to be an independent review, but at the moment the suggestion is that, among other things, this could go to the upper chamber. I would ask him to reflect on the appropriateness of the upper chamber. Logically, the element within the upper chamber that would hear these cases is the upper tribunal. The upper tribunal, as a logical part of that, would be the administrative chamber, which is essentially there to deal with points of law; it is not a fact-finding body.

The route of application to appeal against the Secretary of State's decision has two grounds. One is the normal ground of public law and judicial review—involving unreasonableness, for example—and that is fine. The administrative chamber no doubt deals with those kinds of things. This also includes an appeal on the merits, and it has to, to make it ECHR-compliant, but this would involve a rehearing, and the upper chamber has no experience of re-hearing the merits. So this route of appeal does not seem to be right or practical.

Another point to remember is that there is no requirement for leave in this route. If someone appeals to the upper tribunal on the ground of legal deficiency, such as unreasonableness, they have to get leave. If they apply on the ground that the Secretary of State got it wrong on the merits, they do not have to get leave at all and they can have a rehearing, so everyone who feels aggrieved at the Secretary of State's decision will apply on the ground that they want to challenge the merits and therefore have a rehearing. The number of unmeritorious appeals will therefore greatly increase, which is hardly the objective of this piece of legislation. It would also put these matters into a chamber that—with absolute respect to those who sit in the administrative chamber—is not geared up to hear evidence to do rehearsals. It is going to the wrong place, so I hope we at least reflect on a better means of achieving that end.

The same goes for the Secretary of State's powers to intervene and rehear. Would it not be better simply to toughen the current power of redetermination? Surely asking for a case to be reconsidered by a differently

constituted panel would be a more practical way forward. There are practical and sensible things that could be done, but unfortunately they were not picked up by the Bill's drafting, perhaps because nobody who knows much about it was asked.

Clauses 42 to 44 disapply section 3 of the Human Rights Act for the purposes of these hearings. Whatever one's view of the Human Rights Act, there is no evidence that this is a problem in such cases. In fact, the evidence we heard from practitioners, from both sides, is that it can be helpful to have to have regard to section 3 in these hearings. These clauses seem to be trying to solve a problem that does not exist, and I wonder whether we really need them. It is perfectly possible to have a robust system that still complies with section 3. This is a needless distraction that sends the wrong signal about a certain desire to pick unnecessary fights, which I know is not the current Secretary of State's approach.

Clause 46 addresses the Parole Board's composition and the appointment of board members. It is perfectly legitimate to have more people with law and order experience, which could be included as a category, but we must be careful to make sure there is no suggestion that the Secretary of State can say that a particular class of person should sit on a panel for a particular type of hearing, as that would go beyond independence. There is strong case law from our domestic courts, never mind elsewhere, to say that the Parole Board carries out a judicial function and therefore must have a proper degree of judicial independence. There is a risk that the clause, as currently drafted, offends against that.

The final issue that arises is with the power to dismiss the chair of the Parole Board. There is already a protocol for removing a chair of the Parole Board who loses the Secretary of State's confidence, and it was exercised after the Worboys case—I think it is called the Mostyn protocol. Why do we need an extra statutory power when we already have a way to do it? Establishing a statutory power creates another problem, because clause 47 says that the chair of the Parole Board shall not sit on any panels of the Parole Board. When we heard evidence, no one could work out why, but it has subsequently been suggested to me that it would be interfering with judicial independence to remove a chair who is sitting on a panel.

Perhaps the answer is not to have the needless power to remove a chair, because we can see the illogicality: if we want a Secretary of State to be able to remove the chair of the Parole Board, we have to make sure they are not carrying out any judicial functions, because otherwise the Secretary of State would be interfering with judicial independence. But we already have a means of removing a chair of the Parole Board, and it works, so why go down this rabbit hole?

My observations on part 3 are intended to be helpful and constructive, and I am sure the Secretary of State and the Minister will take them on board.

The Victims and Prisoners Bill makes no mention of the continuing injustice, as the Secretary of State rightly said—the blot and stain on our judicial landscape—facing a particular class of prisoner: those imprisoned for public protection. The House recognised that indeterminate sentences had failed and so abolished them, but not retrospectively. An increasing number of people on open-ended sentences, which Parliament has abolished, are being recalled. People have no hope of their sentence

coming to an end and, because they are also potentially subject to a life licence, more people have been recalled than are serving their original sentence. Something has gone badly wrong here, which is doubtless why Lord Blunkett, the creator of the sentence, said, “This has gone wrong and needs to be changed.” It is also why Lord Thomas of Cwmgiedd, a former Lord Chief Justice of England and Wales, and not someone generally regarded as a soft touch in sentencing matters, said, “The only logical way to resolve this is to have a resentencing exercise.”

John McDonnell (Hayes and Harlington) (Lab): I speak as an old boy of the Justice Committee. I do not want to rehearse the debate we had only a few weeks ago, but there seems to be some reticence among those on both Front Benches about the proposals the hon. Gentleman put forward through the Select Committee; they seem to think that they would result in the large-scale release of dangerous prisoners. Could he emphasise exactly what the Select Committee was proposing: a panel of experts carefully preparing a way forward on resentencing that balances public protection and the rights of the victims, with securing justice? That has the wholehearted support of organisations on the frontline, including the Prison Officers Association, the probation officers, the courts staff and, as he said, the former Home Secretary and the Supreme Court judge. This needs to be addressed now. If we do not use this Bill to introduce such a measure, we will lose the opportunity, possibly for another number of years.

Sir Robert Neill: The right hon. Gentleman is entirely right and I agree with him. We are in a hopeless situation at the moment and there has been a misunderstanding. The Select Committee took careful evidence and made a number of recommendations, not purely on resentencing, but on a number of other practical measures that may be taken to improve the way in which IPP prisoners are dealt with in the system. Frankly, at the moment, they are set up to fail. They have to go on courses, which they are told about only a few weeks before their parole hearing and the course waiting list is two years in some places, we are told. They may be in a prison where the courses do not exist or are not available. They are then on permanent licence, where they can be recalled at any time. There is scope to have that removed after 10 years. We can see no evidence as to why the period should not be five years, rather than 10. If somebody has shown willing and gone straight for five years, there is no evidence to suggest that going on for 10 makes any difference to the reoffending rate. So why do that? Why set people up to fail?

On the resentencing exercise, as the right hon. Gentleman rightly says, we were not at all seeking to say, “Everybody will be resentenced immediately. Everybody will be released immediately.” Having acted in some cases that involved sentences of this kind, I know that some people will always remain very dangerous. There are some people who, by the nature of the index offence, will remain in prison for a long time and the determinate sentence that they ultimately receive under our scheme may be a very long one. So the idea that that approach opens the doors is wrong. What it does do is give certainty to everybody and give hope. Tragically, I was informed that, in the four weeks after the former Secretary of State rejected the entirety of the serious recommendations of the Select Committee, three IPP prisoners took their own lives.

I hope that there was no connection there, but it does not say much for the sensitivity with which this has been handled in the past. I know that that is not the view of this Secretary of State, who is a deeply humane man and will want to do justice by this.

The resentencing exercise is not something that can be done quickly. It would require an expert panel of people, including lawyers, to say how best to do it and to work it through. I beg the Secretary of State to think again about using this opportunity. I have had a clause drafted that would give effect to the Select Committee’s recommendation. I would much prefer it if the Government said, “We will pre-empt that and bring forward our own proposals to set up an expert panel.” That may take some time and it may not come into effect for a period, but it would at least give people hope that something serious was being done, that work was being followed up and that there was a willingness to look at the matter again; I would have thought that that was only fair. Equally, it cannot be fair that soon some people will have served longer than the maximum sentence for the offence of which they were convicted. That cannot be just. This is not being soft. It is just being fair and just and that is part of the balance of the system.

I commend the good parts of the Bill to the House, and commend the Secretary of State to the House and to the legal fraternity, who respect him highly. In considering those outstanding matters, I ask him to apply exactly the same test as he and I, and any other advocate worth their salt, have set to juries day in, day out: try the case on the evidence, go on the evidence and apply your mind fairly and dispassionately. That is the right approach. If he does that, we will come to some changes in the Bill.

5.5 pm

Maria Eagle (Garston and Halewood) (Lab): It is a pleasure to follow the hon. Member for Bromley and Chislehurst (Sir Robert Neill), the Chair of the Justice Committee, on which I also sit. I agreed with much of what he said, particularly in respect of part 3 and some of the weaknesses in part 1, but I will begin with part 2. I suppose people would expect me to do that, given that it is about the independent public advocate, which I have been campaigning on and have had views about in this House for many years.

I welcome, again, the new Secretary of State to his place, despite the fact that having a whirlwind of appointments and eight Justice Secretaries in eight years does sometimes leave certain potential issues with continuity and ensuring that things happen in a sensible way, apart from the differences in approach and personality that one might come across. I know he cares about this particular issue. He responded to the Backbench Business debate—he made reference to it in his remarks—that I managed to secure following the final collapse of the Hillsborough criminal trials. That is some time ago now. There has been no reason since then—apart from perhaps turbulence in the Government, I say gently—for not dealing with this. The final collapse of the criminal trials was the last impediment to dealing with the recommendations in Bishop James Jones’s 2017 report, “The Patronising Disposition of Unaccountable Power” in which he was asked to come up with—and did come up with—recommendations to learn the lessons of Hillsborough.

[*Maria Eagle*]

Bishop Jones was asked and commissioned to do that by the former Prime Minister, the right hon. Member for Maidenhead (Mrs May), whom I am pleased to commend for the work and effort she put in over the years when she had responsibility for dealing with the aftermath of Hillsborough. She developed a real understanding of some of these issues. The Secretary of State will be talking to various predecessors—people who have done his job and others who relate to it—and he could do a lot worse than sit down with the right hon. Lady. I am not trying to organise his diary—or hers, which would probably be more difficult—but she has a real insight from his side of the House into some of these issues. I recommend, if he gets the chance, that he sits down with her.

When the right hon. and learned Gentleman replied to the debate after the collapse of the last of the criminal trials arising out of the circumstances of Hillsborough, which is over 18 months ago now, he did promise, after being asked by me, to get out the response to Bishop James's 2017 report by last Christmas; that was his hope. That has slipped for various reasons. The latest we have been told by Ministers on the Floor of the House is that it will be published in its full glory by this spring. I just say to him that we are nearly into summer and we still have not seen sight or sound of the response. I have read the Government's response to the Justice Committee's report into coroners. We were told that many of its recommendations would be dealt with in the overarching response to Bishop James's report into the lessons to be learnt from Hillsborough. There are some outstanding recommendations, on which the Select Committee had what I would call a straight bat response from the Government. Perhaps they too can be dealt with when that response is completed.

I welcome very much the Government's intent to legislate and the fact that part 2 is in the Bill. I would have preferred a stand-alone Bill, but that is neither here nor there. The fact that there are clauses in the Bill that relate to establishing an independent public advocate is very welcome; better late than never. The whole purpose of the independent public advocate is not to just add a further hoop for families to jump through, or a further stage that families need to go through at the beginning of the process. It is to stop the aftermath of public disasters going so badly wrong, as the aftermath of Hillsborough did.

It is more than 34 years since that disaster happened. We all remember that it was televised—there are hours and hours of film of that disaster. It is not as if it happened in secret and that what had really gone on had to be winked out; it was televised live at the time. It cannot be right that it should have taken such a long time for those families to have properly acknowledged what happened to their loved ones, and for the very many thousands of traumatised survivors who witnessed that horror—they were not just from Liverpool, because there were two teams playing in that semi-final—to have properly acknowledged what happened. For that to have gone on for so long, with any controversy at all about what happened, when Lord Justice Taylor, within three months of the original disaster, set out in his interim report substantially correctly, although not totally correctly, the full causes and reasons, shows how badly

things can go wrong in public disasters when there are interested parties who try to deflect the blame, and when state organisations, whether it be the police or others, try to make sure that their reputation is not trashed by responsibility being pinned on them and are willing to do anything and use any amount of resource to blame somebody else. That is what happened. So it is no surprise that things can go badly awry.

One could just say that Hillsborough was a terrible example, and it was. The circumstances of every disaster are different, but there are common elements. One common element is that, where state-funded organisations—the arms of the state—are involved, they appear to think that their reputation matters more than the truth. They appear to think that any amount of budget that they have over the years can and ought to be used to defend that reputation, and they often appear to think that it is perfectly alright to blame the victims, to blame others—to blame anybody but themselves. That is what we have to stop.

Sarah Champion: My hon. Friend has been an amazing campaigner on this, but does she agree that one of the commonalities between Hillsborough, Orgreave and child sexual exploitation in Rotherham was South Yorkshire police, so when these patterns are formed, the Government need to do something to step in?

Maria Eagle: My hon. Friend is correct. Where that does happen, if there is no accountability for what goes wrong, especially where there is venality—which there was at Orgreave and which was shown again at Hillsborough by South Yorkshire police—and if there is no reckoning, that kind of behaviour will not be corrected. One value of making sure that the aftermath of disasters does not go so terribly wrong is that one can keep organisations that may be tempted to behave in that way on the straight and narrow. I remember that, after the King's Cross fire, the person responsible for London Regional Transport, who was found to be responsible for the cover-up that happened, was sacked. That then makes a big difference to the way in which the organisations involved deal with the aftermath of a disaster.

The whole purpose of having an independent public advocate is to try to ensure that, in the aftermath of such disasters, things do not go wrong. I am glad to see that the Secretary of State has re-read my Public Advocate (No. 2) Bill, because I know he will have read it before. I have been introducing the Bill in this House since 2016, and it has been introduced in the House of Lords by my friend the noble Lord Wills. My Bill proposes what finally worked for Hillsborough—the Hillsborough independent panel. It was a non-legal process, because almost all the legal processes and cases failed, but it was used to shine a light of transparency on what actually happened and to stop cover-ups. If the cover-up at Hillsborough could have been stopped from the beginning, we would not be 34 years down the line trying to untangle all of the intervening processes. The Hillsborough independent panel would not have had to look at millions of documents; it could have looked at far fewer if it had been doing its work within, say, two or three years.

In addition, any organisation seeking to use its powers and its people to organise cover-ups would know that the rock was going to be lifted up, that a torch was going to be shone upon what was under it and that it would not get away with the kind of cover-ups openly

organised by South Yorkshire Police after Hillsborough to subvert the findings of the public inquiry, the Taylor Interim Report, which clearly blamed the police, made remarks about the way the police have behaved and said that they should not have behaved like that.

The police then set about simply using the inquests to change the impression of the interim report—and didn't they succeed in that? From then on, no legal process worked until the Hillsborough independent panel, 23 years later, was able to get a full acceptance of the truth by close examination of documents. If we had the power to do that effectively at an early stage in the aftermath of disasters, it would save millions of pounds and prevent things from going wrong for years and budgets from being reduced and diverted into looking at legal proceedings.

We see some of the same things happening elsewhere. Grenfell has already been going on for too long without a proper understanding of precisely what happened, who was to blame and what went wrong. I have constituents who lost a child in the Manchester Arena bombing; even with the inquests and the inquiry put together to run concurrently, it has still been over five years since the bombing. These processes can extend for many years.

There will unfortunately be more disasters. Although we can try to minimise their occurrence, they are by their nature events that go wrong in combination, in a way that means terrible things happen. However, if we have a way to stop their aftermath going as wrong as those of some of the disasters over the years, we will not only be doing a real service to the victims and survivors of those disasters, who have got quite enough to be dealing with having lost their loved ones, but saving a lot of money in the end for the state.

The investigations into Hillsborough over the years have cost millions upon millions of pounds. The budget of any public advocate would be a lot lower than that and, if they were able to stop things going wrong, we would be doing ourselves a favour. I value very much the fact that provisions are now published and the Secretary of State is intent upon legislating, but there are two main reasons why the Government proposals will not work as my Bill intends.

The Government proposals deny agency to bereaved families in calling the advocate into action. One of the things anybody who is bereaved in a public disaster will say is that they stop being an ordinary person out of the public limelight and, at a time when they are having to cope with the grief of losing a loved one, suddenly the spotlight of the entire nation is upon them and their family as they try to grieve. Things are done to the family; things are set up outwith their capacity to arrange them, such as the inquest, to which they are often not party so they certainly do not get legal aid, and the inquiry, at which perhaps they might not necessarily get representation. All those things happen around them while they are in a fog of grief, wondering what is going on. They feel powerless; they feel "done-to". They do not feel that they have any capacity to influence or be a part of what is happening, or to speak any kind of truth to any kind of power. They often feel like spare parts, third parties, not involved. Yet the families of a disaster are the most deeply involved, because they have lost the most, so it is tremendously important to give them collective agency to decide that the advocate should be involved, rather than saying, "Oh, and here is another

thing we are going to do for you and give to you, whether you want it or not, and you will not have any part in deciding." My Bill does that; the Secretary of State's proposals do not.

There also has to be a power to be not just a sign-poster. I do not object to the provisions in the Bill enabling the advocate to help, signpost and do those kinds of things for bereaved families—that can be helpful—but it cannot be only that. I know that the Hillsborough families had people trying to signpost them to things, and that did not work with what was going on at that time in respect of that particular disaster. The point of the proposals in my Bill, which are not currently in the Government Bill, is to enable the advocate to establish a Hillsborough panel-type arrangement to guarantee transparency, ensuring that the advocate is therefore a data controller and has the documentation that they need. It should be an awful lot less than the Hillsborough independent panel had to collect, because not as much time will have passed and one would expect it to be done at an earlier stage in the aftermath of any disaster.

If amendments enabling the advocate to be a data controller and to establish an independent panel were accepted, giving the families agency to decide for themselves whether they want the involvement of the public advocate, that would enable the provision to do what I want it to do—prevent the aftermath of disasters from going so disastrously wrong for bereaved families. I have dealt with a number of these kinds of issues in my constituency over the 26 years that I have been a Member of this House—I feel old enough—and if we were able to do that, we could prevent things from going wrong and would not therefore have any instances whereby, 34 years later, we in this Chamber are still discussing what went on, as we do with what happened at Hillsborough in 1989. We should not have to do that. Those families should have peace, but they still do not have it.

I believe very strongly that, if we can prevent that kind of thing from happening to other families who are, through no fault of their own, caught up in disasters that they did not want to be caught up in, resulting in bereavement and pain, we would do the whole country a service. That would help a small number of people, it would not cost that much, and it would save a lot of public money over time, but the provisions, as currently drafted, will not be effective enough to do that.

I see the right hon. and learned Member for South Swindon (Sir Robert Buckland) in his place. I also had meetings with him about these provisions, and he was very helpful. I hope that the Secretary of State will keep an open mind and will think that we are all on the same side. We want something effective to be done; we do not want to add some kind of process that will not make things better enough, thereby missing an opportunity to make things better than they are.

I do not care who legislates for that. If it is a Labour Government, I will nag them just as much as I have been discussing it with Conservative Ministers, of whom I have met an awful lot over the past few years—many of them are in the Chamber now, in fact. I hope that, between us all, we can take this forward, because it would be a cheap way of ensuring that we save a lot of public money over time, and would really help the families of those who are needlessly and through no fault of their own caught up in future public disasters—we hope that they will be few, but disasters happen. It would

[*Maria Eagle*]

provide the Hillsborough families with the comfort of knowing that the horrendous experience they have gone through over 34-plus years will not be suffered by anyone else unlucky enough to be caught up in a public disaster.

Now is our chance to tackle this issue, so I ask the Secretary of State please not to defend every word of the current drafting and to have a more open mind about what we can achieve. There is a real opportunity for us, cross party, to make a big difference to the lives of a small number of people who will have enough to deal with when their family gets caught up in a disaster and they lose somebody. We can really make a difference, and I hope the Secretary of State will be open to doing so. I am perfectly happy to talk to him and to the Minister of State, Ministry of Justice, the right hon. Member for Charnwood (Edward Argar), about how best to do that. We need this legislation now. Let us make sure we are better prepared if another disaster happens.

5.25 pm

Priti Patel (Witham) (Con): It is a real pleasure to follow the right hon. Member for Garston and Halewood (Maria Eagle), and I will come on to the independent public advocate shortly. We have been in touch about the issue in the past; there is a great deal to say about it, and I agree with so much that the right hon. Lady said.

I am delighted that a victims Bill is finally here for us all on Second Reading. I am also delighted to see the Lord Chancellor in his place, and I welcome and congratulate him. I would like to thank the Minister of State, Ministry of Justice, the right hon. Member for Charnwood (Edward Argar), who has been so constructive on victim engagement, which I have found refreshing. I have spent a great deal of time in government speaking to individual victims, and the Minister of State—like all right hon. and hon. Members—will recognise the importance of doing that and of learning the lessons so that we can be better legislators and give those victims a voice and strong representation.

I feel like I have been speaking about getting a victims Bill for some time—back in 2011, I proposed a ten-minute rule Bill—and we have also seen manifesto commitments from the Conservative party and other parties, so the day is long overdue. In the debate so far, we have heard frustrations about how the Bill has been drafted, what it covers and what it does not cover—I will touch on that as well—but, importantly, it is here at long last and it could be a really important piece of legislation. There is no doubt that it will be amended, but it is clear from the debate thus far that there is much to unite us on behalf of victims. We can work cross-party on so many aspects, and we should seek to do that.

I pay tribute to everyone who has been involved in the Bill and the pre-legislative scrutiny. I pay particular tribute to victims. I have spent days, weeks and months with victims, and I would do that all over again, because we in this House have a duty to them to represent them, and also to recognise the pain and suffering they have gone through and how we can bring about institutional change on their behalf. Many organisations representing victims have campaigned hard, and I worked with many of them in my time as Home Secretary. I was also once chair of the all-party parliamentary group for victims and witnesses.

I pay tribute to my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), who chaired the Justice Committee's pre-legislative scrutiny of the draft Bill. I also pay tribute, for their work as former Secretaries of State for Justice, to my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland), who walked in just at the right moment to hear some important parts of the debate, and my right hon. Friend the Member for Esher and Walton (Dominic Raab). I have had the privilege of working with them both on behalf of victims as well as on so many other aspects of Government legislation, including policing, crime, courts and sentencing—the things that actually do bring about change.

We recognise that this legislation is needed to provide more rights and support for victims. They are human beings who are trying to navigate their way around the system of the state, and I have already mentioned institutional state failure, which I think will become a dominant theme in this debate and, I suspect, in Committee. It is important that we recognise that, because our duty is to redress the imbalance in the criminal justice system, where too often the needs of victims are forgotten, neglected, ignored or even just bypassed through process and bureaucracy. There is a ton of that in the system.

Sir Robert Buckland (South Swindon) (Con): I am grateful to my right hon. Friend for her kind words. It indeed was a pleasure to work closely with her and Home Office colleagues, meeting victims, dealing with their problems and individual cases, and being forceful about the agenda we wanted to pursue. Does she agree that in clause 15 of the Bill, which relates to guidance for independent sexual violence advisers and independent domestic violence advisers, we are now in law recognising the invaluable work that these experts do? It is shown, particularly in sexual violence cases, that the input of an ISVA will often make the difference between a case going forward and a case collapsing.

Priti Patel: I completely agree with my right hon. and learned Friend. There is always more that we can do in this area, and there will be lessons we can learn from professionals and professional practitioners, and I believe they should be engaged and listened to. My hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) has already mentioned that in relation to part 3 of the Bill, and we must constantly learn, because we have all been shocked and horrified by the cases of victims—I will highlight some in the course of this debate—the types of crimes they have been subjected to and their treatment by the institutions of the state and the criminal justice system. That needs remedy, and we have the opportunity now to bring serious redress.

That redress will not be judged by words or pieces of paper; it is the implementation that matters. I have always focused a lot on delivery in government, and redress is about practical implementation. The Bill could be the game-changer in improving public confidence in the criminal justice system. All of us—this is not partisan—want that. We all want to ensure access to justice and that justice takes place in a swift and timely way. The improvement of services and support for victims of crimes must be a priority.

Progress has been made. One area to highlight from my time at the Home Office, was the work that we did collectively—because it was both parties—through the

Domestic Abuse Act 2021, which provided much more focus on practical support and services to victims. We should always put victims first and target resources to deliver the right outcomes and support services, including enshrining more rights in law, which is absolutely right.

We have also seen police and crime commissioners' role being much more focused—and there is more we can do in this area—on supporting victims of crime, which the Lord Chancellor mentioned in his opening remarks. Working collaboratively across statutory services is important. I want to give a positive plug to some of my colleagues who are police and crime commissioners. Roger Hirst, the police, fire and crime commissioner for Essex, is outstanding. He has put a strong focus in his police and crime plan on supporting victims. He is an excellent commissioner, and my constituents across the county of Essex can absolutely see the changes that plan is bringing, supported by our chief constable, B. J. Harrington. Last week I met Alison Hernandez, the outstanding police and crime commissioner for Devon and Cornwall, who is working with Victim Support. I spent many hours, weeks and months working with Victim Support when I chaired the all-party parliamentary group. There are first-hand experiences that we can learn about from those practitioners and bring into statute and practice, empowering parts of our statutory services, including these key roles, and that is vital.

The current code of practice for victims needs updating as the Bill progresses through the House, because we need to test the statutory provisions relating to the code. I want to see, learn and understand how they can be operationalised for delivery purposes. I want us to avoid the whole concept of a postcode lottery, where some parts of the country do better than others. We should be looking to drive consistency in outcomes and ensure that we have the right frameworks in place for accountability. Where the state fails, there should be sanctions, and I will come on to that shortly in relation to the independent public advocate. I would also like stronger assurance—not just further assurance, but stronger assurance—about the delivery of the code and how that will work.

Will Ministers in due course publish the proposed draft code, or highlight areas in the current code where they would like to see directional changes, because we need to get the balance right for victims? To ensure that the rights of victims are enforceable, a balance is needed between rights and the measures enshrined in statute, so that we are better off in terms of outcomes. That is where a number of victims charities and organisations supporting domestic abuse victims and survivors all have a great deal of knowledge and expertise. Ensuring a much stronger victim-centric approach to the criminal justice system is vital to drive the right outcomes. On that point, clause 6 rightly focuses on criminal justice bodies raising awareness of the code but does not include provisions directly to raise awareness among staff and the providers they may commission. I have no doubt that that will come under greater scrutiny in Committee.

On clause 1(2), which refers to victims being affected by criminal conduct, we want assurances that victims of antisocial behaviour will also be afforded some of the rights and protections under the Bill and the code. The lines between criminal conduct and antisocial behaviour are too often blurred. I hear what the Labour party says about antisocial behaviour—we all agree about this—but we must be crystal clear about the definition and its

application within the criminal justice system. Antisocial behaviour blights lives and communities—that is a fact—and the perpetrators need to be held to account within the criminal justice system. That is in effect what we are trying to do, but we need to make sure that the current code is not weak in this area and that we have the relevant join-up in the system.

On victim impact statements, the Bill and the code need to examine how we ensure that the voice of victims is heard in the courts. At the opening of the debate an example was given of a victim who was unable to provide such a statement. That is sometimes because the police, the CPS and the courts make decisions that do not focus on the victims, and that is where we must get the right balance between victims and offenders. I am afraid that the process can often act fast for offenders with complete disregard to the victims—for example, in cases of theft or burglary, where quick disposal and, if I may say so, lenient sentences are prioritised over providing sentences that reflect the severity of offending and the impact on victims.

As an example, one of Britain's most prolific offenders—responsible for hundreds of offences, including crimes against my constituents—was let off by the courts, let back into the community on a form of rehabilitation scheme, and given housing and access to services, but still went on to reoffend. The victims were not aware or informed until they saw this case in the media, and they were absolutely appalled. Their views of the impact of the offending on them had not been sought or heard, and they were completely ignored and dismissed. The Bill is an opportunity to shine a light on that area.

Another area where victims have been let down, and where we could provide improvement and a greater voice for victims, is compensation. There may be scope to amend the Bill in relation to compensation for the victims of crime. The courts have powers to issue compensation orders, which compel offenders to pay for their crimes and give recompense to their victims. However, sometimes—in fact, too often—these provisions are inconsistently applied. When there were the riots in 2011 which caused millions of pounds-worth of damage, I asked questions to the then Justice Secretary about the number of compensation orders issued and the data was not available. I suspect Members across the House have many individual cases in their constituencies, and I have many too and have been to my regional Crown Prosecution Service where I am afraid orders have not been followed through and there has been a huge sense of injustice. Back in 2011 many businesses and companies were left picking up the cost, but for individuals these crimes can be life-changing, severe and horrific, and the failure to enforce these orders can lead to devastating impacts.

A former constituent of mine was blinded by an abusive ex-partner, impacting on her ability to work. Not only did her partner get away with a short sentence and was let out before the halfway point, but no compensation order was imposed upon him. My constituent was left blinded in one eye; that has changed her life and she is a mother. I have spent a great deal of time with her over the years and it is a harrowing case. Sadly, she is a victim of our system and there will be many other similar cases.

I hope that during the passage of this Bill we can give light to such cases and examine how we can represent those victims in a much better way and ensure they are

[Priti Patel]

not let down by the courts or the CPS. I have spent many hours with our regional CPS on this; we need to find better ways to support individuals.

The subject of the independent public advocate has rightly already had a comprehensive hearing in this debate both from the Lord Chancellor and colleagues, and I pay tribute to all colleagues across the House. When I was Home Secretary I spent many harrowing hours with the families of the Hillsborough disaster, but, if I may say so, they were also deeply fulfilling hours when I was hearing from them. Bishop James Jones is a remarkable individual and his report is moving and very thoughtful. He has put forward great solutions with the right hon. Member for Garston and Halewood and the former Prime Minister my right hon. Friend the Member for Maidenhead (Mrs May), who spent a great deal of time with me. I also worked with other Ministers to understand the role of the IPA and push forward its establishment.

I welcome the provisions in part 2 of the Bill and the establishment of the IPA to support victims of major incidents. The tragedies of Hillsborough have been well aired in this House, but there are so many lessons to learn; the right hon. Member for Garston and Halewood touched on all aspects of this and I do not disagree with her at all. The history of Hillsborough is littered with institutional state failure. State institutions have let down those families. I have heard so many comments through the discussions I have had with representatives, the families and Bishop James Jones about issues from cover-up and collusion to state-sponsored denial and the role of South Yorkshire police. The history of this is appalling.

There are other tragedies, too. We have recently received the Manchester Arena bombing reports. I set up that public inquiry and every single aspect of it was devastating and harrowing. I have also met many family members, including children, mothers, dads, uncles and grandparents. I genuinely think we can do much more as a Government and just by changing our laws to bring parity to the justice system to give them voice. That is very important.

I saw that with the Grenfell families as well. There is nothing more harrowing than going to meet them in the area where they used to live—their own community—and hearing about the injustices they have suffered. I pay tribute to all those families for their relentless campaigning: they are campaigning for good reasons and to give voice to their suffering because they do not want others to experience the tragic circumstances they have faced.

During my time at the Home Office we looked at this issue and the role of an IPA sitting alongside the “duty of candour”, which I absolutely support as it will help to rebalance the system. The duty of candour would bring so much to light. It would shine a spotlight and completely change and safeguard individuals’ ability to give evidence at public inquiries, and really ensure that voices are listened to. That is needed, because there is an imbalance in the system, with victims and families who are seeking trust, truth, assurances and answers facing what I can only describe as the machinery of the state. They just feel intimidated. As we have heard, they are told that they are signposted, but it is either totally inadequate or the wrong kind of signposting. That

machinery of the state is often tooled up with expertise, lawyers and unlimited resources while they are grappling for resources, so they cannot get access to justice.

I have an example from my own constituency in Essex, where an inquiry is taking place into the deaths of mental health in-patients between 2000 and 2020. We are dealing with incredibly disturbing and harrowing cases, but families have faced frustrations over many years in seeking answers. I believe that an independent public advocate would help them. I have been pushing for that on their behalf and recently had discussions with the Secretary of State for Health and Social Care. However, I genuinely believe that this could be a breakthrough moment—perhaps we can bring about the right changes through amendments in Committee—where we can all work together to learn from the harrowing experiences and tragic deaths that have taken place to make for an effective, independent public advocate role and give it the independence that it needs.

I do not want to dwell on part 3—it has already been given an airing—but I will touch on the point made by the Chair of the Justice Committee, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill). There seem to be endless state failures in dealing with offenders. I have already spoken about institutional state failures on behalf of victims, but there must be a stronger and better way to deal with offenders who have been let down, perhaps through successive legislation and their rehabilitation. We have a cycle or revolving door of repeat offenders and offending, and I am afraid that sometimes judges and the courts are failing to send offenders to prison. There is a panoply of issues that we need to look at.

The public and the victims of crime expect offenders to be sent to prison to serve their sentences. But, at the same time, we see how often that does not happen and how offenders go through a cycle that does not address any of their offending, while the costs for the state continue to go up and up. This part of the Bill needs to be looked at. I believe in firm and fair sentences and have always been of that persuasion, but—we know, because we have all seen examples of it in our casework—we cannot have victims finding out about offenders being back in their neighbourhoods indirectly. All sorts of problems then take place in the community. So, areas of part 3 do need to be addressed.

The Bill is obviously long overdue. It could be a groundbreaking piece of legislation to address so many of the criminal justice system’s inadequacies, including the historical inadequacies when it comes to giving voice to victims of all sorts of crimes. Crime is an awful thing for anyone to experience, but given the severity of the types of crime, we owe it to all the victims of crimes ranging from the Hillsborough disaster to terrorist events, domestic abuse and rape, to ensure that the Bill gives them representation, rights and access to the criminal justice system and deals with those anomalies and imbalances. I hope that we can all work constructively across the House to achieve that.

5.49 pm

Jonathan Edwards (Carmarthen East and Dinefwr) (Ind): It is a pleasure to speak on Second Reading. I commend right hon. and hon. Members for the contributions that we have heard so far. This House is undoubtedly at its best when we engage in serious debate free from tribal engagement.

My contribution is largely based on the experiences of the family of my constituent Michael O’Leary, who was murdered in what was described by prosecutors as a “carefully planned execution” in January 2020. His body was desecrated in an attempt to hide the crime. The key bit of evidence that secured the guilty verdict was only obtained in March 2020 when a search of the murderer’s property found tissue matter that matched Mr O’Leary’s DNA—a piece of the small intestine—in an oil barrel. I cannot imagine the suffering involved for the family, not only having lost a loved one in such a manner, but having been deprived of the opportunity to process their grief through burial of the body. Mr O’Leary’s son Wayne said that families face a “lifetime of unanswered questions.”

Following the murder trial, my constituents have campaigned for a new offence of desecration or concealment of a body, dubbed Helen’s law 2. Helen’s law, which was adopted in the Prisoners (Disclosure of Information About Victims) Act 2020, means that an individual guilty of murder would not be eligible for parole if they refuse to reveal the location of a victim. I pay tribute to Helen McCourt’s family, and all the other families. Helen’s law 2 aims to increase punishment for those guilty of desecration or concealment, or in the very least to amend sentencing guidelines to reflect the extra suffering imposed on the families of victims. We await progress on the campaign.

I understand that there are complexities, but I hope that the UK Government continue to seek a way forward, considering that, unfortunately, these sorts of heinous crimes are becoming more common. I can certainly say that in the experience of my constituents, the additional suffering of knowing what was done to their loved one after he was murdered is beyond comprehension.

Following discussions with my constituents, I would like to take the opportunity to raise their views on the Bill. Victims’ families are concerned that a Bill on victims’ rights has been brought forward even though the Victims’ Commissioner post has been vacant since last September, following the resignation of Dame Vera Baird. Upon her resignation, Dame Vera said that she was disappointed by the lack of engagement from the Government in relation to her concerns about the Bill as the primary voice of victims. The resignation letter is quite damning, with the former commissioner accusing the Government of “downgrading” victims’ concerns. I am sure that Ministers appreciate families’ concerns that a Bill has been brought forward without a key advocate on their behalf being in post.

The Bill obviously concerns a very emotive subject for families. Changing the title from the Victims Bill to the Victims and Prisoners Bill is, in itself, offensive to them. Families believe that a victims Bill should stand on its own—a point made by the right hon. Member for Garston and Halewood (Maria Eagle).

From a Welsh perspective, there is concern that the key parts of the Bill refer to England only. I am sure that that is only a drafting error, but both clauses 12 and 14 refer to police authorities in England alone. I suspect that the four Welsh police authorities should be included.

Victims’ campaigners are concerned that the rights set out in the Bill are not legally enforceable. The former Victims’ Commissioner pointed out in her response to the Bill that there is no accountability mechanism if a

criminal justice partner does not deliver on those rights, and no right of recourse for families. Perhaps the Government are concerned about the extra cost that may be incurred as a result of any enforceable rights, but without a right of recourse it could be argued that the Bill’s content on victims is aspirational—a point made by the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill).

The former commissioner, Dame Vera, argues that the Bill should seek to emulate the Australian model. Policies pioneered in the state of Victoria provide a formal role for victims within criminal justice proceedings, leading to a cultural shift from, according to Dame Vera,

“agencies viewing victims as peripheral to their function – bystanders to proceedings – to a core and valued constituent part of the justice system.”

I am no expert, but strengthening the powers of the Victims’ Commissioner role would be one way forward. From what I can see, the Victims’ Commissioner performs an advocacy role at present. In Wales, the Welsh Language Commissioner has specific regulatory functions and powers, which include setting standards in the public sector and deciding on complaints and investigations. Following investigations, the commissioner has the power to initiate enforcement action. Strengthening the Bill in that manner would give the Victims’ Commissioner real teeth and would empower victims.

Under part 3, the new powers proposed will allow the Secretary of State to make Parole Board decisions on the release of prisoners. Families are concerned that they will not have the opportunity to make a victim impact statement or be included in licensing decisions, as is currently the case—a point made by the former Home Secretary, the right hon. Member for Witham (Priti Patel). Furthermore, families are concerned that they will not have a voice during the appeals stage, as prisoners would surely contest a decision by the Secretary of State to keep them incarcerated. They will further lose their rights to make a victim impact statement or contribute towards licensing decisions at this stage—a point made by the right hon. Member for New Forest East (Sir Julian Lewis).

The prisoners section of the Bill was not part of the original consultation; therefore, its removal should be considered. Campaigners believe that a second consultation should have been considered before the latest draft was published. Campaign groups raise concerns that the scope of the Bill is not wide enough to include other rights for victims. As I stated, it is vital that rights must be considered while putting victims at the heart of the criminal justice system, such as through free transcripts of trials involving loved ones. Campaigners tell me that a bereaved family were recently quoted £14,000 in costs for the transcript of a 17-day trial. Clearly, that is prohibitive.

The Human Rights Act 1998 is referred to only in part 3. That is upsetting to victims and bereaved families, as it implies that human rights apply only to prisoners and not victims. That further exacerbates the imbalances of power that they believe exist between victims and offenders. Before the Bill proceeds to Committee, I hope that Ministers will increase engagement with victims groups and bring forward necessary amendments to alleviate their concerns.

5.56 pm

Dame Maria Miller (Basingstoke) (Con): It is a great pleasure to speak in this debate. I warmly welcome the Bill, and in advance I thank the Minister, my right hon. Friend the Member for Charnwood (Edward Argar), who I know, together with my right hon. Friend the Secretary of State, will engage thoroughly with all the issues raised. I thank the Justice Committee for an excellent piece of pre-legislative scrutiny; my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) who chairs the Committee does a great job for us all.

The Bill is complex and covers a great deal, from prisoners and parole to victims of major incidents. We have heard a lot about those two issues already. I will turn my remarks firmly to victims of crime—the first part of the Bill—particularly with regards to the victims code. This is a hugely important piece of legislation for victims. I believe that we have a strong justice system only if it is a deterrent that, yes, provides punishment, but also recognises and supports victims. Otherwise, we risk falling short. To be the victim of crime is not only devastating but can be incredibly disorienting. Attempting to navigate the complex criminal justice system as a layperson is not easy. The perpetrator has numerous agencies telling them what they can and cannot do. Certainly, that has been the way in the past. Largely, victims have been left to navigate life post crime themselves.

I am sure that the House will not mind me saying that quite recently I was a victim of crime, which led to a successful conviction of harassment by my local Crown Prosecution Service in Hampshire. I was listening to the hon. Member for Birmingham, Yardley (Jess Phillips); I would not want to comment on what she said, but I cannot commend Wessex Crown Prosecution Service highly enough. Unlike the hon. Lady, I was kept thoroughly informed at every step. I will not comment too much on it because, unfortunately, the individual has transgressed and is before the courts again, but it is important to make the point that the CPS in Wessex got it right. It might not get it right all the time, but when it does, it is important for victims. I hope that the Crown Prosecution Service in the hon. Lady's constituency takes a leaf out of the books in my area.

The 2020 code of practice was a good start and put some important principles in place. What is great about the Bill is that it takes them forward and puts them on a statutory footing. It seems perverse that the justice system could be better explained to perpetrators than to victims. The Bill will help equalise that disparity, by putting the victims code on a statutory footing, making what victims can and should expect even clearer than before.

An important part of the Bill is putting a duty on relevant bodies to raise awareness of the victims code with victims, which will make a big impact and be greatly welcomed. The victims code is a detailed document containing the important rights that victims can expect, but it is of little use if people do not know it exists, so it is right that those with responsibility for aspects of the code can make it clear to victims how they can use it.

We know that services working in isolation miss problems and opportunities for support, which is why I also welcome the Bill's focus on co-ordinating services across relevant bodies and strengthening local services. The Domestic Abuse Commissioner's recent report,

“A patchwork of provision”, showed that the level of service and support that victims can reliably expect is not uniform across the country and depends greatly on where they live. I welcome the consistency that the Bill shows. We need to ensure we get that consistency across the whole United Kingdom, wherever people live.

My right hon. Friend the Member for Witham (Priti Patel) talked about the role of police and crime commissioners in getting local consistency embedded in our constituencies. I am pleased that my local police and crime commissioner, Donna Jones, has put in place similar initiatives to those mentioned by my right hon. Friend, as well as delivering, well ahead of time, an extra 600 police officers in our county. My police and crime commissioner is consulting on a victims hub—the consultation is ongoing—so that victims will know how to get the support that the Bill wants to ensure is available to them. Having quicker and tailored access to support services will be an important step forward in my own constituency. I urge anybody who is able to take part in the consultation to do so; it runs until Monday 21 May.

I add my support to the Bill's provisions with regard to IDVAs and ISVAs. Indeed, I held a roundtable on Friday on the importance of tackling domestic abuse. We discussed the amazing work done by a number of different organisations in my constituency in ensuring that victims are well aware of the support available, and the hugely important role of IDVAs and ISVAs, particularly when cases come to court, which was underlined by my local police commander. Will my right hon. Friend the Minister help me to ensure that those expert individuals will in future be able to stay with victims in court? That issue was raised with me at the roundtable.

Having someone independent of the police present in the immediate aftermath of a crime can be crucial, but making sure they continue to be involved, when a case comes to court, can help with some of the problems that exist for victims because of the great deal of time it can take for relevant evidence and individuals to be brought to court. IDVAs and ISVAs are often the only people involved whose sole focus is the victim. As much as individual police officers regularly go out of their way to care for victims of crime, the reality is that police priorities will mean that sometimes their focus goes elsewhere.

I highlight to the Minister the section of the Bill about support for victims, because the victims code may go further than he thinks. In addition, I have raised the issue of the role of non-disclosure agreements with him on a number of occasions. They can cover up crimes, particularly those in the workplace and those that disproportionately impact women, such as sexual harassment or other forms of abuse in the workplace.

When it comes to non-disclosure agreements and sexual harassment in the workplace, the Government have been working on strengthening support for victims for a great deal of time. The Government have backed universities in banning the use of non-disclosure agreements to cover up misconduct, and they are looking at how they could go further in stopping non-disclosure agreements from being used inappropriately. Unfortunately, it is increasingly common practice for non-disclosure clauses to be included in settlement agreements, although it is perfectly possible to settle without them.

When victims of misconduct—often sexual misconduct and usually women—make allegations, an all too frequent response is a settlement in which an employer can see allegations dropped in return for a non-disclosure agreement that will stop the victim from speaking out, sometimes lawfully and sometimes not so much. No matter what, victims feeling that they cannot speak out cannot be what we want to see in this place.

An employee can feel trapped. When I chaired the Women and Equalities Committee, we published at least two reports on the impact on victims of non-disclosure agreements and we heard first-hand evidence that people felt not only that they could not speak out about their experience, but that it made them feel even worse and re-victimised. Sometimes, I am sure in error, legal counsel could put a non-disclosure agreement into a contract or severance agreement, but more often that is done by human resources departments, which probably take something offline and give it to an individual to sign. That means that a person who has experienced significant wrongdoing in the workplace can feel that they cannot speak out.

I hope the Minister might want to look at how the Victims and Prisoners Bill could take the excellent work that the Government have done with universities, calling out the appalling impact of non-disclosure agreements, a stage further. I am sure he is not surprised that I want to thank Zelda Perkins for the work that she has done through the organisation she has set up, Can't Buy My Silence. She is continuing to campaign hard to stop non-disclosure agreements being used in the way they were against her and her colleagues, when she was unable to speak out about Harvey Weinstein and the appalling way that he treated a number of women in his organisation. I hope that my right hon. Friend the Minister is listening closely to how we could use this excellent Bill to take further the Government's work on victim support and outlawing the misuse of non-disclosure agreements.

I was pleased to support the then Secretary of State for Education, my right hon. Friend the Member for Chippenham (Michelle Donelan), in launching the university pledge to stop the use of non-disclosure agreements in universities. I strongly supported the subsequent ban through the Higher Education (Freedom of Speech) Act 2023. I call on the Government to expand the ban on NDAs from educational settings to other workplaces through the victims code in the Bill. In the not-too-distant future, I hope the Minister will have some meetings with me to see how we can ensure that the very real impact that the work done by my right hon. Friend the Member for Chippenham had on universities can have a broader impact. That will ensure we protect many more victims, over and above those he was envisaging in his first draft of the Bill.

6.9 pm

Jess Phillips (Birmingham, Yardley) (Lab): It is a pleasure to follow the right hon. Member for Basingstoke (Dame Maria Miller). I fully back her calls; as the Bill goes into Committee, I am sure we will work across the House to improve some elements it.

I find myself in the unenviable position of being ready to critique quite a bit of the Bill—not necessarily because of what is in it, but because of what is not in it. I say “unenviable” because without doubt the Secretary

of State, who is not currently in his place, and the Minister have open ears for the things being said in this Chamber. The Secretary of State alluded to my contact with him over the weekend; I found him to be incredibly helpful about some difficult cases, specifically around the family court. I suppose I might focus my attention and ire about what is missing on the previous Secretary of State rather than the current one, who has been in post for a couple of weeks and I am not entirely sure has had the time to properly put himself into the Bill. I look forward to seeing that happen as we go through Committee.

We all agree that we do not want victims of crime to be left in terrible situations. We do not want there to be a postcode lottery or people who have suffered crimes not to get justice in this country—I do not doubt that for a second when it comes to the vast majority of people in this House. Unfortunately, however, when politics intervenes I sometimes see a huge amount of headline and very little frontline going on. Some of the things missing from the Bill need to be put into it, to make some of the Prime Minister's words mean something more than a cracking headline in the *Express*. We have to work to get that to be the case. I will go over some of the things that should be included to make the Prime Minister good on some of his words.

I very much hope that sexual exploitation is not a wedge issue, but one that we would all focus on getting right. Recently, the Prime Minister talked about there being an element of charge around the duty to report in cases of sexual exploitation. If people fail on their watch as professionals to act collectively to report cases of sexual exploitation or any form of child abuse, they should be subject to a standard that they have to live by. The issue has been consulted on three times in the last 10 years—why on earth is it not in the Bill? The Prime Minister took to various plinths and said that he wanted it to happen. “Crack on!” would be my advice.

Nothing was released on the day the Prime Minister went out to talk about sexual exploitation, following years of many different inquiries from all over the country and amazing work by my hon. Friend the Member for Rotherham (Sarah Champion). Why is none of it reflected in the Bill? Why is there nothing about children living in unregulated accommodation or about powers to change how we deal with the sexual exploitation of British children? I feel that there are huge gaps when it comes to things we have been promised—merely headline, rather than frontline.

The other area that is everybody's favourite wedge issue—one that the Prime Minister certainly wants to lean on constantly—is the idea of specialist women-only services, which have become the absolute tour de force of a thing that people want to defend. Let me say what is happening across our country because of a commissioning environment created over the last decade. Specialist women-only services have given way to generic services that could offer a lower contract price in local authority areas. Nothing in the Bill says what specialist women's services are—women do not even get a mention. Nothing in the Bill says what a specialist sexual violence or domestic abuse service is.

I am not talking about a Johnny-come-lately, “We noticed that people care about domestic abuse so we'll set up a random domestic abuse charity and make it for everybody.” In the last 10 years, the commissioning environment

[Jess Phillips]

created in local authorities, and police and crime commissioners, have seen specialist women-only domestic abuse services being told that they absolutely have to see men and will lose their contracts if they do not. Why on earth would we not just commission specialist men's services if that is what we wanted? We want specialist LGBT services in this space, so why on earth would we not have a strategy to commission them?

What is happening in the broader area that I represent—not my constituency per se—is that contracts are given to generic housing associations or broader victims' charities. I have a case of a woman who has been taken to eight multi-agency risk assessment conferences; she has been risk-assessed as being at high risk of harm and death eight times. Yet the same agency—apparently a specialist domestic abuse service; one I had never heard of—is also now supporting the perpetrator, who is claiming to be a victim of domestic abuse. It is completely and utterly dangerous to provide that kind of “specialist” service.

If the Prime Minister cared to make more of a headline out of the argument about women-only spaces, the Bill could make it incredibly clear what we mean by specialist women-only domestic and sexual violence services. I implore the Minister to make that happen. There is nothing that says what a specialist agency is. Even the duty to collaborate—honestly, I have heard so many serious case or domestic homicide reviews that say that people did not collaborate! It is not true: people do collaborate, but no one acts. This is about action. People talk to each other all the time. Agencies are constantly passing things on one to another, but people have to actually act and feel empowered to do something with the information.

The Secretary of State, a man I deeply like and respect, said a number of things earlier. The general patten in this place would make it seem that there are independent domestic abuse and independent sexual violence advisers everywhere, as far as the eye can see. That is laughable—in the area where I live, the wait for one at the moment would be at least a year, and they are rationed according to whether someone has come forward to the police. When I did the job, that was absolutely not the case—the victim did not have to be in an active process of police complaint to get access to an ISVA service, but that is exactly what is happening now across our country. The idea that IDAAs and ISVAs are everywhere or that there is anywhere near enough of them is for the birds.

The Secretary of State also said that of course young people should be able to access therapeutic support, to which I say, “Chance would be a fine thing!” I have tried to refer somebody who has been sexually exploited and is suffering from very severe suicide ideation to child and adolescent mental health services, for example. I have then been told that the assessment process will take two and a half years. It is great that the third-party thing that many in the House have campaigned for has come into force. Now let us get some counsellors for people to go to, so that there are some notes to go by. That might be an idea.

Many of us will have seen the letter today from Charlie Webster, a friend of many of us in this Chamber, and the story of her friend Katie who took her life after not being able to overcome the trauma of her situation. That is the reality on the ground.

Dame Maria Miller: I hear what the hon. Lady is saying about the availability of ISVAs in her area and about their only being connected with police cases, but should she not push back against that? There are three ISVAs in my local hospital, and they are certainly not connected with crimes; they would be called on by the staff in the emergency department as needed.

Jess Phillips: In fact, my area was the first in the west midlands to have ISVAs in a hospital, the Queen Elizabeth. I was one of the commissioners. What I want to see in a Bill such as this is not just a duty to collaborate, but a duty to commission. Every local authority area in the country, and every health provider, whether it is a public health provider, a mental health provider, an independent board, or whatever the bloody hell we call them this week—PCCs, PCGs—I apologise for swearing, Madam Deputy Speaker.

Madam Deputy Speaker (Dame Eleanor Laing): Order. Let us just rewind to “whatever”.

Jess Phillips: Whatever we call them this week, Madam Deputy Speaker.

The vast majority of those bodies do not commission a single support service anywhere in the country to deal with sexual or domestic abuse. In the constituencies of nearly all those who are in the Chamber today, there will be a sexual health service with no ISVAs. How is it possible to run a special sexual health service without them? The worst offender, though, is mental health services. It is unimaginable that there should be mental health services in this country that do not have specific mental health provision for victims of trauma such as sexual violence or a lifelong experience of abuse and victimisation, but most of them do not.

There may well be more ISVAs funded from the centre than there have been previously, but those funded by local authorities and police forces throughout the country have been decimated. We give with one hand and take away with another. The decimation of local authority budgets over many years has undermined victims' services to the point where specialisms no longer really matter, and there is a race to the bottom in lots of commissioning. I would want the Bill to reflect what specialism actually means, rather than just listening to people caring about it when it makes for good headlines—that is absolutely no criticism of anyone who is in the Chamber at the moment.

I want to make two more points specifically about things that are missing from the Bill, and what we in the Labour party will be pushing for. One, which I mentioned to the Secretary of State earlier, is Jade's law. The Bill massively misses an opportunity in some areas—well, all areas—of the family court, which is diabolical for victims of crime, to the point where I think it is the worst part of our justice system with regard to those victims. There is a specific opportunity to say that, if someone has been sent to prison for the murder or manslaughter—so many of these cases go for manslaughter, but let us say the killing—of the other parent, they should never be entitled to parental responsibility. If I were to go out into the street and tell people that a father who had murdered a mother is allowed to decide whether the child could go to counselling, for example, they would think I was a mad, swivel-eyed feminist. However, that is the law of the land in our country and we have to do something to end that ridiculous injustice.

The Chair of the Select Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), did a fine and decent service to everyone in the Chamber with his critique of part 3. I look forward to the conversations in Committee, but I think it important to say now that this was always meant to be the victims Bill, and it has been subverted somewhat to become the victims and prisoners Bill.

We have already had conversations about Hillsborough and unfair arms with regard to legal aid and support. Currently, part 3 provides the opportunity for appeal and review, and I am not sure that anyone would argue with that, but what comes alongside the appeal and review is a lengthy process that victims—for example, mothers of murdered daughters and fathers of murdered sons—have to go through without a penny piece of support, or anything extra, but there is money to support the perpetrators. The only allocation of actual funding in this document is for the prisoners bit, not the victims bit.

That is not what the House has been pushing for 10 years. That is not what we asked for and it is not what we should have got. I look forward very much to working with the Ministers to make the Bill considerably better than it is now, as we would all want.

6.25 pm

Kevin Foster (Torbay) (Con): It is a pleasure to speak in the debate, and to follow the hon. Member for Birmingham, Yardley (Jess Phillips), with the experiences and perspectives that she always brings to matters such as this, and her ability to convey to the House the views of many people who do not feel that they have a voice in a way that makes them feel that they do indeed have a voice here.

The mere fact of the Bill's introduction sends a clear message of intent to be on the side of victims of crime, especially as my good friends the Secretary of State and the Minister of State—my right hon. Friend the Member for Charnwood (Edward Argar)—are in charge of it. It was welcome to hear the Secretary of State say that victims should not feel that they are just spectators, but should be aware that they are participants and at the heart of the criminal justice system. I also note the excellent work by the Justice Committee, chaired by another good friend who is not currently present, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill). Back in January, the Committee published the Government's response to its pre-legislative scrutiny report on the draft Victims Bill. It is welcome that the Government have accepted 20 of the Committee's recommendations, which strengthen both the Bill and work in this area overall.

The Bill can be broken down into three broad areas: victims of crime, victims of major incidents, and measures relating to prisoners and parole. Every crime has a victim, be it a person, a company, wider society or the taxpayer. Being described as a victim inherently covers a wide range of situations, from seeing something that one has worked hard to acquire or make destroyed or stolen, to serious sexual or violent attacks that can leave a person and his or her loved ones with an impact which lasts a lifetime. There will also be victims who are unaware that what happened to them was an offence, having been groomed or brainwashed into thinking that

what was being or had been done to them was acceptable, and only realising when they talk to someone else, or many years later, that what happened was not just wrong but criminal. I am therefore pleased that clause 1 will establish a statutory definition of "victim", helping to clarify who is being referred to.

I also welcome the move to include bereaved families, children who have witnessed domestic abuse and children born of rape in the definition of a victim, following the pre-legislative scrutiny. Those who lose a loved one as a result of another's deliberate or negligent act will be victims for the rest of their lives, so it is right that they are included. Similarly, children born of rape who discover their heritage will need a unique form of support which reflects the fact that they too are victims of crime.

Alongside the definition of a victim, it is welcome to see the principles of the victims code enshrined in law, and a duty placed on criminal justice bodies with police and crime commissioners to review their compliance and raise awareness of the code. I note that the code will not be in legislation; that is logical, because it allows it to be flexible and adapt to needs rather than being rigidly set in statute. It would be interesting to hear some reflections on how it will be developed and implemented, and how the House, and Parliament more widely, will be involved in the process.

It was welcome to see Devon and Cornwall's police and crime commissioner, Alison Hernandez, in Parliament last week to launch a new website to help victims of crime. The new website, which is just one doorway to getting help, is aimed at helping victims to access the care and support that they need, and provides a single route for all victims, regardless of whether they have reported the crime. It was especially good to talk to the representatives of Victim Support who also attended the event. As the Minister may know, they are working in partnership with Alison's office to deliver services to victims in a landmark 10-year contract, the largest contract of this type outside London. The partnership has a budget of £3.42 million for this financial year, and during 2021-22, a total of 41,112 people were supported through the pathway, with over 11,000 more people referred to therapeutic services than in the previous year. It is welcome to see this type of work being done, as it is vital that delivery at local level should match aspirations at national level. That is why the commitment to require a criminal justice inspectorate to undertake joint inspections on victims' issues when directed to do so is also welcome.

That said, it will be interesting to hear the Minister say a bit more about how he will ensure that services for victims at local level are tailored to meet the requirements of each victim's circumstances, rather than being a set process, which might feel to some like a tick-box exercise that does not respond to the nature of the crime. Speaking from my own experience, I had a phone call from my local police force to find out how distressed I was about paint being thrown at my office front door. That might be appropriate in that instance, but I would hope that people who had suffered crimes that had a greater impact on them personally would get a slightly different experience. How will the Minister ensure that this is not just a process that is done to meet a national standard, and that it will actually respond to the severity of the impact on the victim?

[Kevin Foster]

Going through the courts can be a major challenge for victims of sexual violence and domestic abuse, so I welcome the introduction of guidance on independent sexual violence advisers and independent domestic violence advisers. These roles can make a crucial difference when a victim has to relive the most difficult and traumatic time of their life and to keep going to ensure that justice is done. Ensuring that those advisers are there to provide support when needed is absolutely vital. I also very much welcome the indicated amendment on third party disclosure. We should always remember that it is the accused who is on trial, not their victim. That should be reflected throughout the process the victim faces when reporting an offence.

I welcome the move to simplify the process for victims of crime to make complaints to the Parliamentary and Health Service Ombudsman by removing the need to go through an MP where their complaint relates to their experience as a victim. Members across the House will always be happy to help a victim who wants to go to the ombudsman, but this aspect of the process can feel like a tick-box exercise as few would refuse a genuine request from a constituent for a referral. I would, however, be keen to ensure that local MPs are still sighted of the outcomes when a report on a complaint is produced, especially if it has implications beyond the individual case for how victims are supported within our constituencies.

The second part of the Bill covers support for the victims of major incidents. The origin of these changes is the appalling treatment of the victims of the Hillsborough disaster and their families, and the systematic failures of the justice system that they experienced. A series of failings led to a tragedy that saw 97 football fans lose their lives in a disaster that was both foreseeable and preventable. Those who have heard me talk on this subject before will know that many of the Coventry City fans who attended the semi-final against Leeds in 1987 were all too aware of Hillsborough's shortcomings, including a near crush that acted as an ominous sign of what was to come two years later.

As we know, rather than getting support, sympathy and justice, the Liverpool fans and their families faced a disgraceful mix of lies, smears and cover-ups, many of which were orchestrated by the very people who were supposed to enforce the law. All these things were being done by those seeking to avoid their responsibility for what had happened, and while doing so, they could take advantage of representation and resources that were simply not available to their victims. As was touched on earlier, there was a complete inequality of arms when they were making their case.

It is therefore welcome that part 2 of the Bill provides the Justice Secretary with the power to appoint public advocates to support bereaved families and victims of major incidents. Legislating for this independent public advocate is needed and, I have to say, long-awaited. I understand the model would be that advocates would be appointed if there was an incident, rather than holding a permanent position, and that they would be able to provide support in the immediate aftermath of an incident as well as assisting victims while any police or coroners investigations, inquests or public inquiries took place. It would be helpful, though, to provide as much clarity as possible about what the thresholds for these appointments will be and how Ministers will discharge this.

Understandably, particularly given the experiences of the Hillsborough families, there will be nervousness if it appears that advocates might not be appointed in cases where victims and their families have been impacted, although I appreciate that a set of strict rules could prove to be too rigid and have the opposite effect of not seeing an appointment where one was needed. It will be interesting to hear the Minister's reflections on how we can ensure that the victim's voice is paramount in making their demands and that, by the creation of this role, they will never again see the ridiculous inequality of arms where families are trying to represent themselves while their own taxes are being used to throw at them every argument, defence and excuse in the book by those trying to avoid being held liable for their mistakes.

The third part of the Bill covers changes relating to prisoners and parole. Having been responsible for the General Register Office during my time in the Home Office, I welcome the move to prohibit prisoners serving a whole life order from entering into a marriage or civil partnership. Those who receive these sentences have committed the most heinous crimes and they should not be able to enjoy an event that they have almost certainly robbed their victim of the opportunity to share with their loved ones. We also have to question their motives in looking to marry and the motives of those who wish to marry them. This is a matter of public confidence in the criminal justice system. It is about preventing the most serious offenders from mocking their victims' families by holding such an event while in custody.

I agree with the hon. Member for Birmingham, Yardley that it is ridiculous that someone can retain parental responsibility when they have actively taken away the other parent. I hope that the Government are listening carefully to some of these thoughts, and I share some of the comments made by Opposition Members on this. If I walked out on the street and said that a father who had murdered the mother should retain parental responsibility, few would see that as a logical, sensible or desirable outcome. It would be a bizarre one, given the reason behind it. I am sure that this is something we will revisit at a later stage of the Bill.

I also welcome the moves to clarify the meaning and application of the current statutory release test to ensure that minimising risk and public protection are at the core of decision making when determining whether to release a prisoner, rather than the balancing exercise approach articulated by the courts. The protection of the public should always be first when reviewing whether an offender is ready to be released and it is right that this is being changed.

I also welcome the intention to create a new top tier cohort of offenders: those convicted of the most serious offences who, if recommended by the Parole Board for release, will be subject to a new ministerial power to review their case. As outlined by the Secretary of State, the Bill creates a power for him, having reviewed a top tier case, to refuse to release the prisoner if necessary for public protection. This is not about arbitrary political power, as the measures clearly create a new route of appeal to the upper tribunal if the prisoner wants to challenge the Secretary of State's decision to block their release, yet it is right that someone who is accountable to the public and to Parliament takes the final decision in relation to cases where the public's faith in our

criminal justice system may be on the line more broadly, as we have seen in some cases recently. It also makes eminent sense to require the Parole Board to include members with a background in law enforcement to help parole panels to make better decisions in assessing risk.

There are a couple of areas where I hope we can go further. One that has already been touched on is the ability of convicted sex offenders to change their name. Currently, sex offenders can change their name by deed poll and, in a bizarre loophole, the offender is the one responsible for notifying the relevant authorities of the change. This can render the child sex offender disclosure scheme, otherwise known as Sarah's law, and the domestic violence disclosure scheme, known as Clare's law, ineffective. Research carried out by the Safeguarding Alliance has shown that thousands of offenders are being lost from the system, posing a risk to victims and the vulnerable. I therefore wholeheartedly supported the private Member's Bill introduced by my hon. Friend the Member for Bolsover (Mark Fletcher), and I very much hope that this Bill will allow progress to be made in this area. As I have indicated, it is bizarre that that loophole still exists, and it is time we shut it down.

A second area is spiking, which affects people across society. Prolific sex offenders are able to get away with their offences because spiking means that victims may not be aware of the offences being committed. I appreciate that the 1861 law provides options for prosecution, yet it is clearly far from sufficient. A growing number of Members believe it is time to create a specific offence, one designed for mid-21st-century offenders, rather than for those who purchased poisons from a Victorian apothecary. Any move that can be made in this area would be welcome, and I suspect the Government will face increasing pressure to make one.

I am conscious that there is a lot to cover in this Bill, and I could go on for longer than my current record set on a Friday, but I will draw my remarks to a close to ensure that others have a chance to set out their thoughts. The Bill is a welcome move both to support victims and to protect the public. It makes a clear commitment to support people who have been through the worst moment of their life, and to help people who have lost loved ones in disasters to get the advocacy they need to get answers and justice. There will inevitably be debates about details and aspects on which there may be a will to go further, but those are reasons for the Bill to pass its Second Reading this evening.

6.40 pm

Apsana Begum (Poplar and Limehouse) (Lab): It is with profound sadness that I express my devastation at the recent murder of my constituent Suma Begum. My thoughts are with all Suma's loved ones at this most difficult and painful time.

As a survivor of domestic abuse, and as co-chair of the all-party parliamentary group on domestic violence and abuse, I will be concentrating my remarks accordingly. I am afraid that I share the concerns about whether the Bill will, in fact, strengthen victims' rights. The Justice Committee said the draft Bill "does not appear" to do any more than existing legislation. Specialist domestic abuse organisations argue

"there is a long way to go before this Bill can truly make a difference".

Even the Domestic Abuse Commissioner for England and Wales has called the Bill "disappointing." Indeed, it is very disappointing that the Government have failed to take on board such concerns and all the Justice Committee's recommendations to strengthen the Bill. The End Violence Against Women coalition has argued that, despite the sector's long list of priorities for the Bill, it instead delivers immense powers for the Justice Secretary to intervene in the parole process.

Despite the steps forward and the widely welcomed Domestic Abuse Act 2021, the truth is that it is extremely difficult for survivors of domestic abuse and other crimes to come forward. As a survivor, I know this from first-hand experience. The stigma, the structural and systemic bias against us, and the use of the courts and the law to threaten and silence us—never mind the trauma of the abuse itself—all too often seem insurmountable. In particular, evidence shows that black, minoritised and migrant groups are disproportionately victims of violence against women and girls, yet they also experience poorer outcomes in access to justice and support.

I know how threats of defamation and libel cases seek to shut us up, but this is not unique to my experience. We know of the libel cases in which wealthy men have sought to protect their reputation from women who accuse them of abuse. It is therefore clear that we need a comprehensive approach that provides support and consideration at every stage of the criminal justice system and, crucially, beyond. If the Bill is truly to centre on victims, it must provide rape survivors with independent legal advice and safeguards to protect them from excessive police requests for personal data.

I would also like to see a complete firewall between the police and immigration enforcement, ending the sharing of data that leaves those with insecure immigration status unable to seek justice and at risk of further victimisation. That demand has been made for decades, and it was also recommended by the Justice Committee's pre-legislative scrutiny.

Lawfare, the practice of abusers misusing the court system to maintain power and control over their former or current partners, sometimes called vexatious or abusive litigation—in other words, stalking through the courts—needs to be tackled. The House will know that, two years after being elected as the UK's first hijab-wearing MP, I had to endure an eight-day trial, instigated by a complaint from my ex-husband's brother-in-law, which brutally forced me to talk about painful and private experiences. The action was taken by my local council, on which my ex-husband was a serving councillor at the time.

Although I was found to be innocent of all charges, I fear that the ordeal of the trial will haunt me for the rest of my life. The matter of domestic abuse was used against me by the prosecution, which argued that the abuse was a motive for the alleged crimes. Raj Chada, the criminal defence partner at Hodge Jones & Allen who represented me, argues:

"Prosecutors and investigators need to better understand and consider how victims of coercive control and domestic abuse behave and how they are treated by the criminal justice system."

It is commonly assumed that a woman should just leave, and then all her problems will be over, but this is far from the reality for many. It goes on and on, and the wall of institutional gaslighting is chilling, which is why I am working with MPs from all parties to call for a

[Apsana Begum]

duty of care to be placed on employers and political parties to ensure that survivors of domestic abuse are not exposed to further harassment. This must recognise that post-separation control and harassment is itself a form of domestic abuse and can occur long after a relationship or marriage has ended, with different tactics of abuse being used.

This week is Mental Health Awareness Week, and it is important to recognise that domestic abuse can have a severe and lasting impact on mental health and that survivors often find it difficult to access the support they need. I will be closely following developments on counselling notes. Victims of coercive control who go through court proceedings may find their counselling notes being used by a perpetrator to further the abuse and harassment post separation.

IDVAs have been mentioned a lot in this debate and, where they are funded and available, they can be crucial, as I know from first-hand experience. Women's Aid and others have raised concerns about the proposal to create a statutory definition of an IDVA. I urge the Government to hold discussions with specialist domestic abuse services as soon as possible to address this issue. My understanding is that a statutory definition is intended to create consistency, but IDVAs should be allowed a degree of flexibility in how they carry out their role, given that they could be sitting in a courtroom with one victim and dealing with multiple stakeholders and partners to support another. It needs to be taken into account that, for victims of domestic abuse, no two cases are the same. My case was unique in that I had to go through court proceedings while holding public office, and the support of my IDVA was crucial.

Funding is crucial to this debate. The funding crisis in support for those experiencing domestic abuse continues to put many at risk, and it means that too many are unable to access vital services. The Bill currently places a duty on key agencies, but it does not attach funding. Any expansion in victim support services, which already face unmanageable referral levels and caseloads, needs funding.

More action and funding are urgently needed. In the UK, two women a week are killed by a current or former partner, and 49% of these women are killed less than a month after separation. This is unacceptable, but it is also preventable. This Bill is too little and, with great solemnity, I fear it is too late for so many.

6.49 pm

Rob Butler (Aylesbury) (Con): That was a very sobering speech from the hon. Member for Poplar and Limehouse (Apsana Begum). It is a pleasure to rise to speak in this important debate. I was a member of the Justice Committee for a considerable period of the pre-legislative scrutiny, although I was not involved in the approval of the Committee's report. I had moved on by then, but I think it relevant to mention that I had the privilege of listening to many of those who gave evidence to the Committee at that time, including many victims who bravely relived some of their experiences. I should briefly declare other interests, in that I was previously involved with victims during my 12 years as a magistrate, including time on the Sentencing Council. In that role, the needs and

requirements of victims were always very much in our minds. I have also served on the boards of the Youth Justice Board and His Majesty's Prison and Probation Service.

That considerable experience across the criminal justice system prompted me in my maiden speech to say that I wanted to focus on putting victims right at the heart of the criminal justice system, and this Bill takes a big step towards doing that. It enshrines the principles of the victims code in law; it places a duty on PCCs to review their compliance; and it imposes a requirement on criminal justice bodies to raise awareness of the victims code. Each of those is significant in its own right, but together they have the potential to transform victims' experience of the criminal justice system for the better.

The core provision of the legislation, to put the principles of the victims code on a statutory footing, has rightly been universally welcomed. We cannot underestimate the importance of setting out in law the services that should be provided to victims of crime. That, in turn, should dramatically improve compliance with the code. A report by the charity Victim Support found that currently

"as many as six in ten victims do not receive their entitlements under the Victims' Code".

It says that that can leave them feeling anxious, unsafe and frustrated. My own experience as a magistrate is that the process of hearings, trials and sentencing can be extremely difficult to navigate for victims of crime. Once in the courtroom, the terminology used by lawyers and the judiciary can be both complicated and challenging. All too often, victims feel as though they are the least important person in the room, notwithstanding the considerable efforts of the volunteers who make up the witness service in the court. Placing the code on a statutory footing, with much firmer requirements on compliance, holds out the prospect of a tremendous improvement in victims' experiences.

One area where I am slightly disappointed, however, is that the victims code and, by extension, this legislation, do not require any specific action by the judiciary. I fully respect the need for a separation of powers, but I firmly believe that magistrates and judges can do much more to enhance the experience of victims. I would hope that that might be considered in future legislation.

I am pleased to see that a duty will be placed on PCCs to keep under review how the criminal justice bodies are complying with the victims code in their police area. The PCC for Thames Valley, Matt Barber, has welcomed this formal responsibility being placed upon him, and I know he will carry it out diligently across Buckinghamshire and the wider police area for which he is responsible.

Given the undoubted health impacts, whether physical or psychological, on victims of crime, the new duty for integrated care boards to collaborate with local authorities and PCCs when commissioning certain support services is important. My own experience, stemming from many meetings at local and national level, is that the NHS does not always regard involvement in the criminal justice system with the priority one might hope. Integrated care boards are still new and finding their feet; the one serving my constituency is already a cause of some concern, so I will be carefully monitoring its compliance with this new duty. However, the principle of the new duty is sound indeed.

The requirement to respond to recommendations made by the Victims' Commissioner is another positive step, and will help keep to the forefront the needs of those who have so often been forgotten. Likewise, I strongly welcome the prospect of Ministers directing joint thematic inspections to assess the experience and treatment of victims throughout the entire criminal justice process. That has the potential for good practice to be shared, and it strikes me that that could be especially useful in developing further restorative justice schemes, which are extremely successful when they are implemented.

Having a code is good, but only if victims know about it; all too often, people do not get the service to which they are entitled because they are not aware of their rights or the services that exist to help them. So the duty in this legislation on specified bodies to promote awareness of the code is very welcome. I trust that experts in communications will be deployed to make sure the information is understandable, meaningful and appropriately disseminated; it is not good enough to have just jargon or just to put this information on a website that no one knows about.

Let me say a few words about part 2 of the Bill and the appointment of independent public advocates for the victims of major incidents. In doing so, I pay tribute, as many right hon. and hon. Members have, to the right hon. Member for Garston and Halewood (Maria Eagle) for her unstinting work. As I have mentioned in this House previously, I was a student at Sheffield University at the time of the Hillsborough disaster, and a friend of mine lost his life in that tragedy. Events since have been inexcusable and unforgivable, and the introduction of an independent public advocate will, we hope, prevent any such outrages of cover-up from occurring again. I am pleased that the Government have committed to working with families of victims of Hillsborough and of other disasters to get the detail of the advocate scheme right. I am glad that my right hon. and learned Friend the Secretary of State and the Minister of State, Ministry of Justice, my right hon. Friend the Member for Charnwood (Edward Argar), who is on the Treasury Bench now, have indicated their openness to speak further with the right hon. Lady, who is undoubtedly expert in this arena.

I do have some sympathy with the view of the Law Society that legal aid should at least be considered to be provided to victims in cases where an independent legal advocate has been appointed. Of course, funding can never be unlimited, but it is important that there is an equality of arms so that victims are properly represented at every stage of an inquiry. In short, we need to ensure that victims' voices are truly heard in the aftermath of such dreadful events.

Moving on to part 3 and parole, I understand the Government's rationale for the changes that are proposed, and absolutely appreciate the concerns about public protection that have prompted the legislation, but I have my own concerns about the potential implications on the prison system and prospects for the rehabilitation of offenders. Many right hon. and hon. Members have made other points about the more general principles. I know from my very short time in the Ministry of Justice that prison capacity is extremely tight. My successor, the Minister of State, Ministry of Justice, my right hon. Friend the Member for East Hampshire (Damian Hinds)

has been to this House to describe actions he is rightly taking in response to that. The impact assessment for this part of the Bill predicts that, on the central scenario, an additional 640 new prison places will be needed over the next 10 years as a direct result of the implementation of the new parole clauses. Those are spaces we do not currently have in the prison estate. The impact assessment states:

"To accommodate a large increase in demand for prison places, we would have to consider demand reduction elsewhere in the system."

To put it more bluntly, some other people would not be sent to prison.

I am very much in favour of taking a root and branch look at who is sentenced to custody, as I believe we have scope to make far better use of technology through electronic GPS tagging, for example. That could facilitate the introduction of a form of house custody in a comprehensive sentence such as the intensive control and rehabilitation order that was proposed jointly by the Centre for Social Justice and myself several years ago. I believe that that would both improve outcomes for offenders and reduce costs to the Exchequer. It is worth noting that house arrest was mentioned in the Government's White Paper on sentencing, in 2020 or 2021, I believe, which was introduced by my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland). Disappointingly, it has not received further attention since. I would be interested to learn from this Minister whether there might be progress on that at some future point.

It is not just a question of space in prison from the changes to parole that we must consider. Again, the impact assessment paints a concerning picture when it states:

"Non-releases and a reduced licence period could disrupt offenders' and family relationships and reduce rehabilitation in the community, potentially leading to higher reoffending due to less post-custody rehabilitation activity from the probation service."

Consequently, I hope the Government more broadly will consider the implications of these clauses, not least His Majesty's Treasury. Increased funding for prisons and probation is rarely popular, but it is essential if we are to provide accommodation that is fit for purpose, as well as being able to recruit and retain enough prison and probation officers to ensure that there is a genuine prospect of achieving the rehabilitation of the prisoners in their charge. I hasten to add that this would not be money for nothing.

We know that about 80% of those currently receiving cautions or convictions have offended before. We also know from the MOJ's own figures that the economic and social cost of reoffending in England and Wales is approximately £18 billion a year. So, if we can improve rehabilitation in our prisons and in our probation service, that will cut crime and cut cost.

Just before I close, I will quickly mention additional ways where I believe victims could be helped by legislation. One such way would be to change the rules on sharing data between the police and the Crown Prosecution Service. At the moment, police officers waste untold hours redacting information before it is sent to the CPS for review. I am not talking about disclosure at a later stage; I am talking about that very first stage. Although the Attorney General's office has provided helpful advice and guidance to police forces, which should reduce the workload somewhat—it is showing some signs of doing

[Rob Butler]

so—I am definitely still hearing feedback that there is the potential for the Government to go further and scrap what is an unnecessary administrative burden. That would mean more time for police to do what they do best: catch criminals and help victims get justice.

To conclude, the Bill is extremely welcome. It makes it absolutely clear that victims are being taken more seriously than ever before. I look forward to contributing further as it passes through this House.

7 pm

Kim Leadbeater (Batley and Spenningsdale) (Lab): I am pleased that we are finally debating the long-awaited victims Bill today. Since I was elected almost two years ago, the victims Bill has been just one of a very long list of so-called Government priorities that have been delayed and delayed. That delay has meant thousands of victims will not have received the support or exercised the rights they should have been able to. As we have heard from across the House, the Government have come forward with a Bill that is only half-baked. What has taken them so long to produce such a flimsy Bill that will not, in its current form, deliver its stated aims?

First, why have the Government not included victims of one of the most damaging and victim-centred issues faced by so many people every day: antisocial behaviour? In Batley and Spenningsdale we have seen, as is the case in many other communities across the country, huge spikes in antisocial behaviour in recent years. Whether it is inconsiderate or dangerous parking, modified motorbikes screeching through neighbourhoods at all hours, abuse directed at bus drivers and shopkeepers, setting off fireworks or fires, the vandalising of community facilities or fly-tipping, all of which the Government somehow treat as low-level nuisances, these are the things that are blighting our communities and terrifying residents. They are increasingly unaddressed and out of control, with little or no support for those affected.

In the current Bill, victims of those behaviours are not recognised. They are not given the same rights as other victims and they will continue not to be taken seriously in the criminal justice system. Without treating antisocial behaviour with the seriousness it needs, our communities, including Batley and Spenningsdale, will continue to see the increase in lawlessness that is damaging our towns, villages and neighbourhoods. We cannot underestimate the impact of this so-called low-level activity. It damages property and terrifies people, and it means that residents feel afraid to walk their streets alone. They are certainly not seeing any justice that reassures them their neighbourhood is safe and, as my constituents tell me, there is nothing low level about that. I therefore strongly urge the Government to reconsider their approach to antisocial behaviour in the Bill, and recognise the damage it does to people and communities across the country.

Secondly, as has been discussed, the Bill does not have the teeth to deliver meaningful change. As the Justice Committee set out in its report, simply stating the victims code in legislation will not by itself ensure that victims receive the justice they deserve. Where are the measures to ensure that victims are aware of their rights? Who is checking that police forces and the CPS are carefully going through the victims code with victims to ensure they take up all the measures available to

them? And, most importantly, where is the resourcing to give police forces the staff and time they will require to afford each case the attention it deserves?

I am very fortunate to have a strong working relationship with West Yorkshire police, and in particular the Batley and Spenningsdale neighbourhood policing team. Of the cases we discuss, the major barrier to ensuring that victims are supported, involved in the process and able to see justice being delivered is not legislation, but police time and resources. And let us remember that the new police officers that the Government like to boast about barely replace the police officers we have lost over the last 13 years. So until we properly resource our police forces, this legislation will be unable to function in the way the Government hope it will.

Finally, I would like to discuss victims of domestic abuse and rape. Victims of these crimes are perhaps the most let down by the criminal justice system. Less than 1% of reported rapes lead to a conviction. That is a horrifying statistic that should alarm us all. Colleagues will have seen the open letter sent to the Justice Secretary by the charity Rape Crisis and Charlie Webster, who, along with her friend Katie, was a teenage victim of sexual abuse over many years. Katie, as has been referred to already, tragically went on to take her own life. On the radio today, Charlie spoke about the disconnect between victims, the justice system and the Government. Jayne Butler, the CEO of Rape Crisis, said:

“I want to see a Victims Bill that gives victims and survivors what Katie and Charlie never had. If the government truly wishes to make a difference with this bill, it must provide the funding needed to support it.”

The demand for the services of Rape Crisis has gone up by 38% in the last year. Without the resourcing and wider reform of the criminal justice system, the Bill will prove meaningless. Without providing any new funding for victim support services, the Bill will fail to deliver meaningful change for survivors of domestic abuse, as the charity Refuge has stated. Independent domestic violence advisers and independent sexual violence advisers are fantastic, but I share the concerns of others on the importance of solidifying those positions and ensuring consistency of provision across the country.

Furthermore, I agree that it is horrifying that a victim's counselling notes can be accessed to form part of a defence if a case of rape does go to trial. That should not be acceptable in any circumstances. It undermines the aims of the Bill to protect victims and it may well lead to a decrease in the reporting of cases of rape, which is already shockingly low. I will therefore be supporting amendments in Committee to address that and to provide victims with the protections they need in the criminal justice system.

In conclusion, I am pleased that we finally have before us a framework that can be built on to ensure that victims receive the rights and protections they deserve. However, in its current state the Bill is too flimsy, excludes too many victims and fails to address the underlying issue in our criminal justice system: the underfunding and under-resourcing of our police forces and courts system. I therefore urge Members to back our amendments in Committee to strengthen the Bill, which has the potential to deliver the long-overdue, meaningful change that victims of crime deserve.

7.7 pm

Kate Kniveton (Burton) (Con): I rise to speak in support of the Bill. I welcome the Government's commitment to improving support and services for victims and survivors of domestic abuse. I want to speak in relation to part 1, and specifically how it affects those who have been victims of those crimes.

The impact of domestic abuse is staggering. I know what affect it had on my own life. Nationally, in the last year alone, over 2 million people were affected by domestic abuse and every year more than 100 people are killed as a result of it. However, despite those grim statistics, support for victims of domestic abuse remains inconsistent and often unavailable, particularly for those facing multiple disadvantages. Being in an abusive relationship is a terrifying and lonely place, and it is not easy to ask for help. The mapping work conducted by the Domestic Abuse Commissioner's office shows us that there is much more to do to ensure that survivors receive the support and care they need and want.

The Government have taken important steps to improve our response to domestic abuse and I welcome that the Bill will put the principles of the victims code into law, but we need to ensure that the available support is what victims want and need. So much of this is crisis-related, and of course getting people to safety is hugely important, but what about after that? When the survivors of domestic abuse are often left traumatised and financially and emotionally broken, where is the counselling? What about the advocates to help them protect their children from their abusers, and battle through the endless challenges where they must recount their experiences time and again?

Even for those survivors who want to access some form of community-based service that is currently available, fewer than half have been able to access the support they want. Only 35% find it straightforward to access this help. The findings in the Domestic Abuse Commissioner's report, "A Patchwork of Provision", make for stark reading, and I urge all Members to read it. Surely we can do better than this. We have made great progress under this Government, but I hope that we can push to help more people access the support that they need.

It is very clear that the specialist domestic abuse sector is stretched and underfunded. If we are serious about wanting to make tangible changes for victims, we need to invest more in community-based support services to help those services provide that support. The economic case is clear: Women's Aid find that investing a minimum of £427 million per year to fund specialist domestic abuse services across England could save the public purse as much as £23 billion a year.

However, it is not just the support available to victims that is the problem; there must be fundamental change in our criminal justice process to support victims of rape and sexual abuse. Five out of six women who are raped do not report it, and for men, it is four out of five. Knowing how poor our justice outcomes are for survivors, why would anyone choose to put themselves through this level of intense scrutiny and have their credibility called into question when the chance of prosecution is so low? It takes tremendous bravery and courage to do this, and it is hard to even begin to think about it when a victim's initial focus is on the immediate safety and wellbeing of their family. Victims and survivors must

have access to specialist legal advice and representation to support them to ensure that their rights are not undermined and disregarded.

In closing, I welcome this important Bill but urge the Government to recognise the urgent need for increased investment in services that support survivors of domestic abuse. It is imperative that we provide comprehensive and accessible resources to empower those affected by these crimes, ensuring their safety. If the necessary funding is not available then perhaps we need to explore alternative avenues, such as pursuing financial penalties against those found guilty of abusive and violent behaviour. If we hold perpetrators to account for their actions through both legal and financial means, we send a strong message that domestic abuse and violence will not be tolerated in our society, and that the Government truly are on the side of victims.

7.12 pm

Sarah Champion (Rotherham) (Lab): In 2013, I first met Claire Waxman. She is now the Victims' Commissioner for London, but then she was a survivor looking to bring forward a victims Bill. She did this to prevent the horror that she went through befalling any other survivor, and I pay huge credit to her for doing that. She worked at the time with Elfyn Llwyd, the former Plaid Cymru MP—having stumbled over his name, I will not even attempt to pronounce his constituency. He first brought this forward as a ten-minute rule Bill in 2014. In 2015, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) presented it as a private Member's Bill, which was then, rightly, adopted by the then Government.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I am grateful for the opportunity to name my predecessor, Elfyn Llwyd, who was very successful in bringing through the legislation. He worked closely with Harry Fletcher, who was formerly the assistant general secretary of NAPO, and Members from all parties across the House to that effect.

Sarah Champion: I am very grateful to the right hon. Lady for putting that on the record and naming the former right hon. Gentleman, which I made such a poor attempt of doing.

I raised the private Member's Bill because it was adopted by the Government eight years ago. This Bill is eight years in the making, and yet, despite endless consultations and excellent pre-legislative scrutiny, the Government have still failed to produce legislation that will genuinely improve victims' experiences within, and external to, the criminal justice system. It pains me, as I know it does Members across the House, that this could be a missed opportunity.

I pay tribute to the civil servants and, indeed, the Minister for all their work on the victims code. That is what the Bill effectively makes statute. Its aim is to improve the support for victims and enshrine their rights into law. I pay huge credit to all the victims, the survivors, the charities and the campaigners for shining a spotlight on the inequalities in our current justice system. It is because of them that we are here today.

Not only does the Bill lack the teeth needed to enforce those rights, but, perversely—I use that word deliberately—the scope has been broadened to include prisoners'

[Sarah Champion]

release and give sweeping powers to the Secretary of State, raising human rights concerns, especially as we found out today that those provisions have not been properly consulted on or scrutinised. Personally, I find it an insult to victims and survivors that their one opportunity to have a Bill recognising the inequalities and hurdles that they face has been saddled together, in perpetuity, with the persecutors—the very people who made them victims. That sticks in my throat. I also find it challenging that the Government feel safe to put forward financial considerations for those prisoners—those perpetrators—but there is no money in the Bill to meet the needs of the victims. I really hope that the Minister is able to change that. I hope that that is an oversight, because it cannot be otherwise, so let us change that.

I am concerned that the addition of prisoners will minimise the much-needed attention that we have to give to strengthening the measures relating to victims and their needs. What is more, this comes at a time when the role of the Victims' Commissioner remains vacant. The role is vital for providing a voice for victims across the country, yet the Government have not replaced Dame Vera Baird since September, leaving a huge gap in the scrutiny of this Bill.

Let me focus on some of the positives. I am grateful—genuinely grateful—that the Bill has finally been introduced. I am delighted that the Minister has today announced that new measures will be added to the Bill to tackle police requests for unnecessary and disproportionate third-party material. This is particularly common for rape and sexual assault victims, including the constituent whose counselling notes were investigated by the police and shared with the prosecution and defence teams. That approach perpetuates a culture of victim blaming and re-traumatises victims, resulting in even more cases dropping out of the system at a time when we need to see many more being brought.

I thank my constituent wholeheartedly for her work on that and congratulate Rape Crisis England and Wales on all its excellent campaigning to get the issue addressed. We must now ensure that the amendment to the Bill goes far enough to create a presumption against the use of that type of material and rebuilds victims' trust in the criminal justice system.

It is particularly welcome that there is progress on the definition of a victim in the Bill and I thank the Justice Committee for all its work on that. I also take this moment to acknowledge the extraordinary work of my former constituent, Sammy Woodhouse. Her dedication has led to the recognition of children born of rape as victims in this legislation. That is a huge difference and significant progress. We must all applaud her and others who brought that forward.

However, the definition of a victim in the Bill is limited to those who engage with the justice system, which means that the majority of victims of crime are not covered by the legislation. The Government's "Tackling Child Sexual Abuse Strategy" in 2021 noted that only 7% of victims and survivors informed the police at the time of the offence, and only 18% told the police at any time—they would not be included in the Bill. The most recent crime survey for England and Wales reported that only 41% of crime is reported to the police at all—those victims would not be covered in the Bill. The Bill excludes victims who have not reported their perpetrator,

or who choose not to report their perpetrator, or whose case has not yet received a charge or conviction. Not least, it would exclude the majority of victims of antisocial behaviour. I ask the Minister to look again at ensuring that all victims can access the support they need, when they need it, no matter the context they face.

My overarching concern with the Bill is the severe lack of accountability and consequence if the victims code is not followed. Victim Support found that as many as six in 10 victims do not currently receive their rights under the victims code. Systemic issues are causing a lack of implementation. I ask the Minister to consider what measures in the Bill will make the code any more enforceable than it already is—because at the moment there is no enforcement. How will the Government ensure that victims are aware of the code and able to challenge non-compliance with it?

Reviews of compliance with the code by elected local police bodies are a step in the right direction but, again, there are no consequences if the code is not being upheld. We must also ensure that that mechanism does not deepen pre-existing regional inequalities. We need to see measures in the Bill to ensure effective monitoring of how well all victims' rights are being upheld.

There is overwhelming consensus from charities, including the National Society for the Prevention of Cruelty to Children and Women's Aid, that a national oversight mechanism must be established to monitor the commissioning of support services, particularly for those with protected characteristics. It is also vital that staff at criminal justice agencies are trained to have an in-depth understanding of the victims code.

The introduction of the definition of child sexual exploitation has been transformational for policing, support services and the courts. We now need to see the same for adult sexual exploitation and child criminal exploitation, to ensure that victims can be identified and supported rather than criminalised.

Clause 12 introduces a duty to collaborate on victim support, which is welcome, but it could go much further. I join the London Victims' Commissioner and the Domestic Abuse Commissioner in calling for a joint strategic needs assessment and a duty to meet victims' needs under the assessment, with the necessary funding being provided. The measures must also ensure that agencies are joined up, so that victims are aware of any parole decisions—unlike the experience of many of my constituents of bumping into their perpetrators in the community, having not been formally informed of their release.

I will give the House two examples, both of which happened within the last 18 months and within six months of each other. Two survivors of multiple child rape found out by accident that their abusers had been given the right to go to open prison and the right to come home at weekends. They had no opportunity to give a victim statement in the parole hearings, there was no safeguarding and there were no support systems in place for them. All I got, when I had to raise it on the Floor of this House because I could not get any other attention to it, was two written apologies and being told, "Oops, the system failed them." Yes, we know—but it should not have, and there should be consequences for that.

Furthermore, charities are concerned that clause 12 does not include funding to resource the duty to collaborate and that it may place additional burdens on existing

staff. Will the Minister please confirm funding for the specific co-ordinated roles to enable clause 12 to be effective?

The Bill is an opportunity to be ambitious about victim support, particularly for children, and it must provide a direction and core aims for the collaboration between those agencies. There are currently too many faults with the criminal justice system that are letting victims down. The Bill must also embed independent legal advice for victims, so that they can have support to understand and challenge disclosure decisions.

Clause 15 on ISVA and IDVA guidance is welcome, but Women's Aid states that defining solely those roles risks creating a one-size-fits-all approach to victims' needs. We also need to provide explicit guidance on community-based support services, especially for domestic violence, as well as on the vital roles of stalking advocates and children's independent sexual violence advisers, or CHISVAs. The Suzy Lamplugh Trust has shown that stalking victims who were not supported by advocates had a one in 1,000 chance of their perpetrator's being convicted, compared with one in four if they had a stalking advocate.

The Minister is aware that I desperately want to see the issue of registered sex offenders changing their names, without the knowledge of the police, being addressed. I thank the hon. Member for Torbay (Kevin Foster) for raising that matter earlier. He was the first Minister that I discussed it with when he was Immigration Minister, because offenders are changing their names and then getting a clean passport and clean driver's licence, so they can then get a clean Disclosure and Barring Service check. I thank him for raising that again. That loophole causes irreparable harm to victims and survivors, and further harm to others by allowing those offenders to reoffend. It makes a mockery of our identity-based safeguarding system. We need to see that loophole closed. I know the Minister agrees with me, so I ask him to work with us on that, please.

Finally, I am disappointed that the Government delayed their response to the Independent Inquiry into Child Sexual Abuse. I urge the Minister to tell us in his speech when the final Government response will be published, as this Bill provides the perfect opportunity to adopt its recommendations into law. I will be tabling amendments to ensure that all those gaps and failures are addressed; I hope to work with the Ministers and those on the shadow Front Bench in a cross-party way to put victims' rights, voices and best interests at the heart of the Bill. This is not about politics; it is about fixing a broken system so that victims and survivors are not let down again.

7.25 pm

Mark Fletcher (Bolsover) (Con): It is a pleasure to follow the hon. Member for Rotherham (Sarah Champion) and indeed to follow my hon. Friend the Member for Burton (Kate Kniveton). We have heard some outstanding speeches in this debate on a huge range of issues, but for someone to speak of their own personal experiences of the criminal justice system, to try to empower others and to recreate that system so that it is better for other victims, is an incredibly difficult thing to do. To do so without losing her emotions takes great strength, so I pay tribute to my colleague, and I am very proud to be

sat alongside her. I am sure there are many other people in this House and across the country who pay tribute to her for what she has said, for all she has been through and for how brilliantly she handles herself.

The speeches in this debate have been fantastic on a whole range of issues. I think the general emphasis is that this Bill is a welcome step in the right direction. My hon. Friend the Member for Aylesbury (Rob Butler) outlined why enshrining the victims code in law is such an important aspect of the Bill. He did a great job of setting that out, so I will not try to repeat it.

I will, however, step back and say that the criminal justice system is a multifaceted beast that many people struggle to understand at the best of times, and when someone's experience of it is difficult or not optimal, it can be incredibly disheartening. We have touched in a roundabout way in this debate on what it feels like to be a victim, but I am not sure we have really got to the heart of the strength it takes for someone to step forward and talk about what has happened to them, how difficult it is to repeat their experiences over and over again, or the strength that it takes to pursue justice.

I think that we have to see that in the broader scheme of things. We must entirely uphold innocent until proven guilty and maintain that central tenet of our legal system—something that is increasingly difficult in an age in which we are so connected and can comment on everything so quickly, through social media or just in passing. Equally, however, we need a criminal justice system that puts individuals at its heart. Those who have been victims need to be heard and to feel that they have faith in that system and that that system has faith in them.

The various statements, urgent questions and scandals we have sat through in this House, involving the Metropolitan police and others, are incredibly disheartening for many people sitting at home. It is also disheartening for many Members of this House. It is a blow to the criminal justice system when people in my own communities across the Bolsover constituency complain about not seeing police, or are victims of antisocial behaviour and low-level crime, and do not feel that the police take them seriously. That is a blow to the criminal justice system. When the papers report that sentences do not seem proportionate to the crimes committed, that is a blow to the criminal justice system and our faith in it. For those who go through the criminal justice system as victims, the level of bureaucracy and the impersonal nature of that process can so often be a blow to the criminal justice system and our faith in it.

It is nice to be standing here today putting victims forward and rebalancing the criminal justice system in favour of those whom it is meant to serve. A frustration for so many of us in this House is that it feels as if prisoners have a huge number of rights and are protected in many ways. Victims are often seen as almost inconvenient witnesses in the system, rather than the people against whom crimes have been committed.

The other bit that has so often caused an issue with the criminal justice system and our faith in it is the premature release of prisoners—that has been such a blow. Again, the Bill takes some welcome steps on the parole system. I disagree mildly with the hon. Member for Rotherham about combining the two things. I am not sure that victims of what we class “top-tier crimes” will find it difficult that there is now ministerial oversight

[Mark Fletcher]

of the potential release of prisoners. I think that, rather than combining the two, that would actually be a strength for victims, but I am sure that we will disagree over a cup of coffee at some other point.

Before I move on to the parole changes, I will mention covid-19, which undoubtedly had a huge impact on so many elements of our public services, particularly the health service. The criminal justice system certainly felt the impact of covid in a big way—not being able to gather in large groups obviously affected it—and we have explored the many ways in which we can try to catch up on the backlog. I do not think that it is fair to say that the system is continuing to fail; there has been a great effort to try to catch up on that backlog. I welcome the changes to the parole system, particularly in the release tests and the right to apply to attend a parole hearing, which is an important step—I am almost staggered that it was not there before.

The general theme of the speeches today has been that this is a good start but we could and probably should go further, so I suspect the Minister will be somewhat busy when the Bill reaches Committee. I agree entirely with my hon. Friend the Member for Torbay (Kevin Foster) about the need for an individual approach to victims, not a tick-box approach—that is incredibly important. We should not see this as a one-size-fits-all approach. I agree with my right hon. Friend the Member for Witham (Priti Patel) about antisocial behaviour, which is the scourge of so many working-class communities. To feel scared in your own home is a horrible experience; to feel like the streets are not yours is a horrible experience. Those people are victims and should be recognised as such. Ahead of the debate, I read the Victim Support briefing, which calls for the Bill to recognise victims of persistent antisocial behaviour. I strongly agree.

The Minister will have anticipated my next point—mostly because it has already been mentioned. I did not arrange for my hon. Friend the Member for Torbay and my right hon. Friend the Member for North East Hampshire (Mr Jayawardena) to mention my ten-minute rule Bill on banning sex offenders from changing their names, but I had a decent bet on the hon. Member for Rotherham mentioning it. I may have pushed the stalking laws to their limits as I have followed the Minister around the estate for the past few weeks trying to persuade him that such a measure needs to be included in this Bill. He has been incredibly patient, as have Home Office Ministers.

My main reading ahead of the debate was “Trapped”, a book by a remarkable woman called Della Wright, whom the hon. Member for Rotherham and I have met. Della was here in the House of Commons last Thursday. She has worked alongside the Safeguarding Alliance, and has waived her right to anonymity so that she can campaign for what we have now dubbed “Della’s law”. If the Minister reads “Trapped”—I have already given a copy to the Minister for Safeguarding, and I am happy to purchase him a copy as well—he will see what it is like to be a victim when the system simply does not work for you. There are so many disheartening moments in that book. I think that every single Member of this House hates it when systems do not work for our constituents. So often, that is the point at which only their Member of Parliament is left to assist them.

Unfortunately, Della’s case is one of being failed for years and years, but she still has the strength to pursue justice. She talks throughout the last few chapters of the book about her experience of trying to go through the court process when she does not feel believed; when she gets notices of something happening at the last minute; when she simply does not understand what is happening with her case and how disheartening that is. Ultimately, the thing that drives her work now, and that will give her a sense of justice, is ensuring that sex offenders do not have the right to change their name. My hon. Friend the Member for Torbay outlined how easy that is for them to do, and the hon. Member for Rotherham and I have made the same argument on a number of occasions. The perverse thing is that Della’s case was delayed in going to court because her offender, who was already in prison, changed his name. That meant that all of the documents for the case were in the wrong name, so Della had to relive the same experience six months later. It cannot be right that victims are failed in that way.

I was drawn to clauses 48 to 50, which prevent prisoners serving a whole-life sentence from marrying in prison. I thought to myself, “That is a proportionate response to a select group of people.” It sounds ever so much like the argument that I made in my ten-minute rule Bill earlier this year: that those who are on the sex offenders register should not be allowed to change their names. That is in the victims’ interests and it is proportionate, and it would be deserved even if it were only for Della, but there are hundreds if not thousands of victims up and down the country who have suffered because of that issue.

I say to the Minister that the Bill is a massive step in the right direction. It is absolutely right that we recognise victims, give them more support and enshrine those rights in legislation, but there is room for improvement, and although I am not sure that the criminal justice system can be fixed overnight simply by legislating, a wider cultural change is absolutely necessary.

7.38 pm

Stella Creasy (Walthamstow) (Lab/Co-op): It is a genuine pleasure to take part in the debate, which is increasingly becoming an example of this place at its best. We are all sharing our own experiences and concerns. I pay particular tribute to the hon. Member for Burton (Kate Kniveton); to the esteemed expert, my hon. Friend the Member for Rotherham (Sarah Champion); to my hon. Friends the Members for Poplar and Limehouse (Apsana Begum) and for Birmingham, Yardley (Jess Phillips), who are no longer in their places; and to the hon. Member for Bolsover (Mark Fletcher), who spoke before me.

We all bring with us a determination because, having waited so long for a piece of legislation that was explicitly about victims and their experiences, we really want to get it right. After all, for many of us, that is our day-to-day work as MPs. We all remember the first time that we read those emails, had that phone call or met that resident, and the meetings in which you feel a burning sense of injustice by the end of the conversation—tears flow, and you and your team need to take some time out to recover from what you have heard. It is privilege to meet the people we meet as MPs, because we cannot understand how they have been able to carry on, let alone champion such causes.

I have to say I was a little frustrated by some of the earlier conversation. It felt so much—I hesitate to use this phrase—like victim blaming, because we talk about wanting victims to fit our systems. The victims I have had the privilege to work with as an MP for 13 years are no wallflowers; they are people who have been wronged, and they need to be recognised as people who have none the less done their damndest to speak up for themselves or for somebody they love who has had a traumatic experience. I agree with the hon. Member for Bolsover about the Casey report, and I fear there are issues within the CPS too. Therefore, when we look at this legislation, we are looking not to find ways to make more victims come forward, but to recognise that, for too long, the systems and institutions we had set up supposedly to speak for these people have been found wanting, and they need to change.

Let me try to add something different to the Minister's inbox, although I agree with many of the points that have been raised cross-party. I agree with my hon. Friend the Member for Rotherham that this is absolutely a cross-party thing. I want to raise five points—I know that a list of five might seem frightening, but I promise to be quick—about what it is to be a victim; when something happens to a family member overseas; third-party harassment; the legal rights of victims; and the issue of IDVAs, ISVAs and advocates more generally.

Let me start with the concept of what a victim is. The Minister is hearing loud and clear from many of us our concern that setting out that a victim is only somebody who engages with the justice system might make sense in a process way, but it does not make sense in a person way—it does not make sense for the people we deal with. It would preclude people who experience antisocial behaviour, which is a blight on the lives of everybody in our communities. That often fills up a huge amount of our inboxes, and understandably so, as people tear their hair out over the fact that behaviour that stops them living their lives is not being addressed.

Another area where we need to be clearer about victims and victimisation is what happens when traumatic events happen to communities, and I note that we are recognising that now in the concept of a public advocate. We are long overdue a public advocate, and I pay tribute again to my right hon. Friend the Member for Garston and Halewood (Maria Eagle), who is not here, for what she said; it was incredibly powerful, and it is absolutely right that we have public advocates. If we recognise that the trauma that comes from a severe crime can ripple through somewhere, it is right that we do not say that it is only when people speak up that we recognise that impact.

In my community, four people were raped—one of them was murdered—and I think about the impact that that had on the community. We fought for eight years for justice for Michelle Samaraweera. Her killer was not found until we fought and fought for him to be brought back from India. I think about the community at Kelmscott school, which lost one of its 16-year-old members 10 days ago. That community is grieving and traumatised, and we need to get it help and support. That is something we want to be able to build in from the start, because it helps the investigative process, but it also helps to address what has happened. That is absolutely critical.

It is absolutely welcome that we have talked about an advocate in major investigations, but there is a risk that we end up with a very narrow definition of a victim

within a local community, which would be to the detriment of understanding how crimes affect people. I am pleased the Secretary of State said he would sit down with me and some of the campaigners and others working with the traumatised, victimised communities dealing with this epidemic of youth violence. There is merit, particularly when we are talking about serious harm, in taking a victim-led approach and in understanding that communities can be victims of crimes and how that might then influence the work we do.

The second area I would urge the Minister to think again about and that I would add to his inbox is when people are victims of crimes overseas and particularly when murders happen overseas. I have a phenomenal woman in my community called Sharon Matthews, whose beautiful son Tyrell was murdered brutally in Malia in 2013. We are still seeking to secure justice against the killers, and I can say “killers” because they were convicted in a Greek court, although they are here in the United Kingdom and have reoffended, so another family have lost a family member. Sharon faced a system that did not understand how to help her, and anybody who has ever dealt with a case involving someone who has been murdered or faced serious violence overseas, whether or not they were on holiday, will know how frustrating it is to deal with a different legal system and about the importance or otherwise of the victim in different jurisdictions. They will also know that that inconsistency is an injustice.

Let me be clear about some of the challenges that we have faced in supporting Sharon and her family through this. There was the idea that there would be a cap on the financial support available to the family. If someone is trying to get over to a foreign country to be at a trial, that is clearly a problem. There was no support for the witnesses to travel and give evidence. There was no support for us when we were trying to get video evidence involved to manage the costs. There was a horrific situation last year when, yet again in a retrial situation, the victim's family and the witnesses were in the same hotel as the perpetrators' families—clearly, a high-risk scenario. *[Interruption.]* I see that the hon. Member for Bolsover is shocked. Nobody was thinking about that family as victims, because this had all happened out of sight.

The victim in this instance was British, as are the perpetrators. A wider challenge for me in looking at the legislation is how we hold the police and the CPS to account when things to do with overseas violence lead to a possible risk here in the UK. Sharon's case has been an absolute testament to her, as a mother, turning her grief into a determination to achieve justice for Tyrell, and she will always have my support in that fight.

I am absolutely shocked at how victims of crimes are treated. At one point Sharon was told she was not the victim, because the victim was Tyrell and therefore she was not entitled to any support. We have to change that because, sadly, this is an increasingly common experience. She got a letter—my hon. Friend the Member for Rotherham touched on something similar—from the court saying that her son's killer had been allowed to go on holiday, even though he had been convicted of a knife crime. Because they had decided to suspend his sentence for two weeks he could go on that lovely holiday, where he was then part of killing Tyrell. That is just one chink of the injustice that she has faced simply

[Stella Creasy]

because the crime took place overseas. Again, the victims code and Victim's Commissioner need to understand these issues.

The third issue I want to raise is third-party harassment—I have recently experienced this myself—and organisations using third-party organisations to harass victims of crime. We see this particularly in domestic abuse courts. We see this with the family courts. My hon. Friends the Members for Poplar and Limehouse and for Birmingham, Yardley powerfully set out the need to act. The idea that somebody would kill the mother of their children and then have access is incredible. It does not have to be about death. If we prove that someone is involved in domestic abuse, this does not have to go through other courts, so that they can be re-victimised time and time again through third-party organisations.

My own experience was with the use of social services to try to target and harass. Again, that is a loophole where there is no criminal offence that can be used to protect safeguarding and make sure that we stop those people who use these institutions to try and target people, or indeed to join up those experiences. When I challenged the police about my experience and the fact that they wanted to use a community resolution, I was told that it would be nice if, as a victim, I agreed with what they wanted to do, but it did not matter. There has to be a process whereby the victim's voice is heard, and heard loudly, and that voice must be supported wherever a perpetrator might use a different institution to cause harm, particularly if they use third-party institutions for malice.

Fourthly, there is the issue of legal protections. It is a welcome win to recognise that asking for someone's medical records should be allowed only in very exceptional, very specific circumstances. At this point, I would not be doing her justice if I did not call for Claire Waxman not only to be recognised as the Victims' Commissioner but, frankly, to be knighted for the work she has done. She shows so clearly the power of having somebody to hold organisations to account, but she has found that extremely frustrating. Her own work on compliance showed that only 11% of victims were being made aware of their right to criminal injury compensation, and only 25% knew of the victims code at all. Claire's work shows us powerfully why this cannot just be about the idea that, somehow, sunlight is a disinfectant—that, somehow, if we publish data about who is not supporting victims and who is not doing what we would ask of them—that will be enough to lead to change. The honest truth is that we have had the evidence—indeed, MPs' casework provides the evidence.

We have all dealt with these challenges for years and years. So I join others in this place in asking Ministers to go further and to give teeth to this legislation, and not just to have publications. They should bring back the independent victims champions and make them a requirement for all police and crime commissioners, as Claire has so powerfully advocated, but also give those agencies real powers to hold people to account not just in a generic sense but in a specific sense. The sad truth is that we know how difficult that will be even if there are powers.

We have to give the Victims' Commissioners the ability to do something. There have to be legally defined rights. There has to be a system to tackle non-compliance

that goes further than just a spreadsheet and a dataset. We are all sick of seeing those letters of apology and of having those meetings where people say, "Let us try to learn the lessons", when we can see those lessons happening time and time again.

Finally, I join everybody who is a fan of what IDVAs and ISVAs can do, and I have seen it in many cases. Sadly, she is not in her place, but I wish to draw something to the attention of the right hon. Member for Basingstoke (Dame Maria Miller). I am pleased for her that she has such coverage of IDVAs and ISVAs, but the SafeLives survey shows that in only 74% of areas in this country do we have enough people doing those roles. I agree that we risk inadvertently restricting what they can cover. I pay tribute to and thank Laura Richards, who did huge amounts of work bringing forward the domestic abuse, stalking and harassment risk assessment and making the arguments around stalking and the stalking register. We need to go much further in understanding how that crime is being prosecuted.

IDVAs and ISVAs show the role of direct day-to-day advocacy, particularly when dealing with a crime where there are vulnerable people. I ask the Minister to think about this. When it comes to violence outside the home and people at risk of gang violence, we have seen how difficult it is to get people to be able to give evidence and to come forward. The lesson from IDVAs and ISVAs is that we should be rolling out systems of advocacy to help those vulnerable victims and to give people someone to guide them through that process on a range of crimes. We are dealing with an epidemic of youth crime. I can think of many cases in my local community where witnesses and victims have been terrified to come forward and terrified to go to court. They are often seen as potential perpetrators in their own right and not given that advocacy. I urge the Minister, rather than restricting what role an IDVA or ISVA plays, to think about independent advocates generally and how we might be able to use them to make sure that we get the prosecutions, the support for courts and the joining up of services that people need.

I also put on record my support for what was said by the hon. Member for Gosport (Dame Caroline Dinenage). I note that the Corston review was in 2007. That gave us huge lessons about what we could do to reform prisons to support the very few women in prisons and to deal with the issues that might lead to women ending up in prisons. That review is long overdue implementation. I also support what the right hon. Member for Basingstoke said about NDAs.

There is so much here that could be done, because there is so much that needs to be done. I hope that the Minister will take in good spirit many of us adding to his inbox and wanting to see those things happen. We fear it may not be just another eight or nine years before we get a Bill to get it right; if we do not get this right, there may not be another one within our lifetimes. We have those conversations in our community with those people dealing with crime, those people who are survivors and those people who are grieving, and across this House we owe it to every one of them to do what it takes to get it right. The Minister will have my support if he does that, but he will also have my challenge if he does not.

7.52 pm

Nickie Aiken (Cities of London and Westminster) (Con): Before I start my speech, may I take a moment to pay tribute and respect to Lord Peter Brooke of Sutton Mandeville, who sadly passed away this weekend? Members may know that he was the Member for Cities of London and Westminster for 25 years from 1977 to 2001, and in that time he was a Cabinet Minister in the Thatcher and Major Governments, Northern Ireland Secretary and National Heritage Secretary. I send my condolences to his widow Lindsay and the family.

It is a privilege to speak on Second Reading of the Victims and Prisoners Bill. Victims should and must have confidence in the criminal justice system, from making an allegation to the police investigation, court case, conviction and all the way through to the parole stage. After all, we know that a victim's experience of the criminal justice system does not stop after the perpetrator has been found guilty. I praise the Lord Chancellor and the Minister for listening to victims, survivors and their families and bringing forward this legislation, which enshrines victims' rights in law.

Rightly, part 1 of the Bill seeks to improve positive outcomes and provide that much needed support for victims at every level. As it stands, it does that by enshrining the key principles underpinning the victims code in law, simplifying support during and after the criminal justice system process, strengthening the Victims' Commissioner's role and introducing a joint statutory duty on PCCs, integrated care boards and local authorities to work together when commissioning support services for victims of domestic abuse, sexual abuse and other serious violence.

Those things are all welcome, but I gently ask the Minister to consider what survivors such as the broadcaster Charlie Webster and the London's victims' commissioner Claire Waxman are highlighting, specifically their campaign to give teeth to the victims code and ensure that there are proper resources in place for survivors and those supporting them. The Minister will remember from when he and I sat in Westminster City Council's cabinet—he in charge of adult social services; me in charge of children's social services—that Governments are very good at providing local authorities with statutory duties, but it is important that funding comes with that. The Victims and Prisoners Bill will strengthen the defined rights to drive the cultural change needed to improve the treatment of victims in the criminal justice system.

I have read the letter that Charlie has written to the Secretary of State, which highlights the death of her very close friend Katie, the victim of sexual abuse. I pay tribute to the work that Charlie has done in this arena. Charlie is a constituent of mine, and I first met her when we were both volunteering during the covid pandemic. She told me about her experience as a victim of domestic abuse and sexual abuse, and I was proud to sit on the Domestic Abuse Bill Committee and see through an amendment for which she had lobbied—those who know Charlie will know she is very good at lobbying—to ensure that children were included as victims of domestic abuse.

Charlie's letter and Claire Waxman's campaign show that this is evidence-led legislation responding to the lived experience of victims. It gives legally enforceable rights to justice and support. With their personal understanding, they know the needs and requirements

to improve the system. As the Bill progresses through Parliament, will the Minister or the Secretary of State meet me and Charlie to hear more about her experience and her campaign, which makes some astute recommendations regarding long-term funding for victim support services?

I turn briefly to part 2 of the Bill. Expanding provisions for support to those affected by major incidents is welcome. Many colleagues in the Chamber today have highlighted the horrendous experiences of the Hillsborough victims and families. My constituency, the Cities of London and Westminster, has sadly through the years seen its own share of major incidents from the 7/7 bombings, the 2017 Westminster bridge terrorist attack to, most recently, the 2021 Fishmongers' Hall attack. London has hundreds of victims, survivors and their families who have often felt left on the sidelines of support. We had the public inquiry for the Manchester Arena bombings recently, and I found the testimony from many victims and surviving family members moving, and I pay tribute to their bravery. I hope that the Bill reflects on that powerful testimony.

I have a great deal of sympathy with creating an independent and appropriately resourced advocate for victims of major incidents, because when a victim dies, the crime does not die with them. Often if the victim has been killed, it is their surviving family who continue with the lifelong consequences of the perpetrator's actions. It is incredibly important that when we consider victims, we consider the families, too. The same principle applies when we consider parole.

Part 3 of the Bill includes proposals to provide the Justice Secretary with powers regarding granting release to certain individuals who fall into the top tier of serious cases. I note in particular the support of the hon. Member for Birmingham, Yardley (Jess Phillips), my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland) and my right hon. Friend the Member for Witham (Priti Patel) for Carrie Johnson in her campaign to prevent the killer of Joanna Simpson from being allowed his automatic release from prison after serving only half his sentence. When looking to improve the Parole Board process, one group that must not be ignored is the victim's surviving family. I have been struck in researching this Bill by just how many families, like Joanna's mother, Diana Parkes, and her children—have been neglected during the Parole Board process. They should have more of a say, so I welcome the Bill's introduction of the right for families to apply to attend a parole hearing.

I am very aware that this is a complex issue and one that will benefit from debate, but I believe we need to nuance this. After all, no one crime is the same and no one victim's experience is the same, so making sure there is a sympathetic approach, with appropriate powers in place for the Justice Secretary and the Parole Board so that they can deliver for all those affected by a top-tier crime, will be critical to the success of this Bill. That said, I certainly welcome the Bill as a whole and, of course, the measures that will go a significant way to change a victim's experience.

8 pm

Janet Daby (Lewisham East) (Lab): Like the hon. Member for Cities of London and Westminster (Nickie Aiken), I would like to send my condolences to the family of Peter Brooke.

[Janet Daby]

It is a privilege to speak on Second Reading of the Victims and Prisoners Bill. There really is a feeling in this Chamber that is very unfamiliar to me, but also very pleasing, which is the sense of victims needing to be at the forefront of the Bill. I do hope that, in Committee, the significant changes that are needed will indeed be made.

Some 1.5 million violent incidents took place in the year ending March 2022. There has been a fundamental loss of faith in the criminal justice system by victims of rape and sexual abuse. Indeed, five in six women who are raped do not report it, along with four in five men. This Bill really does need to increase victims' confidence, and the confidence of the public, that victims will indeed get justice. Victims from all backgrounds need justice, and I refer to the nine protected characteristics in the Equality Act 2010. In particular, I want to speak about young women, women and people of colour, because they are mainly the people who have spoken to me about their injustice and being victims in these types of situations.

Victims need justice, but they also need emotional support. A victim from my constituency—a woman—was kidnapped at knifepoint and raped well over a year ago, but she is still waiting for therapy. She is also worried about where she is going to be living when the abuser is eventually released from prison. Victims need a holistic sense of support, which includes support from victim support agencies, but also for housing. Although the organisation that supported her, called Athena, was able to offer some initial therapy, it was only for a set period of time and really was not enough, so much more funding and concentration is needed in looking at this.

On prisoners, the prison system is being let down by the Government, and the Government are letting down victims and, indeed, the public. I say this because the Prison Service is in crisis. We know that because prison officers are difficult to recruit and difficult to retain, along with the fact that a dispute about the high pension age is causing prison officers to leave early. Prison officers are doing their best, and I thank them for all the work they do, but the rehabilitation of prisoners is challenging. Because prison officers are not there, training is not able to take place. There are often delays in the reports that need to be done by prison officers, and prisoners are often kept in their cell for up to 22 hours. This needs to change.

Earlier this year, the Justice Committee, of which I am a member, published a report about prisoners struggling to cope with mental health issues. There are various other issues, and I do hope that the Minister will pay close attention to all the Justice Committee's work on prison and prison officers and on victims.

I recently spoke to a young person who was in a young offenders institution. His release date was at the end of January, but his release was delayed because suitable accommodation cannot be found for him. That means he has spent three months longer in the young offenders institution, when he should have been put in accommodation with the public. That is a concern, because how many other young people or prisoners is this happening to, and how many more delays are taking place at a cost to the public purse?

As we know, this Bill is split into three parts. My right hon. Friend the Member for Garston and Halewood (Maria Eagle) spoke with conviction and passion about the public advocate provision. There is really nothing further for me to say on this, but I want to put on the record that the proposed advocate is welcome, but should be fully independent and accountable to families.

On part 1, I support the intention of clauses 1 to 21, because victims must be supported. Another teenager recently shared a horrific story with me. She went to the police station to report a rape, but she was speaking to a male officer, so she already felt self-conscious and intimidated, and it was very difficult conversation. What was even worse was that the police officer went on to ask, "What were you wearing at the time?" It implied it was her fault, and that should not be happening. At all levels of the criminal justice system, we need to make sure that victims are supported in a compassionate, caring and sensitive way, but one that gets the information needed.

The constituent who was kidnapped, raped and threatened with a knife made a statement at the police station, but she was also held at the police counter, and this was deeply traumatising for her and extremely difficult and painful. I therefore support measures to enable victims to escalate complaints about their treatment. However, I am sceptical about how certain measures will work in practice. The Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), set out well the issues with just having a victims code. The victims code needs to be enforced and there need to be consequences. My hon. Friend the Member for Rotherham (Sarah Champion) also mentioned that eloquently.

I would welcome the Government listening to and considering Labour's plan to put victims at the heart of the criminal justice system, such as by offering free legal advice and other advice to rape survivors, along with giving victims of antisocial behaviour a voice. That is a huge issue across our nation, and as we have heard in the Chamber, people who experience antisocial behaviour really need to know they are being viewed as victims and are getting the crucial support they need. I impress on the Government again to look at a holistic approach to victims. They really do need more than just prosecutions; they may need support and services for themselves.

Clauses 46 and 47 provide the Justice Secretary with powers to change the Parole Board rules, and I again refer to the Justice Committee evidence on this. So much that came out was about scrutinising the changes that the Secretary of State for Justice was proposing, and there are real issues coming out of this—not only the cost, but the time this will take—that are very concerning.

The issue of IPP legacy prisoners needs to be addressed, not ignored. No one should be in the state of no hope—it causes mental health issues, self-harm and, indeed, suicide—but that is what many IPP prisoners have felt and experienced.

Finally, we must all treat people how we would wish to be treated—fairly, with respect and with justice. Let us hope that the Government can achieve that with this Bill.

8.8 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I, too, welcome the introduction of this Bill in so far as it enshrines victims' rights in law. Reference has already been made to my predecessor Elfyn Llwyd and the legislation he worked on about stalking and coercive control. I also welcome the move to reduce the material the police may request of victims, although I would bring the House's attention to section 41 of the Youth Justice and Criminal Evidence Act 1999, which said that evidence should be requested only when relevant. We need to be very careful about the detail of what may be requested in case it can still be used by defence lawyers in court in ways that suit them, not the victims.

I am disappointed, if not surprised, to see that the Welsh Government have stated that there has been a lack of consultation by the UK Government prior to the publication of the Bill, even though it appears that the Bill touches on areas of devolved competence. In particular, I suspect that it will interact with legislation such as the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. It most likely will also impact on the approach of commissioning services in Wales, including the Welsh Government's current plans for sustainable commissioning, so I seek an assurance from the Minister that the implications for Welsh legislation and victims in Wales will be given thorough consideration in Committee if that did not happen at pre-legislative scrutiny.

Victims have consistently been overlooked in the justice system in Wales, and this has been exacerbated by the massive programme of court closures in Wales, where over 20 Crown courts and magistrates courts have closed since 2010. This has reduced the ability of victims to get to court, especially in rural parts of Wales where public transport is poor. I am also told that some victims are reluctant to travel to court if they have to use public transport because they then face the possibility of meeting the person who made them victims.

There are, however, examples of good practice of commissioning victims' services in Wales, such as the Goleudy service in the Dyfed-Powys Police force area. It is a holistic victim support service, established by Plaid Cymru police and crime commissioner Dafydd Llywelyn, that offers practical and emotional assistance for victims of crime. However, the fractured nature of commissioning services means that services such as Goleudy are not available to everyone, as provision and access to victim support varies wildly across Wales.

The resignation of Dame Vera Baird, the Victims' Commissioner, last September highlighted how far down the priority list victims have fallen. What she said is significant. She said that the

"downgrading of victims' interests in the Government's priorities, along with the side-lining of the Victims' Commissioner's office...make clear to me that there is nothing to be gained for victims by my staying in post".

It is also worth noting that in April the chief executive for the office of the Victims' Commissioner announced that she, too, would be standing down next month.

The Bill makes specific reference to services in London but is silent on Wales and devolution, despite many of the victim support services being devolved. That cannot be right. Given the comments of the Victims' Commissioner, the lack of engagement with the devolved Government

in Wales on the Bill, and what we already know about the jagged edge of justice in Wales, I believe it is time for us to establish the role and office of a victims' commissioner for Wales to lead on creating a consistent service across Wales and to champion the voice of victims in the changing landscape of legislation and devolution. A victims' commissioner for Wales is vital for linking up victim support services with the justice system and making it accountable to the people of Wales, in co-ordination with services such as health and communities, which are of course already devolved.

The flow of services needs to be streamlined. As Victim Support said in evidence to the Thomas commission on justice in Wales, we must not "re-victimise" victims by telling them they have to tell their story several times over to several agencies. A one-stop shop for victims is similar to the idea of "victim care hubs" as advocated by the Victims' Commissioner for London, and similar to the Goleudy model to which I referred earlier.

The Justice Committee concluded that the draft Victims Bill published by the UK Government would not fully secure the rights of victims, and many of its recommendations have not been adopted by the Government. I urge the Government to revisit some of the Justice Committee's recommendations in its pre-legislative scrutiny of the draft Bill, including recommendations to address sustainable funding for community-based victim support services.

Welsh Women's Aid also told me that the penalties in the Bill for non-compliance with the victims code are toothless, and that clause 5 needs to be reworked with stronger sanctions so that criminal justice agencies are incentivised to uphold the rights of victims.

There are concerns that the Bill's requirement for data sharing between services may put at risk migrant victims whose immigration status is insecure. Wales is a nation of sanctuary and the Bill should acknowledge this. There is also no reference to access to services for those with no recourse to public funds. There is also a lack of direct reference to specialist support available for child witnesses and victims.

Finally, I turn to part 3 of the Bill. The Prison Reform Trust says that part 3 raises significant constitutional questions regarding judicial independence and the UK's compliance with human rights obligations. As co-chair of the justice unions parliamentary group, I also note that Napo, the probation staff union, is against any attempts to undermine the independence of the Parole Board or politicise the decisions of the board.

What the Government could have done with part 3 instead was bring forward changes to parole that would benefit victims and strengthen their rights. I welcome the Government's decision to enable some Parole Board hearings to be held in public from last year onwards, but I urge them to look at the issue again to see what can be done to give victims greater say in the decision to enable a hearing to take place publicly. This is in relation to Rhiannon Bragg of Gwynedd, who campaigned for the parole hearing of her perpetrator to be held in public, only for the chair of the Parole Board for England and Wales to rule that Bragg's perpetrator's mental health issues could be exacerbated by a public hearing. That was after the Ministry of Justice accidentally sent Ms Bragg's stalker intimate details of the anguish he had caused her and her family because of his horrifying actions—it sent her medical details to prison. It should

[Liz Saville Roberts]

be possible for a public hearing to be held if that would be in the interests of the victim, and that could be included in the Bill. The Bill's title puts victims before prisoners, but that is not reflected by Parole Board measures at present.

In conclusion, I support the majority of the Bill's aims, but it must be improved upon to ensure that it is strengthened to cover all victims and support services, and that compliance and enforcement of the victims code is maintained. Overall in Wales we would be better served with our own commissioner and the ability to align services properly, placing victims at the heart of the system, and I will do my best to make sure this place appreciates that Wales has a different legislature and all that implies.

8.16 pm

Rosie Duffield (Canterbury) (Lab): It is a privilege to follow so many great speeches in this debate.

I personally do not love the word "victim": it makes some of us feel as though we have neon signs above our heads, flashing away and marking us out as weak, naive or stupid enough to have ignored the signs that led us to be treated so badly. I wince whenever I read that description of myself, despite knowing that it was not stupidity or weakness and that actually anyone could find themselves in a similar situation.

There are many women who grow up with only this expectation of relationships, not even imagining anything better for themselves. The privilege I had is that I knew that I did not deserve it or had to just accept it—that it was totally wrong and had to stop. Being in this place, having been plucked out of a previously ordinary life of low-paid work, single parenthood and constantly juggling money around, gave me the new tools to recognise that I did not have to put up with living my life in constant fear. I found the confidence and courage to say "No", but before living this extraordinary life I know I would not have done. I would have carried on feeling isolated and invisible, and I know that finding a way out would have been infinitely harder.

As MPs, we regularly meet or hear from non-governmental organisations and charities that centre on victims or deal in the business of domestic abuse, but in ordinary everyday life people living in that situation have to first come to the realisation that their constant fear is not okay. Then they have to decide that it is not okay for them, and then to fully realise and accept that they deserve better. That part is the hardest.

I have colleagues and friends here and professional briefings that reminded me of that constantly. Despite not discussing my own personal home life much, the logos of those NGOs were always in my inbox. MPs wore badges. These issues were talked about and debated, but not in most people's homes. We have to break through to those who need us and make sure as legislators that these processes are as easy and stress-free as we can make them, and currently they absolutely are not.

I know that as MPs we want to encourage all victims to come forward to report rape, domestic abuse or stalking, and we want to reassure them that they will be listened to and helped and justice will be served. But can any Member here today look their constituents in the eye and promise that the current horrendous delays

and the experience of handing over the intimate details of their lives for brutal and crass scrutiny, and to be regurgitated all over newspapers, is going to be worth it?

The Bill comes too late for me. I know that and that is something that I will never be able to do for myself. The prospect is unbearable, frankly. But I have been able to put myself and my life back together, although of course there will always be broken and missing pieces.

The Bill's aims are to be welcomed, but we also need to see real and tangible changes, rather than simply hear a wish list put forward by both sides of the Chamber. We need first and foremost to listen to victims and experts delivering services on the ground, such as the Centre for Women's Justice, Dr Karen Ingala Smith, Aurora New Dawn and many others who have been helping victims for a long time, and who centre women and prioritise their needs. They know as professionals that, as Dr Karen Ingala Smith said:

"A trauma-informed safe space creates space for action and recovery from violence and abuse and places the woman victim-survivor in control and in the centre."

That is why it is essential for women to be able to access recovery spaces free from men. I am afraid that that must also include those who may no longer identify as men, in accordance with the Equality Act 2010. I refer to services such as Beira's Place in Edinburgh.

Women who have experienced rape and male violent abuse will re-experience that trauma in the presence of biological men, whether it is considered kind to say so or not. That must always be something that we can say without fear of being cancelled or essentially constructively dismissed from our roles, whether in the sector or in politics. Likewise, men who have experienced domestic abuse or violence from a female perpetrator must also be able to heal and rebuild their lives in a setting free from women, if that is right for them, and receive specialist care.

Let us please use the Bill to make positive changes to improve the experiences of victims who need protection, support and justice. Let us ensure that it is worth victims coming forward, that they have safe and protective services, spaces and refuges if they need them and that they are not simply having to relive their trauma over and over again.

8.21 pm

Layla Moran (Oxford West and Abingdon) (LD): At the outset, I would like to say that the Liberal Democrats are of course pleased that we are debating the Bill. It has been a long time coming. As we have heard from across the Chamber, it has taken a good number of years to reach this point. On Second Reading, it is right that we are focused on the positives. It is great that it is here, but let us also focus on how we can make it better and what is missing ahead of Committee. I noted in the Secretary of State's opening remarks that he knows of one amendment that he is tabling. I hope that that is the first of very many from him and the Government and that they will be open to listening to those across the House, because it has been a consensus-driven debate. Many people have been working on the issue for many years and there is a lot of expertise in the Chamber.

However, certain things that are wrong with the Bill need to be highlighted. For example, it does not give specific provisions for victims of burglaries, fraud or antisocial behaviour. My inbox is full of constituents

who are keen that those are specifically mentioned because they are concerned that they will be considered too low-level to be dealt with. I dare say that that is linked hand in glove with a perception that law and order is not taken seriously right now. In Thames Valley, for example, 174 crimes remain uninvestigated every single day, let alone whether the police will come and investigate, whether any charges will be brought, or whether the case will be heard in court. Too many people feel let down by the criminal justice system. It seems complex, alienating and ineffective. The Bill is a missed opportunity to tackle some of those issues.

The Liberal Democrats welcome the Bill's founding aims of improving end-to-end support for victims of crime and amplifying victims' voices in the criminal justice system. In particular, we are pleased to see the victims code setting out the minimum level of service that victims can expect from criminal justice agencies enshrined in law. However, we question how much it will change the victim experience in practice.

The Justice Committee said that this is not strong enough to deliver the cultural change needed in the treatment of victims in the criminal justice system. Even clauses related to the victims code enshrine just four broad overarching principles in primary legislation, rather than a comprehensive set of standards with legal purpose. That code, as we have heard, is not legally enforceable. I hope that Ministers have heard loud and clear in the debate how important the House feels that point is. It is all very well having a code but, when it goes wrong, what is the recourse? I am sorry, but a newspaper headline saying, "x people and x agencies found that the code was not abided by" is not going to cut it. We can do better than that and Parliament's clear will is that we should. I hope that the Minister takes that on board; that was mentioned in so many speeches.

Funding is almost just as much a cause for concern. I listened carefully to the Secretary of State when he said that funding has increased. That is great and everyone of course welcomes that. However, I urge him to look not at how much it has increased by from a low baseline, but at what is needed to deliver what we all want. Ultimately, we want people to feel that victims are properly supported in the system. Let us listen to, for example, survivors of domestic abuse. Women's Aid Federation England estimates that adequate sustainable funding for specialist community-based services would cost £238 million a year. Eighty-five per cent. of frontline workers surveyed in a report by the domestic violence charity Refuge said that their service was being impacted by insufficient funding. So for real change to take place, by all means, say what has increased, but also look at what is needed. That is the shortfall that I am sure all of us in the Chamber are more interested in. Is it actually delivering what we hope it is?

In various speeches, there has been reference to having to start early with young people to make them aware of their rights. I highlight the campaign of my constituent, Faustine Petron, who came to see me in a village hall when I was doing my summer village tour. She has started a campaign called "Make it mandatory". She set that up as a survivor of domestic abuse with nine friends, who recognise that, as young people in the school system, they had no idea about their rights, consensual relationships or any space for them to discuss that. I appreciate that that is for the Department of Education, but I sincerely

hope that the Ministry of Justice will converse with the Department for Education on what can be taught in schools, particularly on the rights under the victims code that will be enshrined in law. That would be very much in line with what Faustine and her brave survivor campaigners would want.

The last thing that I will talk about specifically, which again came from my surgery—this all comes from us, as MPs, talking to our constituents—is non-disclosure agreements. I was approached by young women at Oxford University who had been effectively silenced by their colleges because, following incidents of rape and sexual abuse, they were asked to sign gagging clauses from their colleges. They were sold to them at the time as, "This is for your protection." I cannot begin to describe the effect that that had on these young women. It stopped one of them talking to her GP. The clause said, "If you break this clause, you are going to lose the right to study at this university." It was not explained that she could talk to her parents or to her GP. It is just nonsensical. That was not an isolated incident; young woman after young woman came to me from different colleges, and it soon became obvious that it was a pattern of behaviour. They then linked up with other campaigns across the country and realised that there was a pattern of behaviour at universities.

The issue was picked up, quite rightly, by the Government. I think that the hon. Member for Birmingham, Yardley (Jess Phillips) tabled an amendment and the Government accepted it. Now, non-disclosure agreements are banned in universities, but they are allowed everywhere else: charities, businesses and political parties. We know that they happen in political parties, as they have been reported. They should not be happening at all in those specific cases. If Ministers want to know more about this issue, I have a Bill ready that mirrors the wording that was passed in legislatures in Canada—this has happened before.

The point is that non-disclosure agreements should not be banned in one type of institution in this country—the Government have conceded that ground—yet still be allowed in other institutions and organisations. We can put that right in this Bill. I pay credit to the right hon. Member for Witham (Priti Patel); when I met her as Home Secretary, she said that this Bill might well be the vehicle for us to do that. The campaign has broad cross-party support. It came from constituents, who raised it in the first place. It has been in various manifestos for the best part of a decade. I urge the Secretary of State and the Minister to engage with the campaign. We have spent a long time working on it. It is time that the voices of victims are amplified. At the very least, can we make sure that they are no longer silenced?

8.30 pm

Anna McMorrin (Cardiff North) (Lab): First of all, I pay tribute to all those who have spoken in this important debate. We have heard powerful speeches and personal testimonies from those who have shared their extensive knowledge and experiences of how the criminal justice system has failed victims. I pay particular tribute to those who have spoken about their personal experiences: my hon. Friend the Member for Poplar and Limehouse (Apsana Begum), who is not in her place, and the hon. Member for Burton (Kate Kniveton) and my hon. Friend the Member for Canterbury (Rosie Duffield), who both spoke powerfully.

[*Anna McMorrin*]

We heard from the hon. Member for Aylesbury (Rob Butler), who lost a friend in the Hillsborough disaster; the hon. Member for Cities of London and Westminster (Nickie Aiken) paid tribute to Peter Brooke, and I extend my condolences to his family and friends. We heard the strong voices of my right hon. Friend the Member for Garston and Halewood (Maria Eagle), my hon. Friends the Members for Birmingham, Yardley (Jess Phillips), for Rotherham (Sarah Champion), for Batley and Spennings (Kim Leadbeater) and for Lewisham East (Janet Daby)—strong women speaking powerfully for the victims they represent and speak out for. I look forward to working with them as the Bill progresses. I hope the Government will listen to their proposals in Committee.

It is great finally to be here after so many years as the Government bring forward the victims Bill—I am sorry, my mistake: the Victims and Prisoners Bill. The Government almost succeeded in delivering what was promised, but they could not quite let victims be the sole purpose of the Bill—they now share the stage with prisoners. I fully support much of what the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), eloquently said in his powerful speech: adding in that part with no pre-legislative scrutiny, engagement or consultation with the sector is reckless, to say the least, and belittles the Bill for victims.

It has taken us eight years and eight Justice Secretaries to get to this point. I appreciate that the Government have been a little preoccupied with tanking the economy and forcing people to choose between heating and eating, but victims should never have dropped so far down the list of this Government's priorities. The Bill is weak, has no teeth and is a colossal missed opportunity to introduce the vital change desperately needed to protect victims. We have heard today that everyone on the Opposition Benches knows that, as does everyone on the Government Benches.

Only last Friday, I was at the victim support hub in my constituency, answering calls on their 24-hour helpline. The line was inundated with calls. The staff there do incredible work, but it is clear that victims repeatedly return to that service because they are not supported throughout the justice process. I saw the real human impact of the criminal justice system on its knees—a direct result of 13 years of successive Tory Governments.

Let us look at what that has led to: almost half the courts across the country have closed; the court backlog stands at 63,000 cases; over a third of victims said they would not report a crime again; fewer than two in 100 reported rapes lead to a charge; for those that do lead to a charge, there is an average wait of three years for the case to be heard; nearly two thirds of rape survivors drop out of the system; antisocial behaviour victims are denied support because of the Government's refusal to acknowledge them as victims; and the Victims' Commissioner role has been vacant since September last year, allowing the Government to avoid scrutiny entirely throughout the Bill's introduction.

But that is all fine, because now we have this ground-breaking Bill to address all those issues, and we have a Government plan to tackle the court backlog, increase charges for rape perpetrators, and ensure victims' rights are upheld and supported throughout the system. However,

none of that is in the Bill. As it stands, the Bill is a tick-box exercise for the Government, allowing them to say they tried. Currently, there are no defined rights for victims, the Bill states only that agencies "should" comply with the four overarching principles of the victims code, and the Government have failed to address the issue of non-compliance with the code. How is the code enforceable? Where is the accountability when it is not upheld?

One survivor who I spoke to was raped as a teenager. Sophie was not told about her entitlement to an ISVA for eight months after she reported the crime to the police. After two torturous years of uncertainty and neglect, she finally had her day in court, but she said she felt as if she was treated like a criminal on the stand, while being forced to look at a picture of the perpetrator that caused her to have a panic attack, reliving her trauma. The witness assistant, trying her best, told Sophie to "pull herself together", but there is absolutely nothing in the Bill that would have improved Sophie's experience. Without an enforceable victims code, it is nothing but words on a page.

Survivors such as Sophie are not the only victims who will suffer if the Bill in its current form is passed. The families of the victims of the disasters at Hillsborough, Grenfell and Manchester Arena will have nothing more than a Conservative puppet if the Government go ahead with their proposed idea of an independent advocate. The role of public advocate needs to be filled by a fully independent, permanent figure who is accountable to families and survivors. I pay tribute to the campaigners who are continuing to work towards that, particularly my right hon. Friend the Member for Garston and Halewood who made a powerful argument, clearly and robustly, in her speech. Labour would introduce a robust Hillsborough law and ensure those families who have endured so much would see justice delivered and not denied.

Labour's plan would ensure that victims of rape are fully supported, providing free legal advice to rape survivors. One victim I spoke to, Molly, was raped at a party by a boy she believed was her friend. When she reported it to the police, she was treated like a suspect, and subjected to questions about her clothes, alcohol consumption and sex life, all while traumatised from the night before. Nothing in the Bill will change what happened to Molly, but free independent legal advice would have helped her feel supported through one of the scariest things she would ever do. When five in six women who have been raped do not report it to the police and prosecution rates are at an historic low, free legal advice is essential to protect the victim, and also to ensure that those rapists are caught and charged.

We welcome today's Government announcement on stopping the use of third party material in a court case. Labour has been calling for the past year for the protection of third party material, such as counselling records for rape and sexual violence victims, so I am glad that the Government have finally listened and introduced that, and heeded our calls on the issue. But how many victims would have been saved the torment and how many sexual predators would have been imprisoned if the Government had listened to us sooner? We have yet to see the Government's policy detail, and the thresholds remain unclear. I look forward to scrutinising the proposal in Committee.

Labour will recognise the devastating toll it takes when someone feels unsafe in their own home and will recognise victims of antisocial behaviour for what they are—victims. My own constituent, Sarah, came to me having suffered a miscarriage due to the stress she had undergone from repeated antisocial behaviour against her home. It was that traumatic. She was singled out and targeted. How can the Government say that Sarah is not a victim? That issue must not be omitted from the Bill.

Unlike Government Members, we believe independent scrutiny to be a vital part of democracy, so we will strengthen the Victims' Commissioner role—in fact, we will have a Victims' Commissioner in the first place. We will grant them the necessary powers to enforce the victims code and lay an annual report before Parliament. The Government would have to respond to the report within the allotted timeframes, in contrast to their current practice. I understand that the Domestic Abuse Commissioner is still waiting for a response to their "Safety before status" report three months after the deadline.

Finally, campaigners such as my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), who tabled his own victims Bill way back in 2016, and London's Victims' Commissioner Claire Waxman, have campaigned for a victims Bill for a decade and more. This legislation is a once-in-a-generation opportunity to enact meaningful change that will improve the lives of thousands who have experienced some of the worst crimes imaginable. However, this weak Victims and Prisoners Bill catastrophically fails to do that. Victims such as Sophie, Molly, Sarah and many more we have heard about today, who have to relive their trauma every day while trying to move on with their lives, will not find comfort in the Bill. The Bill must truly place victims at the heart of the criminal justice system and not simply pay lip service.

We will not seek to divide the House on Second Reading, but we want an extended and more robust version of the Bill, preferably with our proposed changes placed in statute during the Committee. The human cost of the Government's callous neglect of the criminal justice system cannot be understated. The Government have a genuine opportunity here, and victims across the country are watching.

Madam Deputy Speaker (Dame Rosie Winterton): Before I call the Minister, I want to say how important it is for those who have participated in a debate to get back into the Chamber in good time to hear the wind-ups. If nobody came back, Opposition Front Benchers would be speaking to an empty Chamber and the Minister might well be in the same position. Some who participated are still not here, and I hope that the message will be passed back that it is really important for Members to get back in good time. If they do not do so, it is discourteous to the Front Benchers.

8.43 pm

The Minister of State, Ministry of Justice (Edward Argar): Thank you, Madam Deputy Speaker. It is a pleasure to deliver the closing speech in this Second Reading of the Victims and Prisoners Bill. I give my genuine and sincere thanks to right hon. and hon. Members from both sides of the House for their thoughtful contributions. The tone, by and large—with the exception of Opposition

Front Benchers—has been measured, thoughtful and considered. Actually, given the nature of the issues, the debate has been remarkably non-party political.

Let me start by paying tribute to previous Lord Chancellors who have worked on the Bill—my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland), my right hon. Friend the Member for Esher and Walton (Dominic Raab) and my right hon. Friend the Member for Great Yarmouth (Brandon Lewis)—and, indeed, paying tribute to the Minister of State, Ministry of Justice, my right hon. Friend the Member for East Hampshire (Damian Hinds), for the work that he did on the Bill in his previous incarnation in the Ministry of Justice. I will turn in due course to the speeches made by Members today, but first I want to pay a particular tribute to all the victims, and victims' families, who have talked to us, worked with us, told us their stories and helped to shape the Bill. Despite their own personal tragedies, they have worked tirelessly to improve the system for others, and we are incredibly grateful to them.

As we heard earlier from my right hon. and learned Friend the Lord Chancellor, this is a crucial Bill, and as one who was victims Minister between 2018 and 2019 and is now in that post once again, I must say that it is a particular privilege for me—as it is for my right hon. and learned Friend and others—to hear from victims who have come to see us to tell us about their experiences so that we can understand them just a little bit better. They come with bravery and relive very traumatic events in their lives to share them with us, and it is extremely humbling when we have those conversations. I see that the Minister for Disabled People, Health and Work, my hon. Friend the Member for Corby (Tom Pursglove), is now sitting on the Front Bench; I know that he took a close interest in this issue when he was in the Ministry of Justice.

The Bill makes good on three long-standing manifesto commitments—three promises that the Government made to the British people. First, we promised to introduce a victims' law, and we are fulfilling that commitment. For instance, we are enshrining the principles of the victims code in law so that victims, as well as every agency in the criminal justice system, are in no doubt about the service that victims should receive. Secondly, we promised to introduce an independent public advocate to support survivors and the bereaved after major disasters. We seek never again to see victims suffer as the Hillsborough families have, as the Grenfell families have, and as families have following the Manchester arena bombings. Thirdly, we promised to strengthen the parole system so that public protection would be the pre-eminent factor in every decision about whom it is safe to release.

As my right hon. Friend said at the beginning of the debate, if justice is to be delivered, victims must be treated not as mere spectators of the criminal justice system, but as core participants in it. That is the mission of this Government and the mission of this Bill. Huge progress has been made over the last decade for victims: that progress includes boosting the ranks of our police officers to tackle crime and bring criminals to justice, locking up the most dangerous criminals for longer as a result of the Police, Crime, Sentencing and Courts Act 2022, improving the response to rape and domestic abuse victims through the End-to-End Rape review and our landmark Domestic Abuse Act 2021, unparalleled

[*Edward Argar*]

investment in victim and witness support—we are more than quadrupling the 2009 levels of funding to support victims—and introducing a clearer, strengthened victims code. However, we rightly committed ourselves to doing more, and today we are doing more. The Bill will boost victims' entitlements, bring greater oversight, amplify victims' voices, and deliver further safeguards to protect the public.

Sarah Champion: Will the Minister give way?

Edward Argar: I will, very briefly. There are a number of colleagues to whom I want to respond.

Sarah Champion: I recognise and truly respect the work that the Minister did in his last role as victims Minister. Will he tell us whether he will fight to secure the necessary funding for all the measures that he is proposing and those that are already in legislation, because it is not there right now?

Edward Argar: The hon. Lady and I have worked together in the past, and I thank her for her intervention. I will come to the subject of funding in a moment, because it was mentioned by a number of other Members in this context.

I am grateful to my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the Chair of the Select Committee, for his work in respect of the Bill and for his typically thoughtful and forthright expression of his views on behalf of his Committee. Those who worked with me on both sides of the House on the Health and Care Act 2022 will know that I am always willing to engage with and genuinely listen to colleagues during the Committee and Report stages of legislation, as, indeed, is my right hon. and learned Friend the Lord Chancellor. That does not mean we will always be able to agree with everything, but we will engage, and we hope to make it a genuine engagement.

We have heard some sincerely held views expressed today. In respect of the independent public advocate, I pay tribute to the right hon. Member for Garston and Halewood (Maria Eagle) and my right hon. Friend the Member for Maidenhead (Mrs May), and indeed to Lord Wills, whom I have met, as well as the other colleagues across this Chamber who have engaged with these issues. I had the privilege of meeting the right hon. Member for Garston and Halewood along with the shadow Lord Chancellor and other Members recently to discuss the independent public advocate. What has emerged from the debate today, including from my hon. Friend the Member for Torbay (Kevin Foster), is a general desire to make part 2 of the Bill work for the victims and their families and to ensure that, while disasters may sadly occur again, no one has to go through what those victims and families went through.

The right hon. Lady was very clear with me about the importance of agency and empowerment. She was also clear about the context and about how those victims and those families who had lost loved ones had come to this point and what they had experienced, as well as the need for them to trust in the process and the concerns they had about when the state or powerful organisations seek to use their power to conceal or to make their lives

much harder in getting to the truth. I understand where she is coming from, and my commitment and that of the Lord Chancellor is to work with her and other colleagues to see whether we can reach a point where everyone is content with part 2 of this legislation.

My right hon. Friend the Member for Witham (Priti Patel) spoke powerfully, and I am grateful for her kind words. She has played a huge role on behalf of victims and those who want to see crime tackled and criminals brought to justice. I look forward to working closely with her as this legislation progresses. She rightly highlighted the importance of police and crime commissioners, a number of whom I have met recently, including Matthew Barber, Lisa Townsend and Donna Jones, and Sophie Linden, the Deputy Mayor of London. They do a fantastic job.

One of the issues that hon. and right hon. Members have raised is whether a victim chooses to report a crime and the impact that can have. I am happy to reassure the hon. Member for Rotherham (Sarah Champion) that whether or not someone chooses to report a crime, they will still be able to benefit from the victims code, and the clauses in this legislation that link to it will read across. I hope that gives her some reassurance. That point was raised by other Members as well. My right hon. Friend the Member for Basingstoke (Dame Maria Miller) and the hon. Member for Oxford West and Abingdon (Layla Moran) raised the issue of NDAs. Without prejudice to the scope of this legislation and where we might land, I am always happy to meet my right hon. Friend and the hon. Lady.

Hon. and right hon. Members have highlighted a number of areas today where they would like to see the legislation go further in some cases and perhaps go less far in others. The only caveat I would gently add relates to scope. Some of the things they wish to push for may well be in scope, and I suspect that those who end up on the Bill Committee—I am looking at the hon. Member for Birmingham, Yardley (Jess Phillips), who I suspect I might see sitting across the Committee room—will wish to explore them, but I just caution that there might be some areas that, just through the nature of scope, will not be able to be debated. It is important for those watching our proceedings to understand that the nature of scope is determined by what is already in the Bill.

My right hon. Friend the Member for Basingstoke touched on ISVAs and IDVAs, as did a number of other hon. and right hon. Members including the hon. Member for Birmingham, Yardley. Last Thursday I had the privilege of speaking at the national ISVA conference and of meeting a number of them. There was strong support for guidance around their role, although I appreciate that the sector has mixed views on this. We are explicitly not seeking to create a hierarchy of support services but rather to recognise the professional role that ISVAs and ISDAs undertake and to help to bring greater consistency to it and greater awareness of their work across the criminal justice system.

My hon. Friend the Member for Aylesbury (Rob Butler) comes to this debate with a huge amount of experience of the criminal justice system. He spoke thoughtfully and he knows of what he speaks. He also served as a Minister in the Department. His comments on part 3 were measured, and I will always carefully consider what he says. He touched on the requirements on the judiciary, and I gently caution that we are limited—quite

rightly, given the separation of powers—in what we can and cannot tell the judiciary to do, but I suspect the Judicial Office will be following these proceedings carefully.

Rob Butler: Will my right hon. Friend give way?

Edward Argar: I will make a little progress, as I want to speak for roughly the same amount of time as the shadow Minister, to be fair to her.

The hon. Members for Poplar and Limehouse (Apsana Begum), for Rotherham, for Canterbury (Rosie Duffield) and for Walthamstow (Stella Creasy), and my hon. Friend the Member for Burton (Kate Kniveton), all spoke movingly, powerfully and personally about their interactions with the criminal justice system.

My hon. Friend the Member for Burton spoke movingly about her experience of domestic abuse, and the whole House will admire the courage shown by all Members who spoke in such very personal terms. The hon. Member for Canterbury, in particular, demonstrated a huge amount of courage in giving a powerful and emotional speech, and she spoke for many who perhaps do not have the ability to speak for themselves in conveying what she did. She touched on third-party material, as did a number of hon. and right hon. Members, and that is one reason why I welcome the additional step we have announced today.

My hon. Friend the Member for Cities of London and Westminster (Nickie Aiken), who was my ward colleague on Westminster City Council for a while, invited me to meet Charlie Webster. I know Charlie from my previous incarnation in the Department, when we visited a number of services together. I am always happy to meet Charlie, and my office may already be trying to arrange a meeting. My hon. Friend also touched on her support for the IPA, which I very much welcome.

My hon. Friend the Member for Bolsover (Mark Fletcher) and the hon. Member for Rotherham touched on the recent debate, and my hon. Friend's ten-minute rule Bill, on prisoners changing their name. I hope to be able to meet my hon. Friend very soon to discuss the matter, and if the hon. Lady wishes to attend that meeting, I am always happy to see her, as I was when last we worked together.

Like the hon. Member for Rotherham, I pay tribute to Claire Waxman, with whom I have worked very closely in both my previous and my current role in the Department. The hon. Lady also mentioned Sammy Woodhouse, and I believe I engaged with her on the issues raised by Sammy last time I was in the Department and, like her, I am pleased to see the progress we have made in this space.

The right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) was typically thoughtful, but I gently say to her that we have engaged throughout with the Welsh Government on the victim provisions. Indeed, back in early December, I believe my right hon. Friend the Member for Esher and Walton received a letter from Mark Drakeford thanking him for the close engagement with the Welsh Government on this Bill, and we will continue to engage on the newer provisions, such as the IPA. As with the Health and Care Act 2022, I am happy to engage with Welsh Government Ministers.

Finally, the hon. Member for Walthamstow asked for clarification on the definition of a victim. I hope I have given her some reassurance that, whether or not a crime

is reported, an individual can still come into the orbit of the victims code. One thing she uniquely mentioned, which I will look at with her if she wishes, is the overseas angle. I am always happy to engage with her, and this time it is not about the private finance initiative in hospitals.

Sir Julian Lewis: Among the long list of points the Minister addressed, I did not hear the one about murderers who refuse to appear in person in court to face their accusers and their sentencing. Does he think that that would be within the scope of this Bill?

Edward Argar: I am grateful to my right hon. Friend for that. My understanding is that that would probably not be within the scope of this legislation, but he will have seen that the previous and current Lord Chancellors have been clear in their determination to explore legislative options to address exactly that issue.

I very much look forward to engaging across the Committee Room with the shadow Minister and indeed with all those on the Committee, because genuinely important views have been expressed today, from particularly personal perspectives and with particular angles on elements of this legislation. That has been underpinned by a determination on both sides of this Chamber to make this work and a commitment to making the Bill an effective piece of legislation. I approach it in that spirit, as I hope the Opposition will.

As I bring the debate to a close, I say again that victims are not bystanders. Their views and experience matter greatly. They deserve to be treated with respect, compassion and dignity at every turn in the criminal justice system. It is only with their engagement and immense bravery in coming forward that we can bring criminals to justice and make our streets safer. That is why we have acted. That is why the Bill will put victims at the heart of the criminal justice system, where they belong, so that every victim's voice is heard, every victim gets the support they need and every victim is empowered to seek the justice they deserve. This is about giving victims, and the British public, confidence that the parole system will keep them safe. We will ensure that they are listened to. We will ensure that justice is done. We will work to ensure that more criminals are caught and brought to justice, which is why we are delivering today on our manifesto promises to bring this legislation before the House. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

VICTIMS AND PRISONERS BILL: PROGRAMME

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

That the following provisions shall apply to the Victims and Prisoners Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 13 July 2023.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

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

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

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

Other proceedings

7. Any other proceedings on the Bill may be programmed.—(*Jacob Young.*)

Question agreed to.

VICTIMS AND PRISONERS BILL: MONEY

King's recommendation signified.

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

That, for the purposes of any Act resulting from the Victims and Prisoners Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred under or by virtue of the Act by the Secretary of State, and

(b) any increase attributable to the Act in the sums payable under any other Act out of money so provided.—(*Jacob Young.*)

Question agreed to.

VICTIMS AND PRISONERS BILL: CARRY OVER

Motion made, and Question put forthwith (Standing Order No. 80A(1)(a)),

That if, at the conclusion of this Session of Parliament, proceedings on the Victims and Prisoners Bill have not been completed, they shall be resumed in the next Session.—(*Jacob Young.*)

Question agreed to.

Business without Debate

DELEGATED LEGISLATION

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

PUBLIC PASSENGER TRANSPORT

That the draft Public Service Vehicles (Accessible Information) Regulations 2023, which were laid before this House on 30 March, be approved.—(*Jacob Young.*)

Question agreed to.

Health Inequalities: North-west London

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

9.3 pm

Dr Rupa Huq (Ealing Central and Acton) (Lab): As Public Health England said in 2017:

“Everyone should have the same opportunity to lead a healthy life, no matter where they live or who they are.”

In reality, someone’s socioeconomic and environmental circumstances will determine that. Health inequalities are about not just clinical disease, but wellbeing and a complex cycle of interacting factors. Income, education, housing, environment, experience of discrimination and “sharp-elbowedness” are all unevenly distributed among the population and the playing field is far from level.

The Government have been widely condemned by the British Medical Association, numerous pressure groups, royal colleges and professors for their U-turn on their 2021 commitment to publish a White Paper on health disparities. The ex-deputy director of health inequalities at the Department of Health, David Buck, is now at the King’s Fund. He called it

“the latest example of repeated political failure to tackle the widening inequalities that leave thousands of people suffering and dying earlier than they need to.”

In talking about north-west London, I am referring to the health administration definition of that area. That comprises suburban Ealing, Brent, Hillingdon, Harrow and Hounslow, and the more inner-city areas of Kensington and Chelsea, and Hammersmith and Fulham. At first sight, they look to be an affluent chunk of both the capital and the country, with a population of 2 million-plus. On closer inspection, however, the eight boroughs covered by the integrated care board contain huge discrepancies, both within and between, in life expectancy, ethnicity, income and multiple determinants behind headline health issues. Big ones locally include diabetes, cardiovascular, maternity and mental health services—all factors identified by the integrated care board’s decent “addressing inequalities” strategy last year.

So what’s class got to do with it, as Tina Turner might have said? Well, the answer is a lot. Average income in Ealing Broadway is £49,100, which is above the national average. However, if you get off Crossrail five minutes later at Southall, it drops to below £30,000. That is £20,000 down in a couple of tube stops. A man in Chiswick will, on average, live for over 82 years. That is 5.8 years longer than in neighbouring south Acton. One is in W4 and the other is in W3. And if anyone has a serious mental health condition, we have to subtract 15 to 20 years from those totals.

Demographically, north-west London has a young population. There are worryingly long waits for child and adolescent mental health services appointments. Every parent knows how children were affected by lockdowns, whether mentally, in lost learning or socialisation. The population is young, but it is ageing. In the ICB, 13.1% of people are over 65. That is forecast to climb, putting a strain on council budgets for adult social care and dementia services. My own late mother, who is looking down somewhere from above, was a dementia sufferer, so I know all too well about that condition. If we add to all those factors Brexit, the cost

of living crisis, the aftershocks of long covid and the long waiting lists that have grown since, our cradle-to-grave health service locally is under pressure like never before. Medical staff at the sharp end are in danger of burnout and stress. What I want to say to the Minister is that political intervention can help to solve that and address all those problems.

North-west London is ethnically diverse and that is seen in the disproportionality. For example, 164,435 people in north-west London live with diabetes. Forty-three per cent. of those registered are Asian British, 24% are the population at large. Ditto heart disease: 30% of registered patients are Asian British, 24% are the general population. In the eight boroughs, 18,000-plus people have serious mental health problems. The black British community represent over twice the number of registered mental health patients: 17%, compared with the wider population, at 8%. On cancer, which saw off my late father, who is looking down from somewhere, the white community make up 61% of cancer patients, but 42% of the whole population and prevalence is strongly linked to age.

Poorer finances lead to stress, which, in turn, can lead to the take-up of unhealthy behaviours, such as smoking, and a drop in the take-up of healthy leisure activities. It is a vicious cycle, with happiness and loneliness also in the mix. So what can be done? I have a series of lessons for the Minister. They are things that are fixable, and would be easy wins for the Government and for the country.

First, if we pay people fairly, we will have a contented workforce. That includes those in health and social care who we somehow expect to be superhuman. We have seen junior doctors, paramedics and, for the first time ever, nurses out on strike, when, not that long ago, all of them were hailed as heroes. It was a common sight to see those rainbow drawings with, “Thank you NHS”, pasted up around our streets. We have clapped for carers, but the poorly paid adult care sector, which covers private companies through to council provision, is non-unionised and too disorganised, with too many zero-hour contracts for its workers to be able even to withdraw their labour.

I emailed the title of this debate, “Health Inequalities: North-west London”, to a few people, including a very respected retired consultant at Ealing Hospital. His answer was, “I never needed to supplement my NHS income with private work in my day, but I understand that a lot of the younger generation do”. Again, that shows how this question can be interpreted differently by different people. It should not have to be that NHS employees have to bump up their wages through other means.

Secondly, councils should be sufficiently resourced. Ealing has developed a great healthy lives strategy, and even a racial equality commission following what happened to George Floyd, thanks to Councillors Josh Blacker and Aysha Raza. However, £6 out of every £10 that the borough had in 2010 has gone in local government cuts. It is facing a rising population and is expected to do more and more with less and less, because public health has been added to its brief. That means that corners are cut. Some boroughs, for example, have stopped smoking cessation services. Although smoking in the population has declined, it is still the biggest avoidable risky lifestyle factor everywhere.

The third lesson is to stop reaching for facile “solutionism” and the target culture, which can have perverse outcomes: for example, if one vows to reduce waiting lists and then there is no treatment available at the other end. There is the unintended consequence of patient choice at the eye department at Central Middlesex Hospital. I visited there and was told that private providers cream off some of the easy cataract work—the typical patients are majority-white elderly patients. They are opting to do so because they can, leaving the NHS with unaffordably big bills, plus all the complex procedures—the patients are commonly BAME people—for things such as glaucoma and diabetic eye disease. So the NHS is left with all the difficult stuff. It also means that junior doctors training in hospital are not able to start on the easy stuff. The profile of their training is getting skewed, which needs to be addressed. It is an unintended consequence. We should be under no illusions that backlogs were present before covid.

The fourth lesson is to go out to communities and housing estates. Both Ealing and Camden have an HIV bus and a diabetes bus that go into the estates. That is better than expecting those hard-to-reach populations to come to the hospitals.

The fifth lesson is to listen to the person at the frontline, not just the man from the Ministry. London has a GP crisis, which needs addressing. That should be done by consulting the GPs rather than by imposing solutions in the face of their rising workload and shrunken workforce. One local practice in Ealing had architect costings and planning permission to renovate their premises to bring it up to scratch to accommodate the rise in their patient numbers—from 3,000 to 9000 in a decade. However, under current regulation, although the practice is at capacity, it is not allowed to refuse anyone and NHS Estates says it cannot pay the rent. One partner there said:

“Frankly, there is no estates strategy, we’re just being asked to ‘suck it up’ at full capacity until reaching breaking point... In the meantime, our landlord could serve us notice at any time, putting nearly 10k patients at risk.”

Point six is to look at the profile of disease and trials and recognise that the woman in the white coat can know better than the man in the grey suit. Dr Christiana Dinah, NHS consultant ophthalmologist of those aforementioned vision-threatening conditions in Ealing, Brent and Harrow, conducts award-winning research, but she has a problem in that the BAME population are under-represented in the clinical trials. If only the white well come forward, that gives an incomplete picture, and it jeopardises the chances of the results being applicable and the treatments effective in all the target populations. There is work that could be done there.

We have seen local services withdrawn, including maternity, paediatrics, stroke and mental health beds gone from Ealing. I am familiar with the bureaucrat’s argument that people do not need a facility at the end of their street if there is a much bigger and better one slightly further away, but even if we accept that, let us remember that when facilities get “consolidated”—that is the language—it is no good if there is no public transport to get there, and conduct mandatory mapping.

My penultimate message is to stop blaming individuals, as Government messaging sometimes tends to sound as though it is doing. We are the most obese nation in western Europe, and Sir Simon Stevens once said that

[Dr Rupa Huq]

obesity threatens to bankrupt the NHS, yet the official rhetoric presupposes that that is a choice. If someone is time and cash-poor, feeding multiple mouths and working multiple jobs, the ultra-processed, high fat, sugar and salt, unhealthy choice tends to be the most convenient and the cheapest. We could look at incentivising buying organic and fresh food, so that the healthy choice becomes the easy choice, and we could do so by taxing and pricing, as we have seen with the sugar tax and, historically, the decline in smoking due to the tax regime.

Lastly, we could recognise the joined-up nature of policy intervention. A mixed-ability comprehensive school that I was at the other day, which not long ago was in the “requires improvement” category, noticed such a glut of obesity among pupils post lockdown that it now provides a free breakfast for all, a free Chromebook for all and voluntary basketball at 7.30 am. The take-up on all three has been enormous. It is expensive, the head said, but it is worth it: the school is out of special measures and even has record successful Oxbridge acceptances. Sadiq Khan’s free school meals for all primary pupils from next year is another visionary and bold scheme. It sounds a bit *Oliver Twist*, but I say, “More please, Minister!”, so that we can do it nationally.

In short, I would say, “Be unafraid—be very unafraid—of intervention.” Health inequalities arise from overlapping factors, from commercial to cultural, but also from politics and policy. Covid-19 illustrated how disadvantaged communities experienced proportionally higher morbidity and mortality, but before coronavirus hit, who would ever have thought that the Government would foot the nation’s wage bill while we were all locked up for months on end, or preside over the biggest ever mass vaccination programme? We can do things when we put our mind to it, and the pandemic was meant to be a reset moment, was it not?

In this country, we are mostly all—to paraphrase Bruce Springsteen—born in the NHS, but divergence starts at birth. It is a scary sign of rampant inflation that baby milk is now theft-alarmed in supermarkets. Professor Michael Marmot recently stated in the *i* newspaper that a proper start in life is so fundamental that the powdered formula should be free on prescription for those forced to shoplift it. It is an idea; I do not think it has been taken up by any political party, but it is a thinking-outside-the-box solution.

Another issue we could address, at the other end of the life cycle, is loneliness, which stereotypically, but not exclusively, affects the elderly, and is said to be as bad for health as smoking 15 cigarettes a day. Let us think of ways around it. Apparently, loneliness is even worse and more isolating for BAME communities, despite the stereotype about them living in extended families. The north-west London data shows that it is really bad there, but it is bad everywhere.

Although the Government have attributed unprecedented food and fuel prices to Putin, in reality the perma-crisis that we inhabit flows from political choices—more than a decade of austerity and the chronic underfunding of public services starved of cash by Cameron and Osborne—but we are beyond that now. To repeat myself, strategising should not equal stigmatising people and implying that they are the problem.

When we drill down, it is difficult to find issues that do not contribute to health outcomes. I do an advice surgery every week, and people come and show me pictures of mould and damp. At the end of last year, I think mould was, for the first time, mentioned on a death certificate, and air quality has been identified on a death certificate as well. Well-designed quality and affordable housing directly impacts on physical and mental health, as does access to green spaces and play spaces.

We have longer than we thought because it is not yet 10 o’clock. I do not know if anyone else saw, but there was half a page in a Murdoch newspaper today attacking little old me in connection with a proposed housing scheme in Ealing that is not going ahead now. It is quite a bizarre article—a whole half-page rant about me—and I did not know that it was coming. Everyone here knows that MPs do not decide housing applications or policy, but in that particular developer-led scheme, the private developer pulled out because it would not pay for the post-Grenfell fire safety measures that are now law—it did not want to foot the bill for that. As a west London MP in a borough neighbouring Kensington and Chelsea, I think that, after that enormous and avoidable loss of life, we should never scrimp on fire safety.

Anyway, I said that I was going to conclude. I did not even get to the removal of maternity functions of Ealing Hospital in Southall, or the fact that pre-term deaths in pregnancy are experienced four times as much by black mums as by the population at large, and that poorer communities living by main roads breathe more polluted air—plus, in north-west London we have Heathrow airport, which is ever hungry to expand despite the climate crisis. I did not get on to any of that because the debate could have gone on and on, but I will say that acting on health inequalities improves lives and livelihoods, cuts costs to the NHS, to the benefit of wider society, prosperity and the economy, and it would save the Exchequer billions in lost productivity through long-term sickness.

We should be bold. We should act and think beyond eye-catching short-term targets aligned to electoral cycles—me in particular, as I have seen so many snap elections in my lifetime; it does not work to think in terms of normal electoral cycles any more. Let us think more long term and be honest with people, not treat them like idiots. Let us take a multi-pronged approach to levelling up—the Government’s watchword. In the meantime, if anyone has any clue about where the £350 million per week that was promised on the side of the Brexit bus is, please inform our local NHS folk. I took a wide range of soundings to come up with this content, but no one says that they have seen that money.

I look forward to the Minister’s response—I know that he is a good man. I do not think it beyond the wit of man to do this. We can do it.

9.23 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Neil O’Brien): Well, how to follow that? I pay tribute to the hon. Lady for securing this important debate and for her wide-ranging speech. It was so wide ranging that I think I will struggle to follow or match it, but I will do my best. It was a speech with everything from Tina Turner and Bruce Springsteen to loneliness and ethnic minority participation in clinical

trials. Let me try and structure my response by starting with the health service, working back to primary care, and then addressing public health.

The first and most central thing is, of course, to have a high standard of healthcare. That is why, between 2010, when we came into office, and the end of this Parliament, we will have increased spending on healthcare by 42%, even when adjusted for inflation. That has enabled us to hire about 37,000 more NHS doctors than there were in 2010, and 52,000 extra nurses. That is a huge increase in resource and people, enabling us to start hacking through the covid backlog. We have already eliminated the two-year waits and have very nearly eliminated the 78-week waits. We are now moving on to eliminate shorter waits as we work through and cut the NHS waiting lists.

Of course, that is downstream—that is secondary care, hospitals and treating disease—and we all agree that the name of the game is to try to prevent disease and to treat things upstream, which is why we made further investments in primary care last week. In general practice, we have about 2,000 more doctors than we had in 2019 and about 25,000 more other clinicians. Compared with 2017, total spend on general practice is nearly a fifth higher. So more resource is going into that primary care.

We also see primary care doing more than ever. GPs are doing about 10% more appointments every month than they were before the pandemic, in 2019. That is the equivalent of about 20 extra appointments per practice per working day, which is a huge increase in output. That is partly because of the extra resource and partly because GPs are working extremely hard, and I pay tribute to everyone in general practice for doing that. That activity in general practice is a big part of the prevention story, helping people to stay healthy and to stay out of hospital.

However, as the hon. Lady alluded to, a lot of health is about the social determinants of health and about getting further upstream and tackling the underlying causes of the disparities that she talked about with great passion and understanding. Taken together, the public health grant, the drugs grant and the Start for Life grant will grow by about 5% in real terms after inflation over the next two years, enabling us to do more, particularly on problems such as drug dependency and drug addiction, which are particularly serious across all of London.

Part one is to have the funding there for those streams, but we have also been making major institutional changes to public health. We have set goals to increase healthy life expectancy and to the narrow gaps between different parts of the country. We have created the Office for Health Improvement and Disparities, and we and the NHS have created the Core20PLUS5 framework, which is a way of thinking about and tackling disparities. We have also put a new duty on integrated care boards to have due regard to disparities and to try to tackle them.

In quite specific ways, we have been taking action—this is of course relevant to north-west London—to tackle the problems of particular ethnic minority groups. In particular, we have been driving up vaccine uptake, particularly in groups where there is a degree of hesitancy, through targeted advertising and outreach to faith groups and local community groups, and I pay tribute to everyone who has been involved in that in the NHS.

We have been tackling the challenges thrown up by energy, which I will come back to, and by social housing—the hon. Lady was quite right to raise that issue in relation to west London. I pay tribute to my right hon. Friend the Secretary of State for Levelling Up, Housing and Communities for the vigorous action he is taking to tackle some of these challenges through the Social Housing (Regulation) Bill and extending the decent homes standard to the private sector, and the action he is taking to make developers pay to clean up the mess they have caused and to make sure we never have a Grenfell again.

So action is being taken across a wide range of areas. Let me just delve into a few of them in the time remaining. On drugs, the Home Office, the Ministry of Justice and the Department of Health and Social Care are investing about £900 million extra in the drugs strategy, which will grow local authority funding for treatment by about 40% between 2021 and 2024-25, and create about 50,000 extra places in treatment. As well as that investment in more treatment for people with drug addictions, we are increasing access to naloxone, which helps treat overdoses, and looking at spreading new technologies and new treatments, such as slow-release buprenorphine. When I visited a health centre in Brixton I saw the effect that some of these new drugs can have on improving treatment for those who have serious drug dependencies.

However, again on the point about getting upstream, our Start for Life programme is a major investment in new and expanded family hubs in about 75 local authorities. Its universal offer in those areas combines peer support for breastfeeding, help for those who are difficult to help and lots of face-to-face support with issues such as mental health. Right from the very start, as the hon. Lady mentioned, this is about trying to improve the disparities that emerge at an early stage.

Across the course of life we are taking action to prevent some of the most important major conditions, and our major conditions paper, which succeeds the health disparities White Paper will say more about this. The NHS long-term plan already announced the ambition to prevent 150,000 heart attacks, strokes and dementia cases by 2029. We supplied about 220,000 blood pressure monitors to those with high blood pressure. We are modernising and updating the NHS health check and creating a digital version. We have already pretty much got back to pre-pandemic levels of health check. We will be setting out more about the prevention of these major conditions in that forthcoming paper.

Dr Huq: The Minister is giving a constructive response with a lot of numbers in it. Is there a date for the major conditions strategy? I have asked him before and we have sparred on this question. At the time of the health disparities White Paper, the Secretary of State at the time—just two Secretaries of State ago—said that we should level up health as well as levelling up economically. The strategy does feel like a watering down, and it is yet to see the light of day. Do we know when it is coming out?

Neil O'Brien: There is not actually a date for that paper yet, but it will be out relatively shortly. We are tackling the major conditions because these health disparities that we are all concerned about are not mediated by magic; they are mediated by physical things that happen. First among them is probably smoking.

[Neil O'Brien]

Smoking rates are highest in the poorest places, and that is a powerful driver of all of these other major health problems. I am proud to say that we have the lowest rate of smoking on record in England—just 13%, down from 21% in 2010—and that has happened because we have doubled duty on cigarettes and introduced the minimum excise tax on the cheapest cigarettes, and we have recently announced measures to go further. We are offering a million smokers help to “Swap to stop”, as they say, by giving them free vape kits, because that is so much less harmful, and we will also be introducing a financial incentive to quit, worth about £400, for all women who are pregnant and smoking. A shocking number of people still smoke in pregnancy, particularly in areas of higher deprivation. That builds on some of the things that the NHS is already doing, including the roll-out of carbon monoxide testing for people who are pregnant and smoke, and some of the innovative things that have been done at a local level.

The other big way that these health inequalities are mediated is through obesity. There are much higher rates of obesity in poorer places, for the reasons that the hon. Lady set out. She already mentioned some of the things. She talked about the so-called sugar tax—the soft drinks industry levy, as not a single person ever calls it—which has cut average sugar content in affected drinks by about 46% since we brought it in. We have introduced calorie labelling for out-of-home food in cafés and restaurants, and brought in location restrictions for less healthy food from October 2022. We are bringing in an advertising watershed in 2025. We spend about £150 million a year on healthy food schemes, such as school fruit and veg, nursery milk, Healthy Start and so on. We spend about £330 million a year on school sport

and the PE premium. Through the youth investment fund, we are spending about £300 million on 300 new facilities for youth activities. We are also investing about £20 million a year on the national child measurement programme, which is all about trying to note these problems at an early stage and nip them in the bud.

In the hon. Lady's speech, she talked about the challenges thrown up by the Russian invasion of Ukraine and the effect that has had on the cost of living. Again, we are taking decisive action. We are spending about £55 billion to help households and businesses with their energy bills, which is among the highest and most generous support plans in Europe, paying about half of people's bills over the winter. On top of that, we have action directly to help with the cost of living for people who are less well off, including the £900 cost of living payment for about 8 million poorer households and the largest ever increase to the national living wage for 2 million workers. In total, we are spending about £26 billion on cost of living support next year. We are taking action on energy, but also at the same time taking further action both to improve the quality of rented and social housing through the Social Housing (Regulation) Bill and to invest more in energy efficiency so that people's homes are cheaper to heat.

I have tried to tackle some of the subjects that the hon. Lady raised in her speech, which I thought was really interesting to listen to and covered many subjects. I will not be able to tick all of them off this evening, but it was a pleasure to hear about some of her thoughts and ideas, and a pleasure to commend to the House some of the action we are taking.

Question put and agreed to.

9.34 pm

House adjourned.

Westminster Hall

Monday 15 May 2023

[SIR GRAHAM BRADY *in the Chair*]

Food Labelling and Allergies

[Relevant document: Summary of public engagement by the Petitions Committee, on food labelling and support for people with allergies, reported to the House on 10 May, HC 73.]

4.30 pm

Nick Fletcher (Don Valley) (Con): I beg to move,

That this House has considered e-petitions 585304 and 589716, relating to food labelling and support for people with allergies.

It is a pleasure to serve under your chairmanship, Sir Graham. I thank the petitioners for their campaign; I know that they are here today. Together, the petitions have received over 33,000 signatures. The first petition states:

“The Government should appoint an Allergy Tsar to act as a champion for people with allergies to ensure they receive appropriate support and joined up health care to prevent avoidable deaths”.

The second petition, on Owen’s law, asks for a change in the law around labelling in UK restaurants. It has three parts. First, it asks that restaurants

“put all information about allergens in their food on the face of the main menu so customers have full visibility on what they’re ordering.”

Secondly, it requires servers to

“initiate a discussion with customers about allergies on all occasions”.

Finally, it states that there should be a register for all anaphylaxis deaths.

Those are the petitions, and I will discuss why the petitioners are asking for these measures. Sadly, they have suffered unbearable losses. Natasha Ednan-Laperouse died in 2016 after eating a baguette that did not have a complete list of ingredients. The baguette contained sesame seeds, to which Natasha was allergic. That caused her to suffer an allergic reaction, which resulted in her death. She was only 15—so young. Natasha’s parents Tanya and Nadim have already been successful in their campaign for Natasha’s law, which enforces a requirement for all pre-packed sandwiches to contain a list of ingredients and which became law in October 2021.

The second petition was started by Owen Carey’s sister Emma. Owen suffered from multiple allergies all his life and was used to ordering meals for his restricted diet. In April 2017, he ordered a chicken burger at a restaurant. He explained his allergies to the server; with no other information available, he was assured that he was safe. However, the chicken was marinated in buttermilk, to which Owen was very allergic. He knew instantly that something was wrong. He had a massive reaction and, after 45 minutes, collapsed and died. He died celebrating his 18th birthday—again, so young. They were both young people with their entire life ahead of them. We can all clearly see why Natasha and Owen’s families want to stop anyone else going through this.

I spoke to the families of Natasha and Owen so that they could explain to me in their own words exactly what they are trying to achieve. I am grateful to them for that. It appears that both petitions go hand in hand.

The petitioners believe that if we had a tsar, they would have a champion who could work with families who have suffered bereavement and with charities that want to help, along with frontline staff, proprietors, supply chain businesses, the Food Standards Agency and all Government Departments that share an interest. It is a straightforward ask.

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): The FSA has highlighted the fact that while young people are more likely to experience a food allergy, they are less likely to tell a café or restaurant about it, especially if they have eaten there before. Does the hon. Member agree that we must empower young people to speak up about their allergies and make businesses aware of the importance of proactively asking customers about their potential allergies?

Nick Fletcher: The hon. Member is exactly right. I was forwarded a list of many people who have fallen foul of that, and they always seem to be so young. I will definitely come on to what the hon. Member has mentioned.

The second petition seems relatively simple, too. How difficult can it be to put on a menu what allergens are in each piece of food? In fact there is already a law requiring that, but it falls short by requiring it “by any means”, which often means that allergen information is missed by those who need it most. The petitioners say that the law needs tightening up, but they are flexible in their ask: they say that allergens must be stated on the face of the menu, but that could be in paper format or electronic. For a server to make sure that a discussion is had seems another simple ask, and a list of the sad losses could be dealt with through the coroner’s office.

But as with many things in life, it is not quite as simple as all that. The industry is huge. Billions of pounds are spent each year on food from outlets of varying sizes. We have all been to a local caff or McDonald’s; some of us have been fortunate enough to go to some rather expensive restaurants in hotels with branches around the world. Then there are those in the middle, the squeezed small and medium-sized enterprises. Therein lies the problem: the variation among outlets and what and how they serve.

Fast food chains give a specification to their suppliers of the ingredients that their food is to contain, with no variations—that is what they ask for and that is what they get. But other outlets, big and small, often get swaps when they order their ingredients, pretty much like when we get an online supermarket delivery. A local caff may be able to cope with that, with a good proprietor keeping a check on what they are sent and very few menu changes throughout the year, if any. It may not be too much of a problem for them, but the large restaurants and some of the independents with fast-moving kitchens may struggle.

We have all seen a chef with 40 covers to do bellowing in someone’s ear, pots and pans everywhere, hot kitchens with hot atmospheres, young people trying to learn their trade, and impatient customers breathing down a server’s neck. These are high-pressure situations, often in open kitchens, and these people are all trying to make a living. Mistakes will happen.

Then there are menu changes. Many restaurants change their menu frequently to add to the customer experience. They have to offer a variety to keep it fresh, and

[*Nick Fletcher*]

hopefully in season too, but every change brings a problem—another allergy list and another place for an error to occur. It is not as easy as one first thought.

Margaret Ferrier: Data from 2022 published by the FSA shows that when dealing with a risk of food allergies, smaller manufacturers will focus on the physical separation and secure storage of ingredients. In comparison, medium-sized manufacturers will take further steps such as cleaning between production runs and managing the packaging, labels and transport of products. Does the hon. Member agree that businesses of all sizes should have access to personalised guidance on how they can improve their allergy awareness in risk assessment?

Nick Fletcher: I will be coming on to that point, but I believe that an allergy tsar, which the first petition asks for, will be able to bring those concerns together. That would help the industry immensely.

There are companies out there such as Control Catering that want to work with the Food Standards Agency and the industry to create a single source of truth. They want to work with manufacturers so that all data is seamlessly passed to the end user, the customer or diner. The petitioners believe that that is a sensible idea, as we have over 50,000 products across a huge supply chain going to many different outlets and 60 million-plus people across this land. The British Institute of Innkeeping and Hospitality Allergen Support UK feel it is sensible, too, but apparently the FSA is slow to respond when contacted about it. The industry believes that unless we have a joined-up approach, we could end up putting forward legislation that has the best intentions but turns out to be completely unworkable. I know that there is much more that the petitioners would have me say, but I must move on in the hope that other MPs will add their thoughts on the complexity of the issue.

The second part of Owen's law would be for all servers to start a discussion with customers about allergies so that customers do not have to ask. My own experience is that that is happening anyway. However, I am fortunate enough to be able to answer no, so I am unsure how deep the conversation goes if the answer is yes. Stakeholders feel that training is required for all servers, but I understand that the industry suffers from a high turnover of staff, so that is not an easy task.

Ben Lake (Ceredigion) (PC): I am grateful to the hon. Member for introducing this important debate. There is very often a high turnover of staff in the hospitality trade, but does he agree that technology such as electronic forms and QR codes might help? Even though staff members might work in a restaurant for only a couple of months at a time, such technology would enable them to quickly check when asked what ingredients are in the food they are serving.

Nick Fletcher: The hon. Member is right. As we move forward in the digital age, we will be able to put options on menus that the server can discuss with the diners and things like that. Maybe the conversation should always be instigated, but if the answer is yes and the server is not adequately trained, they should be assisted by a person with higher authority or even the chef. Again,

that may be difficult to implement, but a conversation must take place with an outcome that protects anyone who suffers with allergies.

Before I move on from this point, though, let me say that I believe that there is a responsibility on people who suffer with allergies to make that known. They must play their part. I know many are young, but I am a firm believer in personal responsibility and we must give the catering industry a chance. We must help it to help us if the system is not quite working as it should. All of us who are fortunate enough not to suffer should support those who do by being patient, by showing a caring attitude when ordering our food with guests and, if it is our child who suffers, maybe even by ordering what they order. That would help our children and the restaurateur, and it would show some skin in the game. If we want change, we should be prepared to bear a little cost ourselves and to make ourselves a little uncomfortable for the cause. The state cannot and should not be the answer to everything. We should all play our part.

Finally, Owen's law asks that we maintain a list of all people who have died from anaphylactic shock. It would not necessarily be for the public domain or even name where the tragedy occurred, but it would be recorded to make the Government and all stakeholders aware of the size of the problem and to aid work on prevention as well as a cure. Professor Adam Fox believes that there should also be a list of near misses. Near misses are recorded in the construction industry; they should be recorded here, too. If we know the size of the problem, it may focus our attention on why there is a problem. Why are 40% of the population suffering with some kind of allergy? To me, that is the real question.

We can now see why the petitioners believe that the introduction of a tsar could help with the second petition's aim of instigating Owen's law. They believe that if we do nothing, we will see more tragedies, and if the industry simply states, "All our food may contain certain ingredients," people with hypersensitivity will stay away. Some stakeholders believe that if we move too quickly with poor regulation, we will damage the industry and no doubt close businesses. So do we do nothing? Well, the petitioners and the industry at large agree that there should be a change, and appointing a tsar who could lead on solutions may just do that. It may help to bring forward legislation or ideas that will not only save lives, but save an industry that is battling on many fronts simply to stay afloat. I look forward to listening to what colleagues and the Minister have to say.

4.44 pm

Jon Cruddas (Dagenham and Rainham) (Lab): What we are talking about today matters a great deal to a great many people. Millions across the country suffer from some allergic condition: it is estimated that 44% of adults and 50% of children in the UK have one or more allergic disorders. While the prevalence, severity and complexity of allergies have increased on a global scale over the past 60 years, UK rates are among the highest in the world. There is a modern-day epidemic in allergy. I therefore very much welcome both petitions: one to appoint an allergy tsar as a champion for people living with allergies and the other in support of Owen's law, a change in the law around allergy labelling in UK restaurants. I congratulate the organisers. Literally tens of thousands

of people are mobilising and demanding a change both in public health and in corporate responsibility for labelling policy.

Why do we need an allergy tsar? No single person has overall responsibility for the wellbeing of allergy sufferers in the Department of Health and Social Care, NHS England or anywhere else in Government. There are no clear lines of accountability in relation to the overall NHS provision of allergy care. An allergy tsar would act as a champion for people living with allergies. As the national lead, the tsar would ensure that adults and children with allergies received appropriate support to prevent avoidable death and ill health. The lack of a national lead has been raised time and again by coroners at the inquests of those who have tragically died following severe allergic reactions. The need for an allergy tsar is supported by the National Allergy Strategy Group and across the allergy community.

Andy Slaughter (Hammersmith) (Lab): I pose this question because my hon. Friend is an expert in the subject. There have been calls for a national allergy tsar for a long time. Does he understand why the Government are resistant to them?

Jon Cruddas: I will come on to that point. There have been 20 years of reports that agree about a common platform for policy change, and there is a unanimity across the community. It is bewildering that over the past 20 years, Governments have not responded in a proactive way, although over the past 18 months there have been a few changes, which I will come to later.

The need for an allergy tsar is supported by the National Allergy Strategy Group. In addition, the Natasha Allergy Research Foundation and the NASG are asking the Government to better support people with allergies through, first, an expert advisory group for allergy, which would actively support the growth and delivery of high-quality, comprehensive and geographically diverse allergy provision, and secondly a national allergy action plan.

Margaret Ferrier: A lack of societal awareness around food allergies is dangerous. For example, 600,000 people in the UK have coeliac disease, but there is a misconception that people choose to eat gluten-free food for its health and cosmetic benefits. Does the hon. Member agree that more needs to be done to ensure that the UK public are aware of the definition and dangers of different food allergies?

Jon Cruddas: I agree. I would suggest that that is part of the lack of an overall strategy and of key responsibilities at national level for making people aware about the differences and the public health needs across all our communities in every constituency that we represent here in Parliament.

The second part of the proposal is a national allergy action plan, which would join up GP and hospital allergy services, increase the number of specialist allergy clinics, train more specialist allergy doctors and consultants and provide mandatory training in allergies for all GPs. Owen Carey's family want a change in the law to compel restaurants to state the allergens in their dishes, specifically on the face of main menus. That would build on Natasha's law, which dealt with the ingredients and allergy listings on pre-packaged takeaway foods.

Natasha's law left an uneven situation in which people who buy pre-packaged foods have more protection than those who eat in restaurants, which is what the family are keen to sort out.

The family are also campaigning for better training for waiting staff, for more thorough and certified allergy and first-aid training and, as we have heard, for the proper recording of and a national register for anaphylaxis deaths. Those are all very sensible suggestions. Businesses are also responding: in March 2023, the bosses of 11 leading UK businesses, including Tesco and Sainsbury's, called for clearer rules on food labelling following recent tragic and preventable deaths.

As for the general context, the figures speak for themselves. One third of the UK population, or 20 million people, are living with an allergic condition, and 5 million have a condition severe enough to require specialist care. Fatal and near-fatal reactions have increased over recent years. There has been a 615% increase in hospital admissions relating to allergic disease during the past 20 years. More than 200,000 people require the prescription of emergency adrenalin because of the severity of their allergic condition. Each year, births add 43,000 new cases of child allergy to the population in need. The figures are extraordinary.

What is so frustrating—touching on what my hon. Friend the Member for Hammersmith (Andy Slaughter) raised a few minutes ago—is that over the past two decades a series of reports have consistently demonstrated the prevalence of allergic diseases, the patient needs and the lack of UK service provision. The list of reports includes two Royal College of Physicians reports, in 2003 and 2010, on allergy: the unmet need. We had the 2004 House of Commons Health Committee report on the provision of allergy services, as well as the 2007 House of Lords Science and Technology Committee report on allergy. In autumn 2021, the all-party parliamentary group on allergy and the National Allergy Strategy Group published “Meeting the challenges of the National Allergy Crisis”.

All the reports have consistently highlighted how allergy remains poorly managed across the NHS because of a lack of training and expertise. All have recommended significant improvement in specialist services as well as improved knowledge and awareness in primary care. They have all talked about a national allergy action plan and the need for a national lead person responsible for allergy services—an allergy tsar. Yet in truth, very little has happened in 20 years. Change is long overdue.

Beyond the statistics, we are talking about a growing number of people living with allergic disease. Their condition can have significant and negative impacts on their lives and those of their families. It is frightening and restrictive to live with a condition that can cause a severe or life-threatening reaction at any time.

The reports that I mentioned, spanning 20 years, have all agreed on four key recommendations for change: a national plan for allergy, which would involve making allergy a priority and investing in a national plan led by a designated Department head, a national tsar; specialist care, which would involve expanding the specialist workforce as a priority; in primary care, ensuring that all GPs and other healthcare professionals have knowledge of allergic diseases; and, in terms of commissioning, ensuring that local commissioners understand the allergy needs of their population.

[Jon Cruddas]

As I mentioned, I want to acknowledge some progress over the last year. The previous care and mental health Minister—the right hon. Member for Chichester (Gillian Keegan), who is now Secretary of State for Education—demonstrated real commitment in this area, and since 2021 we have established a work programme and an ongoing dialogue between civil servants and representatives from the NASG to support the development of a national plan. I hope that that work continues. It should be the right of every allergy sufferer to receive a quality standard of care, and every sufferer should be able to be confident about the food that they consume in restaurants, as is the case under the arrangements that successfully operate in other countries, such as the Irish Republic.

In December 2022, the Food Standards Agency executive said that as a result of the need to respond to the deadline imposed by the Retained EU Law (Revocation and Reform) Bill, it had to delay its planned work on Owen's law. Supporting the petition this afternoon will, we hope, put pressure on the Department for Environment, Food and Rural Affairs to force the FSA to prioritise its work on Owen's law before another person dies unnecessarily.

I congratulate all the organisers of both petitions and urge the Government to respond favourably to them, because lives literally depend on it. Government action is important, and I hope that the Government can back both petitions this afternoon.

4.53 pm

Steve Brine (Winchester) (Con): It is good of you to call me so early, Sir Graham. I was really keen to make a contribution to today's important debate, the subject of which was ably laid out by my hon. Friend the Member for Don Valley (Nick Fletcher). Congratulations to the many people who signed the first petition: 13,000, as my hon. Friend said. I think the second highest number of people who signed it live in the Winchester constituency, and I will explain why that was the case.

This is a subject that I am interested in, not only because I chair the House of Commons Health and Social Care Committee and am a former Public Health Minister and who has sat many times in the seat where the Minister is today, but because I am the constituency MP of Emma, who is here today and whose lovely brother Owen gives his name to part of today's debate—one of the petitions—and, of course, to the Owen's law campaign. The House will wish to note that I met up with Emma on Friday in Winchester and heard a bit about her little brother, the tragic circumstances in which he lost his life and the brilliant campaign that she and the family have put together in his memory. They have hotfooted it from Manchester, where they were on the "BBC Breakfast" sofa this morning, so it is really great to have them here in the Public Gallery today.

As I have said a number of times in this Chamber, the Health and Social Care Committee recently launched a major new inquiry into prevention of ill health. It is a subject that I am passionate about, and it is one of my top priorities as Chair. Obviously, prevention covers a huge range of topics, and that is one of the reasons why we decided to theme the inquiry around 10 key workstreams, which we will be exploring over the remainder of this year and probably into next. A high number of the submissions

that we received to our initial call for evidence were related to food. Although perhaps more obvious topics spring to mind when talking about food and prevention, such as the obesity agenda, it is important that we do not lose sight of how crucial preventive work is when supporting people with food allergies and intolerances. Today's debate on the two e-petitions perfectly illustrates that point.

Owen's sad death at the age of just 18 gave rise to the campaign for Owen's law, and we have also heard about Natasha. These were simply avoidable deaths. They really could have been prevented if better information about allergens had been available. I agree with the hon. Member for Dagenham and Rainham (Jon Cruddas) about levelling that playing field—he put that very well. To avoid other families suffering the same awful loss that Owen and Natasha's families have experienced, it is essential that the Government look at what more can be done to pull together all the work carried out over many years, to ensure that people with allergies have the information they need to make informed decisions about what they can and cannot eat.

I was encouraged to see in the Government's response to the petition on Owen's law that the Food Standards Agency met the Carey family to discuss their proposals, and that the agency committed to working with the Department to consider how to improve the provision of information to people with food hypersensitivity. That response, however, was issued back in 2021, so I hope that the Minister will provide us with an update on how that work is progressing.

Alongside improving the provision of information about allergens, it is important, as we have heard, that research continues into food allergies, so that there is an improved understanding of how to prevent complications relating to those allergies in the future. Ministers should look to the work proposed by Professor Adam Fox at the British Society for Allergy and Clinical Immunology. I was encouraged to see in the Government's response to the second e-petition that the National Institute for Health and Care Research has allocated more than £2 million for research into food allergies over the preceding five years. Again, however, that response dates from 2021, so I hope we can have an update today.

I understand that the Food Standards Agency will discuss the changes proposed under Owen's law at its June board meeting, which is very good news. Will the Minister ensure that the strength of feeling in the House today is fed to the FSA ahead of that meeting? Specifically—and specifics are important here—we are talking about regulation 5 of the Food Information Regulations 2014, which simply obliges restaurants to provide allergy information accurately "by any means". That could mean anything—it could mean just a passing verbal reference. In short, the Owen's law campaign wants to change the words "by any means" and to oblige restaurants to write that vital information on the menu. That is critical for the reasons we have discussed. Many people do not want to discuss their allergies and personal health circumstances when they are going for a birthday meal. That is not unreasonable.

I trust the Minister will agree that it is essential we make progress in this area, and do so fast. The hon. Member for Dagenham and Rainham talked about the work that has gone on over a decade or more. I say to the Minister that the bottom line is that the music stops

when they sit in that chair. I have been in that chair, and it is a wonderful job—the best job in Government. It gives the Minister a great opportunity. He must grab it. As we have heard, the architecture for Owen's law is already in place in the Republic of Ireland, so will the Minister promise the House that he will look at that example and learn from it?

We need to see changes in law, regulations, guidance and industry practices, as well as in research into allergies. I will not repeat every ask of the campaign, because my hon. Friend the Member for Don Valley did that when opening the debate. We intend to keep working until we get progress on this issue. I promise, as Chair of the Health and Social Care Committee, that I will put my weight behind the issue, and the Committee will look at it.

Owen had a range of allergies and, although he was just 18, he had become well versed in managing them. With school lunches, trips and holidays, I heard they had to work so hard to manage them. Owen did not have to die, but he did because he went out for a meal to celebrate his 18th birthday. I asked his big sister on Friday what she thought Owen would be doing today—he would be 23 years old. Emma said she thought he would be somewhere in Wales—the family's spiritual home—probably on the Gower beaches where his brother Daniel, who is also here today, taught him to surf. He was due to go to Swansea University, and Emma thinks he most definitely would be working in something clever, probably tech or computing, living an outdoors life to the fullest and playing that guitar he loved so much. He cannot do any of that now and that is a tragedy, but we can do something to ensure that his death and Natasha's were not in vain and to ensure that others do not end up in the same position.

There is a saying that I often like to refer to in this place—I used to have it on my desk when I had the Minister's job—and that is, "For a moment like this." That sentence can be completed with anything you like. For a moment like this, we are in Parliament—please let us seize the opportunity.

5.1 pm

Sarah Green (Chesham and Amersham) (LD): It is a pleasure to serve under your chairmanship, Sir Graham. I thank the hon. Member for Don Valley (Nick Fletcher) for opening the debate and all those who signed both petitions. I express my support for the appointment of an allergy tsar to act as a champion for allergy sufferers.

Last year, I was contacted by a then eight-year-old constituent who shared with me the harrowing experience she had had following an allergic reaction. She had been baking with her grandparents and ended up consuming what doctors suspect might have been trace amounts of either pistachio or cashew nut. The reaction led to her being rushed to hospital in an ambulance terrified and, in her own words, thinking she might die. Thankfully, my constituent was able to receive treatment in time, but her parents have told me how they have had to become food manufacturing detectives to keep their daughter safe. They routinely contact food companies directly to understand the company's cross-contamination policies, which then allows them to make informed decisions on what food they give her. Surely, in today's Britain, parents should not have to play detective to keep their children safe.

While there is a legal requirement to label products that contain any of the 14 most common allergens, such a requirement is sadly lacking when it comes to precautionary labelling on the risks of cross-contamination. That means there remains significant variation in whether and how food companies provide that information. Some companies that clean machinery between manufacturing different food products decide not to include precautionary labelling at all, despite the risk of cross-contamination from trace amounts of allergens. Where companies do provide such information, the way in which it is shared can vary drastically, including the location of labels on the packaging and the phraseology used. This lack of consistency can lead to confusion, as the Food Standards Agency identified in its report published last summer. Most importantly, it can lead to sufferers or their parents missing critical information that could help them decide whether a particular food is safe.

My constituents have also raised with me the fact that where there are warnings about nuts in particular, they are almost always generic, with statements such as "This product may contain nuts." In some cases, where sufferers are allergic to some types of nuts but not others, the lack of detail means that large amounts of food products that otherwise might be suitable for them are automatically ruled out. As the Food Standards Agency report makes clear, this much-needed change is supported by industry. It says that food businesses

"want a standardised approach, with clear requirements that provide certainty and a level playing field, giving confidence that their risk assessments protect consumers."

I therefore urge the Government to appoint an allergy tsar and to take action on precautionary labelling, to ensure that allergy sufferers are able to make informed decisions about what they eat and to reduce the risk that they will expose themselves to potentially deadly allergens.

5.4 pm

Mrs Sheryll Murray (South East Cornwall) (Con): It is a pleasure to serve under your chairmanship, Sir Graham. I congratulate my hon. Friend the Member for Don Valley (Nick Fletcher) on leading this debate.

Paul Carey, Owen's dad, is my constituent. His son was lost when he ate a burger that had been soaked in buttermilk, to which he was highly allergic. Minister, I will be repeating what has been said already, so that it hits home. Owen knew about his allergies, and he explained them to the server, who did not know that the burgers had been soaked in buttermilk. Owen died at the London Eye, which is just over the river from Parliament. That is why I think it is particularly brave for my constituent and his family to come to this debate. I thank them for that, and I thank them for their tireless campaigning to stop another parent going through what they have gone through.

Many restaurants, including small outlets in my constituency, already have allergy information on their menus. I thank them for that. I call on other places to do the same now, before a change in the law. Quite simply, it could save a customer's life—a customer who could come back time and again because they feel confident in the information provided without having to ask for it or to rely on a server who may not have the full information. That works already. The Republic of Ireland implemented a change to its law in 2014. The Food

[Mrs Sheryll Murray]

Standards Agency has already done a fact-finding mission to better understand how that law works in practice. It is doing a workshop next month to go through its findings. It would not need to be a big change in legislation. Food businesses already need to make allergy information available. Putting it on the face of menus would stop those with allergies having to ask for it.

I call on the Minister and the Government to make that a priority and to make that change to the law now. I am sure the whole House would back that minor change, which would incur very little cost to the public purse. I also ask the Government to look at how the training of service staff can be improved so that they ask customers about allergies, and so that they know about allergens and what to do if someone has an allergic reaction.

I have relations and members of staff who have allergies of one sort or another. Minister, it is time we took action. I look to the Minister in his reply to confirm that he will tell us when his Department plans to implement Owen's law.

5.8 pm

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship, Sir Graham, in such an important debate. I will echo the Chair of the Health and Social Care Committee, the hon. Member for Winchester (Steve Brine), and others. Through relatively small changes to how the NHS is organised and to legislation, this dramatic change would both improve and save the lives of millions, so I hope we will hear something positive from the Minister.

I also thank the hon. Member for Don Valley (Nick Fletcher), who opened the debate, for his comments about Natasha Ednan-Laperouse and her family, and for the sensitive and compassionate way in which he dealt with that tragic death. Natasha's family are my constituents, and we have heard that Natasha died at the age of just 15 from eating an inadequately labelled Pret a Manger sandwich.

The afternoon I spent with Nadim, Natasha's father, will stay with me for the rest of my life. He described his experience of how she went from enjoying a happy holiday—getting ready to go out, the excitement of getting ready to fly, taking the precautions she normally did as someone who knew about her allergies, in this case to sesame—to end in her awful death. I do not want to draw that out today, though.

I am very pleased to see Natasha's mother Tanya here today. I feel huge sympathy and compassion for the family, but also huge admiration for them and everything they have done to commemorate Natasha's life, going far beyond what many people have done to ensure that the lives of others are improved. Not only have they set up the Natasha Allergy Research Foundation, which we have heard about, but they pioneered Natasha's law, which came into effect in 2021. It requires food businesses to include full ingredient labelling on foods that are pre-packed for direct sale. Natasha's law filled an important gap in food legislation and food safety, and Owen's law would do exactly the same in another respect. His family are here today, and I praise them for having

courage and pursuing this matter. I hope that because of the efforts made by these families, we will see a positive response.

Although we have taken those important steps forward, there is still a lot of work to do, hence the petitions and the debates today and last week in this Chamber. The petitions received a very high number of signatures, and some of the highest numbers were among my constituents. That shows how a case such as Natasha's can have a profound impact on not just a family, but a whole community.

I am grateful to my hon. Friend the Member for Dagenham and Rainham (Jon Cruddas) for securing last week's debate marking Allergy Awareness Week and for his speech today. I looked carefully at the Minister's reply, which I will come back to in more detail in a moment, from the debate last Thursday. I read nothing about steps towards appointing an allergy tsar in that response, which is unfortunate because that is something that the allergy community tell us is needed to keep people safe and to keep research moving forward.

As we heard in both debates, allergies in the UK are on the rise. About one in three people have an allergy-related disorder, and over the past 20 years there has been a more than 600% increase in hospital admissions due to allergic diseases. It is not just the numbers of allergy sufferers that are escalating, but the severity of the symptoms. Over 200,000 people in the UK require emergency adrenalin on prescription to manage their allergy.

The very real and ever-present risk of death from an allergic reaction is an ongoing trauma for families and parents of young children who have an allergy condition. As we have heard, about 50% of our child population now live with an allergic condition. Many of our schools have rightly become nut-free zones, due to the numbers of children who would be at risk if someone brought in a nut-based food in their lunchbox. Children go to school with medication bags including EpiPens and adrenaline, in case the worst happens. We should not underestimate the distress and anxiety that that can cause a child, who must learn from a very early age the consequences that can come from eating the wrong thing.

The weight of that on a child is really quite unfathomable, yet we have nobody in the Department of Health and Social Care or NHS England who is responsible for a strategy to tackle allergies. We know that this is a growing problem and research is desperately needed, but to ensure that allergic conditions get the focus they need, someone must be appointed to champion the issue. Given the current state of the NHS, we all understand that resources are stretched, but if the Government committed to an allergy lead, along with funding, they would allow someone to take ownership of the matter and drive forward a strategy to improve the lives of those with allergies.

If I may, I will give a brief, or at least recent, history and timeline of the lack of progress made towards appointing an allergy tsar. Back in January 2020, an inquest was held into the death of another young person who tragically died as a consequence of an allergy: Shante Turay-Thomas. Following the inquest, Emma Turay, Shante's mother, said:

"Nothing will ever bring our beautiful Shante back to us but what has kept me going throughout this process is knowing that she would want me to get answers and make sure the same thing

doesn't happen to anyone else...The coroner highlighted the fact that no one person in NHS England or the Department of Health is responsible for allergies, and it is quite clear we need an allergy tsar to co-ordinate and implement steps to prevent others from suffering avoidable deaths like Shante's."

It is interesting that we still do not have access to a compendium of prevention of future deaths reports. We rely on individual reports, which are very important, but if coroners' reports were better organised, this issue would have much greater public attention. In Shante's case, the coroner's report said:

"there is no person with named accountability for allergy services and allergy provision at NHS England or the Department of Health as a whole".

The response from the then Minister for Social Care, the hon. Member for Faversham and Mid Kent (Helen Whately), was:

"Although there is no single, named individual with oversight for all aspects of allergy policy, individuals and teams work closely together in the Department on all aspects of policy relating to allergies."

The inadequacy of that response led to the petitions being launched and to the call by tens of thousands of people for the Government to appoint an allergy tsar to act as a champion for people with allergies and ensure they receive appropriate support and joined-up healthcare, and so prevent avoidable death and ill health.

In June 2022, following those events, the Natasha Allergy Research Foundation met a new Health Minister, who showed an interest and assured the foundation that meetings were ongoing with the National Allergy Strategy Group and my hon. Friend the Member for Dagenham and Rainham. Three months later, because of the carousel of Prime Ministers turning, the Health Minister was demoted to a different Department and the momentum was lost, notwithstanding the fact that my hon. Friend the Member for Nottingham North (Alex Norris), who was then the shadow Health Minister, tabled an amendment to the Health and Care Bill to create an allergy tsar. Although the Government refused to accept the amendment, the then Health Minister promised to raise the issue with NHS England.

There is a constant expectation that something is going to be done, and then it is dashed, either because of inaction by a particular Minister or because the Minister has simply moved on. Time and again, progress has stalled because of the musical chairs—the many Prime Ministers and the sacking, promotion and demotion of Ministers—and the allergy community has been left waiting patiently for the matter of an allergy tsar to be taken seriously once more.

This reminds me of the long battles we fought to have inquiries into Hillsborough and the contaminated blood scandal. Ministers constantly promise things, or at least say they will look into things, and then they move on and we are suddenly back to square one. I hope the Minister will give us positive news today, not just warm words, and that he will tell us about tangible steps he will take to appoint a lead person for allergies as soon as practicable.

I have not heard anybody coherently argue against the merits of having an allergy tsar, which is why I posed the question I did to my hon. Friend the Member for Dagenham and Rainham. An allergy tsar would be dedicated to and focused on the development of research into cures for allergies, and tasked with ensuring specialist

allergy clinics and services up and down the UK. They would be a dedicated lead who works with the Government to implement mandatory reporting on all anaphylaxis events presented to hospital to support comprehensive investigations of fatal and near-fatal anaphylaxis events, and a champion and advocate for those who live with allergic conditions and need more specialist practitioners in their corner.

There is a lot more that I could say, but I will concentrate on two questions that I would like the Minister to answer. First, in relation to the appointment of an allergy tsar, may I remind the Minister what his colleague the Minister for Social Care said in responding to the debate last Thursday? She said:

"There have been calls over recent years—I have heard them echoed today—for stronger leadership on allergy. I am pleased to take this opportunity to outline the allergy leadership that we already have in place. In October 2022, Dr Claire Bethune was appointed national speciality adviser for specialised immunology and allergy. Dr Bethune chairs the NHS England clinical reference group that provides clinical advice and leadership on the specialised immunology services, and advises on how specialised services can best be delivered."—[*Official Report*, 11 May 2023; Vol. 732, c. 264WH.]

That is not good enough. That is somebody who has a partial role—a part-time role—who may well do a good job in their own field, but who is not an allergy tsar. It is not a single person who is taking overriding responsibility for allergy.

Let me briefly give a few reasons why an allergy tsar is essential. The debate and the concern about the lack of a national lead on allergy has been going on for 20 years. During that time, clinical outcomes have barely improved, but the number of hospitalisations has tripled. An adviser who specialises in immunology and who simply chairs the existing clinical reference group does not meet the requirements for a national allergy lead. Allergy is currently managed by too many different professional groups. The immunologists do not see it as a priority and are more pathology-focused or laboratory-focused rather than clinically focused. That means that different specialties manage allergy disorders differently.

There is not a strong appreciation that allergy leads to severe symptoms that sometimes lead to death, for example through anaphylaxis or asthma. Allergy is too often trivialised and passed down to primary care practitioners, who are inadequately trained and over-committed in other areas. Allergy is equated with mild disease, but even hay fever has a much greater impact on those affected by it than is appreciated. It would be far better to have a national lead who could also be a clinical lead and who is an expert in managing allergic disease. Training in clinical allergy is minimal, whether for specialist clinicians or for primary care practitioners. We need special efforts to build this specialty. Finally, deaths from anaphylaxis are appreciably lower in those countries with a joined-up clinical allergy service, and in such countries population knowledge about allergy is more highly developed. The case for why we should have an allergy tsar is overwhelming and I would like a clear answer from the Minister today. I do not want a restatement of the current position, because the current position is clearly inadequate.

The second question for the Minister is whether he or one of his colleagues, ideally the Secretary of State, would meet the Natasha Allergy Research Foundation and other interested and expert parties. I ask for that meeting

[*Andy Slaughter*]

for three reasons. The first is that people at the foundation have personal experience, which to their great pain they have shared publicly, and they have a great deal to offer to the Government and to the NHS in explaining the needs of people with allergy.

The second reason is that the foundation and these other organisations have expertise. I have already indicated that the work done by the foundation since her death really puts the Government to shame. It is not just about the passage of Natasha's law. The foundation also launched a £2.5 million Natasha clinical trial across six British university hospital sites, seeking to prove that everyday food products could be used in NHS settings as a cheap alternative to expensive pharmaceuticals, to provide oral immunotherapy treatment for children and young people. It has also funded bursaries over four years for students and healthcare professionals at the University of Southampton on the internationally recognised allergy master's degree and PhD courses at this world-leading allergy research centre. The foundation also organised the global allergy symposium in September last year, which was hosted by the then Prince of Wales, now King Charles, at Dumfries House in Scotland, home of the Prince's Foundation, to discuss allergy and the environment, which was attended by 16 of the world's leading allergy scientists. That is the work of one family—one foundation. What have the Government done during that time to compare to it?

The third reason why a meeting is necessary is that we have waited too long. I have talked about the musical chairs of Ministers coming and going. The time is long overdue for a Minister to sit down and talk seriously to the Natasha Allergy Research Foundation and other interested parties, and to confront the issue. I would love to hear the Minister say that the Government are going forward with an allergy tsar. If he will not say that, I ask him to say that he will sit down and seriously listen in detail—he can do so far better than others in this room can—to the reasons why an allergy tsar is needed. Lives have been lost, and lives are at stake. As I said at the beginning of my remarks, the Minister's response today can make a huge difference to how we go forward on the issue.

5.25 pm

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure to serve under your chairpersonship, Sir Graham. I thank the hon. Member for Don Valley (Nick Fletcher) and the Petitions Committee for bringing forward this vital debate. I pay tribute to Owen's and Natasha's families and to all the people who have come to the debate. I thank them for coming here, because I know how painful it must be for them. I also thank the many thousands who signed the petition.

Owen should have turned 24 last month. This should have been a time of joy and celebration for him and his family. Instead, because of a tragic and preventable failing, he died less than 300 metres from this building. Diagnosed with severe food allergies at just six months, Owen was always careful to manage his allergies and avoid triggering a reaction. On the day that Owen passed, he took the time to inform the waiting staff of his allergies, but because of a miscommunication the information was not passed to the kitchen. That led to

his consumption of a chicken burger that had been marinated in buttermilk. Despite the presence of one of the most common allergens, dairy, the information was given only in the small print on the back of the menu, not alongside the product listing. That is in line with regulation 5 of the Food Information Regulations 2014, which requires restaurants to collate allergen information but allows the information to be delivered "by any means". The regulations do not go far enough to inform customers about what allergens might be a part of their meal. Instead, the onus is unfairly placed on those with allergies to inform their servers. That cannot be right.

Since Owen's untimely death, his family have campaigned tirelessly for a common-sense change to the legislation, so that it reads "on the face of a menu" instead of "by any means". That would be much like the vegan and VE vegetarian symbols displayed alongside vegetarian and vegan products in restaurants. I praise the restaurants that acted unilaterally to display allergen information prominently on their menus. That is a straightforward step that could save lives.

The number of people with allergies in the UK has steadily risen, and an estimated one in three people are affected. Owen's law would benefit the millions of people in the UK who are allergic to a food product or who care for someone who is. Those who suffer with even a mild allergy know the detrimental impact that it can have on their quality of life, the stress caused by social interactions in unfamiliar places, the diligence it takes to analyse everything that they purchase and consume, and the constant worry that their allergy might progress and get worse with little or no warning. It is no wonder that those who are diagnosed with an allergy are more likely also to be diagnosed with depression or anxiety.

At the inquest into Owen's death, the coroner found that a lack of data collection regarding anaphylactic reactions contributed to a failure to learn from these tragedies. I am pleased that some progress has been made on this front with the establishment of the UK anaphylaxis registry in 2021, but we need to do more to support people with allergies. The past 20 years have seen minimal investment in NHS allergy services, and I support calls for an allergy tsar to advocate on behalf of those with allergies, alongside an increased number of allergen clinics. We cannot eliminate allergens entirely, but one thing we can do is advocate Owen's law, which would build on Natasha's law and ensure that allergen information is displayed alongside food products in restaurants so that the proper information is provided in the most accessible manner.

I beg the Minister to ensure that action is taken. No one here has disagreed today; everyone has been in favour of more resources being deployed in this area and of having a tsar who runs a proper strategy and has the proper financial resources to research why so many people are allergic to various products. Let us change the legislation. The Minister has the opportunity to stop many more parents having to face the unthinkable and lose a child or family member. These deaths can absolutely be avoided with the right services and legislation in place.

5.30 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a pleasure to serve under your chairmanship, Sir Graham. I congratulate the hon.

Member for Don Valley (Nick Fletcher), who opened the debate on behalf of the Petitions Committee. It is an extremely important and very poignant debate for many here today and for people across the United Kingdom who have been affected by allergies and inadequate labelling and service provision, which have led to the tragic deaths that have been relayed by Members today. I thank the families for the work that they have done and will continue to do in this space until the allergy tsar is appointed—a proposal that has been supported by everybody who has spoken so far.

The hon. Member set the scene perfectly. He asked for the allergy tsar to be appointed to address the important issues that have been raised, and he highlighted why it is so vital that menus are explicit. The point was also made that although people can have a discussion about their health-related issues at the dinner table, it is perhaps something that not everybody feels comfortable doing. That is exactly why it is so important that menus are explicit and that the issue is taken forward with prominence.

The hon. Member spoke about the numbers of people affected and why it is so important that we have accurate data, which includes not only those who have been impacted, but the near miss cases. Only with accurate data can we understand the scale of the issue and the prevention measures that are needed. He highlighted some of the difficulties for the trade in implementing the changes needed, but, my goodness, when young people's lives are at stake, it is vital that those changes are made and that we work together with industry to ensure that they happen.

I also thank the hon. Member for Dagenham and Rainham (Jon Cruddas), who highlighted that this is a corporate responsibility across Government and that we have been waiting for 20 years, which is far too long, with far too many lives lost in the interim. We must make sure that the strategy comes together, that the tsar is appointed and that Government implement the policies that are so desperately needed.

The hon. Member for Winchester (Steve Brine) said that Owen's law has already progressed in the Republic of Ireland. That is very important because it shows that despite the difficulties outlined at the start, this can be done and progress can be made. This proposal therefore has to be implemented pragmatically. The hon. Member for Chesham and Amersham (Sarah Green) described her constituent's near miss case very eloquently, saying that that is why it is so important that we have a standardised approach.

The hon. Member for South East Cornwall (Mrs Murray) spoke eloquently on behalf of her constituents, as she continually does in this House. She raised the case of Owen and spoke of the support she has given to the family. She has also ensured that constituents' concerns are heard at the highest level. She called it an absolute priority, and asked the Government for changes to be made in law.

There were some very good interventions from the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier), who is no longer in her place, particularly about the Food Standards Agency having been too slow to react. The hon. Member for Hammersmith (Andy Slaughter) spoke at length, reinforcing the need for the tsar to be put in place. His point that the clinical outcomes have not improved was so important: whatever

has been done so far has perhaps made progress, but it is just not enough and is not making a difference clinically. He underlined the point that the current position is therefore inadequate. Finally, the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss) said—this sums up the debate—that common-sense changes are needed, that we must work together and that no one has disagreed.

I would like to reinforce the asks that have been made of the Minister. I also think that much more testing should be available for allergies. I remember being tested, and the nurse saying to me, “Do you have any allergies, Lisa?” I said no, and I was so shocked when my arm started coming up with lots of little red spots and I was told that indeed I had quite a few allergies. We need to make sure that everybody can have that diagnosis and testing so that there are not accidental cases in which people may not even be aware that they have allergies.

As has been said, training for staff in the hospitality sector and others is so vital in this case. The other thing that I am very interested in is the digital, technological advancements that we are making. I would like to hear from the Minister—he can write to me if he does not have this information today; that would be perfect—about the blockchain digital technology that I have heard can be applied to food labelling and distribution. That technological advancement might help us to move forward in this case. Finally, I echo everybody's words and call on the Minister to please appoint an allergy tsar, because we will be saving very many people's lives.

5.37 pm

Andrew Gwynne (Denton and Reddish) (Lab): It is a pleasure to serve under your chairmanship, Sir Graham. I am grateful to be responding to the debate on behalf of the shadow Health and Social Care team this afternoon.

I thank the hon. Member for Don Valley (Nick Fletcher) for his opening contribution and the compelling way in which he put the case to the House. I thank my hon. Friends the Members for Dagenham and Rainham (Jon Cruddas), for Hammersmith (Andy Slaughter) and for Sheffield, Brightside and Hillsborough (Gill Furniss) for their contributions, as well as the hon. Members for Winchester (Steve Brine), for South East Cornwall (Mrs Murray) and for Chesham and Amersham (Sarah Green), and the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron), who spoke for the SNP.

I begin by recognising the courage of Tanya and Emma, who are observing us from the Gallery. I know the etiquette is not to refer to the Gallery, but as we have heard, Tanya's 15-year-old daughter Natasha died of anaphylaxis after unknowingly consuming sesame in 2016, and Emma's daughter Shante died after a severe allergic reaction to hazelnut in September 2018. To both of you, I say: I cannot even begin to comprehend the loss that you have both suffered. We are incredibly grateful to be joined by you today, and I pay tribute to the exceptional work that you are doing via the Natasha Allergy Research Foundation. Thanks to the efforts of yourselves and others, full ingredient and allergen labelling on pre-packaged food for sale was introduced in October 2021—something that Members on all sides of the House agree is a vital step in the right direction.

[*Andrew Gwynne*]

But as has been rightly pointed out, there is still a very long way to go. The UK is now in the top three in the world for the highest incidence of allergies, with hospital admissions for food-induced anaphylaxis tripling over the last 20 years. The largest increase has been seen in children under 15, among whom there has been, on average, a 6.9% annual increase in admissions with a serious allergic reaction. Across all allergy sufferers, 20% live with a severe, debilitating form of their condition. The case for action could not be clearer.

We are here today to respond to two petitions. The first relates to Owen's law, named after Owen Carey, and I pay tribute to Tanya and Emma. I also pay tribute to Paul, Emma and Owen's family, who are in the Public Gallery. As we have heard, Owen was an 18-year-old who tragically died after eating a chicken burger marinated in buttermilk, to which he was allergic. Despite checking the menu and making his allergies clear to the server, Owen collapsed 45 minutes after his meal and could not be resuscitated. I know that the Food Standards Agency is considering what steps to take to increase the accuracy of allergen information on non-pre-packed food, but I would be grateful if the Minister provided an update on the development of Owen's law and on what recent discussions he has had with the FSA on this vital issue.

The second petition calls for a specific allergy tsar, for which Members of different parties, but particularly my hon. Friend the Member for Hammersmith, have put the case so diligently. As the coroner highlighted following Shante's death in 2018,

"there is no person with named accountability for allergy services and allergy provision at NHS England or the Department of Health as a whole."

That is unfathomable, and this runs the

"risk that future deaths will occur unless action is taken."

That warning was repeated recently by the coroner Heidi Connor following the death of Alexandra Briess in 2021. We have now had two senior coroners making a similar recommendation to the Government that someone—whether we want to call them a tsar, a lead or just someone with named accountability—should be appointed to take responsibility for allergy services in England. I would therefore appreciate it if the Minister outlined what assessment his Department has made or is making about introducing an allergy lead within NHS England or the Department of Health and Social Care, particularly in the light of the powerful interventions that we have heard from patients, bereaved families and coroners and in all the contributions to today's debate.

The other point on which I would like to press the Minister is NHS service provision. Failings in care for allergic disease have been allowed to fester for far too long. My fear is that with the NHS under increasing stress in terms of waiting times, waiting lists and staff vacancies, the problem may well get worse, not better. What steps is the Minister taking to address the acute problems for allergy sufferers? The Natasha Allergy Research Foundation says that with many GPs not receiving training in allergies, with primary and secondary care services being disjointed and with a shortage of allergy specialists across the UK, there is a postcode lottery of care that is costing lives. That is being compounded by a lack of information, with more than

half of integrated care boards not currently holding data relating to allergy disease and treatment. That is not acceptable. I hope the Minister agrees that we need rapid progress in the delivery of allergy care and the monitoring of prevalence and treatment.

Finally, on research, what steps are the Government taking to support potentially game-changing treatments for many allergy sufferers? I am sure that the Minister will agree that we want to see a world in which allergy diseases are eradicated. Members across the Chamber would greatly appreciate any update on research in the field. We all want improvements in allergy care and support for those living with allergic diseases. We owe it to Tanya, Emma, Natasha, Shante, Owen, Alexandra and all the families who have lost loved ones because of avoidable and treatable allergic reactions. I sincerely hope that today's debate will instigate a step change and that together we can work towards a future in which allergies are cured and those living with allergic disease are properly supported.

5.45 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Neil O'Brien): I thank my hon. Friend the Member for Don Valley (Nick Fletcher) for introducing this debate and for doing an excellent job of setting out the issues, and I thank all hon. Members who contributed. I found myself making copious notes; there was a lot for me to take away and work on. I also thank the thousands of individuals who signed the petitions that triggered this debate, which show the strength of the desire and the demand to improve treatment for those who suffer from allergies. Above all, I thank the victims' families and friends who are here in the Public Gallery. I am terribly sorry for your loss; it was awful to hear about. I pay tribute to you and thank you on behalf of the Government for all the work that you have already done to improve safety and make sure that others do not suffer in the way you have suffered.

I will set out some of the work that is under way on different aspects of the issue in the Department of Health and Social Care and the Food Standards Agency. Food businesses are all under the same legal obligation to provide information at the point of sale indicating the presence of the 14 major allergens. Natasha's law, which the Government introduced in 2021, requires all pre-packed direct-sale food such as grab-and-go sandwiches to have a label that shows the ingredients and allergens. That is important in helping people with allergies to feel confident that they are choosing safe food.

There are about 2.6 million people with food hypersensitivities in the UK. As hon. Members have pointed out, that number is rising. It includes people with food allergies, intolerances and conditions such as coeliac disease, which my mother suffers from, so I have some sense of the challenges facing people with that condition. The Food Standards Agency is working to address the needs of those consumers so that they can make safe and informed choices about the food they buy. For people with a potentially life-threatening reaction to certain foods, that trust is much more important.

The Carey family are already driving awareness on the issues that people with life-threatening allergies face. The FSA has met the Carey family several times in the past few years and it recognises the positive impact that the Owen's law campaign is having. We need to

consider changes to the law carefully to ensure that there are better safety outcomes for allergen sufferers and to avoid unintended consequences for consumers.

As hon. Members have mentioned, a workshop is taking place at the start of June with the families and others to look at how we can go further. To answer the question asked by my hon. Friend the Member for Winchester (Steve Brine), the FSA team have been over to Ireland to look at its law and study how it is working. I am not in a position to make an announcement today, but I am struck by the fact that everyone involved agrees that there is room to do better. Nothing is off the table at this point.

There are a number of issues relating to improving labelling for people with serious allergies. They are not arguments against doing anything; they are just issues that we must grapple with as we work out how to make progress. One is how we avoid potentially dangerous out-of-date information on menus, particularly for smaller restaurants, which change their ingredients more frequently. We cannot have false reassurance. When I worked in a Chinese restaurant, I was often sent out to a supermarket to find ingredients on the day, and that would often change what was in what we were serving up. Small businesses absolutely cannot have out-of-date information on menus.

Mrs Sheryll Murray: Will the Minister explain how some small outlets in my constituency list the allergens on their menus when, as he says, doing so is an obstacle?

Neil O'Brien: To reiterate what I said at the start of my remarks, I am mentioning some of the issues that we have to solve, not presenting them as insuperable obstacles to doing what a lot of people are calling for.

Another challenge that we have to grapple with, and are grappling with, is how to avoid some smaller businesses taking away a lot of choices for people with allergies by simply labelling too many items as containing allergens. Such businesses may have small kitchens that work with lots of different products and multiple allergens. We cannot take away lots of choices for people with allergies; we want them to have the freedom of choice that everyone expects to enjoy, but to have safety at the same time.

Dr Cameron: The Minister is making some good points, but on his last point, even if some outlets are being over-cautious, surely it is more sensible to be over-cautious than to put people's lives at risk.

Neil O'Brien: That is a perfectly reasonable point. Of course, safety has to come first; I am merely laying out some of the challenges that we are grappling with as we think about Owen's law and how we go further.

Even as we work on these issues and think about how we go further in providing information, we are getting on with improving training and knowledge for people in the food industry. Since September 2020, 380,000 people have signed up for allergy training through the FSA, which is a huge improvement in the provision of information and the correct treatment of people with severe allergies. Over the past 22 years, the FSA has invested about £22 million into researching these issues. Its scientific and social research, which improves the understanding of the views of those who are affected, of food businesses

and of other key stakeholders, underpins our approach. To underline what I said a few moments ago, although I am not making an announcement today, nothing is off the table. We continue to look at and work on these issues at pace.

Let me turn to some other issues that have been raised in the debate. We have heard the calls for an allergy tsar, a form of leadership to advocate on behalf of those with serious allergies and their families. We already have parts of that leadership role in place, although, to address the point made by the hon. Member for Hammersmith (Andy Slaughter), that responsibility is not squarely on one individual's shoulders. We will look closely at the proposal and at how we get to a more joined-up approach. The hon. Member asked directly whether I would meet with expert groups and those representing families who have been affected. The answer is yes, absolutely. I am extremely keen to meet and learn from those who have done lots of work on the subject.

It is worth setting out a bit about how the current NHS England operation works and what it is doing, although I recognise that that operation is not what those who are campaigning for a single joined-up tsar are asking for. In NHS England, there is a clinical reference group chaired by the national specialty adviser, Dr Claire Bethune. The group provides clinical advice and leadership on specialised immunology and allergy services. Its members include clinicians, commissioners, public health experts and patient and public voice members to try to capture the insights of those who are most affected by the issues. The members use their combined knowledge and expertise to advise NHS England on the optimal arrangements for the commissioning of specialised services. That advice includes the development of national standards in the form of service specifications and policies. As hon. Members know, those are tremendously important in defining what NHS services must be available.

The CRG is in the process of commencing a review of the current service specification for specialised allergy services. The output of that review will be an updated specification that makes reference to up-to-date guidance and takes account of the very latest evidence to clearly define the standards of care for commissioned specialised services, including transition into adult services.

The CRG is just one tool that we have at our disposal to address the multifaceted challenges that people with allergies face. Officials across Government are working with the National Allergy Strategy Group to consider how we can work more effectively together through things like an expert advisory group for allergy. The arguments that I have heard today will strike a chord with many people listening across the country. I am certain that it is right that we continue the conversation about how to work in a more joined-up way in future.

On ensuring that we have the right mix of staff to support people with allergies, in recent years there has been a 100% fill rate for doctors going into the two most relevant training pathways, allergy and immunology. NHS England will continue to identify priorities for investment in this space, in line with the expressed service priorities of the NHS across all medical specialties and the wider workforce. That work will be complemented by the forthcoming long-term workforce plan that we have commissioned NHS England to develop for the next 15 years, which we have committed to publishing shortly. It will include projections for the number of

[Neil O'Brien]

doctors, nurses and other professionals that will be needed in five, 10 and 15 years' time, taking full account of improvements in productivity and the need for particular specialisms and skilled people to deal with things like immunology and allergy.

Most people with an allergy can be cared for in primary care settings, with services planned and commissioned by their local ICB. Specialised allergy services, however, are also provided for patients with the most severe allergic conditions, or those who have common allergic conditions for which conventional management has failed or for whom specialised treatments are required. In the current financial year, 2023-24, those services are jointly commissioned by NHS England specialised commissioning integrated care boards, in line with the published service specification.

All patients have access to those specialised services. Specialised services are required to be compliant with the service specification, including the need to have physicians, dieticians and nurses who are specially trained in allergy or have had long specialist expertise in the practice of allergy management and have up-to-date, continuing professional experience. All that work is serving to improve the lives of millions of people who have been affected to a greater or lesser degree by allergy.

There is clearly much more that remains to be done. The Government and those who have personal experience and great expertise working together will be central to driving forward continuing improvements, building on the work that has already been done and the changes that have been made. In future, we want to work closely with those who are most affected to improve the care and service provision for those who have serious allergies, so that they can live full, meaningful and safe lives.

5.57 pm

Nick Fletcher: I hope the petitioners believe that they have heard a good debate today. We have heard an awful lot from people who understand this subject.

They all want to help to bring everything together and ensure that the incidents and tragedies that have happened to the petitioners do not happen again. It seems to me that there is a lot of work going on, but in many cases it is siloed working, and a tsar would be able to bring it together. We could pick up the pace with that and prevent tragedies like those we have discussed from happening again.

One of the easiest things that restaurants could do would be to say that all their menus may contain something. Although that would cover them in some ways, it would take choice away for a lot of people. We need to get ahead of the issue. We need to look at it and see what we can do so that there is as much choice for everybody, and everybody can dine and eat safely. I believe that a tsar is probably the best way forward to start with. I appreciate the Minister acknowledging that there is an issue there; he has made copious amounts of notes to take away and work through with his Department.

I refer back to the part about personal responsibility. Obviously there is still work to be done, so to ensure that tragedies do not happen we must all work together to support and help individuals who we know suffer and ensure that those questions get asked if somebody forgets to say something. It is not something that should be ridiculed; it is massively important to people. We have a duty to look after everybody in society while we get food labelling to the place where it should be. May I finish by thanking the petitioners for all their work, hon. Members for contributing—I appreciate it, and I am sure it is appreciated by the petitioners—and the Minister for his comments?

Question put and agreed to.

Resolved,

That this House has considered e-petitions 585304 and 589716, relating to food labelling and support for people with allergies.

5.59 pm

Sitting adjourned.

Written Statements

Monday 15 May 2023

BUSINESS AND TRADE

Switzerland Trade Negotiations Launch

The Secretary of State for Business and Trade (Kemi Badenoch): Today the Department for Business and Trade will launch negotiations for an enhanced and upgraded free trade agreement (FTA) with Switzerland, with the first round of negotiations to be held in London this May.

In line with the Government's commitments to transparency and scrutiny, more information on these negotiations will be published and placed in the House Libraries. This will include:

The strategic case for an upgraded UK-Switzerland trade agreement.

Our objectives for the negotiations.

A scoping assessment, providing a preliminary economic assessment of the potential impact of the agreement.

A summary of the responses to the call for input on trade with Switzerland held in April 2022. This took views from consumers, businesses, and other interested stakeholders across the UK on their priorities for enhancing our existing trading relationship with Switzerland.

Switzerland is already one of the UK's most important trading partners and a key market for UK businesses of all sizes. Total trade between the UK and Switzerland has quadrupled over the last 20 years to reach £52.8 billion in 2022. Switzerland is the UK's 10th largest trading partner worldwide and our second largest non-EU trading partner in services.

Building on our long history of close relations and shared values, an enhanced UK-Switzerland FTA will modernise and improve on our current agreement, signed in February 2019. This is a continuity deal based on a more than 50-year-old agreement between Switzerland and the EU and does not contain any commitments on services, investment or digital trade, despite these accounting for roughly half of our economic relationship.

A new agreement presents opportunities to secure long-term certainty on current arrangements and upgrade these to boost bilateral trade and investment. It will benefit crucial UK sectors such as financial and professional services, as well as businesses exporting digitally delivered services. It is also an opportunity to reduce or remove burdensome tariffs and quotas on agricultural goods. In terms of mobility, we will seek to provide long-term certainty, building on the outcomes of the recently extended services mobility agreement.

The UK and Switzerland's shared values also provide potential for greater co-operation in areas of mutual interest that trade can support, such as innovative research and development, and on our shared ambitions for tackling climate change. Negotiations provide an opportunity for both sides to defend free trade and showcase the best of European co-operation, demonstrating what two like-minded European nations can achieve outside of the European Union.

A comprehensive agreement with Switzerland is a key part of the UK's strategy to secure advanced modern agreements with new international partners and upgrade

existing continuity agreements to better suit the UK economy. It will provide opportunities for businesses big and small across the UK, unlocking trade and investment and opening up new exciting opportunities for growth in all regions.

The Government remain clear that any deal with Switzerland will be in the best interests of the British people and the UK economy. We will not compromise on our high environmental and labour protections, public health, animal welfare and food standards, and we will maintain our right to regulate in the public interest. We are also clear that during these negotiations the NHS and the services it provides are not on the table.

The Government will continue to keep Parliament updated as negotiations progress, including close engagement with the relevant parliamentary Committees.

[HCWS770]

EDUCATION

Student Loan Interest Rate Caps

The Minister for Skills, Apprenticeships and Higher Education (Robert Halfon): My noble Friend the Parliamentary Under Secretary of State for Education, Baroness Barran, has made the following statement:

The Government announced on 13 June 2022 that the student loan interest rate would be set at a maximum of 7.3% between 1 September 2022 and 31 August 2023, in line with the forecast prevailing market rates. The Government confirmed that should the actual prevailing market rate turn out to be lower than forecast, a further cap would be implemented to reduce student loan interest rates accordingly.

Reflecting a lower than forecast prevailing market rate across the academic year 2023-24, the maximum interest rates for all plan 2 (undergraduate) and plan 3 (postgraduate) loans have been:

- 6.3% between 1 September 2022 to 30 November 2022;
- 6.5% between 1 December 2022 and 28 February 2023; and
- 6.9% between 1 March 2023 and 31 May 2023.

I am now announcing a further cap: from 1 June 2023 to 31 August 2023 the maximum interest rate will be 7.1% for all plan 2 and plan 3 loans, reflecting the most recent prevailing market rate. For the first time, this cap will also apply to plan 5 (undergraduate) loans, which become available from 1 August. The temporary cap is a reduction compared to the 7.3% maximum rate announced in June.

We will confirm student loan interest rates to apply from 1 September 2023 closer to the time.

[HCWS769]

TREASURY

Public Service Pensions: Cost Control Mechanism and the Reformed Scheme Only Design

The Chief Secretary to the Treasury (John Glen): The Government have today published a policy statement on the cost control mechanism (CCM) in public service pensions titled "Public Service Pensions—the Cost Control Mechanism and the Reformed Scheme Only Design".

Following recommendations from the Independent Public Service Pensions Commission (IPSPC) in 2011, the CCM was introduced into the valuation process for the reformed public service pension schemes in the Public Service Pensions Act 2013 following consultation

with member representatives. It was designed to ensure a fair balance of risk regarding the cost of providing defined-benefit (DB) public service pensions between members and the taxpayer. If, when the CCM is tested, scheme costs have increased or decreased by more than a specified percentage of pensionable pay compared to a target cost, then member benefits—and/or member contributions—in the relevant scheme are adjusted to bring costs back to target.

Following a review by the Government Actuary and a full public consultation process, the Government confirmed in October 2021 that it would implement three reforms to the CCM in time for the 2020 valuations:

- Reformed scheme only design;
- Wider 3% cost corridor; and
- Economic check.

The policy statement published today provides further details on how the reformed scheme only design will operate from the 2020 valuations onwards, in particular with regard to those pension scheme members in scope of the remedy for the McCloud litigation.

“Reformed schemes” in this context mean the public service pension schemes introduced as part of reforms following the IPSPC review, from 2015 for most public service pension schemes and from 2014 for the local government pension scheme for England and Wales. The reformed scheme only design means that the CCM will only consider past and future service in the reformed schemes, with legacy scheme costs excluded from the mechanism. This will lead to a more stable CCM and ensure consistency between the set of benefits being assessed and the set of benefits potentially being adjusted, thereby ensuring fairness for both taxpayers and scheme members.

However, pension scheme members of most schemes in scope of the McCloud remedy will have a choice between benefits in respect of their service from 1 April 2015 and 31 March 2022 to be calculated on the basis of the reformed scheme or the previous, legacy public service pension scheme. The policy statement confirms that all service on or before 31 March 2015—31 March 2014 for the local government pension scheme in England and Wales—will be excluded from the CCM as this service is exclusively in the legacy schemes. All service from 1 April 2022 onwards will be included in the CCM, as this service will be exclusively in the reformed schemes. In particular, the statement provides details of how service during the McCloud remedy period—1 April 2015 to 31 March 2022 for most schemes—will be treated under the reformed scheme only design and concludes that McCloud remedy costs will not have a material impact on the CCM from the 2020 valuations onwards.

The full policy statement can be found at: www.gov.uk/government/publications/public-service-pensions-cost-control-mechanism-and-the-reformed-scheme-only-design

A copy has been placed in the Libraries of the House.

[HCWS771]

LEVELLING UP, HOUSING AND COMMUNITIES

Launch of Community Ownership Fund Round 3 Prospectus

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Dehenna Davison): Last Friday I announced that the £150 million community ownership fund, which will launch its third bidding round on 31 May 2023, has published a new prospectus detailing positive changes to the eligibility requirements of the programme. The new prospectus can be found at: <https://www.gov.uk/government/publications/community-ownership-fund-prospectus>.

A summary of the key changes to the eligibility requirements for the relaunch of the fund include:

Increasing the amount of funding all projects can bid for from £250,000 to £1 million;

Reducing the match funding requirement; where previously the community ownership fund would contribute up to 50% of total capital funds required, it will now contribute up to 80% of the total capital funds required, with applicants required to raise the other 20% from other sources of funding. Projects in areas of the greatest need will only need to raise 10%; and

Allowing parish councils—and their equivalent town and community councils—to apply in the same way that community groups do now.

These changes will allow more assets to be saved across the UK and will come in from round 3 onwards.

Coupled with support from the fund’s development support provider, who will provide assistance with developing project business plans, organisational governance and financial planning, and potential access to small revenue grants to secure specialist support. These measures will help support as many community groups as possible to save their treasured local assets, ensuring that important parts of our social fabric, such as pubs, sports clubs, theatres, and post office buildings, continue to play a central role in towns and villages across the UK. These changes are explained in full in the updated prospectus available on www.gov.uk.

The community ownership fund is already supporting almost 100 projects across the UK such as the Leigh Spinners Mill in Greater Manchester; the Queen’s Ballroom in Blaenau Gwent, Wales; St Columb’s Hall in Derry City and Strabane, Northern Ireland; and the UK’s most remote pub, The Old Forge, in the Scottish Highlands. These projects are already making a genuine difference to their communities. I look forward to supporting many more small but mighty local assets across the United Kingdom, levelling up the places we love and cherish.

Interested groups can submit an expression of interest form to start their application process at any time. The fund will be running until March 2025, so there is plenty of opportunity for interested groups to apply to take over invaluable community assets and to run them as businesses—by the community, for the community.

[HCWS768]

Petition

Monday 15 May 2023

OBSERVATIONS

SCIENCE, INNOVATION AND TECHNOLOGY

Planning permission for telecommunication telegraph pole installation

The petition of residents of the United Kingdom,

Notes that telegraph poles being erected by designated communications network operators for the expansion of Fibre to the Premises (FTTP) broadband do not need planning permission under the Electronic Communications Code (Conditions and Restrictions) 2003 and The Town and Country Planning (General Permitted Development) (England) Order 2015; further that the only requirement on the operator is 28 days' notice to the Local Planning Authority (LPA); further that there is no requirement to consider alternatives such as under-street cabling; further that the LPA can only make suggestions on siting which the telecoms company is under no obligation to follow; further that there is no requirement to inform residents of the installation and so no opportunity for them to inform the process; and further that the first knowledge residents will have of a telegraph pole being installed is when it appears in their street or outside their residence.

The petitioners therefore request that the House of Commons urge the Government to make statutory requirements for designated communications network operators to apply for permission to the LPA on any proposed installation of telegraph poles and for the LPA to consult with affected residents before issuing any permissions.

And the petitioners remain, etc.—[Presented by Dame Diana Johnson, *Official Report*, 8 March 2023; Vol. 729, c. 382.]

[P002811]

Observations from the Minister for Data and Digital Infrastructure (Sir John Whittingdale):

Access to digital services is becoming increasingly important to businesses and consumers throughout the UK. This Government believe the legislative framework currently in place strikes the right balance between ensuring not only that network deployment can happen at pace, but that installations are carried out in a proportionate way, with regard to the impacts on communities.

The electronic communications code is the framework that underpins agreements between operators and occupiers with regard to the deployment of digital infrastructure on, under or over land. It is true that operators have statutory rights under the electronic communications code to carry out street works and install apparatus in, on, under or over a street or road, and that some types of apparatus can be installed using permitted development rights, which do not require prior planning permission from the local planning authority. However, when exercising their statutory rights to install apparatus, operators must adhere to duties and obligations contained in both the electronic communications code itself, and in its

accompanying regulations: the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, as well as requirements under the Town and Country Planning (General Permitted Development) (England) Order 2015 and related legislation.

The 2003 regulations include requirements for operators to share apparatus where practicable; to use underground, rather than overground, lines where reasonably practicable, with certain exceptions; and when installing apparatus, to minimise the impact on the visual amenity of properties, potential hazards and interference with traffic as far as reasonably practicable.

As the independent regulator for telecommunications, Ofcom is able to take enforcement action in respect of breaches of the restrictions and conditions contained in the 2003 regulations if it has reasonable grounds to believe that operators are failing to comply with those requirements when deploying apparatus. Local planning authorities may inform Ofcom of any situations where they believe operators are not complying with their statutory duties.

There is also a code of practice—the cabinet siting and pole siting code of practice 2016—in place relating to the siting of cabinet and pole installations. This code of practice was developed in 2016 by the Government, in collaboration with two major fixed-line operators and other interested parties. The code of practice provides guidance on ways operators can ensure these installations are placed appropriately, and that local authorities and communities are engaged with regarding the proposals. For example, the code of practice sets out that, where new poles are to be installed, the operator should place a site notice to indicate to nearby residents the intention to install a pole, and the proposed location.

In addition to the duties and obligations operators must adhere to when deploying apparatus, specific provisions in part 12 of the electronic communications code include rights for individuals to object to and seek the removal of certain apparatus. In particular, paragraph 77 gives a person the ability to object to a pole installed on neighbouring land, where the apparatus is of a height of 3 metres or more, where they are an occupier of or have an interest in that land and their enjoyment of or interest in the land is capable of being prejudiced by the apparatus—subject to certain conditions. Paragraphs 78 to 81 set out the process for raising an objection—which involves such a person taking an operator to court—and the factors which the court will consider, when deciding whether the apparatus should be removed.

This Government believe the rights, duties and obligations contained in the existing legal framework promote efficient deployment, while taking into account impacts on communities. However, we note the concerns that have been raised regarding recent installations and recognise the need to ensure that deployment happens in accordance with that framework.

The Minister for Digital has written to the local planning authorities and Ofcom about their important roles in ensuring that operators are adhering to their statutory duties by, respectively, reporting cases of non-compliance and using their enforcement powers where appropriate. It is our expectation that this will address and prevent poor practice moving forwards.

This Government also believe that apparatus sharing can significantly reduce the need for new installations and has recently introduced measures, contained in the Product Security and Telecommunications Infrastructure

Act 2022, which will support and facilitate this. The relevant measures came into force on 7 February 2023 and 17 April 2023.

Thank you for bringing these concerns to our attention.

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PETITION

Monday 15 May 2023

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**not later than
Monday 22 May 2023**

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