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HOUSE OF LORDS
OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Thursday 21 July 2016

11 am

Prayers—read by the Lord Bishop of Southwark.

Retirement of a Member: Lord Macfarlane of Bearsden

Announcement

11.06 am

The Lord Speaker (Baroness D’Souza): My Lords, I should like to notify the House of the retirement, with effect from today, of the noble Lord, Lord Macfarlane of Bearsden, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I thank the noble Lord for his much-valued service to the House.

Academies: Sponsors

Question

11.07 am

Asked by **Lord Storey**

To ask Her Majesty’s Government what arrangements are in place to ensure that sponsors of academies are not able to show unfair preference in the tendering process to companies owned by the sponsor.

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, there are clear rules for academies which ensure that procurement is even-handed. They must follow the principles of regularity, propriety and value for money and have a competitive tendering policy. Connected parties may supply to their trust only under an at-cost policy and, unlike local authority maintained schools, they cannot make a profit from it. Trusts are transparent by publishing members’ and trustees’ relevant business interests and must publish details of purchases from related parties in their accounts, which independent auditors check every year.

Lord Storey (LD): I am very grateful for the Minister’s reply. He will be aware of a number of high-profile cases where a businessperson has sponsored a number of multi-academy trusts and those trusts have procured substantial contracts from companies that the businessperson also owns. As the Minister rightly said, we want to see transparency with proper procurement arrangements and proper auditing. Given that the Minister has said those things, they are clearly perhaps not working.

Lord Nash: We need to get this in context. Related-party transactions are permitted and often related parties will provide services much cheaper than anybody else. In 2013-14 we identified only 13 cases in which either

goods were not supplied at cost or it could not be verified that they were supplied at cost. They totalled under £500,000, which compares with the total academies revenue budget of £50 billion.

Lord Lexden (Con): How many poorly performing schools have now been taken over by academy sponsors with a proven track record of success? How successful have academies been in recruiting good teachers?

Lord Nash: We now have getting on for 2,000 sponsored academies. Last year, primary sponsored academies which have been open for two years improved their results by more than double those of local authority maintained schools. The benefits of academy status include the ability to employ teachers from a wide variety of backgrounds and to pay them appropriately.

Lord Watson of Invergowrie (Lab): My Lords, Bright Tribe, Cuckoo Hall, Dixons Kings, Durand and Perry Beeches are names the Minister will be familiar with; indeed, they are names that should keep him awake of an evening because they are just the most egregious examples found by the Education Funding Agency of where the financial requirements for academy trusts were not adhered to. Will the Minister assure the House that the new Secretary of State will do what her predecessor plainly did not—get a grip and ensure proper financial oversight of the £50 billion that, as he said, is swishing around the academy system?

Lord Nash: I am delighted that the noble Lord is so concerned to see value for money. It is a pity he was not around in the Labour Government; when we came into power, waste was seeping out of every pore. To get the matter into context, as I said to the noble Lord, Lord Storey, in 2013-14 the Audit Commission identified 206 cases of fraud in local authority maintained schools—given the much less rigorous accounting procedures that are required in relation to those schools, that was generally acknowledged to be an understatement—compared with 22 cases identified in academies. As I said, we need to set that in the context of such a small budget. It is a great pity that people from philanthropic backgrounds are not more appreciated. This is a move started by the Labour Party under the noble Lord, Lord Adonis, and it is something that we have continued with gusto. I find this constant sniping from the sidelines very depressing.

Lord Campbell-Savours (Lab): My Lords, who is responsible for monitoring and verifying that these contracts are let at cost in the way that the Minister suggests?

Lord Nash: First, academies are required to have their accounts audited annually by independent auditors, which is not a requirement for local authority maintained schools. These accounts are studied rigorously by the Education Funding Agency. Each school must have an accounting policy, and we have various analytical tools for evaluating the accounts to ensure that those procedures are followed correctly.

Baroness Farrington of Ribbleton (Lab): My Lords, if the Minister cannot reply today, would he care to write to me on the question of children with various disabilities, particularly behavioural problems, and the incidence of those children being in academies as opposed to local authority maintained schools? Allegations are made that academies are sometimes selective in not taking children with special needs. Could I please have a detailed report in time for us coming back?

Lord Nash: To be clear, academies have exactly the same duties over admissions and exclusions in relation to pupils with SEND as every other state school, with no evidence to show that academies are any more likely to act against the interests of SEND pupils and prospective pupils than any other maintained streamed schools. It is perfectly clear that a great many academy sponsors are involved simply because they wish to benefit those less advantaged pupils. Where evidence is presented to us, we will take the matter very seriously and investigate.

Lord Foulkes of Cumnock (Lab): My Lords, now that the Minister has been in post for quite a while and has been reappointed as Under-Secretary of State at the Department for Education, will he explain to the House how he is managing to reconcile the potential conflict of interest between his role as a Minister and his and his wife's roles as directors of the Future Academies trust?

Lord Nash: We have a very clear protocol established with the Civil Service which means that I am not allowed to be involved in any decisions that may directly affect the Future Academies trust.

Lord Lawson of Blaby (Con): My Lords, my noble friend will have shocked the House with his revelation of the massive amount of fraud in local authority maintained schools. What is being done about that?

Lord Nash: We constantly try to encourage local authorities to take greater financial oversight of their schools. However, when we find local authority schools failing, they are often failing both financially and educationally; as I mentioned earlier, we have turned many of these schools into sponsored academies.

Lord Blunkett (Lab): My Lords, I declare a non-pecuniary interest as the chair of a multi-academy trust. I will attempt to cool the atmosphere. Can we and the Minister agree that, in whatever sector and in whatever form we deal with here, whether multi-academy trusts, free-standing academies or local authority oversight, we are dealing with the issue of probity, and that the greater the transparency, the greater the confidence? This includes the allocation of large sums of money, such as £18 million for investment in improvement in the north of England that is being given to the Dixons Academies Trust. All of us have an interest in getting this right, because it is about the benefit that accrues to the children we serve.

Lord Nash: I am grateful to the noble Lord, Lord Blunkett, for his comments. I know that the David Ross Education Trust has already benefited greatly from his involvement and I entirely endorse his comments about the importance of transparency.

Planning: Brownfield Sites

Question

11.16 am

Asked by **Lord Greaves**

To ask Her Majesty's Government what progress they are making in encouraging the development of brownfield sites.

Lord Greaves (LD): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and remind the House of my interest as deputy leader of Pendle Council.

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, we strongly encourage the development of brownfield land, which has an important role in delivering new housing. We have taken steps to maximise the number of dwellings built on suitable brownfield land, including through the introduction of brownfield registers.

Lord Greaves: My Lords, brownfield registers are welcome but they do nothing to bring forward brownfield land in areas where building houses on brownfield sites is not financially viable, such as where I live in east Lancashire. You cannot make a profit by selling them and you cannot get your return by renting them, because the local housing market is so depressed and prices are so low. Do the Government understand that to develop brownfield land in areas such as this, where the market is not viable, gap funding is required? What are they doing to help local authorities provide such gap funding?

Lord Bourne of Aberystwyth: My Lords, first, I endorse the good work done by Pendle Council in east Lancashire on brownfield sites. On the comment the noble Lord raised, which was essentially about grant funding rather than loan funding, Pendle has applied under the starter home fund with regard to brownfield land, and I also encourage a look at the Lancashire local enterprise fund with regard to competitive growth deals, which would benefit the area.

Baroness Sharples (Con): Can my noble friend say what pressure will be brought to bear on councils when these brownfield sites are developed to provide a space for allotments?

Lord Bourne of Aberystwyth: A consultation is going on at the moment about the technical aspects of rolling out brownfield sites. There will be a requirement for appropriate brownfield sites to be put on a register

during 2017, but appropriate notice will be taken where there is some other use for a brownfield site, such as an allotment.

Lord Kinnock (Lab): My Lords, does the Minister agree that, especially in the wake of Brexit, there is a pressing need for the encouragement of higher investment in the economy, including public investment, and on brownfield sites? Given that, can the Minister give us an undertaking that the Government will raise the level of public investment from the current 1.5% of GDP to the 3.5% recommended strongly by the OECD?

Lord Bourne of Aberystwyth: My Lords, the noble Lord will be aware of the £20 billion already committed to housing over the length of this Parliament to deal with the serious issues he raises. It is well above my pay grade to go beyond that as regards what the Chancellor may do in the next Budget, but I am sure he will take account of the economic circumstances and that he will look closely at where we are when we get to that Budget.

Baroness O’Cathain (Con): My Lords, I worked on the ad hoc committee on policies for national housing and I take the opportunity given to us by the Question of the noble Lord, Lord Greaves, to raise with my noble friend the Minister the committee’s report, which went to the Government on 11 February. Three times this week I have been told that the Government are about to make their response. I hope that when that response comes we will be able to have a debate on this issue, because it deals quite widely with brownfield sites. I just wonder what light the Minister can shed on it.

Lord Bourne of Aberystwyth: My Lords, other than agreeing with the noble Baroness about the importance of looking at this issue and moving it forward, I am not in a position to guarantee a particular date for a decision. We are looking at the consultation on some of the technical aspects of brownfield land but there is of course the obligation to roll out the national register. We have had 73 pilots, which we will be assessing. The national register will be rolled out next year, and that will be important in moving forward with housing.

The Lord Bishop of St Albans: This is not just about housing, important though that is—not least the fact that we are not building enough homes, especially affordable and starter homes; it is also about how we will solve some very difficult, long-term environmental problems relating to brownfield sites. Does the Minister agree that this really is an area where, for example, the housing association sector, with some quite focused work and grants, can make a huge difference both in solving environmental problems and in making a significant contribution to our housing shortage?

Lord Bourne of Aberystwyth: My Lords, a significant number of brownfield sites have already been assigned. Perhaps when we talk about brownfield sites there is an expectation that they will have seen heavy industrial usage. That may not be the case; it may simply be land

that has been previously developed. That said, there are measures—not least land remediation relief from the Treasury—that will help where decontamination is an issue.

Lord Shipley (LD): My Lords, last week the Economic Affairs Committee of your Lordships’ House produced a report entitled *Building More Homes*. One of its recommendations was:

“A senior Cabinet minister must be given overall responsibility for identifying and coordinating the release of public land for housing”.

Much of that public land is of course brownfield land. Does the Minister agree that that is a very wise recommendation?

Lord Bourne of Aberystwyth: My Lords, as the noble Lord will know, that report was received just over 10 days ago. The Government will take time to look at it and will then respond. It is clear that we need to address many of these issues. The noble Lord will know that a lot of public land is already being used for housing. I think I mentioned earlier this week that we have land in Dover, Chichester, Gosport and north of Cambridge, and there is more coming forward that will contribute to alleviating the housing situation. Much, although not all, of that land is on brownfield sites.

European Union: Regeneration Funding Question

11.23 am

Asked by *Baroness Janke*

To ask Her Majesty’s Government whether they plan to guarantee that councils will still receive the £5.3 billion in regeneration funding that they are currently allocated by the European Union.

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, we recognise that local enterprise partnerships have been allocated a share of EU structural funds, and that is already funding projects. The people of the UK have voted to leave the EU. It would not be appropriate to commit, without due consideration, to continuing to spend money over a long period as though we had not voted to leave the EU. However, the Government remain committed to encouraging economic growth across the regions and nations of the UK, and are therefore carefully considering the use of these funds. They will make an announcement on EU funding in due course.

Baroness Janke (LD): I thank the Minister for his response. What advice would he give to councils which are about to commit to contracts, and what is the Government’s position on the 2014-20 programme, given that this affects the poorest and most needy areas in the country? Will he give some assurances about the Government’s will to make these projects succeed?

Lord Ashton of Hyde: Absolutely, and I recognise the noble Baroness's interest in this matter with her long service on Bristol City Council. Of course the Government understand that local enterprise partnerships urgently need clarity in order to continue signing contracts for projects, but we have voted to leave the UK—

Noble Lords: Oh!

Lord Foulkes of Cumnock (Lab): Away to Scotland!

Lord Harris of Haringey (Lab): And take the rest of the Government with you.

Lord Ashton of Hyde: I am getting plenty of suggested answers. In fact, we did not vote to leave the UK, we voted to leave the EU. We will have to transition to new long-term arrangements where the UK does not participate in EU programmes, but these are not simple decisions without long-term consequences. Given those complexities, the Government will make an announcement soon, which will provide clarity.

Baroness Wheatcroft (Con): My Lords, will my noble friend tell the House when he expects to see an extra £350 million a week flowing into the National Health Service, or might that money have to go elsewhere?

Lord Ashton of Hyde: I am not sure I recognise the figure, but of course the Government remain committed to the NHS.

Lord Davies of Oldham (Lab): My Lords, I congratulate the noble Lord on taking on additional responsibilities for the Government—it will be a fast learning curve. Can we be clear that many of the most economically deprived areas of this country are faced with the potential withdrawal of very significant grants from the European Union and that such a withdrawal will be catastrophic for them, unless this Government set out to drop the previous preoccupation with the deficit and get on with investing to ensure that there is growth in these areas? Will the Minister indicate that he sees that as a major priority in his role?

Lord Ashton of Hyde: I thank the noble Lord and look forward to being asked lots of questions by him in future. I am pleased to say that I completely agree with him. This vote does not change the fact that infrastructure is a key government priority. That was demonstrated in the 2016 Budget, when we accelerated the commitment to invest more than £100 billion in infrastructure. In the last Parliament, the average annual investment was 17% higher than in the preceding one.

Lord Tebbit (Con): My Lords, will my noble friend try to educate some Members of this House on the difference between spending and investing? One is very easy and one is a little more difficult. Secondly, will he confirm that no money has been coming into this country from the EU? It is British taxpayers' money that has been routed through Brussels with a percentage creamed off to pay for the inefficiencies and corruptions in that place.

Lord Ashton of Hyde: My Lords, I would not presume to educate anyone in this House, and certainly not my noble friend. I do not think it is a useful expenditure of time to rerun the arguments on the referendum debate.

Baroness Kramer (LD): My Lords, in 2015, the European Investment Bank provided financing of €7.8 billion for infrastructure in the UK. As the Minister will know, that was long-term, patient money for which there is no alternative source. Can he give a guarantee to our local authorities that the UK will continue to participate in the European Investment Bank, or will they need to begin cancelling the various projects in development that require future EIB funding?

Lord Ashton of Hyde: My Lords, I have already said that we will provide clarity. However, these are complicated decisions. We have not announced them yet but we will do so shortly.

Lord Kinnock (Lab): In the interests of education, will the Minister confirm that the money that comes into Britain from the European Investment Bank does not involve one penny or one cent of taxpayers' money and that it is crucial for the maintenance of the development of universities, housing associations, schools and other essential public projects? Will he confirm that the future of our relationship with the EIB is gravely damaged by the decision to leave the European Union? Will the Minister give me an undertaking that the Government will strive to ensure that, whatever happens with our membership of the EU, we will continue to benefit from EIB funding?

Lord Ashton of Hyde: My Lords, the noble Lord will understand that I cannot give that commitment today, but I do take note of what he says and will pass it on. We want to have a productive and long-term relationship with the EU even though we are not going to be a member.

Turkey: Judicial Services

Question

11.30 am

Asked by **Lord Balfé**

To ask Her Majesty's Government whether they have made any representations to the Government of Turkey regarding the recent detention and dismissal of personnel working for the judicial services.

Baroness Goldie (Con): My Lords, we are aware of reports of the detention and dismissal of personnel working for the judicial services and the suspension of staff working in government departments in the education sector. While the full details remain unclear, the Prime Minister, Foreign Secretary and international counterparts have urged the need for calm. Due process must be followed and human rights respected. The Minister for Europe and the Americas is in Turkey today engaged in talks with the Turkish Government. We understand that he is the first western Foreign Minister from the international community to visit Turkey this week.

Lord Balfre (Con): I thank the noble Baroness for her reply. The position of an opposition when you have a military coup is particularly difficult. The CHP, which is the successor party to Mustafa Kemal Atatürk, has drawn attention to the fact that the judges are, “one of the last remaining independent organs of the state”.

The mass dismissal of judges and of other public servants is extremely worrying because it is stripping away the last defence against authoritarianism. The imposition of emergency rule effectively allows the President to rule by decree. I hope that the Government can assure me that, in conjunction with our European allies—while we are still in the EU—we will make strong representations on the need to keep an independent judiciary. That is the only body to whom those who may well have been unfairly dismissed can at the moment apply to get their rights reinstated.

Baroness Goldie: I thank my noble friend. He makes an important point. The backdrop to this, of course, is the state of emergency that has now been declared. But that has been declared under the constitutional provisions of Turkey, in which there are safeguards. On the specific issue of enacting the rule of law, of course retaining an independent and operating judiciary will require judges working to apply the due process of law. That is absolutely essential if we are to see the standards we wish to see upheld in Turkey. These are views that we hold very publicly in the United Kingdom and that we will be reflecting.

Lord Anderson of Swansea (Lab): My Lords, does not the speed and scale of the purge of judges suggest that there was a plan pre-existing the actual coup, which has now been put into effect? What does the Minister say about the possibility of the reimposition of the death penalty by the Turkish President, which will be in breach of Turkey’s obligations under the Council of Europe? That is well known to Turkey because its Foreign Minister was a former president of the Parliamentary Assembly of the Council of Europe.

Baroness Goldie: The noble Lord makes an important point. It is not yet clear who was behind the coup attempt and it is unhelpful to speculate on that. However, in relation to the death penalty, I repeat what I said earlier this week in this Chamber. Suggestions that the death penalty may return are very worrying. The Foreign Secretary and other international leaders have emphasised the need for calm. Let me be utterly clear: UK policy on the death penalty is that we oppose it in all circumstances.

Lord Howell of Guildford (Con): Will my noble friend first accept my good wishes on her new role and pass on to her colleague the noble Baroness, Lady Anelay, my good wishes that she has become Minister for the Commonwealth, which is assuming a central place in British foreign policy?

On Turkey, will the Minister accept that with all the difficulties that are happening there we need a stable Turkish ally, if only to cut off the one lifeline for ISIS as the allies gradually close in? This is a crucial moment

to do that; we must cut off all ISIS linkages along the Turkish/Syrian border. Will she also accept that, although it may sound dim at the moment, for us in Britain the best hope is to work for a dialogue on reform with the present regime because we can be pretty sure that the alternative would be very much worse?

Baroness Goldie: I thank my noble friend for his good wishes and I shall undertake to be an emissary and convey his good wishes to my colleague and noble friend Lady Anelay. He has made an important point about the position of Turkey. It is of course a NATO ally and a valued partner of the United Kingdom. He also rightly referred to Turkey’s invaluable contribution to the international campaign against Daesh, as a member of the global coalition committed to defeating it. I reassure him of the UK’s cognisance of the important contribution Turkey is making in that respect, and again that will be reflected in all our dialogue and discourse.

Baroness Hussein-Ece (LD): My Lords, does the Minister accept that the Turkish public are still reeling from the attempted coup and the implications that it has for them? I am grateful to her for outlining the matter. What consideration is being given to the many Turkish nationals over here on student and work visas, some of whom have contacted me because they are afraid of what might happen if they return to Turkey? Some of them may have been critical of the present Turkish Government. The community over here needs some reassurance that the British Government will have some contact with them.

Baroness Goldie: I must apologise to the noble Baroness because I am not sure that I caught all of her question, but I think that she expressed concerns about Turkish nationals living here who may be returning to Turkey and the plight of other citizens of that country. We in the United Kingdom are very clear on this and have reasserted to the Turkish Government our insistence that we expect human rights to be observed, freedoms to be respected and the rule of law to be applied. This is a fluid and fast-moving situation, but it is very encouraging that the right honourable Minister for Europe and the Americas is in Turkey as we speak and is engaged with the Government. I am sure that the concerns felt by the noble Baroness will be prominent and to the forefront of the discussions taking place.

Lord Collins of Highbury (Lab): My Lords, because Turkey is our ally in terms of both NATO and the EU, a co-ordinated, positive response of engagement is vital because things are getting worse every day. What talks have been taking place with the Government of the United States as well as the Commissioner in the European Union to ensure that we make a fully co-ordinated response to Turkey?

Baroness Goldie: I thank the noble Lord for making the point. While I cannot give him any specific information, I can reassure him in a general context that all the western powers are cognisant of the situation

[BARONESS GOLDIE]
in Turkey and clearly are being vigilant and alert to its implications. If he wishes for a more specific answer to his question, I shall write to him.

House Committee

Motion to Agree

11.38 am

Moved by **Baroness Evans of Bowes Park**

That the Report from the Committee *Implementing the Recommendations of the Leader's Group on Governance* (1st Report, HL Paper 19) be agreed to.

The Lord Privy Seal (Baroness Evans of Bowes Park):

My Lords, I rise to introduce the several Motions before us today which mark the last stage of a process begun and driven through by my predecessor, my noble friend Lady Stowell. Last March, she appointed a Leader's Group, chaired by my noble friend Lady Shephard, to consider governance arrangements in the House. The group's report was published in January and was warmly received across the House. I thank all the members of the group again for their hard work.

When the report was debated in May, it was clear that there was much support for its proposals from noble Lords on all Benches, and as my noble friend concluded when winding up the debate, that gave us a solid platform from which to move forward. Since then, I am pleased to say that there have been a range of constructive discussions to identify how best to implement what the Leader's Group proposed. Today's business is the culmination of that process.

The House Committee and Procedure Committee reports, together with the other Motions, put the proposals made by my noble friend's group into practice from 1 September. There will be a new House of Lords Commission at the top, providing strategic direction. Beneath that there will be two new committees—the Services Committee and the Finance Committee—supporting the commission in its work and looking after day-to-day policy in line with clear delegations. This new framework offers the potential for greater transparency, clarity and accountability in our internal decision-making.

A new framework alone, though, will not be enough. As the Leader's Group report and May's debate made clear, there must also be a commitment from those involved to change behaviours, too. That is something I will bear in mind as I take on my domestic committee responsibilities, and I know that there is a shared desire among my counterparts to see change through.

A key part of the success of these new arrangements will be the post of Senior Deputy Speaker. I am therefore very pleased that the noble Lord, Lord McFall, has been nominated to take on this role. Noble Lords will be familiar with his far-sighted and collegiate style, in both the other place and in your Lordships' House, and I have no doubt that he will bring the same approach to his new responsibilities.

His predecessor, the noble Lord, Lord Laming, has been the best possible steward since taking on the role in unexpected circumstances last year. There will be an occasion to pay proper tribute to him when we return

from the Summer Recess. For now, I will simply say that I am glad we can continue to rely on his wisdom as chair of the new Services Committee. I am also pleased to welcome the noble Baroness, Lady Doocey, as chair of the new Finance Committee.

I should stress at this juncture that, while we are all optimistic about what the future holds, we also know we do not hold a monopoly on wisdom. So built into this new approach is a commitment to reflect on how it is working at the end of the Session, to consider whether anything needs to change. I hope this will give comfort to noble Lords who may have some views about adaptations they may wish to propose in due course.

For the sake of completeness, the Procedure Committee report before the House proposes to make permanent the process for allocating Oral Questions by ballot during the Recess. The system has been piloted successfully for the past few recesses. I hope that noble Lords agree that it provides a fair and clear system to allocate Questions when many of us may be away from the House. The report also notes that, when the Clocks in the Chamber and Grand Committee are replaced, they will display seconds as well as minutes.

I am afraid that, taken together, these Motions leave a rather weighty impression on the Order Paper today. Noble Lords will, I hope, be patient as the noble Baroness the Lord Speaker and I go back and forth in taking them through. I hope that she will not mind being put to so much trouble in what is likely to be her final day in her role in the Chamber.

I will detain noble Lords no longer, but, as I conclude, I would like to pay tribute to all those who have got us to this point: my noble friend Lady Shephard and her group for their work; to those in the administration who have worked on the fine detail; to the many Members who have fed in their thoughts; and to the leaders of the parties and groups for their efforts in getting us to this point. I beg to move.

Baroness Maddock (LD): As chairman of the Works of Art Committee, I wish to make one or two comments. During the process that put together what we are debating and trying to agree today, I took part in explaining what we do and how we should go forward, given the changed status. I wish to express my disappointment that nobody came to me when the final decision was made about what would be in the proposals. I had to find out myself, and it was quite difficult because it was the week before the final Works of Art Committee meeting. I wish to put that on record.

Having said that, I am also concerned that I have had no discussions with anybody about how we will hand over and the transition—the status is quite different—so that the work we have been doing to protect the heritage of our House carries on. No consideration has been given—at least nobody has told me—as to how that transition will go. It is not that I disagree with what is there, but I am disappointed about how it has affected me as chairman of the Works of Art Committee.

Lord Campbell-Savours (Lab): In light of what the noble Baroness, Lady Maddock, has just said, would it not be wise perhaps for the chairmen of the previous

committees to speak to the new Services Committee when it finally meets? That might help us to take forward the agendas that are to be inherited.

Baroness Smith of Basildon (Lab): My Lords, I thank the noble Baroness the Leader for her introduction and the noble Baroness, Lady Maddock, and the noble Lord, Lord Campbell-Savours, for their comments, which are perhaps helpful in taking forward the kind of things that the House should consider.

Looking at the Order Paper and the Motions before us, I think that they are quite weighty issues for our last sitting day before the Summer Recess. The main part of the report is the governance business, but I also welcome, and have supported, the two proposals from the Procedure Committee. The first is to make the balloting of questions during recess permanent, which is certainly an aid to those Members not based in London who wish to take a full part in our proceedings. There is also the extremely radical proposal that the House of Lords Clocks will now show seconds, as well as minutes. That will be helpful to colleagues speaking in time-limited debates, but I am sure that the Whips' Offices and the usual channels will find it extremely helpful.

Noble Lords: Hear, hear.

Baroness Smith of Basildon: It is rare that I get a cheer from the Whips.

Although this is a fairly brief debate, the work undertaken to get to this point has been considerable. The noble Baroness the Leader is quite right: there has been a very consensual approach from the start. I am sure that she will take on board the points made about picking up the work undertaken by previous committees of the House. Not everybody will agree with every detail, but at no point has any view on the structure been ignored or dismissed without proper consideration.

11.45 am

On governance, I first pay tribute to the Leader's Group on Governance, wisely set up by the former Leader, the noble Baroness, Lady Stowell. There was widespread acceptance that our structures were not as effective as they could be, but once you look at one part of a structure and seek to change it, it can quickly become overcomplicated and messy as each change highlights something else that could perhaps be changed and creates another issue to consider. Perhaps that is something we should consider when we look at constitutional reform. But with this we were given an opportunity to examine our structure as a whole, and, under the excellent guidance of the noble Baroness, Lady Shephard, who chaired the group, the thoughtfulness and thoroughness that they applied to their work was very impressive. I record our thanks and appreciation to all those who worked on that committee, including the staff of the House and the clerks.

I also place on record our thanks and appreciation to those who served on the existing committees over many years. For a number of colleagues there is, as we know, some sadness at leaving committees on which they have worked so diligently. I am very aware of the time and commitment so many across the House, from all groups, have brought to their work on issues that

are not at the heart of our legislative work. Often little is known about what they do, but it can be complex and time-consuming. Whether colleagues have dealt with admin and works, catering or information, for example, these are not committees about which the public—or indeed many Peers—are aware of their day-to-day work, except when something goes wrong. Then everybody wants to know and, of course, everybody can give advice. So we are genuinely deeply grateful to all those who have served on these committees.

As the noble Baroness the Leader said, we are also very grateful to the outgoing Chairman of Committees, the noble Lord, Lord Laming, for taking on his responsibilities, shall we say, at short notice and for fulfilling them with his customary relaxed style of good humour and humility, which belies the amount of work he undertakes.

When we return in September, we will see significant changes. There will be new committee structures, a new Lord Speaker and a new Senior Deputy Speaker instead of a Chairman of Committees. All of us who will serve on those committees will take on new and additional roles and responsibilities. We welcome the noble Lord, Lord Fowler, and look forward to working with him in his new role, and my noble friend Lord McFall. They will become pioneers of these new structures—particularly my noble friend, who is undertaking a new role as it changes—alongside those chairing the new Finance Committee and Services Committee, the noble Baroness, Lady Doocey, and the noble Lord, Lord Laming. In a previous debate on one of the many meetings we have had on this, I said that those who hold these posts for the first time will have a great responsibility, because how they conduct themselves and how they fulfil these roles will become the marker against which these roles will be judged. I have no doubt at all as to their ability and commitment. I look forward to working with them and all those on the new committees.

I add, though, that I have one doubt about the new committees. I am disappointed about the gender balance on them. I say to the noble Baroness the Leader that the only nominees from her party were all male. We have to look at this issue across the House. We should have a better gender balance on all committees. I am disappointed at the make-up of these committees. That is not said about the individuals, but as a House that seeks to be progressive and representative in the wider sense, we should look for a better gender balance.

Finally, as the noble Baroness said, it is right, as we embark on these new structures, that we recognise details will emerge where, having put policy and principle into practice, we find that the practice may need some tweaking. Those who have served on previous committees and organisations, such as the noble Baroness, Lady Maddock, and my noble friend who chaired the Information Committee, will know that that tweaking will have to be taken into account as we move forward in creating these structures—we should reflect as we go along. The noble Baroness the Leader is right to say that we should reflect not only at the end of this Session but, as we progress the work we do, we should at all times question and challenge ourselves to make sure that we have this right and consider whether tweaks are needed.

[BARONESS SMITH OF BASILDON]

Finally, I concur entirely with the noble Baroness the Leader's thanks to all those who took part in this challenging exercise. The governance group did this House a great service when it first took on this task. We look forward to ensuring that we will make these structures work in the interests of the whole House.

Lord Balfé (Con): My Lords, I wish to make two brief points which I have made before but which I do not think find much favour in the House. I notice that sub-paragraph (2) of the implementation report states that the House of Lords Commission is responsible for supervising,

"the arrangements relating to financial support for members".

However, if you look further into these recommendations, you do not find who is responsible for giving them something to supervise. I consider that the House needs a structure that can look at Members' benefits and the way forward. I reflect particularly on the stories about regional imbalance. We appear incapable of devising a system whereby Members who live a long way outside London can claim for a hotel bill. That puts us out of line with the Civil Service and virtually every public body in Britain. I hope that we can look at this because we cannot for ever say, "We will never touch allowances. People will never trust us". At some point, we must have a transparent procedure for looking at the way in which this House is run in that respect.

My second point is probably even less popular—namely, that we should introduce a little bit of democracy. All these committees will do extremely good work. However, not a single member of them is elected by the Members of this House. There is absolutely no opportunity for the ordinary Members of this House to have any representation through electing members of these committees by ballot. Therefore, I ask that we dispense with perhaps just a small portion of the "chumocracy" and replace it with a small portion of democracy.

Lord Wallace of Tankerness (LD): My Lords, I, too, support the Motions moved by the noble Baroness the Leader of the House. The point made by the noble Lord, Lord Balfé, with regard to Members' allowances will be very much on the agenda of the new House of Lords Commission, as it has been recently on the agenda of the House Committee.

With respect to the Procedure Committee report, I, too, welcome the fact that the pilot scheme for having ballots during recesses for Oral Question slots has now been put on a permanent basis. The pilot schemes have shown that this works and helps those who live outwith London. I also very much welcome the fact that we are to have Clocks showing seconds, as I think that will help to get us through debates. If noble Lords are given an advisory speaking time of seven minutes, there is a tendency—this is only natural—when we see seven minutes up on the Clock to think that we are still within the advisory time when, in fact, we have run over. The noble Baroness the Leader of the House mentioned the Clocks being replaced. Can she indicate when the Clocks are likely to be replaced and we will have Clocks showing seconds?

With regard to the recommendations of the Leader's Group on Governance, I echo what has already been said. I pay tribute to and thank the noble Baroness, Lady Shephard, for the work that she and her group did on this matter, and, indeed, the previous Leader of the House the noble Baroness, Lady Stowell, who set all this in motion and gave it the impetus to see it through to the Motions before us today.

My noble friend Lady Maddock made an important point and I hope that, when she replies to the debate, the Lord Privy Seal will be able to offer some reassurance on it. My recollection of the governance report is that it indicated the intention that there should be a Speaker's advisory committee. I think that continuity in that regard was anticipated. However, if the noble Baroness can offer reassurance on that point it would be very welcome.

If we are to perform our duties in this House in scrutinising the Executive, we need facilities and services to enable us to do it. Therefore, it is important that when we take decisions on how we administer these services and facilities they are taken in an open, transparent and accountable way, and they meet high professional standards.

During the consultations that were undertaken by members of the Leader's Group, many people on the Back Benches in particular spoke of the need for some radical change. I believe that this is what the report came forward with and what we are now delivering. We have a strong senior committee and now two other very important committees, the Finance Committee and the Services Committee. It is important that they examine the culture of committees as well as basic administration and the way that it is undertaken.

I hope that all members of the new committees will embrace this philosophy and find new and innovative ways of working that engage more Members from right across the House in the decision-making processes. I know that my noble friend Lady Doocey—I am delighted that she will be chairing the Finance Committee—is keen to explore how to do things differently. I am also delighted that the noble Lord, Lord Laming, who has given such service in particular in the last year, will be chairing the Services Committee. I also congratulate the noble Lord, Lord McFall, of whom I have been a colleague in both Houses; I know that he will discharge his duties as Senior Deputy Speaker in a way that will engage colleagues. I therefore confirm my support for the recommendations from the Leader's Group and for the Motions before the House today, which implement these much-needed reforms.

Lord Hope of Craighead (CB): My Lords, I just add a word from these Benches in support of the Motions that the Leader of the House has moved and endorse all that she has said in introducing them. For my own part, I emphasise two points. First, on the identity of the two key people chairing the Commission and the Services Committee—and also the Finance Committee, because so much rests on its shoulders to progress into the new system—the fact that the noble Lord, Lord Laming, will chair the Services Committee is particularly important because he can carry through into the new system his knowledge and understanding of how the previous committees worked.

The other point that I stress is one that the noble Baroness made in her few remarks—that built into this approach is a commitment to reflect on its operation at the end of the forthcoming Session. It is important that we should have that amount of flexibility, so that we can assess exactly how things are working out. Inevitably with a new structure, one has to set up the structure first to see how it works in practice, given the personnel who make it work. I endorse exactly what the noble Baroness said about the reassurance that Members who may have some concerns should feel, given the willingness of everybody involved in these new structures to look again at whether they need any changes—they might not—and to see that everything is working as we would wish. Without repeating them, I also endorse the remarks made by the noble Baroness, Lady Smith of Basildon, and the noble and learned Lord, Lord Wallace of Tankerness.

Baroness Evans of Bowes Park: My Lords, I am grateful to all noble Lords for their contributions and I shall pick up on a couple of the points raised. In relation to the comments of the noble Baroness, Lady Maddock, the new Lord Speaker will be working with the old committee to consider the best way to proceed but continuity, as the noble and learned Lord, Lord, Wallace, said, will be an important consideration. As the noble Lord, Lord Campbell-Savours, said, the Services Committee chair can help with that—we will certainly look forward to working closely with her.

My noble friend Lord Balfe mentioned the election of Back-Bench Members. We do not operate elections for any other committees in this House but, if it is something that he wishes to pursue, I suggest that the new Senior Deputy Speaker would be the appropriate port of call, with apologies to him for handing over that grenade. I am sure that he would be delighted to have a conversation, although he is not looking so happily at me. We have got off to a good start.

The noble and learned Lord, Lord Wallace, asked about Clocks. I am afraid that I do not have a timescale but it is apparently likely to be months rather than years, which I hope will please him. As the noble Baroness, Lady Smith, and the noble and learned Lord, Lord Hope, said, we want to make sure that these structures work and we need to reflect—I agree that we need to have a period of reflection. There will be an opportunity at the end of the Session to consider whether there are worthwhile changes that we can make.

On that note, I again thank all noble Lords and I wish everyone a very relaxing Summer Recess. With that, I beg to move.

Motion agreed.

Procedure Committee

Motion to Agree

11.59 am

Moved by Baroness Evans of Bowes Park

That the Report from the Committee *Implementing the recommendations of the Leader's Group on Governance: consequential changes; Ballot for oral*

questions slots during recesses; Clocks in the Chamber and Grand Committee (1st Report, HL Paper 29) be agreed to.

Motion agreed.

Standing Orders (Public Business)

Motion to Approve

11.59 am

Moved by Baroness Evans of Bowes Park

That the standing orders relating to public business be amended as follows:

Standing Order 64 (Sessional Committees)

In Standing Order 64, in line 6, leave out “Administration and Works Committee” and insert “House of Lords Commission”.

In Standing Order 64, in line 13, leave out “House Committee” and insert “Finance Committee”.

In Standing Order 64, in line 16, leave out “Information Committee”.

In Standing Order 64, in line 20, leave out “Refreshment Committee”.

In Standing Order 64, in line 22, at end insert “Services Committee”.

In Standing Order 64, in line 25, leave out “Works of Art Committee”.

Motion agreed.

Senior Deputy Speaker

Membership Motion

Noon

Moved by Baroness Evans of Bowes Park

That with effect from 1 September Lord McFall of Alcluith be appointed as Chairman of Committees (to be known as Senior Deputy Speaker) for the remainder of the session.

Motion agreed.

House of Lords Commission

Membership Motion

Noon

Asked by Baroness Evans of Bowes Park

That with effect from 1 September a Select Committee be appointed to provide high-level strategic and political direction for the House of Lords Administration on behalf of the House;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

B Doocey, B Evans of Bowes Park, L Fowler (Chairman), L Hope of Craighead, L Laming, L McFall of Alcluith, B McIntosh of Hudnall, B Smith of Basildon, L Wakeham, L Wallace of Tankerness;

[BARONESS EVANS OF BOWES PARK]

That Liz Hewitt be appointed as an external member of the Committee;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Motion agreed.

Finance Committee *Membership Motion*

Noon

Moved by Baroness Evans of Bowes Park

That with effect from 1 September a Select Committee be appointed to support the House of Lords Commission by:

(1) Considering expenditure on services provided from the Estimate for the House of Lords,

(2) With the assistance of the Management Board, preparing the forecast outturn, Estimate and financial plan for submission to the Commission,

(3) Monitoring the financial performance of the House Administration, and

(4) Reporting to the Commission on the financial implications of significant proposals;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

L Collins of Highbury, L Cope of Berkeley, E Courtown, L Cromwell, L Cunningham of Felling, B Doocey (Chairman), B Goudie, L Leigh of Hurley, L Kerslake, L Newby;

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Motion agreed.

Services Committee *Membership Motion*

Noon

Moved by Baroness Evans of Bowes Park

That with effect from 1 September a Select Committee be appointed to support the House of Lords Commission by:

(1) Agreeing day-to-day policy on member-facing services,

(2) Providing advice on strategic policy decisions when sought by the Commission, and

(3) Overseeing the delivery and implementation of both;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

E Attlee, L Bassam of Brighton, L Campbell-Savours, B Hollis of Heigham, L Hope of Craighead, B Humphreys, L Kirkwood of Kirkhope, L Laming (Chairman), E Shrewsbury, L Taylor of Holbeach.

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Motion agreed.

Schools: Funding *Statement*

Noon

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, with the leave of the House, I will repeat in the form of a Statement the Answer given by my right honourable friend the Secretary of State for Education to an Urgent Question in the other place about schools funding. The Statement is as follows:

“Mr Speaker, I am firmly committed to introducing fairer funding for schools, high needs and early years. This is an important reform, to fairly and transparently allocate funding on the basis of schools’ and children’s actual needs. As the Written Statement I have laid today sets out, this Government are investing record levels of funding for schools. With that investment, fairer funding will set a common foundation that will enable schools to maximise the potential of every child. They will no longer be held back by a funding system that is arbitrary, out of date and unfair. Fairer funding will provide a crucial underpinning for the education system to act as a motor for social mobility and social justice.

The first-stage consultations on national funding formulae for schools and high needs have met an overwhelmingly positive response from head teachers, teachers, governors and parents. I am also clear that this is a once-in-a-generation opportunity for an historic change and that we must take our time to get our approach right. I will therefore publish the Government’s full response to the first stage of the schools and high needs consultations and set out my proposals for the second stage once Parliament returns in the autumn. We will run a full consultation, and make final decisions early in the new year. Given the importance of consulting widely and fully with the sector and getting implementation right, the new system will apply from 2018-19. I will set out our full plans for a national funding formula for early years shortly.

I understand that local authorities need sufficient information to begin planning their funding arrangements for 2017-18. Local authorities need time to consult with local schools, both academies and maintained, to ensure that the funding they provide is being directed appropriately. As well as a fair system, schools and local authorities need stability and early notice of any changes to fulfil this important duty properly.

I have therefore confirmed in my Written Statement today that no local authority will see a reduction from its 2016-17 funding for schools or for high needs next year. Final allocations will follow in December on the basis of the latest pupil numbers, as usual. My Written Statement also confirms that for 2017-18 we will retain the current minimum funding guarantee for schools, so that no school can face a funding reduction of more than 1.5% per pupil next year.

As my Written Statement today confirms, I am determined to ensure both that we move to a fair funding system and that we do so in a measured and properly consultative fashion. This will be a crucial part of delivering an education system that works for every child, no matter their background”.

12.03 pm

Lord Hunt of Kings Heath (Lab): My Lords, I am grateful to the Minister for repeating the Statement. I remind the House that my wife is an education consultant to the Education and Training Foundation.

As recently as Tuesday, Ministers said they remained committed to the original timescale. What has changed in the past 48 hours? Was it a dawning realisation of the funding problem currently facing our schools? I noted that the Minister said that no local authority will see a reduction in its 2016-17 funding to schools next year. But we have a growing number of pupils and a growing teacher shortage, and the Minister will know that schools are already struggling to cope with the effect of the 5% funding cut because of the increase in national insurance and teacher pension contributions that schools have had to pay.

As part of this approach to fair funding, can we see a reappraisal of the funding of schools in their entirety? As the Minister’s department is also having higher education and further education transferred to it, can he also say whether the further education budget will be protected next year, having been decimated by the BIS department over the last two years? Finally, I am sure we all agree with fair funding but I have noticed that when it came to police areas, the fire service and the NHS, fair funding has meant greater funding in Conservative constituencies. Would the Minister care to tell me what fair funding will mean for schools?

Lord Nash: The Secretary of State’s overriding consideration is to ensure that the reform is right and has the benefits of proper consultation. The change is too important to rush and, personally, I think her decision shows a great strength of mind. She has considered the matter carefully and decided that we do not want to put schools through the uncertainty, when they come back in September, of not knowing what their budget is to be for 2017-18. That conclusion shows great sensitivity for the issues facing our schools and teachers. As for the point about whether there will be any political bias in our considerations, I can assure the noble Lord that there will not be.

Lord Storey (LD): I thank the Minister for making the Statement. As the noble Lord, Lord Hunt, rightly perceived, it is made against a background of cuts in funding in schools. He mentioned 5% but there are

suggestions that with teacher cost caps, teacher pensions, national insurance and other on-costs such as wages, it will be nearer to 12% than 5%. On these Benches, while we welcome a fair funding regime, we agree with the Minister that you have to move carefully and cautiously. I was delighted to hear him talk about consultation, which is really important, but in any national scheme there will be winners and losers. We have serious concerns about the plan to cut the pupil funding by up to 1.5%. I have a direct question for the Minister: can he guarantee that the pupil premium funding will also be protected in real terms?

Lord Nash: I can answer that question. We have committed to protect pupil premium funding through to 2020.

Palestine: Children

Motion to Take Note

12.08 pm

Moved by **Lord Warner**

That this House takes note of the conditions in which Palestinian children are living and the impact on their health and wellbeing.

Lord Warner (Non-Aff): My Lords, I am pleased to have this opportunity to put on the parliamentary record the appalling conditions under which Palestine’s children are living in both the blockaded collective prison of Gaza and the 50-year military occupation in the West Bank and east Jerusalem. I start with a quotation from the recent memoir by the noble Lord, Lord Waldegrave, who was an FCO Minister in the Thatcher Government. On page 259, he draws on Avi Shlaim’s book *The Iron Wall* with the following words:

“Israeli thinkers have right from the beginning judged that the injustice to the Palestinians perpetrated by the establishment of their state can never in truth be rectified for those who were displaced”.

This sentiment produces the sense of outrage one feels when seeing at first hand how Palestine’s children live day by day—day in and day out.

Let me begin with Gaza, whose children have experienced three military invasions in six years. I saw the destruction wreaked in Gaza after the first two invasions but have been prevented from entering Gaza to see the results of the third. The blockade following it has prevented major reconstruction and Gaza’s children now see themselves sentenced to a lifelong collective prison sentence. During the 2014 Gaza conflict, Save the Children found that “551 children were killed”, compared with one Israeli child,

“and 3,436 were injured, of whom 10% suffered permanent disability as a result”.

The rates of stunting and long-term malnutrition remain high, while anaemia affects nearly 60% of schoolchildren and even more infants. In this collective prison, 95% of the water is unfit for human consumption. In addition, 90 million litres of untreated or partially treated sewage is dumped into the sea each day, which causes a high incidence of diseases such as typhoid

[LORD WARNER]

and severe diarrhoea. Medical supplies are permanently in short supply, and many children live in poor accommodation, because only 1,000 homes out of the 10,000 destroyed have been rebuilt. These children now have to put up with Israeli air strikes, which recently killed two children, and see them destroy power stations. Israeli Ministers are now calling for Gaza to be cut off from water, gas and electricity.

Large swathes of the economy and the middle class have been destroyed, and a third of the schools destroyed have yet to be rebuilt. But why go to school if there are no jobs and you cannot leave the prison? Thirty percent of applications for patients, often children, to leave Gaza for medical treatment are denied. The population is increasingly dependent on humanitarian aid. UNICEF estimates that at least 373,000 children—nearly half of Gaza's children—need specialised psychosocial support. Gaza's children have been condemned, through no fault of their own, to a future without hope: a groundhog day of perpetual misery in an environment that the United Nations has predicted will be uninhabitable by 2020. My first question to the Minister is whether the Government accept the UN assessment of the timetable for Gaza becoming uninhabitable. In addition, what discussions are they having with the Israeli Government and the international community about collective action to prevent an impending humanitarian disaster in Gaza, especially for its children?

I turn now to the West Bank, which I visited in April with a small cross-party parliamentary group and representatives of Caabu and Medical Aid for Palestinians. I should make clear that no representative of Israel's Government was willing to see us or to let us enter Gaza. Our Israeli contact was limited to a courageous former Israeli soldier from the Breaking the Silence movement, who escorted us around the city of Hebron. We saw at first hand how a military occupation could clear a thriving Palestinian town centre to make way for settlers, whose children had their own distinctive way of welcoming visitors, with eggs and dirty water.

On the West Bank, Palestinian children grow up in a culture of fear, intimidation, suspicion and sometimes death. We saw this most graphically when we visited a settler-firebombed house in Duma, where the parents and their child died. UNRWA has expressed concern over the daily threat of violence faced by Palestinian children. It has reported that the number of children killed in the West Bank has more than doubled in the last two years, to 31 in 2015, with things getting worse. Between October 2015 and 31 March 2016, 44 Palestinian children were killed. UNRWA has drawn attention to the increasing use of force and live ammunition by the Israeli security forces.

On 30 April this year, 414 Palestinian children were in a military prison, with 48% of them held in Israel, in contravention of the Fourth Geneva Convention. Military Court Watch says that the number of Palestinian children arrested by Israeli forces has risen by 156% since September 2015. Many of these children are beaten and held in unsafe and abusive conditions, without access to parents or lawyers. Most of them are arrested for throwing stones—an offence that under Military Order 1651 carries a maximum sentence of

10 years in prison, or 20 years if the stone is thrown at a moving vehicle. Usually, however, they will usually be in custody for about four months. If not detained at the scene of the offence, they will have been picked up later, often during a terrifying raid on their family home by Israeli soldiers in the middle of the night. They may have been given up by a Palestinian informant, possibly under duress, to the network of local military intelligence officers. It makes little difference whether they are guilty, because they will plead guilty anyway to avoid a longer time in prison. Their guilty plea will usually have been obtained without a lawyer or adult present and often in a sleep-deprived state. When they come to court, as I saw at the Ofer military court, they will shuffle in with their hands tied and their feet manacled.

Nominally, this is a separate juvenile court, but the military judge and prosecutor court process is exactly the same for juveniles as adults. Witnesses and evidence are conspicuous by their absence: who needs them in a system in which everyone pleads guilty? Once he has made sure that he has the right person, the judge quickly pronounces verdict and sentence—it all takes about 15 to 20 minutes.

Even when the young person gets out of custody, he may be returning home to more trouble if he is living in one of the 600 Palestinian structures demolished in the first four months of 2016. These demolitions made 800 Palestinians homeless, half of them children. We could hear the explosions for demolitions while we were there. Sometimes, demolished structures were funded by international aid, including British taxpayers. There are now more than 11,000 approved demolition orders which the Israeli military can choose to implement whenever they like with virtually no notice. Palestinian children often take their favourite toy to school in case their home is gone on their return.

Of course, from the perspective of the Israeli Government, this nearly 50 year-old military occupation and system has been very effective in controlling 2.7 million Palestinians who live on the West Bank while protecting the 400,000 Israelis who have settled there illegally since 1967. This figure excludes 200,000 illegal settlers in east Jerusalem. There are now 125 of these settlements—in reality, towns—sanctioned by the Israeli Government, and more than 100 so-called outposts which in turn will expand into settlements. According to the Israeli Central Bureau of Statistics, this settler population is expanding at more than three times the rate of the Israeli population as a whole. I experienced these settlements in April, often cheek by jowl with long-established Palestinian settlements, whose movement, water and agriculture are often disrupted. Palestinian children and young people watch their land being removed from them before their eyes, with their older generations and the Palestinian Government powerless to do anything about it because this is a military occupation focused on protecting settlers.

I close with a quotation about the psychological state of Palestine's children from an expert psychiatric report commissioned by Physicians for Human Rights-Israel from Dr Graciela Carmon. She writes:

“These interrogation methods, when applied to children and adolescents, are equivalent to torture ... The social and mental consequences of the use of the aforementioned methods of detention

and interrogation by the investigating and/or detaining authority for the life of the child or adolescent are difficult to remedy and damaging. They can cause serious mental suffering to a child or adolescent and cause psychological and psychiatric problem, as well as post-traumatic stress disorder ... psychosomatic diseases, fits of anger, difficulties in learning and concentration, memory problems, fears and anxieties, sleep disorders, eating disorders, regressive symptoms, and bedwetting. Such outcomes are devastating to the normative development of the child or adolescent, especially when he or she is innocent. These detention and interrogation methods ultimately create a system that breaks down, exhausts and permeates the personality of the child or adolescent and robs him or her of hope”.

I conclude by putting a question to the Minister for this new Government about their approach to the Israeli Government over this situation. Will they keep trundling along the path of recent years, whereby the FCO commissions reports from experts ably led by people such as the noble and learned Baroness, Lady Scotland, with FCO Ministers raising concerns with the Israeli Government—occasionally securing small procedural improvements, I acknowledge, but they are rarely implemented by the Israeli security forces on the ground? Or are they, as part of improving the UK’s international reputation for respecting the rule of law, going to start challenging the Israeli Government over their daily breaches of international law, especially the Fourth Geneva Convention? Which course they choose has implications not only for Palestine’s children but also for our own credibility with other transgressors of international law, such as Russia in Crimea and China in the South China Sea.

When children are seriously damaged and have no sense of hope, as Palestine’s children increasingly are, they become adults with nothing to lose, who can all too easily turn to a path of violence against their oppressors and those who collude with them. The Government need to think very carefully about which path they choose on this issue.

The Minister may also wish to clarify at some stage why the House of Lords Library briefing for this debate was withdrawn after being put up on its website for about 24 hours. I beg to move.

12.21 pm

Lord Cope of Berkeley (Con): My Lords, we are—most of us, at any rate, I suspect—grateful to the noble Lord, Lord Warner, for securing this debate and for the direct way in which he introduced it. I have explained before that my involvement with Palestine, which is now for nearly 50 years, is because my wife was born in Jerusalem, into a family of western Christians. Her wider family still own the house, now the American Colony Hotel, where they have lived for over a century and, without moving house, have lived in four different countries de facto. Her grandmother started the Spafford Children’s Center in the Old City about 90 years ago and, there and in Bethany, it does great psycho-social and medical work, helping to mitigate exactly the strains among Palestine’s children that the noble Lord described.

I have seen all that the noble Lord, Lord Warner, spoke about over almost 50 years, but I want to bring some hope into today’s debate by talking about an educational body with which I am involved, the Palestine Music Conservatory. It does wonderful work, teaching

both classical and Arabic music from the basics up to concert standard. The headquarters are in Jerusalem and there are branches in Ramallah, Bethlehem, Nablus and Gaza, with outreach, particularly choirs, into other districts. Music moves hearts.

I support this work as chairman of the UK friends of the conservatory. We agreed—rashly, you may well think—to sponsor a UK tour by the Palestine Youth Orchestra; it is 80-strong, so it is a very large undertaking for a small charity, but it is happening. We had to wade through plenty of UK bureaucracy to get the necessary visas. Travel is always a problem for Palestinians, even within their own country. The orchestra cannot rehearse together fully in its homeland. But it is happening, with help from numerous friends and bodies.

As we speak, the orchestra is in Glasgow, rehearsing at the Royal Conservatoire of Scotland—actually, it is just about to stop for lunch. Its first concert of the tour is in Perth on Monday and, on Tuesday, it will play for the conference of the International Society for Music Education in the Royal Concert Hall, Glasgow. Then there are concerts in Leeds, Birmingham, Cardiff and, finally, on 1 August in the Royal Festival Hall. I have full particulars and, if anybody is interested, tickets for sale. Under the baton of Sian Edwards, it will play Beethoven, Mussorgsky, some new British music by Graham Fitkin, and some Arabic songs with a lovely soloist called Nai Barghouti.

Given the background of their lives, imagine what inspiration a tour such as this can bring into these young lives and those who hear them. Appreciate, too, the depth of enthusiasm and dedication and the endless practice required for years to reach the required standard.

Music opens hearts, as I said, but not quite all hearts. Two 15 year-old students of the Gaza Music School passed auditions to join the tour, necessarily by Skype, as it is the only way they can do it. We got them visas for the UK, but they were refused permission to leave Gaza for the two weeks of the tour by the Israeli occupying power. I was told it sometimes gives permission to leave for medical or educational reasons but that participation in the tour was insufficient reason. What a blind counterproductive cruelty that is.

I want straightaway to thank my noble friends Lord Polak and Lord Leigh of Hurley for their ready response when I asked for help in this matter. The Israeli ambassador took a personal interest, but the decision stood. That one small act, or rather refusal, illustrates the monster prison camp that Gaza has become for adults and children alike.

However, many Gazans are not prepared to be defined only by their struggle for survival. A programme on BBC World and a related piece on radio showed the Gaza Music School in wonderful programmes last year about the last grand piano in Gaza. I recommend the programmes. They are still available, I think, if you can get your grandchildren to assist you. Amid the wreckage of a theatre smashed in the latest war, a concert grand piano survived, undamaged by the shelling but ruined by its resulting exposure to the elements. The programmes showed its restoration by a French expert, assisted by two Palestinian apprentices. The climax was a Beethoven sonata, beautifully played by

[LORD COPE OF BERKELEY]

a 15 year-old from the Gaza Music School. In her interview with Tim Whewell of the BBC, the young pianist said:

“Music might not build you a house or give you your loved-ones back, but it makes you feel better, so that’s why I just keep playing it”.

12.27 pm

Lord Palmer of Childs Hill (LD): My Lords, we have heard from the noble Lord, Lord Warner, about the health and well-being of Palestinian children. I am sure I and other Peers speaking in this debate want better conditions for all children worldwide and deplore anything that creates inferior conditions. What I will stress does not detract from the issues, conditions, health and well-being of Palestinians but gives a context missing from the words of the noble Lord, Lord Warner.

Infant mortality rates out of 1,000 are, sadly, 15.9 in the West Bank, 18.3 in Gaza and 4.2 in Israel. There are 121 countries ranked worse than the West Bank, and 108 ranked worse than Gaza. Infant mortality in Angola is an amazing 180 out of 1,000. In Nigeria it is 94, in Pakistan it is 65, in Turkey it is 25.7. On the Human Development Index, which is calculated on healthy life, knowledge and a decent standard of living—with a score of 1 being the most developed—Palestine ranks 113th out of 188 nations at 0.68. This is roughly the same as for Egypt, and is the average for Arab states. It compares with 0.61 for India and 0.54 for Pakistan.

The Minister, whom I welcome to her place, is a great expert, I understand, on trade with Pakistan. My question to her and the noble Lord, Lord Warner, about the conditions of children is: are we going to have a debate on any of the other 188 nations, some of which I have described? I stress that the conditions of many of these nations need to be improved, very much including the conditions and outcomes for the Palestinians.

The noble Lord, Lord Warner, paints a picture of a bottle half empty. I would like to paint a picture that, while it could be improved, is of a bottle half full. When the noble Lord, Lord Cope, talks about youth music, he gives such an instance of things that can be and are being done.

Many Palestinian children are brought to Israel and treated in Israeli hospitals. Some of these are children of Hamas officials. In 2014, the daughter of Ismail Haniyeh, the Hamas leader in Gaza, was allowed to exit the strip just after Israel’s operations. The Israel charity Save a Child’s Heart—SACH—brings children from around the world, including Gaza and the West Bank, to Israel for life-saving heart surgery that they would otherwise not receive. Israel continued to permit children and family members to travel to the Wolfson Medical Center in Holon at the height of the 2014 conflict in Gaza with Hamas.

There are many SACH stories, and I shall give the House just a couple of them. Rumaisa was born in August 2014. At nine days old, she was rushed from Gaza to the paediatric intensive care unit of the Wolfson Medical Center in critical condition at the height of

the 2014 conflict. After her condition stabilised, she underwent life-saving cardiac surgery. Her recovery went well, and not long after that surgery she and her grandmother returned to Gaza.

Kamal was born in May 2012. At two years old, he returned to the Wolfson Medical Center with his grandmother for his third surgery. When he was two days old, he was taken to the doctor in Gaza because of cyanosis and difficulty breathing. A year later, he had his second surgery because he was still having difficulty breathing. Post surgery, Kamal is doing well.

DfID is considering giving UK funding to Save a Child’s Heart. Could the Minister say whether there is any progress on putting such funding towards saving the lives of many children, including Palestinian children?

Ahmed, 18, and Hadeel Hamdan, 15, have been frequent visitors to the Rambam hospital in Haifa since 2012. They spend 12 hours a day on dialysis—treatment unavailable for them in Gaza.

Some Gaza children are not guaranteed the same privileges. Hamas prevented three Gazan children from travelling to Israel for life-saving treatment; they were children aged five, 10 and 12 who suffer from systemic arthritis, which has the potential to be life-threatening without proper treatment. The children had been permitted to travel to Israel once a month for an injection, and the situation was improving until Hamas denied them the ability to leave the strip.

The noble Lord, Lord Warner, referred to the psychiatric problems of Palestinian children. I recently visited towns and farming moshavs in Israel near the border with Gaza. Every house, flat and school has a safe room with reinforced walls and ceilings. Every bus stop in that area within Israel near Gaza is a bomb shelter. Can other noble Lords appreciate what this does to the psychiatric well-being of those Israeli children? A mother said to me that her child went to visit relations in central Israel and asked her hosts, “Where is the safe room?”, accustomed as she was to this sad way of life.

Palestinian infant mortality rates fall in the middle of world tables. They are still bad, but the rates in Gaza and the West Bank are better than those in China, Romania, Turkey and South Africa, from all official statistics. According to the Human Development Index, Palestine is more developed than India and Pakistan while also being close to the average HDI for all Arab states. Many children, as I have said, are treated in Israel, including family members of Hamas leaders and so on.

Hamas also utilises child labour in dangerous environments, such as the construction of its terror tunnels. In total, 160 individuals have died while constructing those tunnels since 2012, and it is therefore not an environment that children should be allowed to work in.

In considering the welfare and well-being of Palestinian children, one must look at the direction of travel. It points in one positive direction but is clearly in need of improvement. Israel has gone to great lengths to materially improve the well-being of Palestinian children, while their condition remains poor in areas beyond Israel’s influence, particularly in Lebanon and Syria. Conditions

for Palestinian children in the West Bank, while certainly not great, remain better than in many other Middle Eastern countries.

Finally, since the beginning of the Syrian conflict, an estimated 70% of Palestinians in Syria have been displaced, with 440,000 requiring humanitarian assistance. Two-thirds of UNRWA education facilities have now closed in Syria, and UNICEF has highlighted that Palestinian children are routinely exposed to violence and abuse and that many of them have only one meal every two days. More needs to be done worldwide for the health and well-being of children. I thank the noble Lord for initiating this debate.

12.35 pm

Lord Judd (Lab): My Lords, I thank the noble Lord, Lord Warner, for having introduced this debate in such forthright tones, and I will comment on what the noble Lord, Lord Palmer of Childs Hill, has just said. Some of us make no apology for repeatedly raising the issues which are before the House. Those of us who regard ourselves as friends of both the people of Palestine and the people of Israel, and who have many personal friends in both communities, are particularly concerned because of our record of historical responsibility for the creation of the state of Israel and our long presence and participation in the affairs of the Middle East. However, there is another point too. Frankly, our expectations of Israel had been high. Due to the experiences of many of the people who live in Israel—not least the Holocaust, of course—and because of the values in Judaism, we had hoped for a state that would set examples to the world. For that reason we are so profoundly concerned. However, above all I make the point that this issue cannot receive enough attention from our Government. I agree with those who have expressed frustration at the fact that we get a lot of work and a lot of statements on the issue, but when will we get some results on it? It is absolutely clear to us that the future is in jeopardy because of what is happening to young people in both communities, who are growing up in a context of exaggerated vocabulary of hatred and enmity and in a situation of confrontation, when they should be in a context of deep commitment to reconciliation, understanding and building peace in the future. That is what we expect of Israel and of the leaders of Palestine.

Not very long ago, on 12 July, the Secretary-General spoke in the Security Council of the UN. I make no apology for quoting what he said:

“I will never forget my moving meeting with student leaders at an UNRWA school in Gaza on my final day in the region. One 15 year-old boy concluded by saying ‘harsh restrictions drain away the ambitions of any young person. And this is how we see our future—to be killed by the conflict, to be killed by the closure, or to be killed by despair.’ Surely, we can do better for all the children of Palestine and Israel. Surely, they deserve a horizon of hope”.

He also said:

“The children of Israel and Palestine deserve nothing less”.

He added that he was,

“deeply troubled by shrinking space for civil society in the region”, and by the,

“flagrant disregard of international law”,

represented by Israel’s settlement enterprise. He said that,

“every brick added to the edifice of occupation is another taken from Israel’s foundation as a majority Jewish and democratic state”.

However, he went on—I cannot emphasise this too strongly to my Palestinian friends—

“At the same time, those Palestinians who celebrate and encourage attacks against innocents must know that they are not serving the interests of their people or peace. Such acts must be universally condemned and more must be done to counter the incitement that fuels and justifies terror”.

Those were powerful words of leadership from the Secretary-General.

What of the reality on the ground? Since last October, the number of Palestinian children from the West Bank in Israeli custody has increased threefold, reflecting the current escalation in violence. More than 400 Palestinian children are currently in Israeli custody, including 13 held without charge or trial in what is known as administrative detention. What also troubles me—I am very glad that the noble Lord, Lord Warner, emphasised this—is that 489 are held inside Israel in direct contravention and direct defiance of the Fourth Geneva Convention.

I am also troubled by the fact that in the last attack on Gaza by Israeli forces—whatever justification may have been given—228 school buildings were damaged or destroyed. How is that building peace for the future? Surely it is totally counterproductive in terms of how it will affect attitudes among young people in the region in the future.

On 2 July, 42 new settlement units were approved by the Israeli Government. On 3 July, the Government also approved 560 units. In June, a further 82 settlement units were approved. There are now 573,000 settlers in occupied territory in 237 settlements. All that affects the psychology and general health and so on of the young and the children. When will our friends in Israel understand the foolishness of counterproductivity on this scale? No one underestimates the provocation with which they have to deal on many occasions, sometimes in the heart of their own communities, but that is what demands courage and leadership. If they show that, we will be second to none in supporting them in a completely new approach.

12.43 pm

Baroness Tonge (Ind LD): My Lords, I congratulate the noble Lord, Lord Warner, on securing this debate on what I am sure is one of the most important topics in the world today. It is important because, as the noble Lord, Lord Judd, said, we expect Israel to do better. Israelis are our allies and our friends, and we expect more of them all the time. It is no good making comparisons with what happens in other countries; we expect a high standard from Israel.

Some of this debate will be repetitive but it is worth hearing over and over again. I shall start with a story from Defence for Children International, which is a very reputable NGO.

Recently an 11 year-old Palestinian boy was helping to gather in the family’s sheep from their grazing area near the Gaza border fence when Israeli soldiers approached on the other side and started firing at him.

[BARONESS TONGE]

He was shot in the groin and started to bleed heavily. He was left for three hours—watched, but not assisted in any way, by the soldiers. He was eventually retrieved by his family and taken to hospital, where he had to have both his testicles removed and was in intensive care for several days, his life ruined. I was informed of another shooting by Israeli soldiers of boys playing football, some time ago, again near the fence. The boys received injuries to their feet and legs and will never play football again. They are good shots, the soldiers in the IDF: they aim very well.

I will now refer to the *Child Rights Bulletin* for the period 1 March to 2 May this year, collated from the UN Office for the Coordination of Humanitarian Affairs and the Palestinian Centre for Human Rights. In that two-month period, eight children and a pregnant woman were killed, and 146 Palestinian children and three Israeli children were injured. There were 736 military incursions into the West Bank and 19 into Gaza, and 114 children were arrested in the middle of the night, blindfolded and taken away. We know about their treatment; we have heard about it from the delegation of British lawyers who reported on conditions for those children in 2012.

I have heard it said that these actions are caused by incitement by the Palestinians. The children throw stones and sticks, and some carry scissors or a knife, and the Government of Israel say that this is sufficient reason for the IDF to behave as it does. I question that. What wimps those soldiers must be if, in their helmets and bulletproof vests, armed to the teeth, they are afraid of children throwing stones or carrying scissors. We are also told that the children are encouraged to do these things by the Palestinian Authority, which British taxpayers pay to keep law and order in the territory that Israel occupies. That fact alone needs a separate debate. Why do we pay for this? Why is Israel not paying for its occupation?

The children of Palestine do not need to be told to react against what is happening to them. All around them they see cruel and humiliating treatment of their parents at the checkpoints. They experience poverty and a shortage of food. Settler violence occurs on a daily basis, damaging crops and fields, homes and water supplies. Added to this are house demolitions, families being made homeless, incursions into schools, and damage to playgrounds and open spaces—and I have not even mentioned Gaza yet. Many children now have terrible psychiatric problems, night terrors and post-traumatic stress disorder. Nobody does anything about Israel's flagrant breaking of international law and the Geneva Convention, or its total lack of respect for the UN Convention on the Rights of the Child, which Israel signed, by the way, in 1991.

I assure noble Lords that the great danger for Israel is that by treating children in this way, she is creating a generation of terrorists who will have a justified grudge against Israel and the countries who support her—beware. This cannot be allowed to go on. Whatever the situation we are in with the USA and the EU, we have been mainly responsible since the Balfour Declaration in 1917. It clearly stated, when Israel was created, that, “nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine.”

This week, I met MPs from Jordan, Malaysia, Indonesia, Bahrain and some other countries; all were supportive of the Palestinian cause and some wondered whether their Governments should sign trade agreements with us after Brexit if we fail to live up to our responsibilities towards the Palestinians. That is an interesting thought. The treatment of the Palestinians by Israel is a major cause of the rise of extreme Islamism and Daesh. That was also agreed by people from all over the world in that meeting last week.

Finally, I appeal to those eminent Jewish Peers in this House, who I respect in every way especially for the work that I know that they do with eminent and good Israeli colleagues in Israel. I respect them hugely, but their support for the Israeli Government, particularly over the past few years, is simply not deserved. They could follow Jews for Justice for Palestinians and lead a movement from the Jewish diaspora in this country to make the Government of Israel see sense before they destroy that country from within and take the Middle East and the wider world with her.

12.50 pm

The Lord Bishop of Southwark: I, too, express my gratitude to the noble Lord, Lord Warner, for securing this important debate. I speak as patron of the charities Embrace the Middle East and Friends of the Holy Land. I regularly lead pilgrimages to Israel and Palestine and for these past two years I have participated annually as a Church of England bishop in the Vatican Holy Land Coordination visiting Gaza, the West Bank, East Jerusalem and refugee camps in neighbouring countries.

Part of the inescapable context for this debate, as has already been said, is that the state of Israel has a legitimate expectation of security and pressing reasons to express that. What many of those who would count themselves as her friends would argue is that such a focus to the exclusion of all else is counterproductive—a word already used in this debate.

The children of the West Bank, and in particular Gaza, suffer from a long-term failure to achieve a just settlement with the state of Israel and from more recent and specific conflicts, particularly the 51-day conflict focused on Gaza in the summer of 2014. We all lament the loss of 2,100 Palestinians killed, including 551 children, as we do 66 Israeli soldiers and seven civilians. The numbers speak for themselves.

Even before the 2014 conflict, the infrastructure and economy of Gaza was driving poor outcomes, exacerbated by the sealing off of the territory in 2007 by Egypt and Israel in response to the Hamas takeover. In 2009, the *Lancet* reported a two-year study indicating an increase in the stunting of growth of children since the mid-1990s as well as increased rates of tuberculosis. Infant mortality is rising, not least in Gaza, from 12 per 1,000 within a month of being born in 2008 to 20 per 1,000 in 2013—an increase of 70%. The bombardment in 2014 left 10,000 homes uninhabitable, more than 500 schools damaged and many health facilities likewise. Some 8,000 and more of these homes remain in ruins. Much-needed building materials are inhibited by the effective closure of Gaza.

The coastal aquifer water supply for Gaza is now in such a state that 95% of it is unsuitable for drinking, which has massive and obvious implications for public health. There is an urgent need to accelerate construction, economic activity and medical provision, not least for the 3,500 children who were injured during those 51 days in 2014. I wish to pay tribute to the Anglican Al Ahli Arab Hospital in Gaza, which last year provided psychosocial support to some 2,400 children, yet in 2014, UNICEF calculated that those requiring such support numbered, as we have heard, around 373,000—about half the child population. It is no surprise that the United Nations Relief and Works Agency for Palestine Refugees in the Near East reported last year that pupils in its schools were suffering from intra-student violence, trauma and despair.

I have a number of requests to make of Her Majesty's Government—first, that they recognise at last the state of Palestine. There was a very convincing vote to this end in the other place last year; the Vatican has done so, and it seems a strange use of the prerogative to persist in gainsaying Parliament on the matter. Secondly, will they make representations to the Government of Israel on the use of ammunition when dealing with situations involving children and their being tried by military courts? Thirdly, will Her Majesty's Government press partners to open the borders in Gaza through the Ad Hoc Liaison Committee, notwithstanding the need for scrutiny and effective border controls which enable security needs to be addressed? Fourthly, the Department for International Development should seek to enhance medical facilities in Gaza and the West Bank, particularly for neonatal and psychosocial health; there is a pressing need for this, as we have heard.

Finally, we should commend to all parties and model ourselves the way of peace; of building bridges, not walls; of encouraging the peoples of Israel and Palestine to build up and not tear down; of providing a love strong enough to break down accumulated resentments, and providing practical support for those who even in desperate straits would not forget the law of hospitality were they to greet us. Above all, let us not forget the children, for Jesus never did.

12.56 pm

Lord Hamilton of Epsom (Con): My Lords, I am most grateful to the noble Lord, Lord Warner, for introducing the debate because this is a very important subject. I was able to go on a trip to Israel in February which was organised by my noble friend Lord Polak and paid for by the Israeli Government. It was the first time that I had been to Israel since 1967; that is quite a long time ago and it has changed dramatically in the meantime. During our visit we went to the West Bank. I was surprised to find that virtually all Palestinians are Sunni Muslims—there are almost no Christian Palestinians left now. At the same time, I was rather surprised to see that it is possible to buy whisky, wine and beer, so Palestinian Sunnis do not really abide by extreme Sunni Muslimism.

The radicalisation of Sunnis comes via the schools of the West Bank, where the rhetoric is a nasty form of anti-Semitism, the sort of thing that we associate with Nazi Germany. They accuse Jews of being unworthy

of playing any role in the world and liken them to vermin, as the Nazis used to do in Germany. The result of this radicalisation is that a number of young Palestinians have found their way into Israel proper and have murdered Israelis on the streets. When we were there, we found out that 18 Israelis had been killed in the preceding few months. The number of atrocities has dropped, but there was an incident in which an Israeli was murdered just the other day. That is pretty awful.

What is even more awful is the discovery that the education authority for the West Bank is financed by the European Union. In answer to a Question I tabled, my noble friend Lady Verma stated that the EU gives €290 million in aid to the West Bank authorities and that 14.5% of it comes from the United Kingdom. My noble friend made the point in her reply that EU funding to the Palestinian Authority is through something called the PEGASE mechanism, which provides salaries for vetted civil servants only. When my noble friend the Minister winds up the debate, can she tell us what that vetting means? Does it mean that people working for the Palestinian Authority have no responsibility for the videos being put out of young people saying that they are determined to kill Jews?

As the noble Baroness, Lady Tonge, said, there are Jewish Peers in this House. I am a Christian but I have a certain amount of Jewish blood. I hope that gives me a certain degree of objectivity in discussing these issues. I have enormous sympathy with the views of the noble Lord, Lord Judd. I think the settlements that have been established on the West Bank and continue to be established to this day are very counterproductive for Israel. When we had a meeting with Prime Minister Netanyahu, I was interested when he put up his finger and said, "I was the first Israeli Prime Minister to stop the settlements on the West Bank". He then said that he had had no response from the Palestinians so he got them to continue again. I think that was very regrettable.

We will solve the Palestinian issue only when we recognise the legitimate claim of Palestinians to their own self-determination. On the other hand, what has never been mentioned by those who bemoan the terrible fate suffered by many Palestinians is Gaza. Israel actually gave Gaza back to the Palestinians. Was it too much to expect at that stage that the Palestinians in Gaza might decide to live at peace with Israel? They had been given their territory and all they had to do from there was get on and live their own existences. They did not. They lobbed mortars over the borders and killed Israelis in Israel proper.

Not unnaturally, there is an obsession in Israel today with the security of its own citizens. It has put up a wall—a barrier between the West Bank and Israel proper. If you have a two-state solution, what guarantees would there be that an independent Palestine on the eastern side of the border would not lob mortars over the barrier into Israel proper? I have to say that logistically it would be rather easier to do it from the West Bank than it is from Gaza. One has to accept that because of the problem of Hamas deciding to declare war on Israel, despite being given back the territory of Gaza in which to live, there is a certain

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reluctance in Israel to go ahead with a two-state solution that may create an enormous security problem for its own citizens.

If Israel does not have a two-state solution, what will it do? Will there be a one-state solution? Will it go on building settlements on the West Bank and eventually reach the situation when Israelis and Jews in Israel will be outnumbered by Palestinians? There are no simple answers to this question but I do not believe that the status quo is sustainable. We have to address the issue of self-determination for Palestinians if we are ever to solve the problems that continue to run in that area, and which are of great concern to all of us.

1.03 pm

Baroness Massey of Darwen (Lab): My Lords, I thank the noble Lord, Lord Warner, for introducing this debate. He has set out the background to the situation of children in Palestine forcefully. It is as well to remember that whatever faith or belief we have—I am a humanist—many children in many countries are living with the results of armed conflict. This debate is not about men or women with guns, tanks and bombs but about the consequences of ideologies and conflict on those who suffer most—our children.

There are many non-governmental organisations that work in Gaza. I shall start my contribution with a stark statement from Christian Aid, whose concerns are echoed by others:

“When children in Gaza reach the age of 15 they refer to it as the beginning of a 40 year prison sentence, as getting a permit to leave Gaza will be almost impossible. Millions of Palestinian children in Gaza are being condemned to a future without hope and to live in an environment that the United Nations has predicted will be uninhabitable in less than four years”.

We are talking about children whose lives are being ruined and who are growing up neglected and subdued. It would not be surprising if some of them turned to anger and radical means of expressing themselves. My concerns are about the impact on children of conflicting ideologies and political frameworks. No child, in whatever country they are living, should be subjected to cruelty, loss of dignity and even loss of life.

Under the UN Convention on the Rights of the Child, accepted by Governments worldwide, all children have the right to non-discrimination, the right to life, survival and development and the right to be heard. The best interests and the rights of the child should be paramount. Children in Palestine are being denied the right to the principles of the UNCRC.

Two years since the outbreak of the 2014 conflict, much of Gaza remains in ruins. Children are living in poverty—endemic and permanent poverty—due to the blockade. Families cannot afford nutritious food, causing severe health problems in children, such as stunted growth. They cannot access medical care and schooling. There is a shortage of hospitals and medical supplies and of schools. Many are homeless. Fewer than 10% of the 11,000 homes that were destroyed during the 51-day bombardment have been rebuilt. The atmosphere is polluted, affecting children’s physical and mental health. Children are showing high levels of physical and emotional distress. Parents report that their children are fearful of another war, and 20% of water and sewage works have not been fully restored.

Until recently, I was a board member of UNICEF UK, whose principles are based on the UN Convention on the Rights of the Child. UNICEF is part of the UN country team in Palestine and leads the Child Protection Working Group and affiliated groups on mental health and psychosocial services. It co-leads the Nutrition Working Group and co-ordinates emergency responses. In mid-2015 UNICEF produced two bulletins on children and armed conflict covering serious violations against Palestinian and Israeli children.

Water, sanitation and hygiene, education, child health and nutrition are part of UNICEF’s humanitarian strategy, working in conjunction with international and local agencies. These include joint action on child protection—for example, for pupils and teachers to get to school—psychological support and counselling, and awareness of child rights. In education, programmes have been developed to teach maths and languages, including for children with special needs. The production of safe drinking water clearly has to be a priority; for example, through desalination.

The efforts include provision of medical equipment, health supplements, therapeutic feeding for under-nourished children, and neonatal care and support for women through trained midwives. But humanitarian aid cannot resolve fundamental problems. Charities working on the ground with which I have been in touch are clear about this and have recommended action. They condemn violence against civilians by all sides. They support a permanent ceasefire as the main response to lasting security for both Israelis and Palestinians. They are clear that all parties to the conflict should promote provision of aid and not restrict that aid getting to those who need it. They believe that the international community should propose a time-bound plan to facilitate an end to the blockade, which can be implemented and monitored through the UN. They recommend that pledges made at the Cairo conference on reconstruction and recovery projects should be prioritised. Would the Minister agree with those recommendations? What proposals do the Government have to try to solve this problem, which is affecting children on a wide scale?

In this brief debate, we can only touch on aspects of the conditions under which children are living in Palestine, and on the impact of those living conditions. Unless we—the world’s children are the responsibility of all of us—improve those children’s health, well-being and education, there will be a lost generation and a tragedy on a massive scale.

1.09 pm

Lord Oates (LD): My Lords, I thank the noble Lord, Lord Warner, for initiating this important debate. I was once fortunate enough to have him as my boss when he was chairman of the Youth Justice Board. I can record that he is one of the best and most inspirational bosses one could hope to have. It is a great pleasure to speak in a debate initiated by him.

By contrast, there is sadly very little to inspire one in the state of affairs that pertains in the Occupied Palestinian Territories today, most particularly in the position in which Palestinian children now find themselves. My criticisms of the occupation and its inevitable and devastating impacts on Palestinian children arise not

out of any hostility to Israel, but, quite the contrary, from a profound respect for the achievements of Israel and its people, and the consequent horror that its values are being so corrupted by the near 50-year occupation and consequent oppression of millions of people.

In 2014, I had the opportunity to visit Israel with my noble friend Lord Palmer on a delegation of the Liberal Democrat Friends of Israel. We visited both Israel and the West Bank. In my visit to the West Bank I met some young leaders in the Negotiations Affairs Department of the PLO. They, like almost everybody in Israel and the Occupied Territories, of course had their own map. I discovered that everybody has their own map and they are all different. Few people agree on anything. But they made a point to me about the restrictions that the settlements placed on everyone. They made the comparison with situations in apartheid South Africa.

I know the Israeli Government and the people of Israel quite understandably feel outraged when comparisons are made between Israel and apartheid South Africa. None of us who have witnessed the reality of the poisonous ideology and its vile application by the apartheid regime would ever make that comparison with the democratic State of Israel. Indeed, I note Israel is the only state in the region in which I, as a gay man, could live freely and under the protection of law. I have a great respect for the values of Israel.

Nevertheless, while there is no comparison between the Government of Israel and that of apartheid South Africa, it is unavoidable and undeniable that many conditions that pertain in the Occupied Territories are similar to those that those of us who spent time in South Africa saw under the apartheid regime: the occupation and settlement of land; the checkpoints; the bulldozing of homes; the military incursions; the detentions of minors; the disregard for legal rights; the night raids; the closed roads; the separate laws; the ongoing humiliations; the deepening anger; the loss of hope; the spread of violence; the settler retaliations; the authorities' passive and sometimes active acquiescence in the excesses of their own settlers, with whom they inevitably side; and the steady dehumanisation of one side by the other. None of this should be surprising. Whenever one people seeks to rule another through occupation and settlement, it is inevitable that similar methods will be used and similar reactions engendered.

In all this, children are always in the crossfire: oppressed and exploited by the vile Hamas regime in Gaza and suffering under the suffocating Israeli economic blockade and periodic and overwhelming military assaults in response to Hamas attacks. Or else they are radicalised in the West Bank from years of witnessing their parents humiliated and defeated, and their own aspirations curtailed and destroyed. Hundreds of children are killed, thousands maimed and hundreds of thousands traumatised.

Given the occupation, it is inevitable that young people come into conflict with the occupying forces. I will focus in particular on the role of the Israeli military in the detention of children in the West Bank. The Israeli human rights organisation, B'Tselem, recorded that in April 2016 414 Palestinian minors were held in Israeli prisons as security detainees and prisoners,

including 13 administrative detainees—that is, those held without trial. Three were aged under 14, 109 were aged under 16 and a further 302 were under the age of 18.

As noble Lords will be aware and as has been referenced, in June 2012 the FCO funded a report into children in military custody, which found that Israel's military detention system violated six articles under the UN Convention on the Rights of the Child and two articles under the Fourth Geneva Convention. In February 2013, as has also been alluded to, a UNICEF report described the ill treatment of children in the military detention system as “widespread, systematic and institutionalized”. B'Tselem itself has reluctantly concluded that there is no point continuing to file complaints against the military detention system as it has no desire to give credence to a justice system in which there is no justice. A review of developments since the 2012 FCO report indicated that just one of the report's 40 recommendations had been addressed four years later.

As is often the case when speaking at this stage of the debate, so many of the facts and figures have already been stated by noble Lords. So many arguments have already been made. I will not trespass on the patience of the House by repeating them, but I want to underline that behind all these figures is the reality of lives ruined and cut short, of families devastated, whether Israeli or Palestinian. That is the reality behind the figures.

All of us who passionately believe in Israel need to recognise that true friendship does not lie in defending the indefensible. It exists in having the courage to acknowledge and confront the truth. Organisations such as B'Tselem understand this. Their painstaking work does not, as some detractors suggest, give succour to Israel's enemies. On the contrary, it bears witness to the enduring values for which Israel was created. After the 1967 war, the founding Prime Minister of Israel, David Ben-Gurion, presciently warned that the continued occupation and settlement of the Palestinian Territories would corrupt the valiant soul of Israel. Nowhere is that more evident than in the willingness of the Israeli authorities to countenance the terrible suffering of Palestinian children as an acceptable price of occupation and settlement.

1.17 pm

Lord Stone of Blackheath (Lab): My Lords, the plight of children across the region will improve permanently and safely only with reconciliation between Palestinians and Israelis. Reconciliation is always challenging as it requires people on all sides and at all levels, including those of us attempting to help from outside the region, to understand and accept with compassion the narrative and life circumstances of “the other”. I will update the House regarding the commitment and steady progress in this direction currently being witnessed in the Middle East.

The debate is timely as, in support of this commitment to reconciliation, which is now beginning to traverse diplomatic circles in the region, a small group of parliamentarians from the United Kingdom will travel next week to Egypt to discuss with its leadership how we might support President al-Sisi and help further: its

[LORD STONE OF BLACKHEATH]

own internal road map for its own recovery and development; its involvement in trying to accomplish a Palestinian-Israeli reconciliation; and its strategy to uphold its pledged commitment to regional peace. Following this, I propose to go on to Ramallah and Jerusalem to continue to progress various cross-border initiatives. As noble Lords will be aware, Egypt's Foreign Minister, Sameh Shoukry, travelled last month to Ramallah and last week he met with the Israeli Prime Minister in Jerusalem, with the aim of reviving peace talks and halt any further deterioration in the situation surrounding negotiations between Palestinians and Israelis.

The responsibility of the international community to ensure that there is regional co-operation remains paramount. The children across the area and all the citizens there are suffering through our collective inability to deal with these wars. As we have heard, the Palestinian children, the children of Sderot in southern Israel—the nearest target of some 13,000 rockets fired from Gaza into Israel over the past 10 years—and the unaccompanied asylum-seeking children arriving in their thousands on our own shores in Kent from Syria, Afghanistan and Iraq, all share a common experience of living their daily lives with conflict. We must be more urgent in our attempt to rectify the situation to ensure that no further generations are exposed to such arduous and painful circumstances.

I will mention three initiatives of which Her Majesty's Government should be aware. First, I have spoken before of the Two States One Homeland movement, which seeks as its objective the creation of a confederation of two sovereign states: a state of Israel, a state of Palestine and a confederation across the two, which would lessen the risk that the noble Lord, Lord Hamilton, wisely talked about earlier. Secondly, alongside this there is a regional plan for peace led by Koby Huberman. A team of Israelis has responded to the Arab Peace Initiative with an Israeli Peace Initiative, and together they have developed a regional diplomatic proposal to resume negotiations. Thirdly, an Israeli Minister for Regional Co-operation, Ayoob Kara, has commenced work on the creation of three neutral zones along the Palestinian-Israeli border, where citizens of both countries can come together to work.

These areas will encourage development, innovation and growth of industry for both Palestinian and Israeli entrepreneurs who will work there side by side. I am very grateful to noble, noble and learned, and noble and gallant Lords who have articulated their support for such initiatives and have lent their time, expertise and assistance regarding them. Indeed, some of them are part of the group that will be travelling to Egypt next week. In the light of this invitation for us to travel to Egypt to discuss both its internal plans and regional peace, and particularly to identify where the United Kingdom may best assist in resurrecting direct negotiations between Palestine and Israel, would Her Majesty's Government consider convening a meeting of leaders and experts from all sides with whom we are working to assist in the development of these initiatives?

Next year—2017—is the 100th anniversary of the Balfour Declaration of 1917 and the 50th anniversary of the six-day war of 1967. Can we all come together

and make 2017 a year when we begin, collectively, to heal the rifts of the past for the benefit of all our futures, and in particular the future of the children? Thank you.

1.21 pm

The Earl of Sandwich (CB): My Lords, in my 20 years in this House we have had many debates on Palestine and Israel and the same things come up again and again. I congratulate the noble Lord, Lord Oates, on his outstanding contribution, which excels the others I have heard over that period.

There has been murder and mayhem on both sides of this conflict and although Israel's actions against Hamas have always seemed to be disproportionate, I do not propose to list the outrages which have occurred, which are well documented and many of which have been mentioned. On the one hand, I have huge respect for what Israelis do for themselves, and could do for Palestinians if they accepted the two-state solution. On the other, I admire the sheer endurance of the Palestinian people, especially the children, who always seem to come up against greater odds.

It is tempting to list the outrages, the blockades and the bombings, but these are not the subject of this debate. However, the conditions in which children live is. We have already heard from noble Lords on the question of the reconstruction in Gaza and how much has been destroyed there. The figure which struck me was that out of 547 educational facilities damaged or destroyed, only 380 have been repaired or rebuilt so far. What an irony to think that schools may have been the targets of Israel's defence force, when we remember what the noble Lord, Lord Hamilton, said about propaganda in those schools. It is worth considering that.

It is some years since I visited Gaza and the West Bank as a guest of the Middle East Council of Churches, but I have especially strong memories of the frustrations of the young unemployed and the valuable skills training and other services that UNRWA and the Churches were, and still are, providing. I also remember the humiliation of the crossing points and the harm they do to both the people and the economy. I doubt that we shall see much change under the present Israeli leadership. The noble Lord, Lord Hamilton, mentioned President Netanyahu's concern about settlements. I hope that the Minister will reaffirm the Government's determination to bring up this question of settlements again and again. I remember standing outside Ma'ale Adumim and realising that this was going to form a circle around east Jerusalem, and how terrifying that was for the Palestinians.

An UNRWA needs assessment conducted last November at UNRWA's 96 schools in the West Bank found unprecedented levels of intra-student violence, trauma and anxiety among children, with the staff reporting more than 200 cases of children injuring each other with sharp objects. Violence and aggressive behaviour in general among pupils was, and remains, at an all-time high. The report also said that post-traumatic stress disorder had been diagnosed at a rate not witnessed since the second intifada and that teachers observed a lack of concentration and poor performance among pupils. Save the Children conducted similar assessments

of the mental health of school-age children between the ages of six and 15 in Gaza in April and May 2015. It interviewed 413 children and 352 mothers,

“living in the hardest-hit areas (those that had been heavily bombarded and had a high number of civilian casualties) ... Unexpectedly high levels of continued severe emotional distress and trauma were reported”.

It is well known that children bear the scars of war and conflict but we do not often hear from those closest to the children. One observer known to Christian Aid is the director of the Culture and Free Thought Association based in Khan Younis in Gaza, who made this observation recently:

“When we ask our children to draw Spring, Hope and Happiness, the faces they draw are not Palestinian, unlike when they draw other themes. Our children who are now 12 have lived through three wars already. In the past, when we [gave] psycho-social support to children, we would observe positive impacts in a relatively short period of time. Now we work closely with them for six months or a year and sometimes longer, and we see little or no impact”.

This is someone who evidently knows these children well and he, and others like him, are having to work harder and harder not just to achieve results but to make any progress at all. At least some of these children will grow up to be hardened to their situation and may be easily radicalised, should their lives lead in that direction.

On a more positive note, the noble Lord, Lord Cope, has already mentioned an organisation which has helped young Palestinians for over a century, this time in Jerusalem, the Spafford Children's Centre, which has long experience of coping with trauma and provides psychological, social and educational support to hundreds of children. Israel and Palestine are working together on this.

Finally, I must say a word about the current tour by the Palestine Youth Orchestra, although I know that the noble Lord, Lord Cope, has given the details. This is the most exciting tour, its first in the UK, involving 85 young musicians aged 14 to 26. I am proud to say that my wife has been involved in this tour. The orchestra was originally established by the Edward Said National Conservatory of Music in 2004. It is performing both European and contemporary Arab music and brings a message of inspiration and humanity to audiences worldwide, as the noble Lord, Lord Cope, said. We all know what inspiration comes out of music and I shall definitely be in the Royal Festival Hall on 1 August, along, I hope, with many others.

1.29 pm

Lord Polak (Con): My Lords, I refer the House to my registered interests and my honorary position as the president of the CFI. I, too, congratulate the noble Lord, Lord Warner, on securing this debate and offer my noble friend the Minister congratulations and welcome her to the Dispatch Box—it may get easier.

I began my working career as a youth worker; I have my own children and a new precious granddaughter; I have helped to build schools; and I believe passionately that every child, wherever they may be in the world, deserves the best that they can get. It was in that spirit that I was more than happy to try to help my noble friend Lord Cope on the matter of the Palestine Youth Orchestra, which I totally supported.

As I will explain a little later, we here can do much to alleviate suffering, and I am confident that the excellent new Secretary of State for DfID, Priti Patel, will seize the opportunity to target our aid carefully to help those children who suffer. However, let me be very clear: we must not continue to profess Israel's sole responsibility for the health and well-being of Palestinian children. By doing so, we continue to prolong the conflict by condemning the Palestinians themselves to perpetual helplessness. The suffering of Palestinian children is a tragic consequence of the extremist ideology that has been allowed to flourish in the Palestinian territories; we must recognise this in order to better the conditions in which they live.

The terror group Hamas, which calls in its founding charter for the destruction of the Jewish state, must take prime responsibility for the ongoing suffering of Gazan children. As the noble Lord, Lord Palmer, said, under the rule of Hamas at least 160 Palestinians have been killed while digging Hamas terror tunnels into Israel—including nine children, according to the *Journal of Palestine Studies*. Those Peers in this House who follow social media may see the latest Hamas video of excited children being taken on tunnel tours; I saw it this morning. I ask noble Lords: no incitement? Everyone is clear that the sole purpose of Hamas's tunnels into Israel is to kill Israeli civilians. Do they really hate Israelis more than they care about the well-being of their own children?

Instead of building houses, schools and hospitals, Hamas has built a sophisticated infrastructure of terror. We should remember that, in the 2014 war, Hamas put Palestinian children in danger. In many cases, the rockets launched by Hamas fell short of their intended target—Israeli kindergartens—and instead landed in Gaza, killing Palestinian children. From firing rockets near hospitals to storing rocket in schools, Palestinian children were used as human shields throughout the conflict, defined as targets by the very people who should have protected them. I wish that there were no rockets; I wish that there were no tunnels, and as a result I know that there would be no retaliation.

In the West Bank, it is the Palestinian Authority that must stop polluting the minds of youngsters through its campaign of radicalisation. Any leadership that encourages children to take a knife and to kill another child purely because of their religion or race would be deemed despicable. Why is it viewed differently in the Palestinian territories, where the glorification of terror continues unabated? To dismiss this incitement as irrelevant is quite shameful.

Worrying reports have emerged about some of the NGOs that we in the UK support in the Palestinian territories. A number promote violence on their social media pages despite carrying out laudable activities in development and healthcare. One example is the Ibdaa Cultural Center, which receives £5,602 from the UK Government. It repeatedly glorifies on its Facebook page Palestinian terrorists who have killed Israelis, and it hosts events in their honour, inviting their families as special guests. A killer in the recent wave of violence, Muhannad Halabi, a terrorist who stabbed two Israelis to death and wounded two more, including a two year-old boy, was recently described as a martyr and his family were invited as honoured guests to an

[LORD POLAK]

event hosted by the UK-funded NGO. This is the kind of rhetoric that Palestinian children are being subjected to—a community organisation that provides social, educational and health programmes for Palestinian children is consistently spreading the message that if you kill an Israeli you will be rewarded and martyred.

This brainwashing of Palestinian children to hatred and violence is a form of child abuse. The Palestinians must be condemned for denying their own children a better future. Surely UK aid to such NGOs, which in the vast majority of cases undoubtedly carry out good and important work, must be made conditional on the renouncement of all violence and incitement. In addition, DfID should monitor far more closely the social media presence and activism of NGOs funded by our taxpayers' money and immediately address any concerning material that is found, so that we can safely reassure the public here that Britain is being a help to the Middle East peace process, not a hindrance.

The only way that future generations of Palestinian children will enjoy good health and well-being is for Palestinians and Israelis to recognise each other's right to live within safe and secure borders. Yet less than 13% of DfID's £1.17 million funding of Israeli and Palestinian NGOs goes towards projects that promote and foster peaceful co-existence. This amount is a mere 0.2% of the £72 million that we give in total, including our general budgetary support for the PA, despite its continued misuse. Our aid strategy has been flawed by its lack of support for projects bringing Israelis and Palestinians together.

Why not help to bring Palestinians and Israelis together while also saving lives? I refer to the charity that the noble Lord, Lord Palmer, talked of, Save a Child's Heart. I have seen numerous times how this Israeli NGO brings Palestinian children from Gaza every Tuesday morning, and other desperately ill children from Africa, to have life-saving surgery in Holon, just outside Tel Aviv. As I say, I have seen first-hand, for more than 15 years, the co-operative efforts that have existed between the Save a Child's Heart medical staff in Israel and the parents of sick children in Gaza.

Let us also support other projects, such as the Equaliser project—there are so many. I hope that the Minister will look in the future to supporting co-existence projects that will bring long-term stability to the region and increase the quality of life of the children involved.

Can the Minister update the House on the progress of DfID's search for projects bringing together Palestinians and Israelis? Does she agree with me that the institutionalised radicalisation in the Palestinian territories sustains the conflict, and thus the suffering of Palestinian children? This suffering is, as I stated earlier, a tragic consequence of extremist ideology that has been allowed to flourish. We must recognise this and we must defeat it—if we do, the lives of so many children in the area will be improved enormously.

1.37 pm

Lord Turnberg (Lab): My Lords, I, too, am grateful to the noble Lord, Lord Warner, for introducing this debate because it gives me the opportunity to offer a somewhat different slant on the causes of the situation in the West Bank and Gaza. It is not possible to

understand the plight of Palestinian children without examining why they get into that position. There can be little doubt that many in the West Bank feel frustrated and downtrodden by the lack of progress in resolving their conflict with the Israelis and improving their living conditions, but the reasons for their parlous position lie at least as much with their own leaders as with the Israelis. Those poor Palestinians in Gaza are in hock to a Hamas that flatly refuses to have anything to do with an Israel that it constantly vows to destroy.

I come first to the treatment of the young in custody, whom the noble Lord, Lord Warner, mentioned. It is hard not to believe that the reason that they find themselves in custody lies with the constant incitement coming from above. When Mr Abbas and the PLO spread malicious rumours that Israel is intent on taking over the Dome of the Rock and building a synagogue there, and when Mr Abbas put out the message, as he did recently, that Israel is poisoning the water supply to the West Bank, it is no surprise that his people are outraged, even though these rumours are soon found to be complete fabrications—just too late to stop the smoke without fire. When terrorists are extolled as true martyrs to the cause by the naming of Palestinian schools and public squares in their honour, and their families are given funding and compensation thereafter, what message does that give to the young?

The official Palestinian media and education system continually inculcate young minds with hatred and violence, so it is not much wonder that many of the recent attacks against Israelis were committed by youngsters. How else can you explain why 17 year-old Mohammed Tarayreh should take it upon himself to murder 13 year-old Hallel Ariel, asleep in her bed, after which his family was rewarded with funding by the PLO; or why a 16 year-old should stab to death Eden Atias, asleep on a bus; or why five members of the Fogel family, including a four year-old and an 11 year-old, were killed by 17 year-old Hakim Awad? These are not the harmless children that the noble Baroness, Lady Tonge, describes. Little wonder that Israel arrested some 600 underage teenagers last year, although that number has to be compared with 1,500 underage arrests by the Palestinians in the West Bank.

Of course, there is no excuse for maltreatment by the Israeli military courts, and the Israeli human rights organisation Military Court Watch keeps its beady eye on them. But it is worth noting that the courts have recently instituted reforms that ensure that captives are interviewed in Arabic, that they have access to a lawyer and that their families are fully informed. That contrasts with the treatment of youngsters arrested by the Palestinians, where accusations of abuse and beatings are not uncommon.

Much has been made of the water supply and sewage disposal. But why then did Hamas prevent UNICEF installing a desalination plant in Gaza when it realised that the equipment and expertise were coming from Israel? Why has the Palestinian Authority boycotted the Israeli-Palestinian Joint Water Committee, set up to find solutions for the water supply to the West Bank? Why did it turn down an Israeli offer of a German-funded plan to improve the water supply to East Jerusalem? We should think carefully before casting all the blame Israel's way.

Of course, indoctrination with hatred does not affect everyone. Thousands of Palestinians go across to work in Israel every day, and there would be many more if Israelis felt safer. Go to any Israeli hospital, as the noble Lord, Lord Polak, said, and you will see large numbers of children from Gaza and the West Bank being treated. Of the 2,000 or so Gazans coming through the Erez crossing every day, many are coming across for medical care. When they are refused, it is usually Hamas, I am afraid, that stops them.

The health of Palestinians, including children, is in fact somewhat better than in many other Middle Eastern countries. Life expectancy, infant mortality rates and measures of nutritional status are at least as good among the Palestinians as they are in Jordan, Egypt or Saudi Arabia, and almost 50% of Palestinian children enter tertiary education. While there are all sorts of restrictions on life for the Palestinians, and the problems with the health of their children cannot be underestimated, it is not the major problem.

The major problem is the underlying sense amongst Palestinians that Israel's settlement policy is denying them a state of their own, leaving aside the question of the right of return of refugees. On the other side, the feeling among Israelis is that the Palestinians have never really accepted their existence and want to drive them into the sea. The intense hatred bred from ignorance and misconceptions of the other is not helped when most Palestinians have only ever seen an Israeli as a soldier in full battle gear and few Israelis know any Palestinians other than terrorists. They just do not know anyone on the other side who might be as anxious as they are for peace. I very much echo what the noble Lord, Lord Judd, said about this.

We in the UK need to look at where we can make the most difference. We should be persuading Mr Abbas that, if he is really serious about improving the lot of his young, he should put a stop to the PLO's incessant incitement to violence, which his media and educational system are churning out. Instead, we should be encouraging and supporting the many organisations that are promoting better understanding. There are lots of them. The Cameri Theatre is bringing Arab and Jewish actors together to play Shakespeare in this 400th anniversary year. There are Arab-Jewish schools, such as the Arava Institute in the Negev, where half the students are Palestinian and half are Israeli. I should talk about a little charity that my wife and I set up, which brings young Israelis and Palestinians to the UK to undertake medical research here. That is going quite well. These are the sorts of bridges that we should be building. They are going to be needed if we are ever to get out of the turmoil.

Will the Minister send a strong message to Mr Abbas to encourage him to take advantage of the offer by President Sisi of Egypt to host a resumption of negotiations with Mr Netanyahu? Abbas may feel that he cannot put much trust in Mr Netanyahu, and I for one can well understand that. But whatever you think of him, he has been saying for some time that he is willing to meet Abbas at any time, anywhere, without pre-conditions. You may not have wanted to believe him, but now Abbas could at least try to call his bluff since President Sisi has agreed to host both of them.

Only by direct negotiation will they be able to resolve all the key issues that have eluded both parties for far too long. Only by talking to each other is there any hope of a resolution and doing anything for the children in the Middle East. We in the UK must do all we can to encourage that end.

1.46 pm

Baroness Deech (CB): My Lords, a debate on this topic was held in the other place on 6 January and the issues, particularly of arrest, were extensively covered. What is there to add? One of the underlying themes of the Middle East for decades, if not centuries, espoused not only by Palestinians but by the majority of states in the region, is the eradication of any non-Muslim presence in the Middle East—in this case, the obliteration of Israel and its replacement by an exclusively Muslim state. This House and the other place have all too often been recruited to the cause, as the dozens of debates such as this exemplify. But 6 million Jews living there lawfully under international law will not again be led to the slaughter and deprivation of all that they have built up, while the world stands by. Hence the measures that Israel has to take, but they are all against a background of careful attention to legal and humanitarian requirements.

Palestinian children are used as pawns in this struggle. They suffer from indoctrination with hate; they are used as human shields and suicide bombers; funds destined for them are diverted to the building of tunnels, where they are killed in the course of construction; and they are discriminated against in the countries where they are born, such as Lebanon. Palestinian children are found not only in the territories adjacent to Israel but elsewhere in the Middle East because of the expansive and unique definition of "refugees". Thousands of Palestinian children have fled Syria to Lebanon and Jordan and are living in camps, in desperate need. Some are joining ISIS. Hundreds have been killed in Syria. The death, starvation and torture of Palestinian children in Syria or on the border with Egypt, which blockades Gaza, do not make headlines.

Lebanon treats Palestinian children particularly badly. They are barred from public schools, social security and public health provision, even though they have been born and raised there. They are restricted from 30 professions and can seek only menial jobs. Half the teens do not finish school. The illiteracy rate is 25%, whereas in Gaza literacy is near-universal. The Security Council reports that 15 to 17 year-old Palestinian children have been recruited by Palestinian armed factions in Lebanon and sent to Syria. Jordan is sending Palestinians back to Syria and restricting their access to facilities. In 2006 the UNHCR estimated that there were 34,000 Palestinians living in Iraq; now only 11,000 remain. They have been stripped of residency permits, are discriminated against and are subject to sectarian violence and arbitrary arrest.

Most Arab countries have not ratified the UN Convention relating to the Status of Refugees and do not have domestic law to govern the situation. Article 34 of that convention says that,

"States shall as far as possible facilitate the assimilation and naturalization of refugees".

[BARONESS DEECH]

Today there is an outcry about the insecurity of European nationals in our country, not to mention the refugees reaching Europe. The church has called for us to extend hospitality, housing, health and education. Why do we not expect those same standards of the Arab nations in which millions of Palestinian children have been born and raised? No wonder Syrian refugees do not go to other Arab nations, when they see how the Palestinians have been treated. In order not to be unfairly selective given the child abuse across the region, will our Government call for Palestinian children to be given full rights in all the countries in which they reside?

If you condemn the slaughter in Nice, you should also condemn the ideology that is fostered to that end in Palestine. This is where we come to the nub of the matter. Why are Palestinian children being robbed of their childhood and arrested? It is because they are being educated and incited to hate by TV, radio, the internet, school books, sermons and summer camps glorifying martyrdom and death. Children act out shooting, stabbing and kidnapping. The educational system in Gaza teaches hatred and violence from a young age; you can see it in videos on the internet. Twenty-five thousand Palestinian children go to summer camps to learn to be suicide bombers and terrorists, and to be taught that making peace with so-called infidels is forbidden. Kindergarten children are told that killing is noble and that they are heroes if they die in the act.

The result is that 30% of the attackers in the current wave of terrorism on the streets of Israel are Palestinian minors. The technique of driving a vehicle into crowds of civilians or taking an axe to them is practised by Palestinians. There is no education for peace, or for a two-state solution, but only that Israel is to be removed and history distorted. Israel and Palestine are legally bound to abstain from incitement under the Oslo agreement and the 2003 road map, but the Palestinian Authority has failed to deliver on its commitment. Will Her Majesty's Government use their leverage and the millions of dollars that they send in aid to Palestine to insist that this child abuse stops? The children suffer at the hands of their own people. They are killed while building tunnels for attack. They are used and abused, while Palestinian human rights organisations turn a blind eye to cruelty unless they can blame it on Israel.

The right reverend Prelate will know that to some extent the situation in Israel and Palestine is affected by two millennia of the persecution of Jews. It is not for the victims of persecution to learn the lessons, as is often said; it is for their perpetrators. There is only one country in the Middle East where Christian holy places are safeguarded and the Christian population is growing: that is Israel. The Church's conscience and care for its co-religionists should lead it to call for the safety and survival of the nation of Israel. The Church should ask the Palestinians: where is their peacemaker? Where is their moral leader? A relentless onslaught on Israel, with boycotts and the obsession displayed by some with condemning it, rather than righting the underlying causes of the Palestinian condition, will only exacerbate the situation. It is time to be constructive and the Church should be giving a lead.

1.53 pm

Baroness Blackstone (Lab): My Lords, I apologise for not being here at the beginning of the speech of the noble Lord, Lord Warner, and therefore losing my place but I am grateful for being allowed to speak in the gap.

I want to focus on the criminal justice system as it affects Palestinian children in the Occupied Territories. I acknowledge that there have been a few improvements as a result of pressures by UNICEF and others on Israeli authorities including its military prosecutors, police, prison service and Ministry of Justice. However, there are still many serious breaches of the United Nations Convention on the Rights of the Child. Moreover, as set out by the exceptionally thorough and measured report by a group of eminent British lawyers, there is a continuing gulf between law and practice. There are still great differences between the treatment of Israeli and Palestinian children. The lawyers were forthright in their conclusion that Israel should not discriminate between those children over whom it has jurisdiction. They also concluded that Israel is in breach of a number of international human rights conventions because of these legal differentials. It is, they say, in breach of UNCRC articles on discrimination, the child's best interests, premature resort to detention, non-separation from adults, prompt access to lawyers and the use of shackles. It is also violating the fourth Geneva Convention in the transportation of child prisoners into Israel. This is a devastating indictment of the system.

In their report, the lawyers set out a large number of recommendations on arrest, interrogation, plea-bargaining, trial, sentencing, detention, complaints and monitoring. In discussing their recommendations with the Ministry of Justice, they were told that the changes proposed were conditional on there being no significant unrest or a third intifada. The lawyers said that they were concerned about this conditionality and rightly concluded:

"A major cause of future unrest may well be the resentment of continuing injustice ... justice is not a negotiable commodity but a fundamental human right which can itself do much to defuse anger".

They went on to suggest that the position taken by a military prosecutor who told them that every Palestinian child is a potential terrorist is the starting point of a spiral of injustice. As they said only the occupying power, Israel, can reverse this.

What are the UK Government doing, having regard to their international obligations to enforce human rights, to put pressure on the Israeli Government? Can the Minister say whether there have been further developments in lobbying the Ministry of Justice by officials in our Tel Aviv embassy about a follow-up visit by the British lawyers' delegation? I congratulate the Government on their decision to fund such a visit but I am shocked that the Israeli Government have so far refused to co-operate.

Other speakers in this debate have listed some of the abuses in the criminal justice system highlighted by the lawyers. I have time to mention only two or three of them. Children are arrested in the night and removed from their homes without a parent being able to

accompany them; they are not given access to lawyers as of right; and they often get representation only when they appear in court. Small numbers of children have even been held in solitary confinement and few children are granted bail after arrest. Numerous children appear to have suffered physical abuse after arrest. Unless this system is reformed, more and more of these children will be damaged and embittered. They will come out of custody determined to have their revenge. This cannot be in the long-term interests of Israel and its people.

1.58 pm

Lord Sterling of Plaistow (Con): My Lords, I much appreciate being allowed to speak in the gap. I was in listening mode, but I felt that the House should be reminded of a certain amount of history. During World War II, more than 30,000 Jewish members of the Palestinian mandate volunteered to serve with British forces—they were not called up—and many of them undertook extremely perilous roles. When I served in the Royal Air Force in 1954, I took my leave in Israel, having got there via Cyprus. I shall bring up only one aspect of the atmosphere there, which I am sure my noble friend Lord Cope will appreciate: I attended a performance of the Tchaikovsky violin concerto which was played in the orange groves by the Jewish agency at the time. That was quite an experience. The famous Barenboim orchestra of Palestinians and Israelis is also really quite special.

I was heavily involved in the initial peace process in 1994, which started when several of us went over to meet Yasser Arafat, Rabin and King Hussein. Very soon after that, for your Lordships' interest, one of my companies was building the Ben Gurion Airport and employing thousands of Palestinians, who were extremely good at construction. I was asked by the Prime Minister of the time whether I would be prepared to build a township in the West Bank. I refused, saying I did not think that could help any peace process in the longer run.

Hamas believes in one thing only and wants to wipe out Israel. In case anybody thinks that Israel wants to wipe anybody else out, this is a very different situation and obviously has a massive effect on the Israeli population. When you think of how the Israelis are considered, it is unbelievable that the Israel Defense Forces would ever use women and children as human shields.

Later, you had Sharon setting up Kadima as a peace party. I had the pleasure of meeting Mahmoud Abbas many times, and the only sadness is that up to now he has not led from the front much more to see whether a real peace process can be achieved. The only real or warm friend, who has been tireless and put his own future at risk, is King Abdullah of Jordan.

However, there is hope. I do not know how many of your Lordships are aware of the work I happen to be involved in with the St John of Jerusalem Eye Hospital in east Jerusalem. It is an extraordinary institution, which serves Palestinians, and of course it is children who have huge problems with eye diseases. But who is behind it? The Hadassah Medical Center has for decades been training people and lending people and kit, right

the way through. They work hugely well together, and it is marvellous to think that you have people like that rising right above the politics of the area.

From my personal experience, having wandered around Ramallah and Gaza—I have been there umpteen times—the vast majority of Israelis and Palestinians, particularly the women in Palestine, want and deserve peace. I suggest to my noble friend that one day, I hope in my lifetime, everybody in this House will think it absolutely marvellous when it is announced that the peace process has happened.

2.02 pm

Lord Collins of Highbury (Lab): My Lords, I too thank my noble friend—or former noble friend, temporarily—and congratulate him on initiating this debate. It is incredibly important that we discuss these issues. I also welcome the noble Baroness to the Front Bench. I am really pleased to see her responding today to the first of what I hope will be many more exchanges in the months and years to come.

As a number of noble Lords have indicated, peace and reconciliation are the only secure way to improve the condition of children across the region. The targeting of civilians must be condemned from whatever quarter, but indiscriminate rocket fire into Israel is clearly a violation of international humanitarian law and must end. As my noble friend Lord Judd said, the really important element of this debate is constantly to emphasise the process of reconciliation. But a situation where ordinary people are punished for the acts of groups they have nothing to do with will ultimately make peace harder to achieve. Only a permanent ceasefire that addresses the root causes of the conflict can bring lasting security to both Israelis and Palestinians. A two-state solution that guarantees a viable future for both Palestinians and Israelis must remain the goal of the international community. But the pathway to achieving this must start with the protection of rights and security for all. As my noble friend Lady Massey said, we will never be able to challenge the culture of mistrust and violence while communities are condemned to a future without hope and to live in an environment that is uninhabitable.

The UK, I am proud to say, has played its part in trying to restore hope. In August 2015, DfID agreed an additional donation of £3 million to the UN Relief and Works Agency to help keep open 685 Palestinian schools—an important element of ensuring that peace and security. These projects are essential in delivering basic education for 500,000 Palestinian refugee children. Could the Minister update the House on the progress of this project and say whether DfID plans to support other similar efforts to support children going to school?

DfID is the third largest donor to UNRWA's general fund and emergency appeals, providing over £43 million, and has also supported intercommunal projects. We had a debate not so long ago focusing on some of those, and I hope the Minister will be able to update the House on some of these projects. One was about building understanding among schoolchildren, and all those issues we have been discussing today. I hope she can give us a progress report.

[LORD COLLINS OF HIGHBURY]

Last year, as noble Lords have mentioned, the Government launched a review into their funding of the Palestinian territories after allegations that funds were going towards incitement projects and the payment of so-called salaries to convicted Palestinian terrorists by the Palestinian Authority. DfID confirmed it was already undertaking such an examination as part of its bilateral aid review, to consider how it can best support progress towards a negotiated two-state solution. Earlier in the year, we were told that the review would be completed in the spring. A few weeks ago in this Chamber, the then Minister, the noble Baroness, Lady Verma, said it would be completed in the summer. I have previously expressed my concern about the capacity of DfID to deliver not only the review but the outcomes of the review. The noble Baroness, Lady Verma, indicated that the Government had brought the multilateral, bilateral and civil society reviews together to give a much more focused picture of how we can deliver better in those countries where there is most need. Can the Minister confirm whether DfID will continue the review of its programme in the Occupied Palestinian Territories as part of that bilateral aid review and whether this is still scheduled to report at the same time? That will hopefully be in the summer, but seasons seem to be a movable feast for this Government sometimes.

According to the press reports that I have seen in preparation for this debate, Israeli occupation authorities have put 65 Palestinian children under house arrest and 12 others in administrative detention since the start of this year. Noble Lords referred to the case of a 14 year-old Palestinian boy, who on 19 July was sentenced to six and a half years' imprisonment. That boy is one of 414 Palestinian children currently imprisoned by Israel, most of whom are imprisoned on charges of throwing stones at Israeli soldiers. Like my noble friend Lady Blackstone, I ask the Minister what efforts the Government have made and what discussions they have had with the Israeli authorities to address this incredibly worrying trend, which is in violation of UN conventions.

The noble Lord, Lord Warner, also highlighted, in opening this debate, the rate of demolition of Palestinian houses and structures, in particular in Area C of the West Bank, which has spiralled since 2016. So far this year, a total of 522 homes or other community structures, including animal shelters and solar panels, have been destroyed or confiscated, affecting 2,231 Palestinians, half of them children. The total number for 2015 was 453 demolitions and confiscations in this area, so there is a worrying growth trend. The number of demolitions in February was the highest in a single month since the UN Office for Coordination of Humanitarian Affairs began documenting demolitions in 2009. Since the resumption of structured dialogue between the EU and Israel on 15 March, 170 Palestinian structures, including 49 EU donor-funded aid projects, have been demolished or confiscated. We have heard in this debate that to build a sustainable two-state solution, we need to ensure that both sides feel secure, but more than 42% of the West Bank has been allocated by Israel to regional settlement councils for construction, shrinking the space that will be available for Palestinians to build that sustainable state.

I welcome the support given by the UK Government to the EU funding guidelines for Israeli settlements and to companies about trading with them. According to a 2013 World Bank report, Israel's control of only Area C in the West Bank cost the Palestinian economy \$2.1 billion a year, or 35% of its GDP. Ultimately, the value of the UK's aid to the region will continue to be seriously undermined by the economic damage caused to the Palestinian economy by settlements.

We must also focus our support on the conditions necessary for functioning and effective Palestinian political representation across the entire Occupied Palestinian Territories. We have heard in the debate that, despite limited progress, reconstruction in Gaza following the conflict in 2015 has not gone smoothly. More than 8,000 destroyed homes have not even been touched yet, and 20% of water and sewerage networks have not been fully restored. I completely understand what my noble friend Lord Turnberg said about some of the reasons for that, but we need to focus on it. The international community had responded generously following that conflict, but the need for aid is increasing. The nearly decade-long Israeli siege has had major consequences for Gaza. Of the 1.8 million people living in the 360 square kilometres, 43% are without work, making it the highest unemployment rate in the world.

We have seen the development of a Palestinian area that has become incredibly dependent on aid. If we are to break that cycle, we need to provide more than simply facilities, we need to provide hope. I conclude by saying that I want a secure future for Israel. I believe the best way to achieve it is to give hope to Palestinian children.

2.13 pm

Baroness Mobarik (Con): My Lords, I start by congratulating the noble Lord, Lord Warner, on securing this important debate and thanking him and all noble Lords for their valuable contributions. I also thank my noble friend Lord Polak and the noble Lord, Lord Collins, for their kind words of welcome.

The Occupied Palestinian Territories are suffering from a protracted crisis in which the rights of men, women, boys and girls living under occupation are not protected. The lack of political progress towards a two-state solution and an increasingly volatile region pose significant risks not just to stability but to the lives, liberties and security of ordinary Palestinians.

As we have heard, children are particularly vulnerable, and the statistics are truly harrowing. Over 90% of Palestinian children and young people have experienced some form of psychological or physical violence: 540 children were killed during the Gaza conflict in 2014 and more than 350,000 suffered from psychosocial distress. Children continue to be affected as the wave of violence persists across the Occupied Territories. In 2015, 247 Palestinian children were injured in the West Bank and 13 were killed. By just April of this year, 20 had been killed.

Children continue to be injured by clashes at demonstrations and military operations, to be attacked by settlers and to experience harassment at checkpoints. On top of this, a concerning number of children have

been forcibly displaced as a result of the demolition of Palestinian structures and the destruction of donor-funded assistance in Area C.

The occupation has a significant impact on children's access to basic services. The rights of Palestinian children to education are obstructed by lack of safe access and attacks on schools. Healthcare is also compromised, particularly in Gaza, by the restrictions on staff movement, the difficulties patients face accessing specialist services outside Gaza, and the obstacles that exist to expanding health facilities to meet the needs of a growing population. I agree with the noble Lord, Lord Warner, that there is an urgent need to address the terrible situation in Gaza. UK aid is saving lives and providing services, but we need a more sustainable political solution. We have frequent discussions with Israel about the need to ease restrictions on Gaza.

This is why DfID's work in the Occupied Territories is so important. DfID is providing essential basic services to Palestinians across the Occupied Territories, helping to build a capable and accountable Palestinian state, promoting economic prosperity and supporting the most vulnerable, including young people, girls and women. Indeed, the UK's support is targeted on improving the lives of ordinary Palestinians, with a targeted impact on children in particular. As the third-largest donor to the United Nations Relief and Works Agency, we have helped to provide: basic services to more than 5 million Palestinian refugees across the region, a basic education to more than 490,000 children, access to health services for almost 3.1 million Palestinian refugees, and food and cash transfers for more than 290,000 of the poorest people—many of whom would otherwise have no social safety net.

The noble Baroness, Lady Deech, raised concerns about Palestinian children in the Middle East region. Palestinian refugees in Syria and neighbouring countries are a highly vulnerable group. The UK has been supporting UNRWA and other UN partners to ensure their needs are addressed both inside Syria and in neighbouring countries. In addition to all this, UNRWA's health centres in Gaza provide a one-stop shop offering primary healthcare, psychosocial services and legal counselling. Through DfID's support to UNRWA's work in the West Bank, almost 1,000 counselling sessions were carried out in 2015.

The UK's work also includes vital support to the Palestinian Authority to build Palestinian institutions and promote economic growth so that any future Palestinian state will be a prosperous and effective partner for peace. The UK's funding to the PA also helps to deliver essential education and health services which, over the past five years, have enabled thousands of young Palestinians to go to school and to get immunised against communicable diseases.

My noble friend Lord Hamilton of Epsom raised the issue of Palestinian Authority civil servants. I assure him that only named civil servants from a pre-approved EU list are eligible, and the vetting process ensures that our funds do not benefit terrorist groups. We monitor any allegations of incitement closely and regularly raise instances with both the Palestinian Authority and the Government of Israel. I also address his question on the PEGASE mechanism, which earmarks funds to payment of vetted Palestinian Authority civil

servants and pensioners. The list of approved recipients is subject to a vetting process that includes screening against international sanctions lists; the screening covers over 20 different risk categories, including terrorism financing, and is updated daily.

As noble Lords are aware, the promotion of economic development is at the top of DfID's agenda, which includes helping the private sector to get back to business in Gaza. By supporting economic development in the Occupied Territories and increasing the number of available jobs, we are helping to create economic security for families, building resilience, and safeguarding children's well-being. Indeed, DfID's Palestinian market development programme has created approximately 1,000 new jobs and supported 393 companies, nearly 40% of which are owned or managed by women, to increase their sales. DfID has also worked to address the needs of the most vulnerable Palestinians living in Gaza. In providing over £29 million over the last five years, helping to create temporary jobs for almost 50,000 vulnerable refugees and providing food vouchers to over 30,000 households, the UK has improved the food security of over 470,000 Gazans.

The noble Lord, Lord Palmer, mentioned co-existence. The UK is supportive of co-existence programmes, which bring together Palestinians and Israelis and foster intercommunity understanding. DfID officials are currently identifying options for providing support to co-existence programmes.

I share noble Lords' concern about the number of children who are held in military detention. In mid-April this year, 440 children were held in military detention, which denies them a number of vital legal protections, although that number had decreased to approximately 260 children by June. It is also alarming that 87% of children arrested in 2015 reported that painful restraints and hand ties were used during the arrest process, despite Israeli military regulations forbidding that. UK diplomats in Tel Aviv and Jerusalem regularly raise issues of concern with the Israeli Government and authorities, and through this engagement we have seen some improvements in the treatment of children in detention, particularly in the end to use of solitary confinement. While we welcomed progress made in recent Israeli policy amendments, we will continue to raise our concerns, and encourage the relevant authorities to protect rights of any children who are detained, including introducing mandatory audio-visual equipment for all interrogations.

I thank the noble Lord, Lord Stone, for the important points that he raised. Every Israeli and Palestinian has the right to live in peace and security and only a negotiated two-state solution will resolve the conflict and end the occupation. We believe that peace will come only through negotiations between the parties, but international action involving regional players could play a role in supporting progress.

The noble Lord, Lord Palmer, mentioned the condition of children in other countries. He will be aware of the opportunities available to secure a debate in this House on the conditions of children in other countries. The UK led the international community in securing the ambitious new sustainable development goals, which have the concept of "leave no one behind" at their heart.

[BARONESS MOBARIK]

The right reverend Prelate the Bishop of Southwark made a point on the use of live fire. The UK is very concerned about the high numbers of Palestinians killed by Israeli defence forces across the Occupied Territories. We have raised those cases with the Israeli Ministry of Strategic Affairs, with the relevant Israeli authority for the Occupied Territories and with the National Security Council.

The noble Lord, Lord Warner, spoke also about international law. The UK repeatedly calls on Israel to abide by its obligations under international law and have a regular dialogue with Israel on legal issues relating to the occupation, including the treatment of Palestinian children in military custody.

The noble Earl, Lord Sandwich, raised the issue of settlements, which are illegal under international law. They present an obstacle to peace and take us further away from a two-state solution. We strongly urge the Government of Israel to reverse their policy.

Both my noble friend Lord Cope and the noble Earl, Lord Sandwich, spoke about the Palestine Youth Orchestra, which is truly inspiring and uplifting. I am delighted that it is playing across Scotland this weekend, and in my city of Glasgow on 26 July.

The noble Lord, Lord Turnberg, raised an important point about working towards understanding between Israelis and Palestinians. Noble Lords will agree that most people have the same universal aspirations of safety, the opportunity to make a living and some hope for the future.

To the noble Lord, Lord Collins, on the bilateral aid review and the multilateral and other aid reviews, I would say that my right honourable friend the International Development Secretary is currently considering the outcomes of the department's multilateral and bilateral aid reviews, and will aim to publish them shortly.

UK aid is making a positive difference in the Occupied Territories to the lives of men, women, boys and girls—first, by supporting stability and growing the economy; secondly, by delivering basic services; and, thirdly, by protecting the most vulnerable. That said, the long-term protection of the rights and opportunities of Palestinians can come only through a negotiated two-state solution. I mention again the point made by the right reverend Prelate the Bishop of Southwark about recognising the state of Palestine. We will recognise a Palestinian state when we judge that it can best bring about peace, but bilateral recognition in itself will not end the occupation. Without a negotiated settlement, the occupation and the problems that come with it will continue. UK aid will continue to help, but for the sake of children in both Israel and the Occupied Territories, we need a just resolution that ends the occupation and delivers lasting peace.

2.29 pm

Lord Warner: My Lords, I am grateful to most of those who have spoken in this debate, and congratulations to the Minister on a very balanced and helpful response. I am not an enemy of Israel. I was brought up early on in my Civil Service career and indoctrinated by Dick Crossman, who was a great friend of Israel over many years.

I shall make just two points. There has been talk in this debate about incitement by the Palestinians and the Palestinian Authority. I can think of no greater incitement than a 50-year military occupation in which you watch illegal settlers take over your land. That seems to me to be a very considerable incitement. If we do not deal with that issue, we will continue to have violence.

Lastly, I shall say a little about Israel and the UN Convention on the Rights of the Child. If you sign a UN Convention on the Rights of the Child, it does not mean that you can pick and choose which children you apply it to in the country for which you are responsible. If you are in the West Bank you see that convention applied to one lot of children but not to another. That goes on day after day. That is the situation we have at the moment. The Government need to be a little more energetic about applying pressure on Israel to abide by the Fourth Geneva Convention and international law.

Motion agreed.

Farming: Impact of Brexit

Question for Short Debate

2.30 pm

Asked by Baroness McIntosh of Pickering

To ask Her Majesty's Government what assessment they have made of the impact on British farmers of the decision to leave the European Union.

Baroness McIntosh of Pickering (Con): My Lords, I am delighted to have secured this debate. I welcome my noble friend to his new position as a Minister in the department and I welcome the new team. I declare my interests as set out in the register. This debate is timely as we can discuss the implications for farmers of leaving the European Union.

We now have the result of the referendum and we have been told by the new Prime Minister, who I welcome to her position, that Brexit means Brexit, but during the course of the referendum campaign promises were made that now have to be kept. Will the Minister say whether we are sure that the successor arrangements for farming that we are seeking are actually on offer? We have it on the record from the Secretary of State for the new Department for Exiting the European Union, David Davis, who I wish well, that the UK wants to retain access to the single market and to keep control of its borders. How can we achieve that and keep farming as we currently know it going? The farming and the fruit and vegetable growing sector is heavily dependent on migrant workers. Seasonal workers do all the picking, packing and processing on a temporary basis, and there are no obvious substitutes from the UK or Commonwealth countries. The alternative—the previous seasonal agricultural workers scheme—was not without its administrative difficulties. The farming community seeks assurance that the status of existing and future migrant workers will be assured in the intervening period and in the long term.

What will our future relationship with the European Union be? I am sure we appreciate that this is like going through a very painful divorce but instead of there being one injured party, there are 27. We must approach these negotiations with sensitivity.

We must address what the level of support will be between now and when we leave the EU and beyond that period. Can the Minister give the House and the farming community an assurance that existing contractual arrangements will be met, basic farm payments will be respected and agri-environmental agreements entered into will be allowed to reach the end of their contractual period? Will the Minister assure the House that for those that are terminating early—before 2018 or 2020, the dates on which we might leave—farmers will be able to enter new agreements?

The food manufacturing sector is one of the largest remaining manufacturing sectors in this country. Food and drink account for 16% of the total manufacturing sector. It has a turnover of £83.7 billion, has a gross added value of almost £22 billion a year and employs around 400,000 people, yet this country is only 61% self-sufficient. There will be huge opportunities to export to potential new markets and possibilities of substituting home-grown food for imports. I look no further than Shepherds Purse, which is across the fields from our cottage near Thirsk in North Yorkshire. It is making cheeses that will take on the best of cheese from France, such as Roquefort.

What are these new markets? Most Commonwealth countries already have a preferential arrangement with the European Union through the ACP-EU Joint Parliamentary Assembly. What will their status be in the short term? Are we seeking to peel them off one by one in individual trade negotiations? Other people prefer the Canadian model, yet it has taken at least seven years to negotiate, has not yet been signed, does not allow the free movement of workers, I understand, and has no access to services, which will damage other UK industries such as insurance and the financial services sector.

Many people look to the European Union's agreement with Norway. It gives access to the single market, and not just free movement, but the Schengen agreement applies. However, Norway is now known as a fax democracy because communication is by fax. It is a one-way street. It is not consulted on regulations coming from Brussels and has no say over any future regulation. The most challenging scenario would be reverting to World Trade Organization agreements. That raises the spectre of tariffs or, even worse, non-tariff barriers. People who have been used to trading through the World Trade Organization know only too well that non-tariff barriers, often multiple forms and other barriers, are in place. I have absolute confidence in the negotiation skills of the Secretary of State for the Department for Exiting the European Union, but we need to know even now what the basis of the negotiations will be and that there will be minimum regulatory trade barriers.

I welcome the fact that next year Phil Hogan, the EU Commissioner for Farming, is undertaking a fundamental review of the common agricultural policy. Can the Minister assure us that we will be part of those negotiations and that the views of our farmers and growers will be heard at that point?

I am disappointed that Britain will not be taking the opportunity to take up the presidency of the European Council. Had we taken it up from July 2017, we would have been in the driving seat. We would have set the agendas, chaired all the meetings and been in a unique position to discuss our negotiations about our future relations with the EU.

There is a question mark over the relationship between the departments. What is the role of the slimmed-down Foreign Office regarding our relations with the European Union? Presumably the Department for Exiting the European Union is looking at negotiations with member states of the European Union. Who will be looking at future relations? Presumably it is the Department for International Trade, but who will have the last word? Who is in charge of negotiations and who will be conducting relations with Commonwealth countries?

What exactly will future access to the market be? Are we seeking to ensure, for example, that the French will still take our spring lambs from North Yorkshire and other parts of the UK, or will they look to Ireland and New Zealand to provide the exports that we currently provide? I argue firmly that as the current focus is on active farmers, that focus on active farmers should remain for any future support that must be extended to our farmers. Our upland and hill farmers and small farmers in lowland areas should also be protected and have support extended at the time. There is a special case to be made for tenant farmers, and indeed those graziers with rights in perpetuity who farm on common land. So there is a multiplicity of questions to discuss today regarding the present and future arrangements.

I pay tribute to the fact that since our first lady Prime Minister, Britain has been at the forefront of environmental regulation throughout the EU. Will we still be applying—and will we be consulted on revisions to—the water framework directive, the bathing water directive, the drinking water directive and the nitrates directive as applied to the UK, which have implications for our farmers?

In conclusion, the farming and the food and drink sectors are among the few remaining vibrant manufacturing sectors of this country. We owe that to our farmers, who work hard in all elements and weathers to put food on our table. The one thing that is certain is that we face a degree of uncertainty, but I hope the Minister can reassure us that we will keep the level of that uncertainty to an absolute minimum.

2.41 pm

Baroness Miller of Chilthorne Domer (LD): My Lords, I warmly congratulate the noble Baroness, Lady McIntosh of Pickering, not only on securing the debate but on managing to cover such a lot of crucial questions in her excellent introduction. I must say I am relieved that we will continue to benefit from having the noble Lord, Lord Gardiner, as our Farming Minister in this House, with all his long experience and his dedication to giving us proper answers to the questions we ask. I am very pleased that he is still the Minister in this House.

[BARONESS MILLER OF CHILTHORNE DOMER]

I would find it ironic if the remnants of the Britain that all Brexiteers so nostalgically seem to yearn for were actually exterminated for ever by Brexit. I see that as a very real danger. Think of our rural fabric. There could be no more vibrant villages with pubs, bellringers or cow-filled meadows. There could be no more bluebell woods, larks ascending, hedgerows or footpaths up to sheep-grazed uplands, which I am sure my noble friend Lord Thomas of Gresford will talk about. I see a very real threat not only to the agricultural sector but to rural life, our countryside and the wider environment. That is because the £3 billion that flows into our rural areas from the EU is not something that I believe the Treasury will naturally want to continue; I think it will look to that £3 billion pot to start funding its other priorities. That is a threat to the very fabric of rural Britain, not only to our home-grown food production capacity, which as we know we should be increasing, not decreasing, but to the environment, the landscape and the wildlife.

However, it is not all doom and gloom. There could be a new settlement for farmers and for our environment. It will require a total redesign of both the legislation around the environment—80% of it has come from the EU, and it has helped to preserve much of the fabric of rural Britain to date—and a new rural settlement with farmers. Quite rightly, the British taxpaying public will expect to see much more for their money. Gone will be the days of subsidies based on landholding size, no matter how few public benefits that land produces or, worse, how many long-term costs occur—for example, in soil degradation, biodiversity loss or water pollution.

Given what a relatively small and densely populated island we are, we really cannot afford to separate agriculture from wildlife and landscape. That is the first real challenge to Defra in considering what strategies it should be employing for a post-Brexit scenario. So far it has produced separate strategies for food, farming and biodiversity. That is not going to be acceptable; it is going to have to produce a whole rural Britain strategy.

The CAP did a lot of good in enabling family farms to survive. That will be another big challenge for Defra: to ensure that the sort of incentives it produces in future will encourage young entrants into farming and enable them to access the finance in order to share some of the machinery and capital investments necessary, particularly for some of those smaller family farms. We cannot expect farmers to manage, say, footpaths, dry stone walls and hedges for nothing. The public enjoy the benefits of the countryside and they will want to continue, so we must pay our land managers—the farmers—properly for that.

Lastly, there are issues such as flood risk. A very good publication came out on Wednesday, the Wildlife and Wetland Trust report *Rich in Nature*, which was about making space for nature, which also brings enormous other benefits and a great return on investment. The report's introduction explains that for every £1 invested you can expect at least £6 in return. If the Treasury plans on a post-2020 investment in rural Britain of £3 billion, with the right policies and strategies in place it could expect a return of £18 billion and an enviable level of food security.

2.46 pm

The Earl of Kinnoull (CB): My Lords, I declare my interests as set out in the register, particularly my own farming interests and as a trustee of the Blair Charitable Trust and its 70,000 acres. I too congratulate the Minister on his new appointment. Everyone that I speak to very much feels as I do: this is a case of round hole and round peg, and it is good news for the House. I also congratulate the noble Baroness, Lady McIntosh of Pickering, on yet again enabling us to debate rural and farming affairs. I say again that I do not think we do enough of that in this House. The balance is not quite right, and I urge the usual channels to seek to address that.

I was only going to make one point today: the necessity of an early and clear communication to, and reassurance of, the farming community, particularly post-Brexit, in respect of the subsidy regime and foreign seasonal labour, so ably already put by the noble Baroness. I thought, however, that it was worth reporting on some of the many discussions I have had in farmhouse kitchens—and, in one instance, on a cricket pitch—about what Brexit means for farming. I shall distil those discussions down to three main points.

The first discussion, which was on the cricket pitch, was with a soft-fruit farmer. His business is of course labour-intensive and capital-intensive; Perthshire soft-fruit farming benefits from perfect conditions. He in particular needs foreign seasonal labour, which tends to come from poorer EU countries. He puts them up on a full-board basis, as do many other people in the area, and the arrangement is very satisfactory to everyone. His business is going so well that he would like to invest in increasing it. That is quite expensive, as it costs around £20,000 an acre to put up polytunnels and produce satisfactory irrigation and so on. He would have to invest in the accommodation as well. However, he is not going to do that because at the moment he is not confident of the availability at similar cost of skilled EU labour in future.

The second conversation was with a gentleman who has a successful livestock business, both sheep and cattle. He was thinking of an investment in his cattle court of around £100,000. He was not going to proceed, either, because he was not confident that the subsidy regime would be there in the future, and if the subsidy was removed from his future cash flow the returns would be so thin as to not make the investment worth while. Therefore he was holding off. Those are both examples of what I call loss of opportunity.

My final example is more worrying, because it is an example of damaging the existing business. This discussion was with the manager of a successful mixed organic farming business. This manager, whom I have known for many decades, was sitting down to fill in the forms for the overdraft renewal for his business. He was particularly concerned about the three-year cash flow that has to be included in those forms because he did not know how to fill in the third year. He had also had a discussion with his relationship manager at his major clearing bank and was under the impression that the bank was out to reduce his overdraft limit because of the uncertainties surrounding the future cash flow. If that is bank policy, it means that a constraint on cash

and overdraft facilities for successful farms—and this is a deeply successful farming business—are being put in place, which damages our industry and is particularly not welcome when farm prices at the farm gate are so disappointing.

In closing, I therefore ask something similar to that asked of the Minister by the noble Baroness. When does he feel it will be possible to give clear assurances to the farming community post-Brexit, first, on the foreign seasonal workers point, and secondly, on the subsidy regime?

2.51 pm

The Lord Bishop of St Albans: My Lords, I too thank the noble Baroness, Lady McIntosh, for this debate. I share the delight of other Members of this House that in the recent reshuffle it was neither an exit nor a Brexit but a clear remain vote for the Minister, and not only that but a promotion, so we are delighted and thank him.

Whatever our opinions on Brexit, it is undeniable that British farming faces a period of uncertainty and insecurity. While it is true that the decision to leave the EU will bring some new opportunities for British agriculture in the long term, it is clear that there are substantial challenges ahead. Agriculture is more intimately connected to the European Union than any other UK sector, and the process of unpicking that relationship must be done with utmost care.

British farming is of course at the heart of not just the rural economy but the wider national economy. It is integral to the security and health of our nation through food production but it brings wider public benefits: preserving the beauty of our natural environment, maintaining biodiversity and, as we just heard, helping to manage rural landscapes for the benefit of all. It goes without saying that we need to maintain a healthy, sustainable agricultural sector post-Brexit, and this will inevitably require a degree of government support and protection.

That need for protection must be reflected first and foremost in whatever trade agreements are eventually reached with Europe and beyond. British food is produced to some of the highest environmental and welfare standards anywhere in the world, which is something the British people are rightly proud of. However, these standards would be undermined and undercut were Britain to open its shores to cheap imports produced at much lower standards. While it is important that post-Brexit Britain is open to trade and exports, a policy of trade liberalisation across the board cannot be the answer. As the president of the National Farmers' Union recently put it,

“government must not allow an open door policy to imports produced to lower standards”.

On a domestic level, it is important that the Government help to cultivate a culture of appreciation among the British public towards British farming, and to further encourage the procurement of British farm produce by schools, the NHS and catering companies, for example. Improving our reliance on domestic supply is not just good for farmers but good for us all. When only 60% of the food we consume is domestic produce, we leave ourselves open to trade disruption and food

insecurity. We know that there is growing public willingness to support British farming, and I hope that the Government will support initiatives to more clearly promote food that has been produced using British farm produce.

Besides domestic and international trade, support for British farming will mean a continuation of some forms of financial support post-CAP. This is only right given the non-agricultural benefits that farming provides to the wider public. Although we probably need a degree of continuation in policy if we are to avoid the sort of problems that have afflicted payment of the basic payment scheme this time around, I hope that any future UK policy might be better integrated with the provision of these wider benefits—particularly the environmental benefits—than is perhaps currently the case under CAP. We need a UK policy that continues to promote biodiversity, the preservation of landscapes and sustainable farming; which encourages landowners to slow the flow of water in upland areas to reduce flooding further down; and which encourages the use of renewable energy while helping farmers to take steps to tackle climate change.

Of course many more challenges than these face British farmers. There are serious questions about future funding for agricultural research, future recruitment of seasonal labour and the future of small farms that may find it even harder to sustain themselves in a post-Brexit environment of farm consolidation and more intensive production. I hope that Her Majesty's Government will continue to work across rural stakeholders as they seek to find answers to these difficult problems.

2.56 pm

The Earl of Caithness (Con): My Lords, I, too, congratulate my noble friend on his promotion to full Minister for Defra rather than spokesman, and I hope all this praise does not kill his career. It has been known to kill Ministers in the past; I hope it does not kill him.

It is lovely to be able to discuss farming for the second time in two weeks, and I congratulate my noble friend on putting down this debate. In the last two weeks I hope the Minister has been in full cry to pursue a joined-up strategy for farming, fisheries, forestry, food and the environment. As the noble Baroness said, there has to be a comprehensive policy. We know, from the debate two weeks ago and from what noble Lords have already said, that what the Government, farmers and the public want are often three different things. Those are big fences that my noble friend needs to jump to pull that policy together. I hope that he, like me, believes that with the correct support, UK agriculture can be a world leader in showing that environmentally positive farming with high welfare standards on the livestock side can be sustainable and deliver products that the market wants and needs.

However, to do that it needs to consult widely. During our last debate I asked about the devolved institutions, and the Minister in his reply talked about the devolved Administrations. I need to press him a bit more on that. I hope that he will talk to all the devolved institutions, not only to the devolved Administrations,

[THE EARL OF CAITHNESS]

and that he will whip in the country organisations that have farming to their fore, such as the CLA and NFU, just as much as the Wildlife Trusts and the RSPB. They all ought to be brought together to get the right policy.

That policy needs to be based on three things. First, it needs to be based on minimal and efficient regulation. I recall the days of MAFF, whose reputation for gold-plating regulation was not the best. The Minister will need to be firm with his civil servants so they do not go down the old road of MAFF, as that would sound the death knell of much of the policy that I am sure he and I would like to see.

Secondly, the farming strategy needs to be based on agricultural research, which I did not mention two weeks ago because other noble Lords did. Here I am concerned about our links with other European institutions. Already the universities are saying that contracts are being lost. One university has been advised that it should not join in with other EU universities because it would jeopardise their chances of getting money from the EU. Diseases such as bluetongue and others that are entering our forestry do not care a hoot about national borders. Therefore, we need to be absolutely certain that we can work with the other institutions throughout Europe on a basis that is productive for all. I am slightly worried about this because one of President Juncker's first acts when he took up office was to sack the chief scientist, Anne Glover—she was unseated pretty quickly—and that was not a very good sign.

The third thing that Defra needs in sorting this out is the correct staff. This is hugely important. I am concerned that some of the best people in Defra will be poached for the Brexit office. Can my noble friend tell me whether any Defra staff have been taken to that office? If they have, and as the former Prime Minister said that the very best would be taken, what is the Minister doing to replace them? Is he contracting in experts from the private sector not only to fill the gaps but to help balance the policy that will be created? No other industry has to write a new policy on a blank sheet of paper. We have not had a farming policy of our own for over 40 years. It is a huge challenge for my noble friend. I know that we all wish him the very best of luck in turning it into a strategy that is acceptable to every part of the United Kingdom and to all who participate in it.

3.01 pm

Lord Thomas of Gresford (LD): My Lords, I, too, congratulate the noble Baroness, Lady McIntosh, on obtaining this debate. Her picture of 27 injured parties in a divorce fills a lawyer like me with considerable alarm.

We are lucky to have the noble Lord, Lord Gardiner, in this House. He bashfully declares his farming interests every time he speaks and one of these days, when I have a spare hour or two, I will read his entry.

For the last few weeks, most of politics has been beyond parody. Gilbert and Sullivan could do justice to the scene: the former head of Defra has been translated to the post of Lord Chancellor, responsible

for the independence of the courts; and it is with a fine sense of irony, mingled perhaps with some contempt for farming interests, that in her place the new Prime Minister has appointed Mrs Leadsom, a lady who campaigned for the leadership of the Tory party on the basis of her experience in finance in the City since 1984.

In 2007, Mrs Leadsom demanded that farm subsidies be abolished. That would be good for food production and for the environment, and it would lay waste upland Wales. Then, in a *Guardian* interview before the referendum, Mrs Leadsom suggested that farmers with, “big fields do the sheep, and those with the hill farms do the butterflies”.

Hello sky! Hello trees! Hello grass! Hello butterflies!

The average net farm income for all Welsh farm types, as estimated by the Welsh Government's Knowledge and Analytical Services Department, declined between 2014 and 2016 by 25% to £13,000 per year. Such falls in income have already had catastrophic effects on the 60,000 people employed on farm holdings in Wales and on the vast numbers of secondary businesses which are reliant on the industry. In Wales, EU support amounts to £250 million per year in direct payments to farmers, together with a programme of investment of some £500 million over the 2014-20 period.

Before the referendum, Mrs Leadsom said:

“The UK government will give you the same money when we leave the EU”.

Yesterday, at the Royal Welsh Show in Builth Wells, George Eustice, the Farming Minister, told BBC Wales that the Government cannot guarantee that future agricultural support programmes will be as generous as current EU subsidies. Let us contrast that with his statement during the referendum campaign that Welsh farmers would get “as much support” as they currently do if the UK left. Brexiteers said, “We don't need subsidies—the markets will provide”. Let us see whether Mrs Leadsom's financial expertise can deal with the supermarkets which have no regard for the maintenance of the farming industry so long as they can keep prices down.

Now is Defra's opportunity. We have taken control. Regulations—British regulations—can be tabled to support Welsh farmers—a new settlement, as my noble friend Lady Miller referred to it. Let us see what it does. How will it ensure that our agriculture is not undermined by cheap food imports from countries with far lesser environmental and animal health standards? That point was made very strongly by the right reverend Prelate the Bishop of St Albans a moment ago.

Many farmers in Wales cussedly voted leave because of “red tape”—that is, EU restrictions on the use of pesticides and herbicides, passed in Brussels but confirmed by the Westminster Parliament in an attempt to protect the environment. Will this Government relax controls on chemicals and fertilisers in an effort to boost food production? What would be the impact of that on our environment, on the upland Welsh watercourses that feed into England and on the wildlife in our hills? The environmental impact would be enormous.

Of course, whether or not we remain in the single market in some form or other, the 40% of our farm production that we currently sell in mainland Europe will in any event have to comply with EU standards.

The noble Baroness, Lady McIntosh, asked a very pertinent question: will the Government be represented when Phil Hogan has his review of the CAP in 2017?

Welsh family farms are not to be left to cultivate butterflies. They have a critical role to play in producing food to the highest standard. They have to face up to the challenges in upland areas of climate change. They are the custodians of the countryside. Their farms must never be laid to waste.

3.06 pm

The Earl of Sandwich (CB): My Lords, I congratulate the noble Baroness on achieving a second debate so soon. Her career in another place included five years as chair of the EFRA Select Committee. I also remember her interest in Africa.

I live in west Dorset, where my wife and I manage a small agricultural estate, and have done for 30 years, depending on CAP direct and environmental payments. We are surrounded by farming families who have been on the same land for generations and who look at the new political landscape with great misgivings. As we have heard, everyone longs for the uncertainty to end.

I voted to stay in the EU and I believe that many leavers, including farmers where I live, voted out without fully realising the consequences. Many families were divided, but the majority were leavers. Generally, I think there has been considerable dismay among farmers since Brexit simply because of the threat to their farm payments. The new Secretary of State will have to persuade the Chancellor that smaller farmers and hill farmers will not be able to carry on unless they are given stronger reassurances of support. Owen Paterson said at the recent Oxford Farming Conference that, “a sovereign UK Government, no longer constrained by EU rules, could actually increase rural payments”.

Leavers have argued that the UK should now be free to make its own trading arrangements with the EU and other countries that require our exports. Canada and Australia are often mentioned, even though they are themselves food exporters and will obviously gain from free trade agreements.

Red tape has just been mentioned. Leavers say, with some reason, that we will be able to remove unnecessary regulations while keeping those deemed necessary to maintain standards. On labour regulation, we will fall back on the seasonal agricultural workers scheme, although, as the noble Baroness mentioned, that has its own problems. Even Commissioner Phil Hogan claimed at Oxford that EU rules were too complicated and that he wanted to cut red tape or “reduce administrative burdens”, as the EU put it. But he also argued that the CAP had provided stability and was the foundation for economic growth and jobs in rural areas. The UK, like Norway and Switzerland, would have to renegotiate its relations with the EU, but it would still be bound by a large percentage of EU law without having any representation in negotiations or votes in the European Parliament.

What is clear is that this situation is unprecedented: the EU has never negotiated an exit agreement with one of its members before. The size of the UK market—62% of our total agrifood exports and 70% of our imports—requires a unique, new agreement to satisfy both sides.

In 2013, farmers received €2.6 billion under Pillar 1 and €637 million for agri-environment and rural development under “green” Pillar 2. How will HMG ensure that British farmers continue to receive these payments? We have already heard that they may not. There are fears that direct payments will be significantly less under the new Government because of the continuing need for austerity. Perhaps the Minister will clarify that. He may not know the answer yet but he will know that farmers will have to receive this level of support or the whole fabric of rural society and the countryside will collapse—we heard of the situation in Wales. The Minister could at least say that the Government will know the answer when we return in September or within a few months.

Another major worry I have picked up from the NFU in Dorset is about disease control. Now that the UK is leaving the EU, farmers fear that trade barriers will be put up against TB, which remains a scourge of West Country farmers. While the jury may still be out, farmers directly affected will want a much tougher line from this Government.

The fluctuating milk price is a continual source of grievance, and there is wide disparity between farmers supplying milk to supermarkets at 30p a pint, or close to it, and others sending milk to companies like Arla for processed milk products with a price for ever in the low 20s. This is the result of oversupply worldwide and I will not go into it now. The EU has helped with emergency payments, but can we assume that this Government, outside the EU, will do any better? I am grateful to the CLA for providing us with these facts and figures, and also to the NFU in Dorset for its advice to me.

Incidentally, forestry is always ignored. It has been mentioned once today. Could the Minister give us some more reassurance on that?

3.12 pm

Lord De Mauley (Con): My Lords, I refer to my interests as set out in the register, including that I am a farmer and a beneficiary of the CAP schemes. I apologise for intervening in the gap. I had my name down for this debate yesterday but by this morning, miraculously, it had disappeared—perhaps the Whips’ Office knows something that I do not.

I start by congratulating my noble friend Lady McIntosh of Pickering on tabling this debate. In particular, I congratulate my noble friend the Minister on his translation to a full-time Minister at Defra—a very well-deserved one, if I may say so.

As has been the tenor of the debate today, many are concerned about the direct financial effects on farmers of the potential loss of subsidies arising from the departure of the UK from the European Union. It is surely unlikely that Her Majesty’s Treasury, once it is given back the ability to decide how UK taxpayers’ money is spent, will maintain, for example, the basic farm payment at anything like its current level. It seems to me that there is a good case for making payments in return for something, such as benefits to biodiversity or the maintenance of land in harder-to-farm environments. The Minister will know that we, like most farmers around the country, are on the edge of our chair waiting to hear what will eventuate.

[LORD DE MAULEY]

There are important nuances, too, such as what happens between now and the end of the current CAP scheme in 2020, as well as the bigger question as to what happens thereafter. People need time to plan and to avoid a hard landing, such as that experienced by the New Zealand farmers when subsidies disappeared. There is a lot to be said for a gradual adjustment.

How will farmers survive, especially as many of them continue to face problems that have little or nothing to do with the EU and more to do with the commodity nature of their product, the structure of their respective market, currency volatility, the weather, and disease and so on? Farmers are, if nothing else, resilient. The noble Lord, Lord Thomas of Gresford, referred to the supermarkets. The help of customers, suppliers and government, especially in producing the CAP replacement settlement, will be essential.

Today, British farmers produce about 62% of our food. That means that there is considerable scope to do more. To do that, technology will be vital and diversification will be important.

I have one final word on the replacement for the CAP. Assuming that the total amount of cash available reduces, it will be more important than ever to get this right. It is an opportunity for a complete rethink about whether we could achieve something better on biodiversity. What do we really want to achieve? Should we be emphasising creatures and plants which, although rare across Europe outside the UK, are comparatively common here? Should we be favouring bird species, for example, which although rare in the EU, are relatively common outside it? These, like many other critical questions, will need to be addressed. I hope that my noble friend's department has the expertise that it will need.

3.16 pm

Baroness Jones of Whitchurch (Lab): My Lords, I would like to thank the noble Baroness, Lady McIntosh, for tabling this debate. I also add my congratulations to the Minister on extending his “round peg in a round hole” status.

During the referendum, I spent a great deal of time driving round the south-east of England in a Remain campaign minibus. I could not help but be aware of the numerous Vote Leave billboards that covered the farming hedgerows across the region. Therefore, a few days after the result was announced, I was perplexed to watch a series of news interviews with farmers at the Kent County Show, all of whom were expressing major concerns about their future livelihoods with the loss of EU subsidies and the loss of markets for their produce. It clearly had not taken long for the penny to drop. And quite right too, because the future outside Europe is inevitably going to be tough for the farming community—there is no point in pretending otherwise.

Those who campaigned for Brexit have already committed our repatriated EU payments several times over. Indeed, if some are to be believed, it is all going to go to the NHS anyway. So farmers will have to get in line and compete with some pretty powerful lobby groups in order to win back anything like the payments that they have enjoyed up until now. As has been

referred to, the new Secretary of State's statement that she believes all farming subsidies should be phased out will cause added concern.

We need to be clear about the scale of support that farmers have recently been receiving. At the current time, 55% of UK income from farming comes from CAP support. In 2014, the UK received over €3 billion for CAP basic payments to farmers. In September 2015, the EU agreed an emergency aid package for dairy farmers hit by falling prices. The UK received more than £26 million of that, the third-largest amount of all EU states. It is not pessimistic but realistic to assume that these funds will not be protected in a post-Brexit UK budget.

It is not just about the money; it is about the legislative framework too. Farming life is currently governed by thousands of pieces of EU legislation—I am sure that farmers would like to see the back of many of them. However, at the same time, that legislation gives us, as consumers, certainty about issues such as environmental protection, food safety and animal welfare, which there will be considerable pressure to maintain.

However, the real challenge for farmers will be the decision about whether we are allowed to remain in the single market, with its 500 million customers. At the moment, 73% of the UK's total agrifood exports are to other EU countries. Seven out of the top 10 countries to which we export food, drink and feed are in the EU. Meanwhile, our EU partners are currently making it clear that we cannot pick and mix the single market rules, so we cannot have access to the single market without also respecting the free movement of EU citizens. If this becomes a deal breaker, farmers will need to find new markets for their products outside the EU in a very competitive world.

When we debated this issue the other week, the Minister mentioned export successes such as Scottish beef, Yorkshire forced rhubarb, Kentish ale and Suffolk cheese. Of course, we would all want to celebrate those and other food export successes, but it would be hard to envisage a successful future based purely on those niche, specialist high-end products.

A number of noble Lords mentioned the free movement of EU citizens. Again, farming is an area where the benefits of access to EU seasonal labour are very real and hard to replicate. Unless we can resolve this issue and guarantee a future labour supply, there is a very real danger that crops will remain unharvested and even have to be ploughed back into the soil, along with parallel rising food prices.

The challenges of Brexit to UK farmers are intense and real. No wonder they are worried. What they want now are guarantees and certainty so that they can make plans and long-term investment decisions. I hope the Minister is able to provide at least a timetable for resolving these issues today so that farmers can begin to map out their future in a post-European world.

3.21 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, I also congratulate my noble friend Lady McIntosh on securing this debate and providing a further opportunity for your Lordships

to discuss agriculture, which followed that splendid debate that my noble friend Lord De Mauley promoted a few weeks ago. I hope that I will be able to encourage the Chief Whip to oblige us with many more opportunities.

It has been a thought-provoking debate and I have listened carefully. I also express my considerable thanks to noble Lords for their typically generous and kind remarks following my appointment. I am so glad that I am considered to be a round peg. I very much look forward to working with your Lordships. Noble Lords have proposed a number of questions, some of which I know they will understand that I am not in a position to answer in detail today. At this juncture, mindful of the noble Lord, Lord Thomas of Gresford, I should declare my farming interest as set out in the registers. Hay was baled and in the barn this week and I am hoping that I shall be on a combine with the barley being cut next week.

Farming is at the heart of the UK's identity. The right reverend Prelate the Bishop of St Albans vividly described what the countryside means. The woodlands and forests of our country mentioned by the noble Earl, Lord Sandwich, are a clear part of our identity, and the British countryside is important to so many of us for domestic or international tourism. These are all jewels in the crown. Some 70% of UK land is agricultural. We have a world-class food and farming industry that generates over £100 billion a year for our economy.

Our Great British Food Unit is promoting great British produce at home and abroad, boosting the £18 billion in food and drink that we sold across the world in 2015, and cementing Britain's reputation as a global food nation. From Welsh lamb and Northern Irish beef to Scotch whisky and English wines—I am sure that the noble Baroness, Lady Jones of Whitchurch, will not mind me saying that I do not think any of us would consider those to be niche—we should be proud of the UK industry's world renown for the quality of its produce and its high standards of animal welfare. I am very conscious of what the right reverend Prelate the Bishop of St Albans said about the importance of high standards and, indeed, what was said about procurement.

We know that there is great global demand for quality British dairy products. For example, the Wensleydale Creamery now exports Yorkshire Wensleydale cheese around the world, which accounts for 14% of its business. I was delighted that my noble friend Lady McIntosh also referred to her favourite Yorkshire cheese. The UK dairy industry exported to 138 countries last year, totalling £1.2 billion. Dairy exports to China have increased by more than three-quarters in value compared with 2014.

My noble friend Lord Caithness raised the matter of science. Around the globe, we are recognised as the home of agricultural research and a pioneer in food production techniques. We have one of the most technically advanced and forward-looking farming industries in the world and we have given a lead to others in the field. My noble friend also asked about research and its future. The referendum result has no immediate effect on those applying to or participating in EU research funding. We are determined to ensure that the UK continues to play a leading role in European and international research and innovation.

Indeed, data and technology have a central role to play in increasing the productivity and competitiveness of British farming. Last year, Defra announced that it would release 8,000 datasets to the public. By the end of last month, 11,007 open datasets have been published by the Defra group. This is an amazing opportunity in support of our food and farming sectors to reach their full potential.

My noble friend Lord De Mauley spoke about technology. He of course was instrumental in the advance of the agritech sector, and I am delighted that the Government committed £160 million to be co-invested with industry to address challenges in the agritech sector. For instance, Agrimetrics, the first centre for agricultural innovation launched last year, will receive funding to create a big-data centre of excellence for the agri-food system. Three others are set to be launched, including the Centre for Crop Health and Protection, the Centre of Innovation Excellence in Livestock and the Agricultural Engineering Precision Innovation Centre. These will all be great opportunities for us to help increase productivity in the livestock sector, generate enhanced crop yields, and should also lead to improving pest control and support scientific breakthroughs in such areas as nutrition, genetics and satellite imagery.

As we all recognise, the UK farming industry is a critical component of the UK's economic success. Indeed, many noble Lords posed questions on this. We are determined to strike good and positive trade deals with the EU, accelerating our international trade negotiations. Our food and drink exports have increased by over 6% since 2010, and we wish to advance on those, particularly in non-EU countries where exports have been increasing steadily from 34% in 2010 to 40% in 2015. Surely, with global population growth expected to reach 8.1 billion by 2025, demand for food will increase, which offers enormous market opportunities for us here.

We will forge the strongest economic links with our European neighbours as well as our close friends in North America, the Commonwealth and countries such as Japan and China, where export opportunities are endless. We are building on strong foundations and work is already under way to create a modern, open approach to our business, using data and innovation to drive productivity and maximise new opportunities. As we negotiate our exit, we have an unparalleled opportunity to develop a new approach and make sure that our policies are delivering for us.

We have promised in my party's manifesto 25-year plans for food and farming and for the environment. We are still committed to those plans, but the nature of these will change since the UK decided to leave the EU. We will consider our long-term vision for the environment, food and farming. We look forward to continuing to work with a wide range of interests—I emphasise that point to my noble friend Lord Caithness—including the CLA, the NFU, farming organisations, wildlife groups, the food industry and consumers, so that we can determine that vision and work together to deliver it.

Perhaps I may assure the noble Baroness, Lady Miller of Chilthorne Domer, that Defra will champion the countryside and the rural communities within it.

[LORD GARDINER OF KIMBLE]

As the promoter of the national pollinator strategy, I am also determined that we will see wildflower meadows in many places.

I need to make a number of further points during my brief opportunity to speak. Defra's priority is to guarantee that we leave the EU in the best way for Britain, ensuring that Britain's farming sector has a vibrant future. As my noble friend Lady McIntosh said, a new department has been established. Defra has a seat at the table and will play a key role in the discussions. We will be working very closely with the devolved Administrations throughout the negotiations. As has been recognised, we are relinquishing the UK presidency of the Council of the European Union next year. As the Prime Minister has said, this is in order to prioritise the negotiations for us to leave the European Union. But until we leave, it is business as usual. We continue to be a full member of the EU, UK farmers have access to the single market and they still need to comply with all that is required.

On the issue of agri-environment schemes, we recognise fully the need to offer clarity to farmers and other land managers. This is an important early challenge, and I can assure your Lordships that we are already in conversation with the Treasury.

To address a specific point made by a number of noble Lords—the noble Earl, Lord Kinnoull, was particularly clear on this—I want to emphasise the word “support” because a number of speakers have used the word “subsidy”. My view is that we provide support for what farmers do to help us, in so many ways, in the national and public interest. My honourable friend the Secretary of State has been very clear that this now needs to be looked at carefully. We are committed to working with the industry and to developing an exciting new vision for British agriculture—a vision based on sustainable, productive and competitive industry. I know that the NFU is about to launch its consultation and we look forward to hearing from many others.

Britain is a great country and we have always thrived and prospered on the world stage. International trade is at the heart of our economy and we will embrace the opportunities. Perhaps I may finish by saying that I wish all farmers as successful a harvest as possible, and indeed to your Lordships I say, “Summer well”.

NHS and Social Care: Impact of Brexit

Motion to Take Note

3.31 pm

Moved by Baroness Watkins of Tavistock

That this House takes note of the implications of the European Union referendum result for government policies on ensuring safe staffing levels in the National Health Service and social care services.

Baroness Watkins of Tavistock (CB): My Lords, we have spoken at length about the uncertainty following the decision to leave the EU. While negotiations take place in the coming months and years, we must not forget that business continues as usual in the health

and social care services, where staff care for our loved ones 24 hours a day, seven days a week. Two big stories appeared in the papers at the beginning of the week. The first was about nurses and plagiarism in universities and the second, much more cheerful one, was an opinion piece in the *Daily Telegraph* by Simon Stevens, the chief executive of NHS England, with which I broadly agree. However, I want noble Lords to know that I had written this speech before I read his piece, so it is not plagiarism.

I declare my interests as listed in the register, in particular as a registered nurse in both the adult and mental health domains, a member of the Royal College of Nursing, emeritus professor of nursing at Plymouth University and the chair of the peninsula CLAHRC in the south-west. I am delighted to congratulate our current Minister, who is to continue in his role representing health in this House. I will use nursing as a lens through which to articulate my questions, but I believe that the majority of the issues raised affect all those working in our NHS and social care services, and of course the clinical research community.

The decision to leave the EU leaves us with serious uncertainty on the current and future supply of the lifeblood of our NHS, the private, voluntary and social care sectors—namely, the workforce. That decision, together with what I had written was a proposed move to a loans system for nursing and other healthcare students, could pose a dangerous threat to the quality of patient care. This morning the Government announced that they will move to that loans system, and I will return to that later in my remarks.

In March 2016, the HSCIC figures for England showed a headcount of nearly 320,000 nurses and health visitors, 26,000 midwives, nearly 20,000 ambulance staff and almost 150,000 scientific, therapeutic and technical staff. At the same time in Scotland the headcount was approximately 60,000 nurses and midwives. Out of those numbers it is estimated that between 5% and 10% of the staff working in these roles are from other EU countries, clearly with variations by professional group. There are currently more than 33,000 nurses who trained in the EU registered to work in the UK and in 2015-16 alone there was an increase of 9,000 EU-qualified nurses on the NMC register. The latest GMC figures show that more than 30,000 doctors are working in the UK whose primary qualification is from another EU or European Economic Area country.

EU nationals play an integral role in delivering safe, high-quality care now more than ever, and our NHS is particularly dependent on these crucial staff. Yet EU nationals already working in these services are worried about what their future holds and whether they will be able to continue to make a valuable contribution to our society. Likewise, patients and users of our NHS have the same questions. Let me be clear: these professionals are highly valued and we simply cannot do without them.

Noble Lords may have heard of incidents since the referendum in which some health professionals from outside the UK have been subjected to racial abuse while caring for patients. No member of staff should have to tolerate abuse in the workplace at any time. Ambiguity around the immigration status of health professionals is not helping matters, and I ask the

Minister to look at how quickly we can reassure them. Staffing levels, recruitment and the retention of nurses in the NHS continue to lag behind the number of staff we need to guarantee the highest levels of safe care for people using the NHS. In Wales, and soon in Scotland, staffing levels are enshrined in law. I urge the Government in England to look at this option carefully for public protection in the post-Brexit era.

Following the Francis inquiry into standards of care in Mid Staffordshire, the public were assured that financial considerations would not be put above the need to provide high-quality care and maintain good standards, which of course are dependent on the number of staff employed. The relationship between the staffing ratio of nurses to patient outcomes is well evidenced through international research: the higher the number of nurses, the better patient outcomes are, including patient readmissions after discharge. Yet mental health services in particular suffer from chronic understaffing and the number of specialist mental health nurses has fallen by 10% over the past five years. There are strong arguments for adequate nurse-to-service-user ratios to ensure the proper development of therapeutic relationships in mental health services. It is also clear that the higher the number of experienced registered nurses on duty, the less restraint and seclusion are used, which I argue is an indicator of quality care. While the introduction of the new nursing associate role in England is widely supported, current research suggests that the role will be no substitute for registered nurses, but a supplement to care delivery.

Many people who voted to leave the EU did so because they believed that extra resources would be allocated to the NHS as a result of savings in EU contributions. I argue that further funds should be found to train, develop and retain professional staff in the NHS and social services. In this context, I return briefly to what was the Government's proposal but is now going to happen: the replacement of NHS bursaries by student loans for nurses and other health professionals. This idea began before the result of the referendum was known. It is an increasingly risky move during this period of turbulence through all the changes with the EU. But now that it has been announced, we must make the best of it. Nurses are struggling to make ends meet as it is. We have heard of some student nurses using food banks. Any reforms to the student bursary structures need to ensure that tomorrow's workforce is not saddled with a lifetime's debt, which the Government have already acknowledged is unlikely to be fully repaid given the average nurse's lifetime earnings.

The Royal College of Nursing found that 40% of London's nurses expect to leave the city by 2021 because housing costs are so high. The additional costs of even small monthly student loan repayments for nurses will make life harder for them despite working full-time. Tomorrow's nurses serve as a good example of the very people our new Prime Minister wishes to consider when making future policy decisions. I, really more than anybody else, hope that the introduction of the loan does not prove to be a mistake. Any new model of funding should have been piloted before we ran it right across England, to ensure that it would result in an increase in the number of nurses taking up training places.

However, as a pause is not feasible, which many noble Lords know I would have liked, there remains a critical need to ensure the security of the future workforce supply—a task that I believe has become more difficult since 24 June. In that light, I shall touch briefly on three areas of risk on which there is widespread consensus from all organisations in the nursing world.

First, will the Government commit to protecting the postgraduate pre-registration courses that are so valued by employers and enable some of our best and brightest graduates to fulfil specialist careers in the NHS? Perhaps we should develop something similar to Police Now or Teach First. Secondly, will the Government commit to measures to support students who might otherwise be deterred from joining courses, ensuring that childcare grants do not disadvantage single parents, and recognise the particular challenges facing some professions in areas of nursing where student recruitment is still not buoyant, such as podiatry and learning disability nursing?

Thirdly, will the Government recognise the extra costs that healthcare students incur from essential aspects of their courses, in particular the travel and accommodation expenses associated with placements, particularly in rural areas, occupational health and uniform requirements? Linked to this, will they fund universities directly to purchase high-quality placements for students, so that the placement money follows the student and does not get incorporated into core hospital budgets?

As we continue the transition to the new healthcare education funding system in England, we need to look beyond the immediate implementation of these reforms to the longer term. The retention of staff within the NHS is a far greater challenge than recruiting students to join undergraduate programmes. There is a clear case for the Government to consider “forgivable loans” for students who go on to work in the NHS for, say, three to five years—a cost, of course, but one that could well be outweighed by savings on agency staff and recruiting from overseas.

For all the debate on pre-registration education, which is entirely appropriate, perhaps a deeper concern for the future lies in an area where very little has been said: that of professional development funding—a silence that we must break if the future of the NHS and its workforce is to be safeguarded through the momentous changes ahead. Central to the implicit covenant we make with NHS staff is that we will support and train them in their jobs. This will become more important than ever as we ask them to deliver the extraordinary challenges that rapid shifts in technology, the genome project, changing patient needs and increased financial pressures demand.

Yet despite this, NHS England's centrally distributed budget for ongoing training for more than three-quarters of the health professional workforce has been cut by 45% this year. There is no doubt that the cuts are affecting those professions that are predominantly female. Failing to fund in the areas that we need most in the future, such as return-to-nursing programmes, cognitive behaviour therapy skill development and district nursing, could have serious consequences, and we need to think about care delivery outside the NHS hospital box.

[BARONESS WATKINS OF TAVISTOCK]

How can we expect our staff to deliver the NHS five-year forward view and the care our population needs if we do not support their continued professional development necessary to do their jobs? The simple truth is that the national strategic priorities of the NHS, on which there is widespread consensus, and the funding decisions on education and training do not add up. We all understand the financial pressures on the NHS but education and training must no longer be a soft target. We need to ensure strategic leadership so that short-term financial savings do not result in us not having an adequate workforce in the future. I seek assurances from the Minister that the Government will work with and not against the healthcare professions in such a review of looking at how to tackle this subject in the longer term.

I now turn briefly to one related topic. Since 24 June the need for a senior nurse in the Department of Health as well as a chief nursing officer at NHS England has become even more important. We must have a nurse leader to advise Ministers and others at government level, to represent the UK on the world stage and steer us through the challenges ahead during EU negotiations. Nursing is the backbone of our health and care system. Department of Health-based nurse leadership will make a vital contribution to the challenges that we have to face. One example will be to review the EU professional qualifications directive 2013/55.

Finally, I recognise that enormous questions need to be addressed following the EU vote. That is why I believe that healthcare professionals should be involved in any discussions affecting our health and social care services. It is only by working together that we will be able to chart a path of success through this new and rapidly changing landscape. The Government must act now to develop a coherent and sustainable workforce strategy for the future, and recognise the essential contribution of overseas staff alongside the pressing need to educate, recruit and retain a workforce from within the UK.

I look forward to contributions from other noble Lords, who I thank in advance for staying for almost the final debate before the Recess. I hope that the Minister will provide reassurance on the issues raised this afternoon. I beg to move.

3.47 pm

Viscount Bridgeman (Con): My Lords, I thank the noble Baroness, Lady Watkins, for securing the debate.

I draw your Lordships' attention to a very interesting and concise blog from Miss Clare Marx, the president of the Royal College of Surgeons. She makes three important points. The first, already voiced in many quarters, is that losing non-UK staff would, in her words, be "cataclysmic". I totally echo the words of the noble Baroness. Toughened migration rules often affect technicians, porters and cleaners. A clear message must be sent to the Government that the NHS needs to retain these vital staff.

Miss Marx's second point is the opportunity that will be presented to the NHS to improve patient safety. Up till now, the UK has been required to accept the

lowest common denominator of standards across Europe. An example is that some devices have found their way into the UK having been approved in European countries with lower safety standards. In many cases, these standards need to be toughened up, but at the same time the baby must not be thrown out with the bathwater. Care must be taken. The stricter regulations could make it harder to attract international innovators in healthcare. In other words, a sensible mean must be struck.

Ms Marx's third point is a vital aspect of the changed climate in which healthcare in the UK will find itself post-Brexit—language testing. This is a subject not infrequently aired in your Lordships' House. The law as it stood until 2012 was governed by directive 2005/36, which concerned mutual recognition of professional qualifications by all member states. Under this directive, healthcare was lumped in with professions such as engineering, surveying and so forth. It meant that English language testing could be made only following registration by the appropriate body, such as the General Medical Council and the Nursing and Midwifery Council.

The effect of this, particularly in the case of nurses, was that there were cases where a candidate could obtain registration and disappear, as far as the regulator was concerned, never to be seen again, with, of course, their English language ability untested. There were cases where the only evidence of English proficiency was a certificate obtained for a fee at a street corner in an eastern European capital. Representations were made, particularly from the UK, that healthcare differed from other professions, in that there was the additional consideration of patient safety and that it accordingly required special treatment. Thanks to the persistence of the Department of Health—I particularly mention my noble friend Lord Howe and my honourable friend Dan Poulter in another place, both at that time Ministers in the Department of Health—the Commission accepted the case for language testing of health professionals prior to registration. This can now be required not as a routine, but when the relevant regulator has reasonable grounds to believe that a candidate's English language skills are not adequate.

This has been a step in the right direction, but it is not enough. At present the EU, within the constraints I have just mentioned, permits testing only on broad English language skills—effectively, conversational English—while to take the case of the GMC, candidates from outside the EU are required to show English language proficiency in, and I emphasise this, a clinical context. There is a huge difference between these levels. Note-taking is a particularly strong tradition in British medical practice. As one facetious journalist has written, the difference between a microgram and a milligram can be a coffin.

I urge the Minister to give priority to completing this mission, which is to require that all healthcare professionals coming to this country, from within and without the European Union, are subject to meaningful English medical language tests prior to registration. There is an urgency about this—patient safety is involved—and I hope this can be put in hand straightaway in the time remaining while the UK is still within the

European Union, if not in the hopefully constructive environment post-Brexit, freed from any constraints imposed by Brussels.

The other matter that needs urgent review is the working time directive. Surgeons in particular have had long-standing concerns about the impact of the working time directive on time for training. In 2014 the task force on the EWTD concluded that we need greater flexibility for training hours while ensuring we never go back to a culture of excessive working hours that can only harm patient care. I understand the task force is due to report shortly. We await this with interest.

Finally, a brief word about research. It is essential that arising out of the Brexit negotiations there is sustained funding and continuing mobility of researchers and clinicians to ensure that the UK research industry can thrive and advance patient care.

I declare my record as a remainer at the referendum, but, as has been widely quoted, we are all Brexiteers now. I am confident that Brexit will provide a not-to-be-missed opportunity to rectify some of the anomalies and deficiencies in clinical practice that continuing membership of the European Union has involved.

3.53 pm

Baroness Emerton (CB): My Lords, I congratulate and thank my noble friend Lady Watkins not only on securing this debate but on her excellent speech and setting the scene so ably this afternoon. I also thank the noble Viscount, Lord Bridgeman, for his tenacity of purpose. Ever since I joined the House, he has shown tenacity of purpose in regard to the English language and the statutory bodies.

I declare an interest as set out in the register. I am a retired registered nurse trying to keep up to date—and that is a job in itself. I will concentrate on the supply and delivery of quality care, not only in the National Health Service but in the private and charitable sectors.

In preparation for this debate, I gathered together the most recent headlines, which, I am afraid, do not make very happy reading. The *Nursing Standard* said:

“The United Kingdom is unprepared for nursing shortages”.

Health Service Journal stated:

“Reality bites as the NHS is told to face up to its failings”.

The BBC reports:

“Nurse shortage could last for years ... 1 in 10 nurse posts in England unfilled ... 29% of nurses are aged over 50 ... 13% of nurses come from overseas”.

“Brexit may hit NHS nurse ‘pipeline’”,

says the chief executive of the NMC. The *Nursing Times* states:

“European nurses feel chill after Brexit vote”.

The Health Foundation report, *Staffing Matters; Funding Counts* refers to “pressure points” and associate nurses.

Like my noble friend Lady Watkins, I was filled with joy when I read the report from Simon Stevens. Like her, I had written my speech before I read his report. I will say more on that later.

I wish to take noble Lords back to the period before May 2010 when the Labour Government were in power and the noble Lord, Lord Darzi, the then

Minister of Health, introduced care pathways and was seeking means of ensuring safe, high-quality delivery of care to the satisfaction of patients. Much progress was made on this but with the change of Government, the unmandated Health and Social Care Bill was introduced and proceeded through the next four years before completion. During those four years, I contributed at each stage of the Bill, along with other noble Lords, to establish safe staffing levels and either certification or regulation for support workers.

Since July 2014, much work has been attempted by various organisations to establish safe staffing levels comprising not just numbers but quality assurance by providing the appropriate level of competence of nurses and support workers. Without that assurance focused on the quality outcome, numbers alone will not take us forward. What we cannot afford is a further spate of inquires relating to unacceptable levels of low-quality care in view of the evidence of the dependency required by the patient, as occurred in the Mid Staffordshire inquiry.

The report by the noble Lord, Lord Carter, for example, relates to the number of workers and the number of hours per patient day required but gives no indication of the ratio of registered nurses and support workers. There is no regard to the spread. This presents a real dilemma: if the numbers required cannot be afforded as being both the right number with the right quality, then choices have to be made as to the level of service that can be provided, or alternative methods of funding have to be found. But what we cannot afford is further delays with the possibility of poor delivery of care because of the shortage of the right numbers of workers with the right qualifications in place. In short, we require a strategic plan that has explored options on numbers, quality outcomes, cost benefit, risk assessment and a timetable for implementation.

The regulation of support workers fell to Health Education England to initiate and the noble Lord, Lord Willis, produced the report *Raising the Bar*, which dealt with nursing associates. Work is now under way to pilot the introduction of the nursing associate and to build on the current support worker grade 2 and 3 to a level 4, extending the role to support the registered nurse, possibly with the academic requirement and aptitude to proceed to registered nurse training or to a degree.

While I applaud any possible move to develop further support for support workers and agree with the direction of travel, I find it difficult to accept the title “nursing associate”. This may sound pedantic but already there is confusion and many are referring in official documents to the “associate nurse”. The use of the word “nurse” is regulated by law, applying to those who have the required qualification and registration by the NMC. I am concerned that not only other professionals in the health service but—most of all—patients will be confused. To patients, quite rightly, a nurse is a qualified nurse. The fact that the person might not be a nurse at all would not enter their heads. If the title were, for example, “associate health carer”, it would indicate that they were not registered nurses but someone trained under the supervision of a registered nurse. This would help to prevent confusion—which could easily escalate—creeping into the title.

[BARONESS EMERTON]

Evidence clearly shows that the previous state-enrolled nurses were abused and misused; they were exploited through being left in charge of wards with no appropriate support available. The likelihood of this happening must at all costs be eliminated. The advantage of the title “associate health carer” would be that the syllabus could include an introduction into social care aspects of the patient’s journey, which is especially necessary for care in the community, where we have the elderly, the mentally ill and some long-term dependent patients with learning disabilities who are cared for in the community but could be supported towards living a more independent life. This would provide excellent experience for those with the appropriate academic qualification. We need this opportunity for them to be trained and able to move forward, which would, we hope, break down some of the barriers between the organisations and the professions.

I suggest to the Minister that, while speed is of the essence to sort out the nursing associate, it would be preferable for health education to explore more fully the possible benefits that the role could have, for the benefit of not only the recipients of the care delivered but the nursing associate—or associate health carer—grade. The name is the key and it would be helpful if this could be examined. I look forward to hearing what the Minister has to say on that.

Safety and high-quality care cannot be ignored; we know the consequences of doing so are dire, as we witnessed in Mid Staffordshire, Winterbourne View and Southern Cross. We have to get rid of this idea of graduate nurses being “too posh to wash”. We urgently need to ensure the graduate nurses, on qualification, are responsible for the delivery of total assessment and care of the patient for whom they are responsible. Each patient is a unique individual who has a mind, body and spirit and it is the nurse who is responsible for assessing and addressing any issues that the patient may have, even if they are not immediately connected to the condition being treated. For example, a terminally ill patient may need to see a priest or the patient may be worried about a dependent relative who needs a social worker. The graduate nurse has the responsibility for the total holistic care of the patients allocated to him or her.

I also ask the Minister to address the question the noble Baroness, Lady Watkins, asked about the position of the nurse in the Department of Health. We are already in correspondence on this but it is a matter of great concern to the profession.

4.05 pm

Baroness Ludford (LD): I, too, thank the noble Baroness, Lady Watkins, for initiating this important debate. I declare that I am married to a health trust chairman.

As if the current pressures on the NHS’s finances and ability to cope were not bad enough, they now have the hammer blow of impending Brexit. Clearly, there needs to be much better workforce planning and support. But at present we absolutely need EU staff and it is as a result of the shortage that the Migration Advisory Committee recently advised the Government

to keep nurses on the shortage occupation list. Everyone is calling out for EU workers to get the clarity and reassurance they deserve regarding their future status in the UK. This is particularly vital in key public services such as the NHS to aid workforce planning and ensure that safe staffing levels are maintained. It was reported last November that eight in 10 hospitals missed their target for day and night nurse staffing.

The Health Secretary himself said on 5 July in the other place:

“It is fair to say that the NHS would fall over without the incredible work”—[*Official Report, Commons, 5/7/16; col. 730.*]

that EU workers do in the NHS. I am not sure I heard that from his lips or those of any other Minister before 23 June. In a similar vein, the chairman of the Tavistock and Portman Foundation Trust, Paul Burstow, said:

“Without EU care professionals our NHS and social care sector would struggle to function”.

So we are not talking about a contribution from EU nationals at the margin. It is core. This is one of the many reasons why I am not a Brexiteer now and remain a remainer.

Some of the facts have been cited. Overall, 5% of NHS staff in England are from EU countries but in London they represent 10% of the NHS workforce. While 10,000 doctors from other EU countries are reported to be working in the NHS across England, the GMC says there are 30,000 EU doctors in this country altogether; perhaps they are working as locums or in private practice or are registered but not practising. There is an interesting extra 20,000 doctors somewhere. There are 6,500 scientific and therapeutic staff across England from other EU countries.

EU staffing is particularly significant for London and for specialist trusts. The Royal Brompton & Harefield NHS Trust has over 15% of its workforce from other EU countries, while for Great Ormond Street Hospital the figure is 11%. The top 10 all have between 11% and 15%. But those proportions are for all staff. At Great Ormond Street, a quarter of doctors, 16% of nurses and nearly a quarter of research staff are from the EU. No wonder its chief executive has expressed deep concern about the impact of Brexit. He said that the rare and complex diseases seen in children treated at his hospital required clinical and research collaboration across Europe and, of course, worldwide.

Last but certainly not least, 6% of the social care workforce in England is from other EU countries—80,000 people in England alone. According to the King’s Fund, there are also regional variations: the figure is 12%, or 20,000 jobs, in London and 10%, or 21,000 jobs, in the rest of the south-east.

In the light of the catastrophic risk to the NHS from losing EU workers, it is frankly not good enough for the Health Secretary to say, as he did on 5 July in the other place:

“As long as the UK is subject to EU law, current arrangements remain in place”.—[*Official Report, Commons, 5/7/16; col. 728.*]

Yes, they do, but if he expects us and the staff to be reassured by statements by the Foreign Secretary and Home Secretary that the Government want to find a way of allowing those people to stay in the UK for as

long as they wish to, we are not reassured at all by this promise of possible jam tomorrow. Staff are very unsettled, trusts report.

The Health Secretary also acknowledged that the issue of whether or not the £500 health surcharge on non-EU migrants on long-term visas would apply to EU nationals currently living in the UK,

“would obviously be subject to the negotiations”.—[*Official Report, Commons, 5/7/16; col. 729.*]

What kind of clarity, certainty and reassurance is that?

The NHS Confederation is surely right to insist that immediate steps should be taken to assure staff from other EU countries who are currently working in the NHS and social care that they will be able to remain in the UK indefinitely. I add that this should be on current conditions, including free access to healthcare. The uncertainty created about our ability to recruit from other EU countries in future is also deeply worrying NHS leaders, given current staff shortages. We have an immediate and pressing need for clinical staff, which cannot be met from our domestically trained market. It is a disincentive to EU staff when they do not have certainty on their future residence. The drop in the pound means less purchasing power to send money back to families, which is demotivating as well. It is also predicted to increase the NHS bill by £900 million, as suppliers will have to increase their prices to account for the drop in the pound.

The message from NHS and staff bodies is a united one: given the length of time taken to train a nurse, and even more a doctor, a failure to offer staff from the EU certainty about their future status risks not only undermining workforce planning in the NHS but the ability of the health service to maintain safe staffing levels and patient safety. If social care struggles to deliver services, the knock-on demand for NHS care will increase still further. Mencap has advised that there are already established and well-known difficulties in recruiting and retaining a sufficient number of doctors, nurses and care staff and that any disincentive or impediment to recruiting staff from EU countries will serve only to stretch these services further.

This House has on many occasions expressed its worry about the impact of Brexit on all scientific research, both staffing and funding, and that applies not least to the medical and life sciences sector. The BMA says it is concerned that as a result of the ongoing uncertainty, there is a significant risk of a loss of capacity within the UK medical research community. It is also aware of anecdotal evidence that people are turning down job offers because of the lack of security following the referendum.

Many of us want to hear the Government not only give that certainty which the NHS and others are crying out for but to articulate loud and clear an acknowledgement of the contribution made by highly skilled migrants, including doctors, nurses and researchers, in delivering and sustaining public services and the public good. Incredibly and despicably, there have been xenophobic attacks by patients—the noble Baroness, Lady Watkins, mentioned this—who have taken the referendum result as a green light to attack the NHS

staff who care for them. The Government need to send a very clear message condemning such appalling attacks.

Recruitment through EU or EEA free movement is much less burdensome in bureaucracy than for migrants from non-EU countries, so those Brexiteers who claimed that EU red tape was stifling us were barking up the wrong tree on this topic, as on so many others. The chief executive of the Nursing and Midwifery Council, Jackie Smith, said recently that there would be a major impact on the regulator’s ability to process applications if it were required to apply its current approval procedures for nurses from the rest of the world to those coming from the EU, and that it would create greater costs for her organisation in verifying documentation, securing visas and administering the skills test. The mutual recognition of professional qualifications actually speeds up recruitment and training. Would EU staff in future have to go through the tier 2 process and if there is a salary threshold of £35,000, how are nurses whose average pay is £30,000 to be treated under that system?

I read the same remarks as the noble Viscount, Lord Bridgeman, quoting the president of the Royal College of Surgeons, Clare Marx. She said that Brexit would help patient safety by toughening language tests, enabling the UK to enforce a higher quality of surgical tools and instruments than EU standards and boosting surgeon training, which she claims is impeded by the working time directive. Does the Minister agree with those comments and know whether the Royal College of Surgeons agrees, as a body, with its president on them? The working time directive and its protections against overwork will of course cease to apply if we leave the EU and the EEA.

The Government keep telling us that they cannot give guarantees to EU citizens until there are negotiations which also encompass Brits abroad. But they have unilaterally replaced our European Commissioner—appointing a civil servant in place of a politician and relinquishing the key financial services dossier—and they have renounced our presidency of the European Council next year.

When they want to, the Government are perfectly capable of taking unilateral action outwith any carefully prepared Brexit strategy, so the case against unilateral and unconditional guarantees for EU staff in the NHS and elsewhere gets weaker by the day. I want to hear such unconditional guarantees. As an early win, we need to give a commitment to staff from other EU countries very quickly that they will be afforded indefinite leave to remain, with no new red tape or health surcharge; a message about how valued staff from other EU countries working in health and care are; and a commitment that nurses, and other health-related occupations as and when relevant, will remain on the shortage occupation list.

I am sure there will be other occasions when we might have to discuss a longer-term approach to migration policy, but in the immediate term we need that certainty and that reassurance. We need guarantees for the EU staff we have currently and those whom trusts are seeking to recruit, as well as similar guarantees on the funding and staffing of medical and scientific research. I hope the Minister will be able to give those.

4.16 pm

Baroness Masham of Ilton (CB): My Lords, I thank my noble friend Lady Watkins of Tavistock for having secured this most important debate and congratulate her on her speech.

Since the European Union referendum result in England, there have been some most unfortunate incidents of rudeness and abuse to people from other European countries. If these people do not feel wanted and valued, they may not wish to stay and help us. People who have skills to work in our NHS and social care service are desperately needed.

The Library Note for this debate gives numbers of the various Europeans from different countries, but not of those people who are working in private hospitals or are employed privately helping disabled and elderly people living in their own homes, saving social services millions. The private sector must not be forgotten—it employs many people from overseas. We have an explosion of elderly people, many of whom have complex conditions and need help. Many of the carers themselves are also getting older. With this increasing problem of people needing care, there needs to be replenishment with younger active people as the needs increase.

Over the years when my husband was ill, we employed many helpers from the EU and other places such as Belarus. Carers for severely disabled people have to be honest, be willing and have a work ethos. Every person with a severe disability has different needs—I declare an interest in that I train my own helpers. I do not think many people who voted to leave the European Union realised that they would be creating so many difficulties and causing so many insecurities in a very unstable world. I think many people thought life would be better, with more money.

There is a crisis in social services. Unless the Government look at the workforce and realise how we might become isolated from the European Union, there will be a disaster in medical, nursing and social care. I received a letter from a friend of mine, a retired senior nurse from St Thomas' Hospital, who happened to be in hospital with a complication during the referendum vote. I quote from her letter to me about the morning after: "The day staff came on duty, markedly more subdued than yesterday, and there was a palpable sense of gloom and anxiety—we've left". Among the small group of staff looking after just her little patch of the ward were a Portuguese nurse, an Italian nurse and a Romanian nurse, plus a Lithuanian cleaner, previously a nurse, from Vilnius. Later in the day, she met a Slovenian radiographer and a Polish porter. Without exception, she wrote, their English was excellent.

It is undoubtedly true that the NHS benefits from the use of already trained staff from the EU and elsewhere abroad, and it will not survive without them. At least one London teaching hospital has recently had to send a recruiting team to Italy because there are insufficient British-trained nurses for its needs. Should these trained and untrained National Health Service staff be asked to leave this country because the UK is about to leave the EU, can they be replaced? There is already a national shortage of nurses and doctors despite our friends from the EU.

For some time, morale in the NHS has been very poor. It is no good pretending otherwise. Since the referendum vote, there are not only worried staff but very worried patients, especially the most vulnerable. I now declare an interest as president of the Spinal Injuries Association. I ask your Lordships to think for one moment what it would be like to be paralysed from the neck down and dependent on a respirator to breathe. Many such patients who live at home have to rely on trained carers. What will happen if the supply dries up? As it is, it is not easy to get the right people with the correct skills.

In the UK, there are 750 to 1,000 new paralysed patients a year, about 10 to 15 per million of the population. They have a multisystem physiological impairment and malfunction dynamic. They need specialised care and treatment. In Germany, there are 1,200 special beds for spinal injury patients in special units, while the UK has only 430 spinal beds. The population of both countries is about the same. This means that paralysed patients living in the community often do not get the correct treatment when they need it, as the units are full. Because the work is demanding, these units often have to rely on medical and nursing staff coming from other European countries and beyond.

The Royal College of Physicians has considered the implications of the EU referendum. It states that doctors from the EU make up a significant proportion of the NHS doctor workforce—about 10%. The UK is already facing significant recruitment problems: 40% of advertised consultant posts remain unfilled. The number of medical trainees has decreased by 2.3% within the past year. This is creating significant implications for the future delivery of care, particularly as the needs of patients increase.

Care England has told me that one of its larger corporate members was due to go to Portugal this month to recruit care workers, but, further to the result of the referendum, more than 50% of the people in Portugal who had expressed an interest withdrew their names. This period of uncertainty is causing problems. I cannot understand why the Government cut funds to Health Education England, which trains medical and nursing staff. It seems extraordinary.

I end by saying that it is depressing to see that our results in cancer care are at the bottom end of the European ladder. There is no doubt that working together in research is vital. The UK has been very successful in attracting research funds from Brussels. Losing generous sources of financial support will set research back. Senior researchers are likely to find ways in which to keep direct bilateral collaboration going with colleagues overseas, but the opportunity to take a lead role within EU funding programmes will disappear—very sad.

Probably the biggest loss will be for the younger generation of science graduates, whose options will be reduced. Biomedical science relies on shared ideas, international co-operation and professional ability. It will take time to find alternative pathways for young scientists. The uncertainty over the specific nature of Britain's role in Europe could make for a bumpy ride for British science.

I was very sorry to hear that the department responsible for life sciences has gone, along with the post of the excellent Minister, George Freeman, who did so much to raise morale and interest in this highly important subject. The National Health Service and social services need good morale.

4.25 pm

Lord Bilimoria (CB): My Lords, the NHS is Britain's national treasure. It is something we are all proud of in this country, something we all benefit from and rely on from cradle to grave—yet it is an institution that is constantly under pressure and which faces enormous challenges. It is the largest employer in the country and the sixth-largest employer in the world. Across the board, with doctors, nurses and administrative staff, the NHS has always relied on huge numbers of foreign staff, from within the EU and from outside it. Today there are nearly 60,000 EU nationals working in the NHS. Jeremy Hunt, the Health Secretary, voiced concerns about the impact of a leave vote, stating that, “Another issue”, alongside the potential impact on NHS investment,

“is the damage caused by losing some of the 100,000 skilled EU workers who work in our health and social care system. Uncertainties around visas and residency permits could cause some to return home, with an unpredictable impact on hard-pressed frontline services”.

Simon Stevens, the chief executive of the NHS, said:

“We've got about 130,000 European Union nurses, doctors, care workers in the NHS and in care homes. And we should surely miss the benefit they bring were we to choose to leave”.

I thank the noble Baroness, Lady Watkins, for initiating this debate. It is widely acknowledged that the NHS is struggling to recruit and retain staff. In 2014, there was a 50,000 shortfall between the number of staff that providers of healthcare services said that they needed and the number of posts, with particular gaps in nursing, midwifery and health workers. Yet the coalition and Conservative Governments set themselves a target to reduce net migration to a level of tens of thousands, which they have completely failed to achieve, with the current level running at 330,000. Just this week, the Foreign Secretary and the Home Secretary distanced themselves from that target, discussing sustainable levels of migration rather than specific targets. The Prime Minister has now been forced to accept that it will take some time to reduce migration to the tens of thousands. Will the Minister confirm that it is still the Government's policy to reduce net migration to the tens of thousands and clarify when exactly that ambition is likely to be realised—particularly keeping in mind how the Government will achieve that when the NHS and care sector alone employs 130,000 migrants?

I remind the House of the widespread fear created last year when the Home Office announced that nurses would have to leave the UK if they were not earning £35,000 within six years of living here. I remember how appalled the public were on hearing that. Nursing is one of the noblest professions; nurses work extremely hard, long and unsociable hours, and have always been significantly underpaid for what they do. Many nurses who have come here from the EU and outside

would have been forced to leave the country. People who have contributed to our country and who have helped to save lives would have been uprooted from families through a draconian, ruthless and uncaring move. Thankfully, though a public outcry and the nursing professions' emphasis on the severity of the UK's nursing shortage, the Government did a U-turn and nursing was added to the shortage occupation list at the end of last year, meaning that nursing was exempt from these rules—thank God.

The Government's thinking is what is so worrying here. It has led to ill-thought-out policy decisions previously, with the Government committed to Brexit and with Vote Leave's campaign focused mainly on reducing migration. We are again in danger of implementing draconian measures that would cause untold damage to our most prized public service. The Government want to reduce migration, but here we have our treasured NHS reliant on that same migration. We are told that it is business as normal until Britain leaves the EU, but it is not. Every day of uncertainty risks skilled EU nationals leaving our country and the NHS. We need to give them reassurances to ensure that does not happen. Will the Minister give us that reassurance?

Quite apart from Vote Leave's constant claim that EU migration is putting pressure on our public services, in this case, without EU migration, the NHS, the jewel in our crown, would collapse. People speak about migrants making it more difficult to see their doctor, but more than a third of doctors working in the NHS were born abroad. The whole campaign in the build-up to this wretched referendum was toxic, and much of what people voted on was nothing to do with the European Union. In fact, the King's Fund said clearly that the tension between staffing levels and the financial pressures felt by care services is nothing to do with the EU.

A member of my team, who moved to this country 16 years ago and is married to an Englishman, went to the emergency room on the weekend after the EU referendum with a bloody finger which was broken in four places. She was told by somebody sitting next to her in the waiting area that she was a burden on this country. She has worked hard, paid taxes and contributed hugely to this country but was called a burden. That is just one of the many reported sad cases of racism and hate crime that have exploded since the referendum result.

During the EU referendum, there were many cases in which the NHS was used, as it has been used so many times in history, as a political football. There was the infamous Vote Leave battle bus, which had emblazoned on it:

“We send the EU £350 million a week, let's fund our NHS instead”.

Then there was the infamous Vote Leave campaign film showing the fate of the NHS inside and outside the EU, ending with the words:

“Every week the UK pays £350 million to be part of the EU. That's £350 million that could build one new hospital every week, £350 million that could be spent supporting our doctors and nurses. Now is your chance to take back control and spend our money on our priorities, like the NHS”.

[LORD BILIMORIA]

Those were absolute lies. The £350 million was incorrect. We contribute £150 million net a week, which is £8 billion a year, and even if the £8 billion was all spent on the NHS, it is a department with a budget of well over £100 billion. Nobody put the £8 billion into the context that it is 1% of annual government spending. It would not even shift the needle, but the Pied Pipers of Hamelin fooled the British people. I have heard of individuals saying that they voted to leave the EU to save the NHS. That is sickening, gut-wrenching. Does the Minister agree?

We are meant to be a first-world country. What was the Electoral Commission doing allowing a campaign bus bearing false information to drive around for months and feature as the backdrop of TV interviews day after day? When my business, Cobra Beer, advertises on TV, it is regulated by the Advertising Standards Authority. We cannot make claims that are untrue or misleading as the ASA would make us take down the ads immediately and we would face the possibility of fines and a loss of reputation. However, I am told that in the referendum the ASA had no control. What is going on? Will the Minister explain why he and fellow Ministers stood by and allowed false statements to be made without holding the perpetrators to account? Does he agree that we need elections to be supervised by an Electoral Commission with teeth? In India, which held the largest democratic elections in the world, with 800 million voters, the Chief Election Commissioner is the most powerful person in country at election time. He is more powerful than the Prime Minister.

The pressures on the NHS and its staffing are because of many other factors that are nothing to do with the EU or migration, such as our ageing population. Even before the EU referendum, the causes of the current nursing shortage were identified: the Government had not funded enough student nursing places; the nursing workforce was ageing; and gaps were not being filled. Since the Francis report, safe staffing levels and increasing healthcare demands on NHS services have pushed up the demand for nurses, while at the same time trusts have faced greater financial difficulties which have made recruiting more difficult.

After the EU referendum result, Jeremy Hunt told EU workers:

“You do a brilliant job for your patients, you are a crucial part of our NHS and as a country we value you”.

Underlying all this is uncertainty surrounding what will happen to EU nationals in the UK while we are negotiating with the EU and whether Parliament will be fully involved in the decision on whether or when to invoke Article 50. Will the Minister tell us that it will go through Parliament and will not be a government decision alone, in the way the Government decided to withdraw from the presidency of the EU in the second half of 2017 without consulting Parliament?

Hours after the EU referendum result, Nigel Farage stated that the official Vote Leave campaign’s call to spend £350 million a week extra on the NHS with money saved from contributions to the EU was a mistake and could not be guaranteed to happen. What hypocrisy!

There are further, broader implications of leaving the EU—for example, for companies seeking to conduct clinical trials. The UK will lose influence over the European Medicines Agency. Simon Stevens, the chief executive of the NHS, wrote recently of his blueprint for the NHS to survive life after Brexit, including acting on prevention and health inequalities. He says that how NHS healthcare is provided needs a major overhaul, and that if GP services fail, the NHS fails. He even says that there is no need to “take back control”, in the words of Vote Leave, as:

“We already make the big decisions about our health system largely as we please, as do the Germans, the French and the rest”.

He says that the Government need to invest in NHS infrastructure and,

“as the largest employer in Europe, the NHS needs to do a better job training and looking after our own staff”.

He says that while the NHS is the cheapest health system in the developed world, there are still major inefficiencies to be tackled, and the time for change is now.

To conclude, here we have the three Brexiteers that the PM in her wisdom has appointed to take us out of Europe. Their motto must be, “All for one and none for all”. David Davis has said that his target is removing the UK from the EU on 1 January 2019 and pressing the button on Article 50 by 1 January 2017. I say to him, “Dream on”. The PM says, “Brexit means Brexit”. I ask her, “What does ‘Brexit’ mean?”. It is still very much up in the air. This debate is just one example of the drastic impact of Brexit.

The NHS, the heart of this country and of everyone’s lives in this country, is reliant on EU migrants to keep us alive—and we want, in the words of Vote Leave, to “take back control”? We are losing control day by day.

4.36 pm

Lord Shinkwin (Con): My Lords, I thank the noble Baroness, Lady Watkins, for giving your Lordships’ House an opportunity to consider such an important issue.

Like the noble Baroness, Lady Masham, I wonder whether noble Lords might consider looking at the issue from a slightly different perspective, that of a patient—in this case a little boy who spent much of his childhood up to the age of 10 in an NHS hospital bed. So frequent were those little boy’s fractures that more often than not he spent either Christmas or his birthday, which happened to be in June, with his broken leg in traction. Some years he even managed to celebrate both his birthday and Christmas in hospital. Often in pain, frightened and tearful, the boy found that the familiarity of the faces of the doctors and nurses on the children’s ward provided real comfort and reassurance. Today it might be called “continuity of care”, but for that little boy it meant everything. I know, because that little boy was me.

Would the statistics—the 52,000 staff currently working in NHS trusts and clinical commissioning groups who are EU nationals, or 4.95% of the total, 7,297 of them from Poland, 7,121 from Spain, 6,227 from Portugal—have meant anything to my younger self? Probably not. Now, though, such statistics and others mean much more to my older self. For example, as has been

mentioned, according to the Royal College of Nursing there are currently 23,000 EU nurses registered to work in the UK. Small wonder that the RCN argues that EU nurses make a vital contribution to the NHS and the health of the nation. What about social care? According to the King's Fund, an estimated 6% of jobs in the UK social care sector and 12% in London's are filled by EU migrants.

Taken together, all these statistics surely point to the fact that as a nation we need to give urgent consideration to how we grant these people the security that they need as soon as possible. My fear, as other noble Lords have expressed, is that otherwise we will not retain their valuable services. I was concerned to read the words of the chief executive of the Voluntary Organisations Disability Group on this issue, who says that,

"in some services around one quarter of the frontline workforce originate from the EU ... If EU staff become anxious and leave there will be an immediate impact on capability and capacity within the sector, which will compound existing workforce shortages".

The UK cannot afford for that to happen, not least because, as Simon Stevens, chief executive of NHS England, so eloquently argued in his excellent article in Tuesday's *Daily Telegraph*, to which the noble Baroness, Lady Watkins of Tavistock, already referred:

"If home care disappears and care homes close, A&Es are quickly overwhelmed".

Simon Stevens is surely absolutely right to make the further point that,

"it should be completely uncontroversial to provide early reassurance to international NHS employees about their continued welcome in this country".

I therefore draw comfort from the assurance given by my right honourable friend the Secretary of State for Health that EU nationals already working here are a welcome part of the NHS and that as a country we value them. As the editor of the *Health Service Journal* recently said, it is vital that existing or potential NHS staff with European backgrounds do not decide that the UK is no longer a place for them. Surely such a danger underlines the need for my right honourable friend the Secretary of State for Exiting the European Union to have securing an agreement on the status of EU nationals working in the NHS and social care very high up his to-do list.

I hope that the Brexit negotiations will be heavily influenced by both principle and pragmatism: the principle of staying true to the democratically expressed majority view of the UK public in the referendum, including as it relates to freedom of movement, and the pragmatism of ensuring that adherence to that principle reflects the generosity of spirit that makes Great Britain great.

In that vein, on this, the last day of term before we rise for the Summer Recess, I pay humble homage to a great British parliamentarian and a fellow charity campaigner so cruelly taken from us barely a month ago. I speak, of course, of Jo Cox. So much has happened since then to distract our attention. For me, that means only one thing: as her fellow parliamentarians, we must redouble our efforts to keep her precious memory alive through deeds as well as through words. A dedicated public servant, she would, I imagine, have celebrated the dedication of those EU nationals working as public servants in our NHS and social care sector.

What a fitting tribute to her it would be for Her Majesty's Government to make achieving progress in securing their status a top priority in the Brexit negotiations.

4.45 pm

Lord Crisp (CB): My Lords, I too congratulate my noble friend on securing this debate, on her excellent overview and on the detailed illustration of nursing that she gave us. As she said, there is trouble ahead. The NHS is very vulnerable, but so too is social care. It is too early to be clear about exactly what will happen, but it is evident that there will be both short-term impacts and some very much longer-term implications. It is about future recruitment, as well as about maintaining the current workforce. As many other noble Lords have said, there need to be strong and constant reassurances for health workers from the EU, and from other countries, from Ministers, chief executives, professional bodies and colleagues.

It is particularly sad that, as others have said, the referendum result has released suppressed racism and other anti-social attitudes among some parts of the population, and that it seems to have given permission for them to be expressed. These need to be put very firmly back into the box, but the underlying causes also need to be addressed. The Government have particular responsibility to provide clarity in this respect and not to destabilise the situation by questioning the status of immigrants now coming in from the EU. We need careful and considered public statements and policies.

I am one of the later speakers in this debate, so I shall start from a slightly unusual place by emphasising what is, I think, a potentially positive aspect of the Brexit vote. The UK currently has the most extraordinary strength in health, biomedical sciences and life sciences. Some noble Lords may know that last year the All-Party Parliamentary Group on Global Health, of which I am a co-chair, put together a very large report on this issue, looking at our strengths in four sectors that are all linked: academia, government—by which we mean the work of DfID as well as the NHS—commerce and NGOs. In all those sectors the UK is a real world leader, coming first, second or perhaps third, generally with the US beating us. We argued in that report that we should build the UK as a great health hub or centre for health—rather as we have a great financial centre—for the benefit of the world and the UK.

We have a great tradition. Over the years we have produced many great global public goods in health. I think of the work on malaria, on the genome, on neglected tropical diseases and on a whole range of areas, some of which have no immediate or direct relevance to us in this country. As a result of all that work, we have the most astonishing range of global partnerships. One sees that particularly in our academic work but also in these other areas. All that is good for UK influence and UK commerce—for the UK's status and economy.

Most obviously, Brexit provides an opportunity as the UK seeks to find a new role in the world. It gives extra emphasis and importance to this vision of an outward-focused country and of a world leader in

[LORD CRISP]

health and related sciences—influential and respected. It is good for our security and prosperity, for trading, influencing and leading, and for spreading a clear set of values. It seems to me that this is a vision that needs to be given greater energy as a result of the vote. That is very positive but there are also enormous risks, of which I shall draw attention to just four.

First, as has been said by many noble Lords, the NHS is in trouble. The Prime Minister's vision of working for those struggling and just managing applies very much here. We need to expect the NHS to be there for everyone in the country. The NHS as it stands needs to be given a much higher priority than has been the case. I too applaud the piece by Simon Stevens in the *Telegraph* and his call for some special treatment for, and indeed infrastructure investment in, the NHS in the future. The NHS needs to be part of the future of our country in the way that it has been in the past.

The second risk is to staffing, which we have talked about very largely in terms of the NHS and social care. However, it applies also to staff in our research teams—our biomedical lifeblood, if you like. Where is the immigration policy that will allow us to sustain those fantastic research and scientific partnerships around the world?

Thirdly, there is a risk that has not yet been mentioned: that we must maintain the UK commitment to the World Health Organization's code of practice for international recruitment. Many noble Lords will recall that we signed up in 2010 to this global code, following on from earlier UK and Commonwealth codes, which essentially said that we should be recruiting people only from countries where there was not a shortage of health workers and, indeed, in some cases, where the Government were keen for us to recruit people. While we have done reasonably well, others around the world have not. However, one can well imagine the pressures coming from this debate leading to us seeking to recruit in ways that are not consistent with that code of practice and perhaps taking us back to where we were before.

The fourth big risk is to research. We already know anecdotally—I suspect that many noble Lords are aware of the fact—that university researchers applying for EU grants now are being told by their EU collaborators, “Please don't bother; we don't actually need you and we certainly don't need you as the lead partner in this application”. The impact is already being felt in that very important area.

Although I might want to try to paint a vision of us as a great health leader in the world, we are vulnerable, for all the reasons that we have talked about. Not only is the NHS vulnerable, as my noble friend's debate is leading us into discussing, but so is our place in the world in this developing field. Health is the biggest industry in the world now and one of the fastest growing, at 5.2% annually.

The last comments that I made are all very negative and make it difficult to see how we can alleviate these problems. But let me finish with two points. First, what are we doing to become more self-sufficient in health staffing? What are we doing to boost training? We have been, over many years, on a rollercoaster of

increasing and reducing training—for example, of nurses, although I do not just mean of nurses. It seems to me that this needs to be given much more priority so that we can approach being self-sufficient. Secondly, the effect of Brexit and the staffing shortages we can already see starting to happen add extra impetus to the need to be innovative, in both service and staffing models.

I will deal briefly with the latter point, which is about how we deploy and use staff within the NHS and within health and social care more generally. We have heard already about nursing associates—bearing in mind my noble friend Lady Emerton's strictures, I hope I have got it right when I say nursing associates rather than associate nurses. Another example is one that my noble friend Lady Watkins and I have been working on together in the all-party parliamentary group, looking at the role of nurses. By and large, and not just in the UK but globally, nurses are undervalued and not enabled to operate to their full extent. The extraordinary fact is that we train people up to a certain level and then do not let them operate at that level. There is enormous waste in training people and not using them fully. We will be publishing some proposals about that and hope that the Government will not just listen to those proposals but think even more about how the impact of Brexit is forcing people, or can be used as an impetus, towards greater innovation.

Although I and others have many questions for the Minister, let me finish with the four that I have highlighted already, if I may—as opposed to the 10 that I had written down. First, will the Government maintain their commitment to the WHO code of practice on international recruitment and report on their performance against it? Secondly, what are they doing to develop the UK's role as a global hub and centre for health, biomedical sciences and life sciences? Thirdly, what are they doing to increase training and move towards self-sufficiency? Fourthly, what are they doing to develop the role of different groups of health workers, and particularly to enable nurses to fulfil their potential?

4.54 pm

Baroness Howarth of Breckland (CB): My Lords, when one gets to this point in the list—and it seems to happen to me quite regularly—most of the statistics have been quoted and the arguments made, but it is worth repeating quite a number of them. I will concentrate particularly on social care, rather than the health service, because that is the area of my expertise.

The Minister knows that, before we get to the Brexit question, it is quite clear that social care services—and the health service—are in crisis in relation to the demand that is being produced and the number of staff and resources there are to meet that crisis. I am not saying that that is anyone's fault, but it is a reality that the Government will have to grasp. Looking at the settlement in relation to health, I notice they are beginning to grasp it, but unless we look at the two together, which seems to be being delayed, we will not make a great deal of progress.

Because it is useful to say something different, I will start with where we are now. If we are going to face the Brexit staffing crisis, we have to be sure that we are

doing everything now to make sure that we get staff in post. One tiny example of what we seem to be incapable of doing is that we have to wait 130 days at the moment for the police to clear safeguarding checks. For those 130 days, staff are not in post in care homes or local services—and I speak from experience of this—which means that there is bed-blocking at the other end, because patients cannot be moved out of beds into appropriate facilities. That is a microcosm of a number of issues that I will not go through, but if we are not doing very well at that sort of issue, how much more difficult will it be if we find the worst scenarios in relation to Brexit?

The Skills for Care national minimum dataset for social care holds information on about 23,000 care-providing establishments and 730,000 adult social care jobs. In 2015, 82% had British nationality, 12% had non-EU nationality and Skills for Care estimates that workers with EU nationality made up 6% of the adult social care workforce—which is about 80,000 jobs, as the noble Baroness, Lady Ludford, quoted. We should hold that number in our minds very clearly. Add to that the 5% of social workers who come from the EU—about 900 in total—which is another area where there are already severe shortages. It is often these staff who are making home and residential assessments as well as being responsible for safeguarding, so that is another area where we will find difficulty.

Immediately after the Brexit vote, the National Care Forum convened a meeting of a wide range of sector leaders and providers to consider five core issues: workforce; older and disabled people and their carers; funding; costs; and development. But central to their concern was what might be called soft issues. It is essential that the leadership in organisations address the concerns of staff who are becoming extremely anxious—these are people who are employing the staff, so they have direct experience. Staff are already questioning their right to stay. On the other side of the coin, those who are receiving services fear that the services might cease because the staff will have no rights. Will the Minister give leadership and support in ensuring a really clear message about ongoing entitlements and legal rights? We know that we will not leave for two years or more, but unless we reassure people now, two years will be too late.

At this point, I want to congratulate my noble friend Lady Watkins on securing this debate. Not only that, she has made an extraordinary contribution in her first year and I have learned a great deal from her. Her sheer enthusiasm for the needs of NHS staff and how they should be acknowledged, valued and reassured is something that is very clear.

If the workforce is to be maintained, the anxiety about the right to stay must be addressed; otherwise, people will not be willing to join the sector, as was indicated by the noble Lord, Lord Crisp. In addition, the fall in the value of the pound may well make working in the UK social care sector less attractive than working in other European countries. There are a number of risks that we have not looked at. Moreover, there is a less obvious financial issue. Many residents in care homes are self-funders. The financial shocks to the stock market may have a significant impact on

their pensions and investments, and thus their ability to pay for their care. That is something which we have not really looked at and indeed have not felt the impact yet.

During the referendum debate, many voices were not heard. Much of the fear of immigration might have been more balanced had information from organisations like the National Care Forum been heard. The kind of statistics that we did not hear about were as follows. In London and the south-east, more than 10% of all jobs are filled by EU workers—and London voted remain. By contrast, only 1% of jobs in the north-east—around 1,000 in total—are filled by EU workers, yet most of the region voted to leave. The disunity in some communities has been widely reported. The Government must take their safeguarding role seriously at this time, when the elderly and disabled who are non-EU citizens become easy prey. Other noble Lords have given examples, and I have heard about a number of incidents where people have attacked the staff who are caring for them. Who, I would ask, do they think is going to care for them in the future if they are so unpleasant to those who are caring for them now? Many already complain about their eligibility for adult social care being removed or reduced for financial reasons, and if staff costs rise due to shortages, there will be an even deeper crisis.

There are also implications for legal rights, as a significant proportion of the UK's law comes from the EU, including laws covering the employment rights of the care workforce and the rules and regulations which govern how services are conducted. In theory, the UK Government could repeal some or all of those laws once the exit takes place. Can the Minister confirm that this is unlikely and that EU law will continue to exercise significant influence, recognising that disentangling the UK from its EU commitments will be a lengthy process? These include matters such as rest breaks, statutory leave, compliance with night working limits and the 48-hour working week. Again, theoretically, following Brexit, the Government could change some of the working time legislation. Does the Minister think that this is likely, in view of his party's search for better conditions, including the living wage for these staff?

In the worst-case scenario, some 55,000 health workers could face leaving the UK, but, as has been said, there are 88,000 such workers in our care services. Residential homes would cease to function and ongoing home care would be at an even higher premium. As I said earlier, discharges from hospital and community care are inextricably linked, so hospitals would be full of the elderly and disabled in entirely inappropriate care. Those who have fuelled some of the racial tension by saying that EU nationals are taking British jobs should remember that active recruitment has taken place over the years because vacancies could not be filled from the pool of existing UK citizens.

Sorry, I apologise for my cough. I did see the doctor this morning—he was a very nice Indian.

The charity Livability, which provides services for disabled people and for which I serve as a senior vice-president, currently has 50 vacancies. That is one medium-sized provider.

[BARONESS HOWARTH OF BRECKLAND]

Nor is the Australian system the answer. Basic health and social care workers often start their careers in low-paid caring jobs and gain qualifications and promotion along the way. Can the Minister say where this pool of workers will come from, and will the demographic crisis we face be matched by an even bigger crisis in care? In my view, Brexit was bad news for most of us, but it could be fatal for those in need unless we deal with the issues of confidence and employment at speed.

5.05 pm

Baroness Greengross (CB): My Lords, it is even later in the debate so I have been crossing out more and more of what I was going to say, which is probably good. I start by declaring my interests as registered, and in particular my heading up of the International Longevity Centre-UK and the fact that I am co-president of the International Longevity Centre Global Alliance.

The noble Baroness, Lady Watkins, has introduced an extremely timely debate, obviously, and she has emphasised the importance of ensuring safe staffing levels. I think that the word “safe” is very important, both in the NHS and social care sectors. For that to happen, we need NICE to produce indicators to ensure that those safe levels are guaranteed, as Francis recommended back in 2013. I very much hope that that will happen.

We obviously cannot afford to lose the 5% EU staff who are currently working in both the health and social care sectors in the UK. As the noble Baroness, Lady Howarth, said, Skills for Care calculates that the vacancy rate in the social care sector stands at 5.1%, which is significantly higher than the UK’s labour force as a whole, and up from 4.8% just last year in 2015. That sector also faces ever-increasing demand, as the number of people aged over 80, the most vulnerable group, is expected to double in size to more than 5 million people by 2037, which is not actually very far away. That number is significant.

Social care providers also find it very difficult to retain staff, as has been said. The International Longevity Centre calculates that the sector experiences a staff turnover rate of 24.3%, which is quite shocking. So the contribution of the 77,000 social care workers from other countries in Europe is absolutely invaluable. The safety and well-being of our population is undoubtedly at risk because of that.

Indeed, the ILC estimates that there are between 30,000 and 35,000 European-born social care workers across London and the south-east alone, providing a vital public service to our rapidly ageing society. Social care workers born in Europe, working in England today, are also younger on average than social workers born in the UK, with around one in three aged between 25 and 34. They represent a huge source and a huge potential, and they need to be fostered and trained to address the skills shortages across the adult social care sector.

The NHS Confederation also calculates that a total of 57,604 NHS staff in England alone—I love the precision of that number—come from other EU countries. As 19,000 of these people work in London, both 10% of London’s NHS workforce and 10% of London’s

social care workforce were born in other European countries. So it is crucial that the Government reassure the 77,000 social care workers and the 57,604 NHS staff born in other countries of Europe, working here now, that they are free to continue to care and to provide some certainty to a sector which is in a situation of crisis.

Also, in case EU citizens are ever required to meet the demands of the Migration Advisory Committee’s shortage occupation list, I urge the Minister and the Government as a whole to consider placing senior care workers in the tier 2 category and to open tier 3 for all other care workers to ensure the social care sector has the staff and skills to care for our ageing population.

Very briefly, demand for this type of care is growing as the number of older people and people with long-term conditions more broadly—with learning disabilities and mental health conditions—increases. It is estimated that at least 1.7 million more adults will require social care over the next 15 years. This could require an increase in its workforce to between 2.1 million and 3.1 million by 2025.

Some 47% of the NHS workforce is aged over 45, compared with an average of 40% for the English working population. Only 5% of the NHS workforce is under 25. Some 1.2 million people aged 65 and over are in work in England. Perhaps more should be brought into the care workforce. That is another thought: we could bring in some of those older people. I know of a very big American home care company that makes a point of employing older people because they are very good at providing that type of care.

Let us look just for a moment at what the Royal College of Surgeons has said: doctors from the EU make up about 10% of the NHS doctor workforce. We already face significant recruitment problems because 40% of advertised consultant posts remain unfilled. We know that the number of medical trainees has decreased by 2.3%, just in the last year.

In numbers, 21,000 nurses across England come from other EU countries, more than half of them work in London and the NHS has this huge shortage of nurses. We have to keep nurses on the shortage occupation list. One of the Health Select Committee’s key recommendations in its report this month is that the Government should urgently assess and set out publicly, “the additional costs to the NHS as a result of delayed transfers of care, and the wider costs ... associated with pressures on adult social care budgets more generally”.

Our ageing population presents us with huge challenges—it is good, but it is very challenging—as does the result of the referendum, which we have been talking about. These must be faced and we must overcome them if our common humanity and the values we hold dear in this country are to be safely retained. I hope the Minister will reassure us that the Government will act appropriately to avoid a tragedy that will affect the most vulnerable people in our society.

5.13 pm

Baroness Tyler of Enfield (LD): My Lords, I too thank the noble Baroness, Lady Watkins, for securing this very important debate. Indeed, I cannot think of a more pressing and urgent subject on which to finish our sitting.

As we have heard in the debate, the UK's vote to leave the EU will without doubt have major implications for health and social care, not least because it has ushered in a period of major economic and political uncertainty at a time when the health and care system faces huge operational and financial pressures, as we have debated so many times in this Chamber. The NHS faces an extremely challenging set of circumstances. Demand, particularly from our ageing population, continues to grow faster than funding, putting further pressure on an already strained service. Fundamental change in how we provide care is urgently needed if the NHS is to be successful in meeting the twin challenges of providing high-quality services while balancing the books. To do this it is vital that we have the right numbers of staff with the right skills in the right place, and ensure that they feel valued, welcome and engaged in the work that they do—hence the debate we are having this afternoon.

The EU's policy of freedom of movement coupled with mutual recognition of professional qualifications within the EU means that many health and social care professionals working in the UK come from other EU countries. I know we have already heard these figures but it is important to emphasise that these are big numbers. This is not something at the margins: it is 55,000 of the NHS's 1.3 million workforce and some 80,000 of the 1.3 million workers in adult social care.

As we have heard this afternoon, the NHS is struggling to recruit and retain permanent staff. Indeed, there was a shortfall of some 6% in 2014 between the number of staff that providers of healthcare services said they needed and the number in post, with particular gaps in nursing, midwifery and health workers. As we heard very powerfully from the noble Baroness, Lady Howarth, similar problems exist in the social care sector. I will not repeat those numbers but I am particularly worried about the very high vacancy and turnover rates in domiciliary care services, which provide care to some of the most vulnerable people—the elderly and the disabled—in their homes. Given the current shortfalls in both health and social care that we have heard about, surely the Government must urgently clarify their intentions on the ability of EU nationals to work in health and social care roles in the UK, not least to avoid EU staff in the NHS deciding to leave to work in other countries where they may feel that they are made more welcome.

Initially in the days after the referendum, it sometimes felt as if all EU nationals were being used as pawns in a negotiating game, and that was quite wrong. Since then, we have heard slightly more reassuring statements from Bruce Keogh, NHS England's medical director, and Jeremy Hunt, the Secretary of State, who has sought to assure European staff working in the health service. We have also heard Simon Stevens call for more assurances, which are needed, and that is the right thing to do. However, we need to go a lot further. Providers of NHS and social care services must be able to retain the ability to recruit staff from the EU when there are not enough resident workers to fill vacancies. As others have suggested, this could be done by adding specific occupations to the Migration Advisory Committee's shortage occupation list, which

currently enables employers to recruit nurses and midwives from outside the European Economic Area. What steps will the Government take on this front?

I want to say a brief word about nursing staff. I am very conscious that I do not have anything like the expertise that we are so lucky to have in this Chamber in the noble Baroness, Lady Watkins, and, of course, the noble Baroness, Lady Emerton. However, I acknowledge the huge contribution that EU nurses make to the vital work of the NHS and, indeed, the health of the nation. Currently, some 33,000 EU nurses are registered to work in the UK. There has been a very large rise in this number since 2010. These numbers show that the UK has an ever-increasing reliance on nurses from the EU, who plug serious gaps in the nursing workforce. This is due to government cuts since 2010 to nurse education commissioning in the UK, which has drastically reduced the supply of nurses coming into the system. There will be serious consequences for patient care if EU health professionals are forced to leave the country or, indeed, are made to feel unwelcome and so decide to leave.

It is often the personal anecdote that brings this situation home. Yesterday, I had a very long day—about 15 hours—with my mother in a central London hospital. She is very elderly and frail and she needed an operation. But during that long day all her other complicated care needs had to be dealt with. The nurses in the hospital clearly came from all over the world. I cannot thank them enough for the care they gave my mother during that long and difficult day. It is absolutely clear to me that the NHS simply would not be able to function without staff from other countries; we just have not invested enough to grow our own. It takes four years to commission extra places and train nurses; it is not something that you can do overnight.

Where does all this leave us? I have to be honest and say that it leaves me feeling quite gloomy. I recently read a very good article in the *Guardian*, written by Richard Vize. He said that:

“The most insidious effect of the current anti-European climate will be to discourage EU talent from working in our health and care system”.

He went to say—and I think that this is the critical point—

“It is not just a question of the rules about who can work here, but the perception. With social and mainstream media in Europe already reporting incidents of racial abuse and a more general anti-immigrant feeling, and uncertainty about the future legal position of living and working in the UK, talented people from other EU nations have good reason to consider alternatives. There is a chronic global shortage of clinical staff, so the UK is part of a worldwide marketplace for talent. We have just made it more difficult to attract the best”.

It gives me no pleasure to say so but, frankly, I could not agree more.

I usually like to end on a fairly upbeat or positive note, as I know the noble Lord, Lord Crisp, does. He managed to do so extremely well, as always, but on this occasion I have failed. I end by raising an issue that the noble Lord, Lord Bilimoria, also mentioned. It is about that lie—that most flagrant and disgraceful lie—of the leave campaign. I have to say that there was very stiff competition for that particular accolade, but it is the lie where we were told that £350 million extra

[BARONESS TYLER OF ENFIELD]

per week would be available for the NHS—it was plastered all over the campaign buses. Then of course it was retracted, even before the ink was dry on the results. But the public, quite understandably, now have an expectation that NHS spending will rise after the UK leaves the EU. I have never been very good at maths but I just made a little calculation. It is four weeks now—to the day, I think—since the referendum, so my calculation tells me that, four weeks on, £1.4 billion is now owed to the NHS. Can the Minister tell us whether that money has yet been received and, if not, how quickly he expects that money to be in the Department of Health coffers?

5.22 pm

Lord Hunt of Kings Heath (Lab): My Lords, we all look forward to hearing the answer of the noble Lord, Lord Prior, to that question. I, too, thank the noble Baroness, Lady Watkins, for an excellent speech and introduction to this crucial debate. The noble Lord, Lord Shinkwin, also made a very moving speech and it was very good to hear his contribution.

There is obviously a lot of concern about the impact of Brexit on NHS staffing but we have a crisis today. We cannot fill posts. The Department of Health has, in my view, tried to deal with the issue of agency costs but it has not gone upstream to deal with the real issue, which is that we are not actually training enough doctors, nurses, care workers and other staff and we are certainly not retaining them. The antics of the current Secretary of State in relation to the junior doctors, and the impact that this has had on the medical profession, threatens to ensure that we have even fewer staff in the future. It is also becoming clearly apparent from the posturing of the various regulatory agencies and NHS England that the emphasis on safety and staffing since the Francis inquiry has gone and that the pressure on the NHS is on money. We have a double whammy of a shortage of staffing and pressure, undoubtedly from the centre, for staffing ratios to be reduced, not increased.

The noble Baroness, Lady Tyler, is right; clearly this £350 million is a fantasy—but the Government's approach to NHS funding is a fantasy. They were exposed yesterday by the Health Select Committee. They claimed £8 billion but then it went up to £10 billion because they added an extra year. As the Health Select Committee has shown, over half of that has been retained by the department because it nicked other budget heads. The actual money is pathetic. It is a less than 1% real-terms increase. The health service has never had such a parsimonious amount over such a long time. The regulators and NHS England have this fantasy that somehow the NHS can provide better services on less money. We are facing a crisis. The care sector, as the noble Baronesses, Lady Howarth and Lady Tyler, said, is even worse. The Brexit decision comes on top of a very serious situation for our health and care system.

Before I come on to Brexit, in relation to the point made by the noble Baroness, Lady Emerton, about nursing associates, it would be helpful if Health Education England agreed to come and speak to noble Lords on this issue. I am worried that it is making a decision

that properly ought to be made by Parliament in creating essentially a second-tier professional nursing grade. It may be right, it may be wrong, but it should not do it itself. This needs to be shared through a parliamentary process.

I also very much agree with the noble Baroness, Lady Watkins, that the Department of Health needs a lot of advice from professional advisory people. The decision to do away with the nursing, midwifery and allied health professions policy unit has been a very big mistake and I hope it will now be put into reverse.

The noble Lord, Lord Bilimoria, asked the Minister a series of questions which, again, we look forward to hearing the answers to. The question I want to ask is: what preparation did his department make for the result being in favour of Brexit? I suspect the answer is none. This morning the Foreign Affairs Select Committee of the other place said:

“The previous Government's considered view not to instruct key Departments including the FCO to plan for the possibility that the electorate would vote to leave the EU amounted to gross negligence”.

Anyone who has read the Chilcot report, or the summary, will know that one of its key points was that the then Government refused to let the military plan for the intervention, and the consequences were very serious indeed. When we had the Statement on Chilcot, we were told that the lessons were going to be learned, but this Government went through exactly the same process. On the day after the referendum it was clear that neither the people leading the leave campaign nor the Government had a clue what to do. In fact, were it not for the much-maligned Governor of the Bank of England, I hate to think what would have happened on that day.

My main question for the Minister is: what work is now being undertaken by the department? Obviously, the fundamental issue is the trade-off between free movement of labour and open access to the EU market, as well as the need to protect workers' rights. But what about the important issues in relation to health? Is the department now going through a process of working through the issues where we need to reach a decision? What needs to be negotiated and what will be the advantages of coming out of EU legislation? Will the department be consulting with the public and with Parliament on that matter?

Other issues go more widely than staffing. The noble Lord, Lord Crisp, raised the question of our participation in EU-wide research projects. Is an emergency task force being established to try to get this right so it is accepted that British universities should be part of collaboration in the future, or are we going to go into a three- or four-year downturn in research, which would devastate our universities?

The second is the life sciences sector, which is a huge asset to this country. What are we doing to ensure that that sector will be able to contribute to our economy and that the innovation it introduces will be enhanced in the future? The failure of the NHS to invest in innovation is one of the most depressing sights that I have seen in the last few years. If we are to enhance the life sciences and pharmaceutical sectors—I am proud of the research-based pharmaceutical sector and I applaud people who work in it; they have

contributed a huge amount to this country—we have no chance of retaining R&D in the pharmaceutical sector unless the NHS starts to adopt innovative new medicines. The problem is that a huge amount of rationing is taking place. My concern is that the pharmaceutical industry, and the life sciences sector as a whole, will conclude that the combination of Brexit and the failure of the NHS to invest will lead to a deinvestment. We have to try to sort this through in the next few months.

My final point before I come on to staffing is on the position of the MHRA and clinical trials. I founded the MHRA, in the sense of naming it from its old form, and I am very proud of its work. But its situation is at huge risk unless we can reach an agreement that the relationship it has with the European agency will continue in future. Will that be the Government's intention? Clinical trials is another area, however.

As far as staffing is concerned, I do not have time to raise many issues but, first, the big ask is for a commitment that staff from other EU countries who work in the NHS and social care will be afforded indefinite leave to remain in the UK. Secondly, will the NHS be instructed to take action against members of the public who abuse staff in the way that we have heard about? We need action; it is no good just tut-tutting. I would like to see whether it is possible to prosecute people. I suspect that it is in certain cases but we have to be very tough on patients. If they expect to be treated in our hospitals, then we can expect our staff to be entitled to respect from them.

The GMC produced a very interesting and detailed note on the impact on the medical profession. Will the Minister assure me that the Government are in discussions with the GMC and the other bodies that are concerned about staffing levels?

Finally, there is a big question. Because the Government have decided that immigration controls are more important than anything else, should we lose a lot of mutual recognition and full access to the free market then one implication is that we will have to train—and retain—more of our own health service staff in future. Is the Minister's department working on a strategy to do that?

5.33 pm

The Parliamentary Under-Secretary of State, Department of Health (Lord Prior of Brampton) (Con): My Lords, this has been a very helpful debate for me. It has been interesting and insightful, and provocative at times, and has also brought to my attention issues that I had not taken on board before.

I thank the noble Baroness, Lady Watkins, for tabling this debate. It has come earlier than I might have liked, because I have not had a chance to think about all the issues raised, but that is no bad thing. Maybe we should have a similar debate in three or four months' time, once the Government have had more of a chance to react to the Brexit decision. I also thank the noble Baronesses, Lady Watkins and Lady Emerton, for all the work that they do to promote the great cause of British nursing. It is a very important issue and I think that the work they do is appreciated by everyone in the House.

I will make a couple of introductory comments. First, I will just put something on record, which I think everyone in the House will agree with, to recognise the fantastic job that is done by EU nationals and nationals from around the world. The NHS could not survive in its current form without the extraordinary contributions that they make. The second thing is to agree with the words of the noble Lord, Lord Hunt, and other noble Lords in condemning any racist or hate behaviour. It is totally unacceptable, and people who do it should be exposed to the full force of the law. I also say to my noble friend Lord Shinkwin how moved I was by his personal story, which brings home to everyone that nursing and medicine is a noble profession.

There has been a lot of doom and gloom—there have been points in this debate when I felt like slitting my wrists, to be honest with your Lordships. There is of course a lot of uncertainty at the moment, which is a worry to many people, but we should just remind ourselves, as the noble Lord, Lord Crisp, mentioned, that we have some of the finest medical research and life sciences research in the world and punch well above our weight. Just in London, we have UCL, Imperial and King's. We have Oxford, Cambridge and Manchester—we have some extraordinary research going on. We have some of the finest medical education, and some of the oldest and best medical schools in the world in England, Scotland and Northern Ireland. Many people still regard the NHS as having some of the best standards in the world. The comprehensive nature of our offering to people is still hugely admired around the world. We have some of the most efficient hospitals and the best primary care in the world. Of course there are some serious risks and issues, but let us not forget the extraordinary institution that the NHS is.

I turn to the Motion before us. Healthcare employment is a hugely dynamic area. We are focused today on the implications of Brexit, but the pressures and dynamics that come into play with our healthcare workforce are huge. For example, there is the changing role of technology and the growth of self-care enabled by telemedicine and other apps that we now have. There are demographic changes and the new models of care that are being developed. There is the impact of pay policy, for example the cap on the public sector. There is the huge underlying impact of our economy. There is the need to move more care out of acute or hospital settings. These are all having a big impact on workforce planning.

Brexit is one factor—it is an important factor but by no means the only one. It has a huge impact in two respects. First, in that it has an impact on our economy, it will have a huge impact on how we provide healthcare in this country. Any tax-funded system such as the NHS is going to be hugely impacted by the size of our overall economy, but there is not much point in debating that today—you can argue whether there will be a short-term or long-term impact from Brexit, or whether it is going to be positive in the long run, but these are all issues that will have to be decided in the future. The big impact will be on workforce mobility. For all kinds of historical and current reasons, we have a very high number of people from other countries working in our system, which I will turn to later.

[LORD PRIOR OF BRAMPTON]

I will start with safe staffing, which was referred to by a number of noble Lords and is a key part of the Motion before us. Responsibility for safe staffing rests with hospital boards: there should not be any one-size-fits-all staffing level. Trusts should have arrangements in place to ensure they have the right numbers and skill mix of staff needed to deliver quality care, patient safety and efficiency, taking into account factors such as acuity and case mix, ward layout and the like.

On 6 July, the National Quality Board published refreshed guidance on safe staffing. It has been drafted with members of the board, which includes NICE and the CQC, and has been independently reviewed and approved by Sir Robert Francis. It is worth noting that when Robert Francis wrote his report on Mid Staffs—I am probably one of the few Members here who have read the entirety of that report—he specifically did not recommend fixed staffing levels. He was very clear about that.

The guidance reminds the NHS that in making decisions about safe staffing, trusts should focus on outcomes rather than inputs and make use of a range of resources and metrics, including the care hours per patient day metric, to measure and deploy staffing resources most effectively. I will quote just a short part of the report because it is important, and because it stresses professional judgment. It states:

“Professional judgement and knowledge are used to inform the skill mix of staff. They are also used at all levels to inform real-time decisions about staffing taken to reflect changes in case mix, acuity/dependency and activity”.

That is important. You cannot rely on just formulae and algorithms—this is true throughout medical care—you have also to rely on professional judgment. When a new patient comes into a ward who may be likely to fall or who suffers from psychosis of one kind or another, you will have to change your staffing mix. There is a danger in laying down staffing ratios: everyone then works to the minimum, gaming starts and you start counting certain people in the mix but not others. The importance of the new advice is that we must rely on the professional judgment of ward sisters and the like.

I turn to the impact of Brexit. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership continue to apply. The working time directive and directives on speaking English, to which the noble Viscount, Lord Bridgeman, and others referred, still apply. But when we leave the European Union, depending on the outcome of the negotiations, it will be for us to decide whether we want to keep the working time directive, for example, and whether or not we want to change it to make it more in line with the recommendations of the Royal College of Surgeons. That decision will be ours to take at the time.

The Government’s position is clear. We agree with Simon Stevens that it should not be controversial to provide early reassurance to NHS employees from the EU that they continue to be welcome in this country. This is something we have done already. The Prime Minister has been clear that she wants to secure the status of UK nationals abroad as well as EU nationals already living here. Indeed, in his final PMQs, the previous Prime Minister also made that absolutely clear.

We are about to begin these negotiations and it would be wrong to set out unilateral positions in advance, but be in no doubt: we recognise that all NHS staff from overseas make a huge contribution to our country. We have had lots of figures today and I think you are all sick of them, but currently, there are estimated to be 53,000 workers from EU member states in the NHS and 80,000 in the social care system. The proportion of overseas and EU staff is much higher in some parts of the country, especially London. Great Ormond Street was mentioned as an example. There are some London hospitals, in particular, where there is a very high proportion of EU staff.

It is very important that the staff are not unnecessarily concerned about their future. A message of reassurance to all NHS staff has already been sent by Bruce Keogh and Jeremy Hunt emphasising the vital role played by EU nationals working in our health and social care system. This is as true for non-clinical staff and those working in social care as it is for the 10% of NHS doctors and 4% of nurses who are from the EU. It will be a key priority in our negotiations to seek to ensure that those dedicated staff are able to continue making their outstanding contribution.

We are top of the OECD table in the number of people working in our health and social care system who come from overseas. In part, this is a legacy of empire and the English language and, now, because of our membership of the EU. One in three doctors and one in eight nurses were trained overseas. In a sense, for an employer it is a quick fix to employ a lot of people from overseas; it saves us the cost of training and you can get them straightaway. But I just do not think that it can be desirable that we should depend to that extent on people trained overseas. It did not just apply to those from low-income countries. The noble Lord, Lord Crisp, talked about the WHO commitment that we made to reduce our dependence on those people; it is outrageous to bring people in from low-income countries. It may be different in some parts of the world where they produce deliberately more than they need—in the Philippines, for example. But as a general rule, to import doctors and nurses from low-income countries is ethically completely wrong.

It is a risk that with Brexit we will, in the short term at least, find that there are fewer people from the EU whom we can recruit, but this is a huge opportunity to train our own people—to train more people in this country to be doctors and nurses. This is one of the great humanitarian professions. In 2002, 50% of all new nursing posts were made up from people coming from overseas. It peaked at 50% in 2002 and came progressively down to about 10% in 2008, but since the Mid Staffs report it has climbed again to a point where it is 30%. It strikes me that that is too high, and that we must do more to increase the supply of nurses and doctors, and to retain them, ourselves.

So what have we done to boost the supply of domestically trained staff? We have already increased the number of key professional groups being trained. For example, the number of nurse training places being commissioned each year has increased by 15% since 2013, and we are committed to ensuring 5,000 more doctors working in general practice by 2020. The reforms

to the funding of training for nurses and allied health professionals will further boost supply by removing restrictions on the number of training places and will result in 10,000 more nurses being able to enter the workforce by 2020. Health Education England estimates that in total 40,000 more nurses will be available by 2020. I accept that, as the noble Baroness, Lady Watkins, said, there is a risk that removing the bursaries and going to a loans system might deter some nurses—but all the evidence suggests that that is not the case and that, on the contrary, many thousands of young men and women, as well as older men and women, who wish to become nurses, are unable to be trained because of the cap on nursing because of the bursary system. So there is strong evidence to suggest that moving to loans will increase the availability of nurses and AHPs.

Following the Carter review, we are also looking to increase the efficiency with which we use our existing staff and improve productivity, by changing skill mix through the introduction of new roles. This will ensure that highly trained professional staff are properly supported and able to use their skills to do things only they can do. We have talked about the new nursing associate role, and I am very happy to meet the noble Baronesses, Lady Watkins and Lady Emerton, with Health Education England, to discuss that role in more detail, if they would like to do so—perhaps after the summer. If they would like to have a meeting with HEE, I am very happy to arrange that. We are also introducing the role of physician associate, which is a postgraduate qualification; following an undergraduate degree in science, say, there are 90 weeks of training to become a physician associate. That, again, will improve our skill mix.

The Government's expanded apprenticeship programme will help NHS employers to recruit staff and reduce reliance on expensive agencies. Through the programme, the NHS is developing a clear progression route for healthcare support workers to become qualified healthcare professionals. This will allow trusts to develop their healthcare support workforce and provide individuals an opportunity to earn and learn. We are investing in new technology across the health and social care system to improve productivity for our staff. I give one example only, because time is running out. Most trusts now have new rostering systems, which enables us to ensure that the workforce is spread more evenly across the day, so that we do not have peaks and troughs when in some parts of the day we are understaffed and in others we are overstaffed. There is a lot we can do to improve the productivity of the workforce we already have.

I should turn to social care because it is a hugely important area. We have so often done a disservice to social care. People who work in social care do incredibly important jobs. I am sure other noble Lords have visited nursing homes, care homes and care homes for dementia. People who work in those jobs, often on minimum wage, do an extraordinary job. Somehow working in nursing homes and residential homes does not have the status that it ought to have. It is a vital service for many older and disabled people and provides support to the most vulnerable people in our society. The latest figures estimate that people with EU nationality make up 6% of the 1.3 million adult social care

workforce, which is about 80,000 jobs. EU workers are highly represented in regulated professions in this sector—nurses, OTs and social workers—and account for around 9% of those jobs.

Social care is a sector of opportunity with vacancies for the right people. We have to change the status of people who work in social care so that we can attract more people from this country into that profession. What are we doing? The Cavendish review brought in the care certificate, so we are trying to improve the training of people in this area. We are trying to integrate social care much more with healthcare. The Airedale care home vanguard programme is a good example of that. The national living wage is important in rewarding people who work in this important sector, who are often on very low earnings.

I want to conclude more generally. The noble Baroness, Lady Greengross, said that the turnover rate in social care was 24.3%, which is a huge figure. If we do not treat people properly, get them engaged in what they are doing and trust them, we will have high levels of disengagement, absenteeism, sickness and staff turnover. I do not know so much about social care, but I do not think that in the NHS we do a great job in engaging our workforce although of course some hospitals are exceptions to that. For example, the workforce race equality standard shows very high levels of bullying of people from BME backgrounds. Actually, there are very high levels of bullying of people from all backgrounds in the NHS. This is not because I am pro-private sector or anti-public sector or anything like that, but some of our best private sector companies treat their workforce with a far higher degree of trust and dignity and give them much more support and more training opportunities than we sometimes do in the NHS. In terms of retaining the staff we have, having trained them, there is a great deal that we can do. We can do that job much better.

My time is running out so, as summer beckons, we should retire, perhaps with a glass of Cobra Beer, and enjoy it.

5.53 pm

Baroness Watkins of Tavistock: I thank the Minister for his response and his recognition that some of these issues need to be returned to in future as a strategy develops in relation to the Brexit discussions. This country has always worked with staff from across the world, as I was reminded this morning when I went to the Nightingale Museum and saw the wonderful new Mary Seacole memorial. She was a Jamaican nurse who worked with Florence Nightingale. We must not take as long as we have taken to recognise her to reassure EU staff working with us, otherwise they will leave very quickly and, more importantly, new people will not come from the EU to work with us because of the uncertainty.

I recognise the need to negotiate about UK nationals who live in other EU countries. However, a swift assurance to all EU health and care workers in the UK would serve to reassure not only them but the vast majority of EU nationals who actually live in the four countries of Great Britain. I therefore urge that we do not take too long to reassure everyone about the need

[BARONESS WATKINS OF TAVISTOCK]
to continue to have this mixed workforce, to get a proper continuing strategy for health and education in future, and to ensure that we not only train new nurses and doctors but give them continued professional development so that they want to stay in this country and become a core part of our retained senior workforce.

Motion agreed.

Warm Home Discount (Miscellaneous Amendments) Regulations 2016

Motion to Approve

5.55 pm

Moved by Baroness Neville-Rolfe

That the draft Regulations laid before the House on 4 July be approved.

Relevant document: 6th Report from the Secondary Legislation Scrutiny Committee

The Minister of State, Department for Business, Energy and Industrial Strategy (Baroness Neville-Rolfe) (Con): My Lords, I am pleased to open the debate on the regulations, in my first week in this post. In her first speech, the new Prime Minister recognised the hardships faced by poor households in Britain, families who,

“can just about manage but worry about the costs of living”.

As part of that, this Government are committed to tackling the problem of fuel poverty, and that is why I am moving this Motion today.

Before going into the detail of the changes proposed in the regulations, I shall respond to the amendment tabled yesterday by the noble Baroness, Lady Jones of Whitchurch. This has been a highly unusual period for both Government and Parliament and, yes, it means that getting these regulations before the House has taken longer than we would have liked. However, if we approve the regulations today then we expect payments to the core group of recipients to begin in mid-October, with 1.2 million rebates reaching customers this winter before the end of January, during the coldest period. This represents over half the intended recipients. We expect the remaining 800,000 recipients to receive their rebates by the end of February, although some may receive them as early as the autumn. I recognise that this is a little later than in previous years but, if we do not pass the regulations today and instead wait until after the Recess, we estimate that payments will begin in mid-December and not finish until March.

I turn to the regulations. I shall give some background on fuel poverty and the warm home discount scheme to put them in context. The warm home discount is one of a range of policies to address the factors contributing to fuel poverty. It is a bill rebate, or discount, of £140 from energy suppliers directly to customers. Other policies, such as the energy company obligation, are focused instead on providing energy efficiency measures. However, this rebate reaches over 2 million households each year, giving them immediate support to heat their homes when they need it most.

The warm home discount scheme is currently made up of three parts. First, there are eligible pensioners, described in the regulations as the “core group customers”, who automatically receive a bill rebate of £140 from their supplier. Secondly, there are other low-income and vulnerable customers, such as low-income families and those with long-term disabilities, who are described as “broader group customers”. These customers can apply for rebates through their supplier. The amount is the same, £140. Thirdly, there is the industry initiatives element of the scheme, whereby suppliers provide a range of support measures that include debt assistance, benefit entitlement checks and energy advice to domestic customers in or at risk of fuel poverty.

Over the next five years, we want to simplify the way the scheme is delivered, targeting it more accurately at those households which need it most. To enable this we are reliant on new primary legislation. Data-sharing powers in the Digital Economy Bill, if implemented, could see more of the warm home discount provided automatically. This will reduce the administrative costs for suppliers to participate in the scheme and, importantly, will allow us to provide more accurate targeting. Because we are reliant on this new primary legislation, to implement these changes we propose that these regulations cover two winters—until 2017-18. If we secure the powers, we will consult on our proposals, giving noble Lords another opportunity to comment.

For these amending regulations, the Government consulted on their proposed extension of the scheme in April, proposing some relatively small changes to improve effectiveness and make the regulations simpler and more accessible. Respondents to the consultation were supportive of extending the scheme, and the government response was published at the end of June.

There are four main changes to the warm home discount scheme. The first is that local authorities or charities will be able to submit proposals under the industry initiatives element of the scheme; for example, schemes that offer support to people with specific health conditions linked to living in a cold home. The second proposed change is to place a limit on the total amount that suppliers are able to spend on debt write-off. While we understand the help that debt write-off can provide—suppliers would still be able to use half of this allocation for write-off—we would like to encourage greater diversity of approaches. Thirdly, we are providing the option to pay the rebate on the gas bill rather than the electricity bill, if requested by the customer, and finally, we will require energy suppliers to report exactly how many pre-payment meter vouchers have been redeemed, encouraging them to maximise take-up among the poorest customers. I commend the regulations to the House.

Amendment to the Motion

Moved by Baroness Jones of Whitchurch

At end insert “but that this House regrets that two million low-income and vulnerable households will have substantial delays to their rebates for most of the winter, despite government promises to have the rebate in place by 1 December 2016; and agrees

with the assessment in the Secondary Legislation Scrutiny Committee's 6th Report that "the unattainability of this objective [that rebates should reach customers before the winter period] would appear to result from the tardiness in securing cross-Government agreement".

Baroness Jones of Whitchurch (Lab): My Lords, first, I welcome the Minister to this addition to her brief—that is the best way of putting it—and look forward to debating energy issues with her in the months to come. I thank her for introducing the regulations this afternoon.

The Minister will of course know that it was the last Labour Government who initially took steps to convert the earlier voluntary scheme into a compulsory scheme back in 2009, so of course it is natural to expect that we welcome the proposed extension of the scheme. No one should struggle to heat their homes over winter, and the continuing scandal of fuel poverty and excess winter deaths shows how vital this policy has become. However, we have major concerns about the delay in tabling these regulations, which have now been echoed by the Secondary Legislation Scrutiny Committee, which concluded that the delays will make the policy intent unobtainable this winter. That is the reason I am moving the amendment this afternoon. I will therefore ask the Minister about the timing of these extended regulations, as it appears increasingly unlikely that the policy objective of reaching customers before the winter months will be achieved.

The policy was announced by the Chancellor in November 2015, but by all accounts—the Minister confirmed this—there was a delay of five months while cross-departmental wrangling was resolved. However, I do not accept what the Minister said—that this can be written off as an unusual period. After the four-week consultation ended, it took another two months for the regulations to be laid before Parliament, and now here we are on the last day, rushing them through.

The result of this delay is that the rebates will begin to apply only in December, with some not being received until January or February next year, which is well after the cold winter weather will have set in. A number of respondents to the consultation raised particular concerns about customers on prepaid meters, who have to pay up front, often on the most expensive tariffs, and who will not receive the payments in time to make a difference to their fuel poverty. Does the noble Baroness agree that this delay is unacceptable? What steps is she taking to address the problem through departmental co-operation so that these events do not happen again? What dialogue is taking place with the suppliers to introduce the rebates in the speediest possible way, given that this delay has occurred?

Secondly, there remains a problem with targeting the payments effectively. The then Secretary of State acknowledged earlier this year that only 15% of households in receipt of rebates have both low incomes and high energy costs—that is, they are in fuel poverty. Meanwhile, in 2014 over 10% of households were classified as being in fuel poverty, and the number is rising. There is an urgent need to target the payments more effectively to those most in need. Therefore, can

the Minister clarify how the proposed data sharing will improve targeting to the most vulnerable customers, many of whom are unaware of their entitlements to these payments?

Finally, how do the Government intend to address the criticisms of the CMA and others that energy companies continue to overcharge their customers? This is compounded by the difficulties that suppliers put in place for customers seeking to switch. Indeed, a recent *Sunday Times* consumer advice article recommended that people did not even try to switch suppliers until the Government had made the process easier. For that reason, I am moving the amendment and I look forward to the Minister's response.

Baroness Miller of Chilthorne Domer (LD): My Lords, I am very grateful to the noble Baroness, Lady Jones of Whitchurch, for bringing several aspects of these regulations to our attention—not least the comments from the Secondary Legislation Scrutiny Committee.

Of course, as the Minister said, the Prime Minister, in one of her first speeches, made many comments on social justice, but I fear that these regulations were written before she made that speech and perhaps there has not been a chance to assimilate the new spirit that she wants to introduce. As I understand it—perhaps the Minister will correct me if I am wrong—the regulations contain several things that are less than desirable, one of which is that they cover only the next two years, whereas in last year's spending review there was a guarantee that the scheme would carry on until 2021.

On the larger picture, it is very depressing that the long-term strategy of reducing bills through energy efficiency—particularly measures that came in under the coalition Government, such as the zero-carbon homes measure—have been put on hold and we have seen this Government back-track, not least in the recent Housing and Planning Bill. Therefore, we have a big problem. The fact that people are in severe fuel poverty and are unable to heat their homes during the winter is, as has been said many times in this Chamber, one of the biggest disgraces for a civilised society.

The funding for the years after 2018 will be based on the number of customers who have benefited from rebates. What do the Government intend to do to promote the scheme to people who can benefit from it, making sure that they do not miss out?

Finally, the Explanatory Memorandum says that the Secretary of State can conduct a review if it is thought desirable. Perhaps the Minister can say a little more about under what circumstances it will be desirable. She mentioned that there would be another opportunity for noble Lords to comment, but we feel very strongly that this review needs to happen so that we are quite clear about the effect of the regulations and so that we have another chance to push for something better.

Lord Berkeley of Knighton (CB): My Lords, any of us who have witnessed genuine fuel poverty—disabled pensioners, for example, saving pennies to try to keep warm—will not fail to have been deeply moved. Therefore, in the light of what we have heard, will the Minister tell us whether it might be possible to make sure that this coming winter we are able to assist those people by bringing forward the Government's plans?

Baroness Neville-Rolfe: My Lords, I thank the noble Baroness, Lady Jones of Whitchurch. As she says, there is some agreement across the House on the importance of tackling fuel poverty. Like her, I look forward to further debates on this issue in the months, and even years, ahead.

As I have stated, these regulations were prepared in difficult circumstances. I very much regret that they have come before this House so late. Although some households will receive their rebates later than in previous years, the majority will reach customers during the coldest months of the year. As I stated in my opening remarks, payments will start in mid-October and not in December, as I think the noble Baroness, Lady Jones, feared.

To respond to another of her points, we are in touch with suppliers and have put in place steps to ensure that they can begin to credit customers' accounts by mid-October, helping those customers to keep warmer. We will also closely monitor delivery during the scheme, especially given the delay. However, I say to the noble Lord, Lord Berkeley, that I cannot perform a miracle. I can reassure him that I have tried to be completely transparent about what the new timetable is as a result of the delay, which I think we all regret.

I hope that the unusual circumstances of this year will not be repeated next time round. As the new Minister, I take note of what has been said about the importance of avoiding delays in the future and the wish of noble Lords to be able to engage.

As it happens, the Digital Economy Bill, which has been introduced in the other place, will provide the powers to be able to combine data on benefits and the housing stock, helping us to identify more households in fuel poverty. The Government accept that the targeting of this scheme could be improved and, therefore, we are seeking to take steps to improve it. The new powers will provide the Government with the opportunity they need, and also opportunity for debate. We will, of course, be consulting, as we try to do on these sorts of schemes, on the way that we will go about using the new information-sharing powers that we hope to obtain.

The noble Baroness, Lady Miller of Chilthorne Domer, rightly pointed out, and I can confirm, that we have committed to extending the warm home discount to 2020-21. That discount continues to help a large number of poorer households with their energy costs, right across the country, at a time when they are most in need. We will work with stakeholders to deliver these changes efficiently and will continue to provide help where and when it is needed in the most effective way. This obviously complements other proposals that either exist or are being consulted on, such as the energy company obligation and improvements to homes in the private rented sector, which have some of the worst energy efficiency ratings.

The noble Baroness also mentioned measures stemming from the CMA report, which is one thing that I plan

to read this weekend. If I have anything further to say, I will certainly come back to her. I look forward to learning from her in this new brief.

I hope that noble Lords will agree that these regulations are important and forgive us for the delay. I hope that the noble Baroness will feel able to withdraw her amendment.

Baroness Jones of Whitchurch: My Lords, I am grateful to the Minister for the regret that she expressed about the timetable and the late registration of the regulations before the House. Obviously, that goes some way to addressing our concerns.

We could argue about the five months. I do not think that the unusual circumstances—or however we want to describe them—go back to November of last year. Still at the heart of this issue is a fundamental problem about cross-departmental working and cross-departmental policy discussion, which seemingly remains unresolved. We were looking for the opportunity to hear from the noble Baroness that the Government understand that, are taking it seriously and are addressing it.

Baroness Neville-Rolfe: I did say that I take the point about interdepartmental co-operation. It was quite an unusual period in the run-up to the referendum lasting several months: it felt like that to me. However, I am a newcomer to this subject and all I can do is to learn going forward. Cross-departmental agreement in these sorts of areas, particularly between DWP, the Treasury and others is obviously extremely important.

Baroness Jones of Whitchurch: I thank the Minister for that intervention. I have one other point. The timetable that is set out assumes that the data matching will go to plan—the timetable with the DWP is 10 weeks. A lot of those IT projects tend to have optimistic timetables in my experience, so we are relying on that data-matching being done within 10 weeks. Otherwise, there will be a further delay which everyone would find very regrettable. There is clearly more work to be done on targeting and how we can get the rebates and the payments to those in greatest need. I understand that this cannot necessarily be resolved within this particular set of regulations, but there is more room for dialogue on that issue in the months to come.

Having heard what the Minister has to say, I will not detain the House any longer. I do not intend at this stage to press this amendment to a vote. It is the Lord Speaker's last day in post barring disasters over the summer, so it is only fair to give her a gentle ending to her distinguished service. On that basis, I beg leave to withdraw the amendment.

Amendment withdrawn.

Motion agreed.

House adjourned at 6.18 pm.