

Vol. 801
No. 17



Wednesday
29 January 2020

PARLIAMENTARY DEBATES
(HANSARD)

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
Lab Co-op	Labour and Co-operative Party
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

Wednesday 29 January 2020

3 pm

Prayers—read by the Lord Bishop of Gloucester.

Oaths and Affirmations

3.05 pm

Lord Woolmer of Leeds made the solemn affirmation, and signed an undertaking to abide by the Code of Conduct.

Constitution, Democracy and Rights Commission

Question

3.06 pm

Asked by Lord Lisvane

To ask Her Majesty's Government when they expect the Constitution, Democracy and Rights Commission to be established.

Earl Howe (Con): My Lords, the Conservative manifesto committed to reviewing the relationship between the Government, Parliament and the courts in a constitution, democracy and rights commission. We will set up the commission within this Government's first year. Further announcements will be made in due course.

Lord Lisvane (CB): My Lords, I know that I speak for the whole House in wishing the noble Earl many happy returns for his birthday. On a similarly positive note, I hope that he will be able to give us assurances about the authority and independence of the commission, to be demonstrated by its membership, and, above all, an assurance that the commission will not have its card marked by the Government.

Earl Howe: My Lords, I am grateful to the noble Lord for his kind greetings. I recognise absolutely the concern that lies behind his Question. The one thing we want to achieve from this exercise is a set of recommendations that command public confidence. That means a wide range of engagement by the commission when it is formed and a feeling on the part of the public and, indeed, civil society as a whole, that they are engaged with, and sympathetic to, the outcome.

Lord Morgan (Lab): My Lords, the terms of reference of this commission have not been specified. Will this rather shadowy, generalised body turn its attention to upholding the rights of Parliament and the judiciary and to protecting the rule of law?

Earl Howe: My Lords, I wish that I could be more specific about the remit. I completely understand the noble Lord's wish for further and better particulars on

this subject. It is still too early for me to provide him with any details about either the composition or the remit of the commission. However, I assure him that the points he makes will be registered.

Lord Howell of Guildford (Con): My Lords, my noble friend the Minister rightly wishes he could be more specific. Does he accept, and will he convey to his colleagues, that there really is a need to be more specific, and give us some hints about what the focus of this commission will be? Does he not accept that the present three words are very vague, and the canvass enormous? There are 16 different definitions or more of what democracy means. If noble Lords are to make a sensible contribution to this commission, as we would wish, we must very soon have a better indication of what specific issues in this enormous range the commission will concentrate on.

Earl Howe: My noble friend makes a very good point. Constitutional reform is a term that could encompass many subject areas. One reason why the Government are taking a bit of time over deciding the commission's remit is that, if the remit is too wide, the task becomes too unwieldy and lengthy; too narrow, and it risks creating policy that is not properly joined up. The scope needs to be substantial but sensible.

Lord Tyler (LD): My Lords, following the point that the Minister has just made, do the Government accept that there are some priority steps required to, and I quote from the Conservative manifesto,

“protect the integrity of our democracy”

that are probably so urgent that they cannot wait for the proposed commission? Has the Minister seen, and does he note, the recommendations of the APPG report, *Defending our Democracy in the Digital Age*, which follows the work of Select Committees in both Houses, and the recommendations of the Information Commissioner and the Electoral Commission? Do the Government recognise that there is a dangerous connection between digital campaigning and potentially illegal funding—the huge sums of money from foreign sources, from Miami to Moscow, seeking to influence both elections and referendums?

Earl Howe: I fully recognise the concern expressed by the noble Lord. Indeed, we have debated these matters in the past, albeit cursorily. These are matters that the Government are determined to grip. Whether the commission will be doing that is something that unfortunately I cannot be specific on at the moment.

Baroness Smith of Basildon (Lab): My Lords, the Minister will have seen the report today that shows a dramatic increase in dissatisfaction with democracy. That is startling but hardly surprising, given the toxic nature of debate that we have seen over the last few years, so the new commission will have to look at ways to restore trust. The Government's briefings have already provoked some interest, whether about political appointments to challenge the independence of the judiciary or about shallow comments about moving this House to York. While I understand that some No. 10

[BARONESS SMITH OF BASILDON]

spokesmen delight in being populist, does the Minister consider that the path to restoring confidence is structural change of democratic institutions or will he accept that it is more fundamentally about behaviour and about offering hope for the future? What will really make a difference is genuinely understanding and tackling the serious issues that impact on society, from homelessness to climate emergency, if we are serious about restoring trust in the whole political system.

Earl Howe: The noble Baroness makes some extremely good points. Constitutional structures matter, but I suggest that what matters equally is for British and Northern Irish citizens to have a sense of belonging to this country, not a sense of alienation, and a necessary underpinning of that is public engagement and a listening, responsive Government. A number of things are in train at the moment that are designed to achieve those ends, not least the UK prosperity fund, which is designed to reach out to deprivation and inequality wherever it exists and bind the country together in the process.

Lord Young of Cookham (Con): My Lords, it is clear from the replies that my noble friend has been able to give that work on the commission is still at its formative stage, so I repeat my request for an early debate in order for your Lordships to influence its development. Is it not the case that the biggest challenge facing the UK at the moment is the threat to the union? Should that not be an early priority for the commission?

Earl Howe: My noble friend's request for a debate has been duly noted by the usual channels. With regard to the union, I could not agree with him more. In so much of what the Government plan to do, they are working to strengthen the union by ensuring that the institutions and the power of the UK are used in a way that benefits people in every part of our country. I am thinking here of not just the shared prosperity fund that I mentioned a moment ago but the review of intergovernmental relations in the UK and the Dunlop review into the union.

Lord Wigley (PC): From what the Minister has said, we assume that the remit of this commission is UK-wide. That being so, what steps have so far been taken to seek nominations from the Governments of Wales, Scotland and Northern Ireland for membership of this commission?

Earl Howe: Consideration is being given to that matter. Unfortunately, I can give the noble Lord no particulars at this juncture.

Sudan and South Sudan *Question*

3.14 pm

Asked by The Earl of Sandwich

To ask Her Majesty's Government what priority they give to Sudan and South Sudan among their foreign policy objectives.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, the United Kingdom has taken a leading role in both Sudan and South Sudan. Through our extensive political engagement, we are working with the region and international partners to help ensure a peaceful and credible transition to democracy in Sudan and the implementation of the peace process in South Sudan. We are the second largest bilateral humanitarian donor in both Sudan and South Sudan, supporting those who have suffered years of the countries' conflict and civil wars.

The Earl of Sandwich (CB): My Lords, I am relieved to hear that Answer, not least because we have many humanitarian workers in both countries, including my noble friend Lady Cox, who has only just returned. Could the Minister confirm that the UK-Sudan strategic dialogue is still in place? That is so important for the rebuilding of society. Will civil society, women's groups and all those groups outside Khartoum be involved?

Lord Ahmad of Wimbledon: I agree with the noble Earl's point about ensuring that all of civil society is directly engaged. He will be aware that, because of the unrest in Sudan in 2019, the strategic dialogue that had taken place was put on hold. We are looking to review the renewal of that dialogue but, in the interim, our ambassadors and Ministers continue to engage with all parts of civil society and the Government directly.

Lord Collins of Highbury (Lab): My Lords, probing a little on that point, the move towards democracy will obviously be very difficult. A transitional Government are in place at the moment, still with military involvement. Could the Minister tell us a bit more about what support, apart from humanitarian aid, we are giving the transitional Government to move towards democracy?

Lord Ahmad of Wimbledon: My Lords, that is a very important point. We are engaging directly with the Government of Sudan to ask them what level of assistance and technical support they need. For example, I met the ambassador only yesterday to hear directly about the kind of concerns they have. Issues of security continue to prevail. Accountability and justice from the civil war remain important, particularly in places such as Darfur. We continue to work bilaterally and through UN agencies. The noble Lord will be aware that the mandate of the UN has been extended for a year, which reflects the ambition for security and accountability in Sudan.

Baroness Cox (CB): My Lords, is the Minister aware that, just last Wednesday, I was in Abyei, the region suffering from disputes over whether it is located in Sudan or South Sudan, and witnessed the immediate aftermath of a massacre perpetrated by Arab Misseriya tribesmen against Dinka villagers? I saw the burned bodies of women and children in huts that were still burning and heard local villagers voicing deep anger that the UN's policy prevented them escaping to hide in the bush and left them without any protection. Will

Her Majesty's Government urge the Governments of Sudan and South Sudan to take the necessary measures to ensure the protection of the vulnerable people of Abyei?

Noble Lords: Hear, hear.

Lord Ahmad of Wimbledon: I am sure I speak for all in your Lordships' House in paying tribute to the noble Baroness's work in the region. I am aware of the reports and I thank her for the report that she sent to my office only yesterday. I read the full results of the attack that happened. It was appalling and sickening, and I am sure I speak for the whole House in our total condemnation of it. What particularly concerned me was the fact that the UN troops—the mission—did not perhaps intervene in an appropriate manner. I have asked for a full, detailed report. I assure the noble Baroness that, as I said to the noble Lord, Lord Collins, we continue to engage. I met the ambassador yesterday and, while this was not on the agenda, I raised these concerns directly with him.

Lord Chidgey (LD): My Lords, with 14 aid workers killed in Sudan last year, and more than 100 since 2013, Sudan remains one of the most dangerous and needy places in the world. Can the Minister tell me whether any of the aid workers killed were sent from the UK—for example, from the DFID mission established as part of the peace process in South Sudan, VSO workers or any other UK personnel?

Lord Ahmad of Wimbledon: The noble Lord asks for specific details. If I may, I will write on the nature of that situation. On his more general point, we are concerned about the security of aid workers because of the number of NGOs working on the ground.

The Archbishop of Canterbury: My Lords, the Minister will be aware of the meeting in the Vatican last April of religious and political leaders from South Sudan, including the President and leading rebel and opposition groups; and of the Pope's announcement when we met last November that he intended to make a joint visit himself, with me and a former Moderator of the Church of Scotland, at the end of March if the transitional Government had been established by that time in Juba. The period for establishing that Government runs out towards the end of February. May we have assurance that with the whole thing in the balance—and given what we heard from the noble Baroness, Lady Cox—Her Majesty's Government will apply carrot and stick vigorously, and give full attention over the next four weeks to enabling this new Government to happen solidly in Juba, including the presence of leading rebel members such as Riek Machar, to get a framework for peace?

Lord Ahmad of Wimbledon: Again, I pay tribute to the most reverend Primate for his work in South Sudan. I know this is an area close to his heart. Let me assure him that we are working closely not just with the Government but with civil society to ensure that we keep on track, and that the peace agreement between

the two countries remains intact. We are supporting civil society organisations as well; for example, the UK is funding and enabling the South Sudan Council of Churches to engage in mediation. That is an important part of the reconciliation process in South Sudan, and for that matter in Sudan as well.

Baroness Chalker of Wallasey (Con): Has the Minister opened discussions with those countries supplying troops to the United Nations forces, which, as he rightly said, failed to intervene as they should have done in the recent disputes?

Lord Ahmad of Wimbledon: We are very much engaged with the countries involved in that mission and will raise those concerns directly with them.

Bovine Tuberculosis

Question

3.21 pm

Asked by **Lord Krebs**

To ask Her Majesty's Government what assessment they have made of the report by Professor Sir Charles Godfray *A Strategy for Achieving Bovine Tuberculosis Free Status for England*, published in November 2018.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, I declare my farming interests as set out in the register. Bovine TB remains one of our greatest animal health threats, causing devastation and distress for hard-working farmers and rural communities. We therefore continue to take strong action to eradicate the disease. Professor Sir Charles Godfray's independent review of our strategy highlighted a number of potential further actions, while noting the level of challenge associated with eradicating bovine TB. We plan to publish a response in due course, outlining our intended next steps.

Lord Krebs (CB): I thank the Minister for his response. He will be aware that the Godfray report emphasised the importance of cattle-to-cattle transmission; and probably aware of the progress made at Gatcombe Farm in Devon, where a large dairy herd in a high-risk area has been transformed from persistently infected to officially TB-free, simply by tackling cattle-to-cattle transmission. The problem with the current arrangements is that the standard skin test detects only 50% of infected animals. It is therefore highly likely that a hidden reservoir of infection remains in cattle herds. At Gatcombe a battery of tests was used to detect infected cattle, as well as detecting TB in the environment. Does the Minister agree that the Gatcombe method appears to be effective and humane and, furthermore, that the Government should explore using that method on other farms to see whether it works on a more general basis?

Lord Gardiner of Kimble: My Lords, the noble Lord kindly briefed me on the issues at Gatcombe. However, the Government have already developed a five-point plan with industry: restrict contact between badgers and cattle; manage cattle feed and water; stop infected cattle entering the herd; reduce risks from neighbouring herds; and minimise infection from cattle

[LORD GARDINER OF KIMBLE]

manure. All these are tremendously important but, as Professor Godfray said, there are no easy answers for reducing disease levels. That is why we are undertaking a range of activities.

Lord Cunningham of Felling (Lab): My Lords, it is more than 20 years since I invited the noble Lord, Lord Krebs, to carry out a thorough investigation of what the Minister rightly says is a very complex situation. In that time, the cost to the British taxpayer of compensation for cattle slaughter alone has been between £1 billion and £2 billion. This is an urgent problem in terms of public expenditure, as I am sure the Minister recognises. From what the noble Lord, Lord Krebs, has said about the report on the strategy for achieving bovine tuberculosis-free status, cattle-to-cattle transmission seems probably as important as badger-to-cattle infection, if not more so. How can we go on justifying the slaughter of badgers in these circumstances?

Lord Gardiner of Kimble: My Lords, the Downs peer-reviewed scientific paper of 2019 showed a 66% reduction in TB herd incidence rates in the Gloucestershire cull area and a 37% reduction in the Somerset cull area during the first four years of culling, relative to similar comparison areas in which culling was not carried out. As I said, Professor Godfray made it clear that there were no easy answers. We are undertaking research. Unfortunately, oral vaccine for badgers has not proved successful, as he conceded. We have to keep a range of methods to tackle TB in wildlife and in cattle.

Baroness McIntosh of Pickering (Con): My Lords, does my noble friend agree that there is no country in which tuberculosis in a herd has been completely eradicated without the need for a cull? Therefore, in a limited way, a cull must be part of the tools left at our disposal.

Lord Gardiner of Kimble: My noble friend is right: no country has achieved bovine TB-free status without having cattle controls and culling infected wildlife species. The Republic of Ireland, New Zealand, Australia and France have all used a range of methods.

Baroness Parminter (LD): My Lords, it is still unclear when the Government will release the data on the badger culls from 2019, but the number looks set to be the largest ever. What is the maximum number of badger culls that the Government are happy with?

Lord Gardiner of Kimble: My Lords, the cull is taking place in the high-risk areas, which is precisely on the advice and with the consent of the Chief Scientific Adviser and the Chief Veterinary Officer. No one takes these matters lightly. This is about a disease that is prevalent in certain areas, and no other country has achieved TB-free status without undertaking something that may not be desirable but is necessary.

Lord Trees (CB): My Lords, leaving the EU will allow us to use a wider range of options and tools for the control of bovine TB which are not currently permitted in the EU. Will Her Majesty's Government

exploit these new-found options to control this terrible disease and, if so, to what extent might their use have an impact on our ability to export beef and dairy products, particularly to the EU?

Lord Gardiner of Kimble: My Lords, the noble Lord is right. The annual Defra budget for TB eradication in England is £100 million a year. We are investing in TB R&D because we know that we do not know enough at the moment. For instance, we have already found out that the oral badger vaccine has not been successful. We are continuing work on a cattle TB vaccine and associated test development and have spent more than £35 million on that programme already. He is right that we need to look at research. If there are any new ways in which we can deal with this damaging disease, I am sure that we will want to look at them.

Baroness Jones of Moulsecoomb (GP): My Lords, are culls still happening in areas where there has been widespread badger immunisation?

Lord Gardiner of Kimble: The culls are taking place in areas where there is a high-risk zone. Badger vaccinations have been taking place in edge areas; this is why I talked about the range. We are undertaking badger vaccinations in those areas, and there are grants for that, because this is an honest endeavour as to how we eradicate a disease that is bad for both cattle and badgers.

Rohingya Muslims Question

3.30 pm

Asked by Lord Alton of Liverpool

To ask Her Majesty's Government how they intend to respond to the decision of the International Court of Justice to direct the government of Myanmar to prevent all genocidal acts against Rohingya Muslims.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, the United Kingdom welcomed the International Court of Justice's decision on provisional measures. We urged Myanmar to comply with the measures in full. We are exploring with partners how best to ensure that Myanmar implements the decision of the International Court of Justice, including through the United Nations Security Council.

Lord Alton of Liverpool (CB): I am grateful to the Minister. Would he agree that one of the most disturbing and depressing moments during the International Court of Justice hearings was the sight of Aung San Suu Kyi defending the Tatmadaw, or Burmese army, against the charges of war crimes—crimes which have led to the forced exodus of 700,000 Rohingya, with villages burned, executions, tortures and mass rape? In supporting this important blow for justice by the ICJ, will we be using Magnitsky powers to introduce carefully targeted

economic sanctions against the military, which has been responsible? How will we galvanise the opinion of the international community to ensure compliance with the ICJ ruling that Burma report in four months and every six months thereafter on how it has complied with the undertakings it has been asked to give under the genocide convention?

Lord Ahmad of Wimbledon: My Lords, on the noble Lord's second point, we will be exploring all options with international partners. As I alluded to, I have already instigated seeing what we can do as penholders of the Security Council. I agree with the noble Lord's assessment; when we saw Aung San Suu Kyi deliver her defence of the actions towards the Rohingya, it was a reflection of where she was and where she is today. It was a sad moment. That said, we have been supportive of the ICJ decision. On the issue of sanctions, as the noble Lord is aware, through the global human rights regime that we will implement once we have left the European Union, we will be using human rights specifically to drive our sanctions regime. More generally on sanctions, he will also be aware that we, with our EU partners, were the ones who drove sanctions against four of the six commanders who instigated and were reported on through the UN report. There are, I believe, currently 14 military personnel in total from Myanmar who are under those sanction regimes.

Baroness Warsi (Con): My Lords, can my noble friend assure the House that, when these discussions take place with our partners around the world, specifically in relation to action at the UN Security Council, we will bear in mind not just the now proven legal record of genocide against the Rohingya community but the killings that have taken place in Kachin province and Shan province? The communities that have been affected by the genocidal activities of the Myanmar Government now extend well beyond the Rohingya Muslim community; it is important that all their actions are put on the table.

Lord Ahmad of Wimbledon: My noble friend surprised me somewhat; normally I expect her to be on my right, and she appeared on my left today—I am not alluding to any political affiliations. She raises very valuable points on the more general situation in the different provinces of Myanmar, where we have seen systematic persecution. We have used the phrase ethnic cleansing. We have not used the word genocide, because that is a determination, as my noble friend will know from her insight and experience as a lawyer, for the courts to make. However, she raises valuable points and I assure her that in our discussions we are looking at the whole situation of every state within Myanmar.

Lord McConnell of Glenscorrodale (Lab): My Lords, incidents of sexual violence were a particular feature of this attempted genocide, which I am sure were horrific for all who have watched events closely. Will the Government reschedule the Preventing Sexual Violence in Conflict summit that was cancelled due to the general election and ensure that the Murad code on

evidence of sexual violence in conflict is revisited this year to make sure that we can be in a better position in future to collect evidence of these sorts of events and ensure prosecutions?

Lord Ahmad of Wimbledon: First, if I may correct the noble Lord, the summit was not cancelled but postponed. As someone who had spent a year and half planning it, perhaps no one was more disappointed than me, but we had a general election and I believe that that was the right call. The new dates are currently being looked at and it is in process. I have put forward specific dates for consideration by both the Foreign Secretary and my right honourable friend the Prime Minister, which I hope to be able to announce shortly. On the Murad code, absolutely—we are working with Nadia Murad to ensure that the learnings from the Murad code will be a specific deliverable at the conference.

Lord Dholakia (LD): My Lords, some of us had the privilege to attend the Holocaust Memorial Day event at Methodist Central Hall in Westminster. It was a moving occasion, and the organisers should be congratulated on including in the programme the Rohingya community and the worst atrocities they have suffered in recent times. This should put Aung San Suu Kyi to shame for having asked the court to set aside the allegation of genocide against defenceless people fleeing Myanmar. Will the Minister ensure that adequate security and safety are provided for those who are still in Myanmar and those who wish to return from the refugee camps? There is a danger that lack of action may result in a permanent campsite in Bangladesh.

Lord Ahmad of Wimbledon: While I acknowledge the role of the Bangladeshi Government in providing support to the Rohingya refugees, I assure the noble Lord that we are absolutely committed to the safe, secure, voluntary and dignified return of any refugees to Rakhine. That also includes their rights as citizens of a particular country, which is an important consideration in that respect.

Lord Collins of Highbury (Lab): My Lords, can I probe the Minister a little more about precisely what sorts of conversations we are having with our international partners, including the European Union, about the actions we may be able to take collectively to ensure that the decision of the International Court of Justice is complied with? In particular, the sanctions that the noble Lord, Lord Alton, mentioned can work only if we have international co-operation.

Lord Ahmad of Wimbledon: In the interests of time, I agree with the noble Lord. We will be working with our international partners in this respect. I alluded to the fact that we have already worked with our European partners on ensuring that certain individuals in the military in Myanmar are subject to sanctions, and our view is that those conversations will continue during the transition period. As we develop our own sanctions regime we will work in conjunction with our partners, both in Europe and elsewhere.

Fisheries Bill [HL] First Reading

3.37 pm

A Bill to make provision in relation to fisheries, fishing, aquaculture and marine conservation; to make provision about the functions of the Marine Management Organisation; and for connected purposes.

The Bill was introduced by Lord Gardiner of Kimble, read a first time and ordered to be printed.

Buses (Zero Emissions) Bill [HL] First Reading

3.37 pm

A Bill to prohibit the registration of public service vehicles manufactured after 2025 which emit carbon; and to prohibit the registration of other public service vehicles which emit carbon after 2035.

The Bill was introduced by Lord Paddick (on behalf of Baroness Randerson), read a first time and ordered to be printed.

Local Authorities (Transport Powers) Bill [HL] First Reading

3.38 pm

A Bill to empower local authorities to introduce Workplace Parking Levies with immediate effect and to impose penalty charges for moving traffic contraventions.

The Bill was introduced by Lord Shipley, read a first time and ordered to be printed.

Police Conduct (Operation Conifer) Inquiry Bill [HL] First Reading

3.38 pm

A Bill make provision for an inquiry into police conduct of Operation Conifer to be established.

The Bill was introduced by Lord Black of Brentwood, read a first time and ordered to be printed.

Hereditary Peerages and Baronetcies (Equality of Inheritance) Bill [HL] First Reading

3.39 pm

A Bill to amend the law regarding succession to peerages and baronetcies and eligibility to stand for election as a hereditary member of the House of Lords; and for connected purposes.

The Bill was introduced by Lord Lucas, read a first time and ordered to be printed.

Data Protection (Independent Complaint) Bill [HL] First Reading

3.39 pm

A Bill to amend the Data Protection Act 2018 to grant representative bodies and organisations power to exercise independent complaint and remedy rights on behalf of data subjects.

The Bill was introduced by Baroness Kidron, read a first time and ordered to be printed.

Direct Payments to Farmers (Legislative Continuity) Bill

Second Reading (and remaining stages)

3.40 pm

Moved by Lord Gardiner of Kimble

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, I should at this juncture declare my farming interests as set out in the register.

The Bill before your Lordships is concerned with government spending and not changes to policy; it has consequently been certified as a money Bill. I will therefore focus my remarks on discussing the principles and contents of the Bill.

The Direct Payments to Farmers (Legislative Continuity) Bill is of critical importance. Principally, this small technical Bill seeks to provide continuity and stability to farmers by enabling direct payments to be made in all four parts of the United Kingdom for the 2020 scheme year. These payments are currently worth nearly £3 billion per annum to UK farmers.

The need for the Bill arises from the fact that Article 137 of the withdrawal agreement will on exit day—at 11 pm on 31 January 2020—stop the EU legislation on 2020 direct payments from applying in the UK. This is part of removing the UK from the next EU multiannual budget, in which the UK will not be participating and it would not be appropriate for this country to continue to contribute towards.

The Government are ensuring that, before we begin to reform our agricultural system to suit our own domestic circumstances, the interests of UK farmers are protected in the meantime. It is time sensitive, as the Bill and all necessary secondary legislation must be in place on exit day, because after that point the EU direct payments legislation will cease to apply in the UK for the 2020 scheme year.

This gets to the heart of what the Bill is—and, crucially, what it is not. The Bill will lift and incorporate the EU direct payments legislation for the 2020 scheme year on to the domestic statute book. It will allow the Government and devolved Administrations to make operability fixes to that legislation so that it works and can be used to continue to make payments to farmers for the 2020 scheme year. The Bill does not allow for wide and sweeping agricultural policy reforms.

The Government are committed to ambitious and wide-ranging agriculture reform in England. The Agriculture Bill will introduce a new domestic agriculture system based on the principle of paying public money for the delivery of public goods, such as clean air and water and healthy soil. This will be achieved over a seven-year agricultural transition, starting in 2021, during which direct payments will be phased out in England. But this is not the Bill to bring about these changes.

The Bill's purpose and scope are narrow and sufficient to provide the Government, devolved Administrations and farmers with the legal certainty that payments can be made for 2020. It is important to provide certainty to farmers, and I hope that farmers will be assured by the recent government commitment to provide £2.852 billion in funding for 2020 direct payments in the United Kingdom. This means that the overall levels of funding available for direct payments for 2020 will be the same as for 2019. The Government have also committed to maintain the current overall annual budget to farmers each year until the end of this Parliament.

This Bill will give Defra and the devolved Administrations the legal basis for paying direct payments for 2020. This Bill legislates and works for the whole of the United Kingdom. The Government have worked closely with the devolved Administrations, which have had a unity of purpose in safeguarding the interests of the United Kingdom's farmers.

I want to address one further important point. In September 2019, the Government accepted the recommendations of the review of the noble Lord, Lord Bew, concerning the allocation of farm support funding in the United Kingdom. I thank the noble Lord for the essential work he did on this review, which paved the way for the Government agreeing to an increase in the funding allocations for Scotland and Wales. The Bill enables the Government to deliver on their promise to uplift the funding for Scotland and Wales, while maintaining the funding for England and Northern Ireland, for 2020.

Turning to the Bill's main provisions, Clause 1 incorporates the EU legislation governing the 2020 CAP direct payments scheme into domestic law on exit day. This will ensure that the Government and the devolved Administrations can make payments to farmers for this claim year.

Clause 2 applies Sections 6 and 7 of the European Union (Withdrawal) Act 2018 for the purpose of the legislation being domesticated under this Bill. In applying Section 6 of that Act, it provides certainty to the domestic courts about what can and cannot be considered. In applying Sections 7(2) and (3) of that Act and the Schedules, it makes it clear how the legislation we are domesticating can subsequently be amended.

Clause 3 contains five powers. There are two powers, one conferred on the Secretary of State and the other conferred on the devolved Administrations, to make operability amendments to the law we are domesticating to make sure that it works in a domestic setting. For example, it would be used to replace references to the European Commission with the domestic equivalent. I must say, particularly looking at the Opposition

Front Benches, that your Lordships will be familiar with this, not least because it is akin to the power in Section 8 of the European Union (Withdrawal) Act 2018, under which the many EU exit SIs were made. There are another two powers, again one conferred on the Secretary of State and the other conferred on the devolved Administrations, to replicate any changes made by the EU to its equivalent legislation during 2020, should it be considered appropriate to do so. Quite simply, this is a discretionary keeping-pace power. Finally, there is a power conferred on DAERA in Northern Ireland to retain policy flexibility for its Ministers to continue to move entitlements in Northern Ireland towards a uniform unit value, like the rest of the United Kingdom.

Clause 4 makes provision for the domestic publication of EU regulations relating to direct payments. It also enables regulations made under the European Union (Withdrawal) Act 2018 on rules of evidence to apply equally to the body of law we are domesticating under this Bill.

As I said, Clause 5 enables the Government to implement, as far as they relate to 2020, the recommendations of the noble Lord, Lord Bew, detailed in the review bearing his name. It achieves this by making amendments to the direct payment regulation. This clause demonstrates the Government's commitment to all farmers across the constituent parts of the United Kingdom.

This is a small technical Bill but it is none the less significant. It is about providing continuity and stability to farmers. Where the Agriculture Bill provides for the beginning of a transition in England towards a new system of paying public money for the delivery of public goods, this Bill will enable us to pay direct payments for the 2020 scheme year across the United Kingdom while also delivering on the Government's promise to provide fair funding allocations. I beg to move.

3.49 pm

Baroness Young of Old Scone (Lab): My Lords, I declare my multiple environmental, food and farming interests as listed in the register. I do not know whether noble Lords have noticed, but agriculture Bills are a bit like buses, or indeed men—there is not one around for ages and then two or three come along all at once. We have had approximately one Bill a decade since the 1940s but we have had three in the past two years.

As the Minister said so eloquently, this Bill is about continuing the current system of support for farmers for one more year, and, as it says on the tin, it is simply about legislative continuity. It will continue the current system where direct payments, which make up around 80% of all payments made under the common agricultural policy in the UK, are based on the amount of land that is owned or managed by a farmer and not by any other criterion such as the food they produce, the environmental benefits they manage or any other public benefits they provide.

This of course presents a real opportunity arising from Brexit. I confess that I never thought I would see the day when the words would cross my lips—but it is an opportunity, one of the few coming out of Brexit,

[BARONESS YOUNG OF OLD SCONE]

because the current support system is not a good way to support farmers, to deliver public benefits or to protect the environment, so we all look forward to the future changes that will not arrive with this Bill but will arrive with the next one. It will deliver on the Government's commitment to paying public money for public goods; making payments based on environmental and other benefits that we need farmers to provide but which will not readily be delivered by the market.

The Bill before us is very routine, but we did have another Agriculture Bill—one of the other three—that was introduced in 2018. That has now been withdrawn and a new version came out on 16 January. It will eventually come to your Lordships' House and we will then have an opportunity to talk in more detail about how we can reshape support for farmers to ensure that the system is effective in fighting the twin emergencies of climate change and biodiversity decline. As I say, that is one of the few silver linings offered by Brexit.

When it comes, that Bill will need to deliver five things. I should like to take the opportunity of this Bill to remind the Minister about those five things. Just in case he has so far not slid those requirements into the legislation, perhaps he could do so between its Commons stages and it coming to us.

The first thing is the core principle of public money for public goods. How are we going to use the support system to help farmers deliver the things that the market would not necessarily deliver? Land management plays a key role in environmental benefits and animal welfare. The Government have shown a consistent commitment to these, but it would be good to get the Minister's assurance yet again that public money for public goods will be a core principle of the Bill.

The second issue is that we should not widen the definition of public goods too far because that would dilute it. We will have other opportunities to tackle other issues delivered by agriculture. Work is well under way on the food strategy, and I think that food production should be dealt with in that strategy rather than being part of the public goods debate so that we do not see the public paying twice for a benefit: that is, at the supermarket checkout or at the farm shop for the produce they are buying, as well as paying through their taxes.

The Government have said that they are committed to delivering payments that will enhance agricultural and land management productivity. I will sound a note of caution on that. They should not be in opposition to or separate from measures that deliver environmental benefits or public goods. It would be a real shame if one part of the subsidy system was at odds with another, which was so often the case under the common agricultural policy.

Another issue that we need the future Agriculture Bill to deliver is some security in the face of future trade deals. We must not see future trade deals undermine the ability of UK farmers to deliver not only thriving businesses but public goods if the Government cut trade deals that allow access to the UK market for imported food that is produced to lower environmental, welfare and safety standards.

The third thing we need the Bill to do is maintain the level of funding. It is good to get from the Minister a recommitment of the £3 billion or so figure. This is not because a farmer of my acquaintance recently muttered to me that farmers need every penny, but because, if you look at the calculations done by some of the member organisations of Greener UK, it estimated that £2.9 billion was required to deliver the environmental benefits alone, without any of the other public goods. We must not see an erosion of that £3 billion; in fact, it may need to grow. I hope we can get some assurance from the Minister that, once the public benefits have been established in what will become the Agriculture Act, the requisite funding will be there to support whatever is established by that Act.

My fourth requirement of the future Agriculture Bill is that we introduce powers for better legislation to regulate for a basic minimum of environmental and other standards that must be adhered to by all farmers and land managers. That is not currently in the Government's plans, and I would like the Minister to comment on how we can be reassured that there will be a baseline of good performance for all land managers.

The fifth point I will raise is the provision of an independent voice for farmers. We are likely to see a massive change in the way land is managed by farmers in this country. They will need all the help they can get if they are to deliver effectively and use public money effectively in the delivery of these public goods. It is not likely to be delivered entirely by their response to the marketplace or subsidy. There will have to be an upskilling and a degree of help with management of change.

That is really important, because 70% of our land surface is managed by farmers, so I also ask that the Government—independently of these pieces of legislation—think of starting work on a land-use framework. We are not making any more land. The pressures on it are increasing. We need regenerative and agroecological farming methods of the sort outlined in the recent report by the Royal Society of Arts' Food, Farming and Countryside Commission, which I declare that I sat on. We need land to help us combat climate change; we need more trees—I declare my interest as chair of the Woodland Trust; we need to protect our water resources; we need land to help with natural flood-risk management; and we need heat reduction. We need our countryside to help with health and mental health. We need to stabilise our soils. But we also need land for development, housing and infrastructure—even the dreaded HS2. We need food security; do we want to produce more food in future than the amount we currently produce domestically? Do we want to continue to be a massive net importer of timber, or do we want to become more self-sufficient in our timber production?

All these things need land. They cannot all happen to the maximum without some thought being given, on a strategic basis, to what we want our land to be for and the appropriate balances. So I simply put the Minister and the Government on notice that, for however long it takes, I will bang on about the need for

a land-use framework for England. We have them for Scotland, for Northern Ireland and for Wales; we need one for England.

My last request is my only request about the current Bill; I have really been a bit of a cheat in the way I have structured this, but never mind. The Minister quite rightly referred to the provision about statutory instruments and secondary legislation flowing from Bills such as this. There will be quite a raft of secondary legislation coming from consequent legislation following Brexit. The environment Bill, the Agriculture Bill and the fisheries Bill—a huge number of Bills—will have a raft of secondary legislation. It would be greatly welcomed if two things could happen. First, the Government could commit to consulting as widely as possible, providing it did not take an age, on secondary legislation before it is laid, so that there is still an opportunity to make it better before it is set in concrete and can only be prayed against. Secondly, could draft statutory instruments be readily accessible, not only to Members of our House but to the public at large and civil society, so that people know that they are being worked on and can head for the bloke holding the pen? Oh dear; I apologise for that sexist remark. It would help the SI process dramatically.

I look forward to the Minister's response to all my questions, which he would be entitled to ignore since they are absolutely nothing to do with this Bill. I also very much look forward to the proper Agriculture Bill reaching this House in due course.

4 pm

Baroness Bakewell of Hardington Mandeville (LD):

My Lords, I thank the Minister for his introduction, and for his time and that of his officials in providing a briefing. I feel certain that the fact this is a money Bill will not prevent your Lordships commenting very fully on it.

While it is important that direct payments legislation for 2020 is entered into the statute book, what will happen in future years? I am grateful for the Minister's assurance that funding is guaranteed at the same level for the length of this Parliament, but this is somewhat at odds with the funding remaining the same for the first four years and then tapering off as farmers change to the new system of payments. Will this mean a multiannual framework for farming support, or will the decision be made annually? The latter would be very unsettling for farmers, who need to plan ahead.

In agreeing specific sums for payments, what arrangements have the Government made to calculate the rate of exchange of the pound against the euro? Fluctuations in currency can have a damaging effect on farmers. I understand that previous payments have been calculated on the average value of the euro in September. Can the Minister say whether September will continue to be the touchstone for exchange rates?

While the Government are providing £2.852 billion of support for 2020, there is no mention of what support there will be in the following years. Can the Minister provide some assurances that support will not drop off dramatically?

In her speech last Tuesday in the other place, the Secretary of State said in answer to a Question on multiannualised funding:

“We will be providing further information on how the transition to environmental land management will work in due course.”—*[Official Report, Commons, 21/1/20; col. 173]*

Will the Minister say whether this information has been calculated or whether it is the case that it is not ready to be released as it is still under review?

There has been criticism from across the board of the Rural Payments Agency, which the Government have strongly defended as having improved its performance. However, continuity is everything for farmers. A consistent service is needed from the RPA. Some moorland farmers have waited three years for payments under Pillar 2. This is simply unacceptable.

It is not right for farmers who have looked after their land diligently to be worse off as we move towards the environmental land management scheme. The prospect of losing 80% of their income, with no real certainty about what the replacement income will be, will not incentivise all farmers. It is likely that many small farmers might decide that now is the time for them to leave the land. Farming is not an easy option as a career choice. In my community, we have seen three deaths of farmers in recent years. These have been men who were not at the end of their life expectancy—far from it. We are too painfully aware of the increased rate of suicide among farmers. We must tread carefully to ensure we do not discourage farmers from their vital husbandry role of the land.

There has been mention of the Bew report and of reinstating money to Scottish farmers that they have lost in the past. I look forward to the speech of the noble Lord, Lord Bew. Can the Minister give the House reassurance that this reinstatement will not be at the expense of English farmers? Will this be new money in addition to the money that has already been mentioned? Can the Minister also say what measures will be in place beyond 2021 for the Scottish farmers? Are they to get only two years' reinstatement? Will this money be added to their base budgets, as we say in local government circles?

Given that the Government have made a commitment that there will be no payment changes for the first four years of the seven-year transition period, this means that in the final three years, as the ELMS begins to come into effect, there will be massive change. All of us—especially the Minister, who has first-hand knowledge—know that farming is not a short-term function. It requires planning a long way in advance in order for farmers to get the best from their land, livestock and crops. I am extremely concerned that farmers will be somewhat in the dark as to exactly what their income is likely to be beyond 2024. I would be grateful for the Minister's comments.

While Brexit is now inevitable and is welcomed by large numbers of people, including within this Chamber, it brings a degree of uncertainty. For me, some of that uncertainty is about food security, as we have already heard. Currently, around 50% of the food we eat is imported. This has risen from 35% nearly 20 years ago. It is important that, in changing the system of payment from acreage owned or managed to ELMS, we at worst preserve our food production at its current level; at best, we should strive to increase this above 50% and aim much higher.

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE]

I am sure I am not alone in wanting to buy and consume produce that has been grown or nurtured in the UK. One area where I have concern is protection for hill farmers and those who rear rare breeds. As we know from frequent questions in this Chamber, many of your Lordships are concerned about the fate of hill farmers. Could the Minister give a reassurance that hill farmers will not disappear from our countryside as a result of the change to environmental land management payment regimes in farming generally?

While there are hill farmers on Exmoor, Somerset is famous for its levels. Farming there is extremely challenging during winter months, as it can be almost guaranteed that the land will be under several inches, if not feet, of water. While this looks beautiful, with swans and other waterfowl gliding on the rhynes and water, it means that the land is not available for either grazing or crop planting. The point is that, even in one county, there will be many different forms of farming. I am sure that the Minister recognises this and will encourage the Government to ensure that their payment schemes for farmers reflect the many different types of farms, that the contribution each makes to agriculture as a whole will be recognised and that each gets a sufficient income from the land which they manage in order to live and bring up their families.

I cannot say that I am looking forward to a number of SIs, but they will not doubt come along in due course.

4.07 pm

Earl of Devon (CB): My Lords, it is an honour to follow the noble Baroness, Lady Bakewell. I will echo many of her fine words. I declare an interest as a Devon farmer and a recipient of BPS payments administered by the Rural Payments Agency. I therefore have a direct interest in this Bill and in the Agriculture Bill that will soon follow.

I note that this Bill was introduced as recently as 9 January. It made expedited progress through the other place and is due to complete all Lords stages today, with a view to becoming law by the time we cast adrift from Europe later this week. This appears to be a hurried timetable. Can the Minister explain why such haste was necessary? The Government have been considering the implications for UK agriculture of leaving the EU for at least four years, yet we have little to no time for scrutiny of this Bill. Can the Minister state when Defra first became aware that the EU direct payments legislation will not apply in the UK for 2020, and when he became aware of the need for this Bill? I hope that he can allay the obvious concern that policy is being made up on the hoof.

I note that Clause 1(6) of the Bill purports to have retroactive effect, treating the incorporated EU legislation as having formed part of UK domestic law from 1 January 2020. Yet, confusingly, the guidance notes state:

“In relation to the 2020 claim year, farmers will be governed by EU law for January 2020 and by domestic law thereafter.”

Does that mean that, once this Bill is passed, farmers will be subject to both EU and domestic law at the same time and for the exact same purpose during this month of January 2020? That seems odd and potentially unprecedented.

In announcing this legislation and the confirmation of agricultural funding for 2020, the Government have repeatedly trumpeted the “certainty” that this will provide to farmers,

“allowing them to plan for the future, sow their crops and care for their livestock with confidence.”

With due respect, certainty is the last thing that the Government’s agriculture policy is affording farmers right now. While the common agriculture policy had many weaknesses and imperfections, farmers at least knew what they were dealing with. Since I took over our family farm five years ago, the industry has been wracked by uncertainty as to its future, wholly unclear as to its purpose, its funding and the competition that it will face. That uncertainty seems destined to continue, with this Bill providing only 11 months of clarity, with the Government then proposing an ill-defined transition period between 2021 and 2028. In an industry that runs on an annual cycle and requires long-term strategic investment, these timelines are inadequate.

I expect that the Minister will point to the forthcoming Agriculture Bill as a purveyor of clear skies ahead. However, as he is only too well aware, the devil is in the detail, and we have no detail. The principles of environmental land management and the provision of public funds for public good have been long discussed, but the scheme remains skeletal and little meat has been put upon the bones. While I am pleased that the provision of food has been introduced as a public good, the real detail of how our land is to be managed remains as obscure as the view of Cornwall from the top of Dartmoor on a wet January morning. I would appreciate the Minister providing insight into the progress of the various ELMS pilot schemes being run around the country and when we can expect an update on their progress and their learning. Such detail will be essential when we are debating the Agriculture Bill.

Farmers and our rural economy are nothing if not resilient, but with the ever-increasing impacts of climate change and extreme weather patterns, the last thing that farmers need is further years of legislative uncertainty. Given the glacial progress of the previous Agriculture Bill, can we really expect to have a settled agriculture policy and replacement payment system in place by the end of 2020? Why do not the Government give themselves and our farmers some breathing space by making this BPS extension two or even three years instead of a mere 11 months?

As the Minister is well aware, farming productivity in the UK has been in relative decline for many years, and continued uncertainty, which will continue until 2028 at the earliest, will only hinder further investment. The average age of farmers is increasing, as new entrants to the business decrease. At the same time, we are entering a period when our farming industry will be thrown open to unprecedented global competition. Just as we are shaken by increasingly violent transatlantic weather, so we are bracing ourselves to be inundated by transatlantic farming imports without the ability to compete fairly or the confidence to invest for the challenges ahead.

Illustrative of that uncertainty is last week’s Committee on Climate Change report on land use. The headline recommendation of that report was the reduction by 20%

in consumption of meat and dairy products, suggesting an equivalent decrease in livestock farming. This decrease would impact mostly the ecologically fragile pasture-rich farmlands of the western counties. This assault upon our farting ruminants is therefore a direct threat to an ancient, world-leading and highly sustainable farming practice.

Furthermore, to mix land use metaphors, it fails to see the wood for the trees. As the Minister is well aware, the huge growth in middle-class affluence, particularly in Asia, is resulting in a massive shift in diet, particularly the increased consumption of dairy and meat products. Many noble Lords will have seen the Royal Family's valiant, yet much criticised, efforts to promote the sale of Jersey milk to the Chinese this week. Ministers will be aware of the 2016 Defra report that confirmed that a pint of milk produced on British pasture requires approximately 40% of the carbon of an average pint of milk globally. In other words, our dairy farmers are world leaders in the production of low-carbon dairy products. We also have global dairy brands—think of Devon cream—that are unsurpassed. Rather than seeking to restrict and limit our dairy and meat production, we should surely be looking for all opportunities to expand upon it and dominate the global market for ecologically sustainable, low-carbon meat and dairy.

A final word goes to the hard-working staff of the Rural Payments Agency. Delays in the delivery of rural payments can be debilitating to many farmers who are hugely dependent upon this income, and I recognise the improvements in recent years in the promptness of payments despite the considerable cuts to the RPA budget. Given the appalling conditions facing arable farmers in particular this year, with an almost complete wash-out of the sowing season in many northern and eastern counties, the prompt payment of BPS in winter 2020 will be an essential lifeline. This legislation will obviously introduce administrative changes to the manner in which payments are managed. What certainty can the Government provide that payments will be administered efficiently and made promptly? In particular, what insight can the Minister provide about funding and staffing levels at the RPA? Will civil servants be redeployed from their preparations for a no-deal Brexit to assist in the smooth deployment of rural payments?

4.15 pm

Earl Cathcart (Con): My Lords, before I start, I should say that I farm in Norfolk and that I am in receipt of these payments. As my noble friend Lord Gardiner has already so eloquently explained, when we leave the EU on Friday, the EU rules that allow these payments will no longer apply to Britain. Due to a peculiarity of EU basic payment funding, the 2020 payments are funded out of the EU's 2021 budget year. As Britain will not be contributing to the EU's 2021 budget, we must fund our 2020 basic payments ourselves, hence this Bill.

Obviously, I support this Bill. It maintains the status quo for British farmers and brings them some certainty, for one year anyway. I also congratulate the Government on accepting the Bew review, whereby

the Government will maintain the payment allocations for 2020 to 2022 for farmers in England and Northern Ireland and give an uplift in funding for farmers in Scotland and Wales. I look forward to hearing the contribution of the noble Lord, Lord Bew, in a minute.

I am sure that noble Lords realise just how important these basic payments are to farmers. They account for about 60% of farm incomes, and more than 40% of farmers would make a loss without their basic payment, so this small Bill should be supported as it gives certainty to farmers, in the short term anyway, until such time as the rules change once the Agriculture Bill is enacted. There has been much criticism, including from farmers, that the EU basic payment scheme rewards farmers according to the size of their holding, rather than for the size of the benefit that farmers bring to the environment. The Agriculture Bill aims to address this.

With the best will in the world, farmers are naturally nervous about what the future will mean to them, as the details are very sketchy, but that debate is for another day.

4.17 pm

Lord Bew (CB): My Lords, I support the Bill and thank the Minister for his kind words from the Dispatch Box concerning the independent review of policy for Defra that I led, which drew on all the devolved Administrations. I shall return to that point. It also drew on the wisdom of my noble friend Lord Curry, who gave wonderful advice at various points during the progress of that review.

I am delighted to note that the results of the review have not been attended by any acrimonious controversy. That could not have been predicted at the beginning, but I notice, for example, that in the other place the Labour Front Bench seems to support at least this part of the Bill and the application of the elements in the Bill which apply the review.

Having said all that, I should briefly explain the background. My review was tasked to look at what factors should determine the distribution of so-called convergence funding to farmers between 2020 and 2022. The substance of the financial recommendations was made clear in the Minister's statement. I want to stress other points that were made in our conclusion which did not have the same weight in dealing with the Government. In other words, the burden of our report was, "We really do think you should follow these financial conclusions, but there are a couple of other points that we wish to make for your consideration." One has already been echoed in this House: the viability or otherwise of the concept of per hectare payments in the future, about which careful remarks were made. The second point, also echoed in speeches this afternoon, is the importance of farming in the more difficult parts of the country, particularly the upland areas. So there are some additional remarks that go beyond the purely economic recommendations.

I feel a debt of gratitude to the secretariat at Defra, led by Charles Hotham. I also want to say something about interaction with the devolved Assemblies. I am greatly relieved that our review has, in the end, landed rather kindly, without the acrimony that might have

[LORD BEW]

occurred. The noble Baroness, Lady Bakewell, raised a very serious point in her speech about the dangers. Essentially, the danger is this. There was a strong feeling among Scottish farmers that the settlement of 2013 discriminated unfairly against them. It was not immediately clear how you could redress that grievance, if well founded, without harming the interests of farmers in other parts of the United Kingdom. There was an intense dialogue about this point, and with Her Majesty's Government.

It was not an easy thing to do. The *Belfast News Letter*, which I read on a Saturday, has an excellent farming supplement. I picked it up early on in the review, to discover that my report was likely to lead to disturbances in the streets in Northern Ireland—it quite ruined my weekend. That was on the basis that money would be taken from Northern Irish farmers, who are perceived to have done quite well out of the 2013 settlement, and given to Scottish farmers.

In the end, the dialogue with the devolved Assemblies was extremely detailed. Of course, at that time the Northern Ireland Assembly did not exist, but we did meet its political leadership and all the parties that are now in the Executive many times in Belfast to discuss these matters. We needed flexibility from the Government.

I do think there is a moment when we obviously must acknowledge, as other speakers have, that Brexit raises certain uncertainties in the minds of farmers. It was important to produce a result which reinforced stability across the four nations of the United Kingdom. A model of working emerged of intense collaboration between the devolved Assemblies, involving the exchange of information between Belfast, Cardiff and Edinburgh, and dialogue with London. It was ongoing—regular communication and regular refinement of ideas.

When I was preparing this speech, I found a letter I had written to Fergus Ewing, Scotland's Agriculture Minister. In it, I said:

“The support that you gave to the panel and the secretariat has been invaluable and we are sincerely grateful”.

I could have written that to any of the other devolved entities. The noble Lord, Lord Gardiner, was quite right to refer to this issue in his speech. This was a model of the devolved Assemblies working together, with flexibility on the part of the Government. It did require some flexibility and a willingness to accept that, financially at least, certain changes might have to be made. The flexibility shown by the Government here allowed things to move ahead, and we now have consensus in this area. We have at least, on this tricky subject, not added to the instability and to the other doubts and concerns that farmers have, of which I am perfectly well aware.

4.23 pm

Baroness Byford (Con): My Lords, I am very grateful to my noble friend for introducing the Second Reading of this small but important Bill, which, as has been said, enables the Government to continue paying the basic payment scheme allowances to farmers for 2020 alone. Like others, I declare my farming interests as given in the register: we have a family farm in Suffolk that receives payments under this scheme.

I too would like to pay tribute to the noble Lord, Lord Bew, and his team. I am very glad that he mentioned the contribution of the noble Lord, Lord Curry, to the review. I have read it all the way through and there is a lot of meat in it, but I will not talk about that today as it almost touches on the Agriculture Bill, rather than the little Bill we are debating today. I ask the Minister not to presume from my comments that many of the things in the review will be raised today. Its findings are hugely important but I shall try to comment mainly on this very small and precise Bill.

The Bill brings continuity and legal certainty to farmers, who have been anxious about their payments for 2020. I have also been asked whether the current rules will continue to apply—for example, the three-year cropping rule and many others. My understanding is that they will, but perhaps the Minister will clarify that.

As I understand it, the Bill does not modify policy, so, as I said, I shall keep many of the broader questions on policy for the Agriculture Bill. Can the Minister give us any information on when that Bill will be forthcoming? I hope I am right in thinking that the fisheries Bill will have its First Reading in this House and the Agriculture Bill will start in the House of Commons, with each going to the other House in due course. From the point of view of agriculture, which we are talking about today, is it likely that the Agriculture Bill will come to this House in this Session? The Minister is nodding, so I take it that I am right, in which case it is all the more important that we keep our thoughts today to this Bill.

As I indicated, I particularly thank the noble Lord, Lord Bew, and his colleagues for their review. It has highlighted the challenges that will face food producers and farmers once we leave the EU. One of the recommendations, which has been touched on by others, concerns the position of Scottish farmers, who have been at a disadvantage since the changes were made in 2013. However, looking at the various *Hansard* reports, I understand that this will be new money that the Government have committed to allocate. Presumably that money will be ring-fenced for Scottish and Welsh farmers, but will it continue to be forthcoming in the seven years thereafter? I have read the reports carefully but am still uncertain.

The Bew report recognises the importance of food security and acknowledges the uncertainties in future policy and market trading conditions. It is important that welfare standards are taken into account in any future trade deals, and I was pleased to see that that was a manifesto commitment of our party. Importantly, the Bew report recognises that future policy must be fair to all farmers across the four countries of the United Kingdom. Maybe that is for the future but how will it be achieved? It is quite a big challenge. It might be outwith this Bill but it is worth raising it now.

As has been said, 2019 was a very difficult year for some farmers, who experienced difficulties with heavy flooding, resulting in crops rotting in the ground. Their land is still waterlogged and decisions have to be taken on whether to plant spring crops or keep the land fallow for the rest of the year. Variations in climate patterns affect other countries around the

world, putting greater pressure on food security. The effects of climate change will be a challenge for us all, be it drought—as we have seen, sadly, with the fires in Australia—flooding or the spread of disease, which has not been mentioned. Therefore, as reflected in the Bew report, we must be flexible in formulating our future plans. We must not be constrained by past rigid rules from the EU, some of which are outdated. Technology and other things have moved us forward.

Returning to the Bill before us, how confident is the Minister that the payments will be made promptly? That is key. Can he also update us on payments for countryside stewardship schemes—a matter referred to by the noble Baroness—over the past three years? I understand that there have been delays in those schemes, with in some cases, farmers not having received the payments. I believe that could affect their willingness to participate in future countryside schemes, which would be a retrograde step. Therefore, I also ask the Minister: will the planned ELM scheme pilots use some of the existing demonstration farms, such as LEAF farms, which are already part of environmental schemes, or will they start with a completely blank page? It would seem a shame not to use the experiences that already exist.

I support the Bill and reflect on its importance, as conservation and food production go hand in hand. Both are important for the health and well-being of the countryside, but—no one has touched on it—farmers need to make a profit. You cannot go green if you are in the red. It is hugely important that farmers make a profit. As I said, I support this small Bill. In future, I look to schemes that will allow us greater flexibility, are more focused on outcomes than they have been in the past and, if possible, are tailored to the needs of individual farms, particularly those in upland and less favoured areas.

4.30 pm

The Earl of Caithness (Con): My Lords, I am delighted to follow my noble friend Lady Byford, with her knowledge, day-to-day livelihood in farming and the expertise that she brings. I thank my noble friend the Minister for bringing in the Bill. The Government promised it, they have delivered, and we have a little bit of stability for the farmers for this year. It is nice to be able to welcome a Bill that has six principal powers in it, five of which have sunset clauses at the end of the year. That is not something that happens very often in legislation in this House and is to be commended; this Bill is an eleven-month wonder.

I will make one comment about farmers. We have talked—as we tend to do in the House—about farmers in generality, all receiving grants. Not all farmers receive grants. I agree that the great majority do, but there are some forms of land management and farming that do not receive grants, and we must not forget that there are such people in this country too.

I turn briefly to the forthcoming Agriculture Bill. I will not follow the noble Baroness, Lady Young, in setting out what I believe should be in that Bill, but I think that the words of the noble Earl, Lord Devon, and of my noble friend Lady Byford are well worth taking on board in Defra. We need that Bill as soon as

possible. If we do not get it, the farmers will be severely prejudiced in future. It will obviously suffer the guillotine process in another place, but this House does not have a guillotine, and nor should we. There will be a huge amount of discussion on the Bill; we will need the expertise of people such as the noble Earl, Lord Devon, and my noble friend Lady Byford. Where I do agree with the noble Baroness, Lady Young, is that I too shall be concerned about bringing a land-use plan into that Bill. That was one of the recommendations of the House of Lords committee, and I shall raise it again in two weeks' time when we come to our forestry debate, because it is relevant to that too.

I have five or six quick questions for my noble friend the Minister. Is he confident that all the farmers in England know exactly what is going to happen in the next year? I got an email from the Scottish NFU today saying that it has emailed all its farmers to tell them exactly what the process is and that they have to abide by the rules to get their payments. We live in the Westminster bubble; we think we know what is going on but, if you are a busy farmer who has been subject to recent weather conditions, you might not know. It would be very sad if some farmers were not kept as up to date as possible.

The Countryside Stewardship Scheme is not as I understand it part of the Bill, but is there any flexibility for increasing payments this year? On DAERA and Northern Ireland, when does the Minister expect the uniform entitlement to come into operation? It is, as he rightly said, operational in England, Wales and Scotland. When can we expect it in Northern Ireland? Also, talking of the devolved Administrations, do we have the legislative consent orders from Scotland and Wales yet? If not, does this pose a problem? We are told that the Bill must be passed by 11 pm on 31 January. If we do not get the legislative consent orders by then, will that mean that the Scots and the Welsh will not be able to claim money this year?

On greening, under Pillar 2, I ask my noble friend to bear in mind the point again mentioned by the noble Earl, Lord Devon, that there are a number of farmers in the upland and West Country who have not ripped out hedges, who farm on small fields and who are not so prone to being able to get greening under Pillar 2. It would be wrong if they were penalised for having been the good guys all along.

It was a delight to hear the noble Lord, Lord Bew, comment on his review. I will not say any more, because my noble friend Lady Byford covered that. So I hope that my noble friend will be able to answer her points and therefore mine.

4.35 pm

Baroness Bennett of Manor Castle (GP): My Lords, the gestation period of a cow is about 280 days. I make that reference not to remind your Lordships that my first degree was in agricultural science but to reflect on the fact that most of the calves that will be born under the Bill that we are about to pass have already been conceived. As the noble Earl, Lord Devon, said, this is policy-making on the hoof. For a farmer who is deciding whether to plant a tree in a shelterbelt or to plant a

[BARONESS BENNETT OF MANOR CASTLE]

new hedge, the timeframe for seeing the returns on that are much greater, well beyond even the planned seven-year phase-out of the basic payment system that we expect to see in the forthcoming Agriculture Bill.

The decision to disapply CAP in the withdrawal agreement was probably unavoidable but it has left our farmers in a state of great uncertainty, as we have heard from many noble Lords who are themselves farmers. Yes, they had promises that it would happen, but those are only words. We have heard many words, some of them referring to your Lordships' House, but I doubt that anyone has yet consulted their removers on the cost of moving their residence up to York.

If the Government had made progress on the Agriculture Bill—stranded since November 2018—in the previous Parliament, we would not need this one. I remind your Lordships' House that that is a reflection of the huge problems that we have in the quality of governance, independent of its ideological content, and the way in which our unreformed political system is simply not working.

I make another systemic point, this time about the Rural Payments Agency. A number of noble Lords have referred to the delays in farmers receiving payments. The RPA saw its budget cut from £237 million in 2010 to £95 million in 2018. This is austerity. We hear talk about austerity in lots of other contexts, but let us recognise that this was a decision made across government that has had real consequences right across society.

The Bill is narrow in scope and duration but I want to take this opportunity to focus on the level of uncertainty that our farmers and growers are facing, relating to both policy and climate—that is, the uncertainty of what the climate emergency will bring them. We have of course heard references to the weather this year. I thank the Minister for his response to my Written Question HL541 about independent advice to farmers. In response he referred to

“considering both private and public sector options.”

I am disappointed not to see in that Answer any reference to farmer-led advice and research.

Last year I was at the Oxford Real Farming Conference. I heard a German minimum-till organic vegetable grower talking about how government-funded academics had come to his farm, conducted research to answer the questions that he wanted answered and then provided him with advice based on that research. The farmers and growers in the room gasped. They were gasps of astonishment that government-funded research could work in that way, and perhaps also gasps of envy because they would like to see something similar. We have seen so much advice farmers have had to rely on coming from commercial interests based on commercial research by seed companies and agrochemical companies. Facing this state of uncertainty, how will we ensure that farmers get answers to the questions they need answered in the next seven years and beyond?

I am very aware of the narrow scope of the Bill. We are all of course looking forward to the Agriculture Bill. I will make three brief points with regard to what we have seen of that thus far. I do not believe that we have seen anything like an understanding from the Government of the need for the utter transformation

of our agriculture and land use that the climate emergency and our nature crisis demand. We will also get to a social crisis. UKSSD looked at Britain's ability to meet the sustainable development goals and we are not on track to meet any of them. Farming and land use are an important part of how we reach those goals.

We have heard some reference to the food strategy. That needs to be integrated with the land use strategy. We also need to be thinking about incomes policy, benefits and welfare, with people being able to pay for the food they need so that farmers and growers get a decent return. That is part of agriculture policy. It is all interrelated. Control of the supermarkets is crucial. We need to think about food security and feeding ourselves; that has to be the most basic requirement of government. We also need to think about food quality. I heard an academic being asked what kind of food and farming we need and they said, “I can answer that in one word: vegetables.” Only 18% of children in the UK eat their supposed five a day. That five-a-day recommendation was decided by sociologists, not nutritionists. Nutritionists will tell you that it is 10 a day. That means we need to grow at least eight times as much fruit and vegetables in the UK as we do now to head towards healthy food self-sufficiency.

This may be my most unpopular point—noble Lords might be surprised to hear that. I am sure most noble Lords would agree that we need to tackle food waste. When thinking about our future agricultural policy, I put it to your Lordships that feeding perfectly good food to animals in factory farming is food waste and has to stop.

In concluding, I come back to the point on which I started: the quality of governance. This Bill is fundamental for security and we are racing it through just days before the deadline. That is no way to run a Government. A Member of your Lordships' House commented that they thought I would come back to democracy in every speech I made—that is probably just about true. I refer your Lordships to an excellent little book called *Nation of Devils* by Stein Ringen that shows that countries with democratic proportional electoral systems have a better quality of governance, make better decisions and do not end up in an utterly last-minute, on-the-hoof race, as we have today.

4.43 pm

Baroness McIntosh of Pickering (Con): My Lords, it is a pleasure to follow the noble Baroness. I refer to my interests in the register. In particular, I sit on the Rural Affairs Group of the Church of England Synod. I welcome the Bill and congratulate my noble friend the Minister on bringing it forward, particularly on giving a legal basis to allow farm payments to continue and to make the appropriate budget allocations.

I remind my noble friend of my particular interest in the plight of tenant farmers, which relates both to the Bill allowing direct farm payments to farmers to continue and to the wider provisions of the farm reforms that we will come to in the Agriculture Bill. Could my noble friend clarify whether in his introductory remarks he committed to ensure that the funding will be given for the whole of this Parliament? Is that provided for in the Bill? If not, are we to continue on a

year-by-year basis? I know that tenant farmers will be particularly pleased if this is the case; in their view, this would have been the ideal place to put into effect our manifesto commitment to ensure that funding to the agricultural industry is retained until the end of this Parliament.

Livestock is central to hill farms and upland farming. The Government must be aware of the potential for damage to livestock farming if they are minded to introduce a ban on live trade in animals. I repeat my plea here that we must not proceed to ban livestock. It is a limited, highly regulated trade but extremely important in maintaining price. In particular, when spring lambs go to France to be fattened and finished, they are not immediately sent to slaughter. I hope my noble friend will take this opportunity to give a commitment that no ban will be imposed on live trade. It would be particularly difficult to do so at that time, being mindful of the fact that tariffs may well be introduced on the Irish border or between this country and Northern Ireland, leading to a disparity between deadweight and live animals.

Does my noble friend also agree that trees have their place, none more so than in flood protection? I am proud of the Pickering pilot scheme, which has been very successful to date, but after planting trees it takes some 30, 40 or 50 years for those trees to mature. In all probability, any support for planting trees will go to landowners. My concern is that tenants will no longer benefit, as they currently do, from stewardship schemes. I hope my noble friend will continue to have sight of that.

Why are the pilot projects under the ELM schemes so secret? A number of your Lordships referred to this. Why can we not have the results of those pilot schemes at this stage, long before we go on to consider the elements of the Agriculture Bill, in which it will be vital that we understand them? The debate on the Agriculture Bill will be substantial; linked to it, of course, is the rather voluminous environmental Bill, and my noble friend moved the First Reading of the Fisheries Bill today. I put down my real concern that we basically wasted two years of the previous Parliament, when those Bills could have been taken, along with the immigration Bill and the two trade Bills—one the rollover Trade Bill and the other the new trade agreement Bill. I hope that the Opposition Front Bench will take the point seriously when I urge the Government that we need proper time to conduct proper scrutiny. In passing this Bill expeditiously today on a very narrow, technical, budgetary issue, we should not lose sight of the wider debate where we will look at changing farm policy for the first time—and the greatest extent—in 50 years. That will take proper consideration and both Houses of Parliament must be given due time for it.

Will my noble friend put my mind at rest that central to the Bill and the wider issue are our food security, food standards and self-sufficiency? I ask this because I recently asked a Question, HL459, on food security and self-sufficiency. In the reply that I received from my noble friend Lord Goldsmith of Richmond Park, I was told that the Government are minded

“to regularly report on food security to Parliament”.

That is all well and good but some concrete measures would be interesting as well. I was very disappointed that that parliamentary reply was completely silent on self-sufficiency. This worries me greatly because I understand that, while it is difficult to get a proper figure, for the first time in a long time it has fallen below 60%.

Like other noble Lords, I echo the concern that we need to end the uncertainty. In particular, I echo what the noble Baroness, Lady Young of Old Scone, asked for: either the statutory instruments that will form part of the next round of farm reform should be published, so that they can be properly considered, or the criteria that farmers will be asked to meet under the ELM scheme should be published sooner rather than later. Clearly, this debate will take some time to come to fruition, but it is important that we do not lose sight of those points.

Are the Government still minded to commit to remapping every three years? Is it really necessary in the context both of the Bill and particularly of future payments? Will the Minister confirm that a balance will be sought between the environmental and productivity aspects of how our farmers are to produce food; that we will focus in the Bill and future Bills on affordable food, allowing farmers to earn a living or—as my noble friend Lady Byford stated—to make a profit; and that we must not take imports from elsewhere in the world which are farmed to much lower standards, whether in food production or in welfare? I obviously welcome the Bill, but I hope my noble friend will do justice to the concerns raised today.

4.51 pm

Lord Inglewood (Non-Aff): My Lords, like a number of other contributors to this debate, I must begin by declaring my interests in the register. I farm in Cumbria, both in the uplands and on the lower ground, and I am now and have been for some time in receipt of basic payment scheme payments. I have received those because it was considered that what I was doing was in the public interest and should be supported.

That has been the case for a long time. For decades, not to say centuries, agriculture has been a market regulated in the public interest, but the problem now is that what I am being paid for is not thought a particularly good way of supporting me to do what I am doing, and nor is it necessarily supposed that what I am doing is in the public interest. It is thought more desirable that there should be different outputs that are produced and procured in a different way.

That seems an entirely reasonable proposition. What we are seeing today is a change which began in the 1990s and reversed a tendency that came into being at the end of the Second World War. The view that rural Britain was essentially the location of a single activity—namely, farming—is being replaced by a view that it is a place where there are multiple outputs and not a single one, food production. Let us remember, however, that food production is still important.

The hard part of this transition is the detail of where we go from here. A number of speakers today have detailed some of their concerns. I do not wish to go over that ground again, other than to say that we

[LORD INGLEWOOD]

need also to look at the taxation system for both full-time and part-time farming, which is an equally important part of the rural economy, and at farming businesses from the perspective of sustainability. It is not desirable in the longer run for those businesses not to be able to fund reinvestment in those activities from the profits they generate.

It is also worth remembering—a point I raised in the debate on the Queen's Speech—that rural England is similar in many ways to the north of England and the Midlands, on which the Government are placing considerable emphasis. As I said, I come from Cumbria, and I am chairman of the Cumbria local enterprise partnership. The economic condition of much of rural England is equivalent to that of the north and the Midlands, which have seen their standards of living and quality of life degraded by failure to keep up with the increased prosperity that we have seen in the south, and in particular in the south-east.

When thinking about the future of farming, it is also terribly important not to forget that we can generalise, but farms are different, random parcels of land. Many of the land uses and other things deemed desirable may well cross boundaries and it may be difficult to get people to agree on how this should be taken forward. Finally, it is very important that whatever emerges runs with the grain of land and water. We have to enlist people's hearts and minds in the rural communities towards achieving an outcome that is considered in the national interest.

We already see cross-compliance attached to agricultural payments, and the direction of travel implies an extension and wider application of this principle. That does not seem to me remotely undesirable. Clearly, a combination of leaving the CAP and a reconfiguration of the definition of public goods means a new basis for payments. Hence the Agriculture Bill in the last Parliament; hence this Bill, now to be followed by the forthcoming Agriculture Bill just introduced in the other place.

The reality of the current state of affairs is that the Government have little alternative but to introduce the Bill in front of us, and I commend and support it. I also thank the noble Lord, Lord Bew, for his work on various aspects of the payments system, particularly his emphasis on the desirability of solidarity across the United Kingdom as a whole. I would add that those in the north of England, whose agriculture is very similar to that of Wales, Scotland and Northern Ireland, feel when you talk to them that they are getting a raw deal and that they are being discriminated against. It is important that this is both recognised and acted on.

Having said that, and as a number of other speakers have said, the Agriculture Bill introduced in the other place does not really get us a great deal further. By itself, it is very little help to those who are trying to look at the framework and financial implications of a new era and want to work out where to go from here. It is important to appreciate that, looking forward, this is both a science and an art. I feel slightly conscious in saying this that I might be portrayed like one of our 18th-century predecessors, although I would not go as

far as the nobleman who is reported to have commented that he was very anxious to die before Capability Brown because he wanted to see heaven before he improved it.

It is clear that, if the new regime depends on an embedded system of public money for public goods, the requirements and terms and conditions attached to it are crucial. Currently, as Professor Julia Aglionby—recently appointed professor in practice at the Centre for National Parks and Protected Areas at the University of Cumbria—has pointed out, many in the uplands are currently staring into an economic black hole because there is no indication of what will happen next. This is a chasm as deep as that which separated Dives and Lazarus, lying between where people are today and a future sketched out by senior political leaders in statements of generalised policy tinged in green, painting a picture of sunny uplands a decade hence. Unless detail is forthcoming, and forthcoming shortly, I believe we shall have to come back to this debate 12 months from now and have a similar Bill to this one.

4.58 pm

Lord Teverson (LD): My Lords, I confess to having a roughly 4 acre field for which I get no subsidy whatever, except for an electricity pole for which I get about £200 a year—maybe less than that. I am also a co-chair of the Cornwall and Isles of Scilly Local Nature Partnership.

I will approach this in a slightly different way. I support this Bill, which is a sort of sticking plaster between now and 12 months' time. It is quite delicious to me, in a way, to see the Conservative Front Bench going out strongly for state aid for a particular sector—something that normally the Conservative Party would not necessarily associate itself with. I know that this is a money Bill, so we will, quite rightly, not have much influence over it, as it is the other end's business. We say that perhaps rather glibly as the Bill goes through, but this is big bucks—it is a lot of money. We put state aid into this industry of between £3 billion and £4 billion a year. That is quite a bit of money. In fact, if you look at it per household in the United Kingdom, every household contributes about £120 to the agricultural industry. That is just a little less than the TV licence fee, for instance. I guess that the 1.6 million people who use food banks might find it quite ironic that, on average, as a household they also pay £120 towards the food production sector in this country. That may well be necessary, and I will not argue against it here, but we should be aware of that, because that money can be used for other things as well, and increasingly will be, we are promised, over the next eight years.

I must admit that I am particularly impressed by the noble Lord, Lord Bew, who has somehow managed to persuade the Treasury, almost it seems without any argument, to add about a quarter of a billion pounds to this. That is excellent—perhaps we could find a way to do that with other sectors. I would like to have a masterclass from him afterwards on how he managed to achieve that.

The noble Earl, Lord Devon, in his excellent speech, talked about trying to get more certainty in this area. In fact, he mentioned that one good thing about the

common agricultural policy, with all its faults, was that there was predictability. However, I should remind the House that, at the moment, the EU Commission is going through a major reform of the common agricultural policy which is in fact so fundamental that it has had to postpone it for one year. That has two strands: one is semi-renationalisation of agricultural policy, and the other is that some 25% of the EU budget, of which agriculture is a major part, will be dedicated to the climate change challenge. Ironically, therefore, even if we had stayed in the European Union, which clearly we will not, some of these issues regarding our agricultural sector would have come anyway, and maybe the Government could have come up with some of the same solutions that they are coming up with now. However, I am concerned that that uncertainty will be extended over some seven years—in fact you have to add this year on as well, so there will be eight years of transition to the next form of final implementation of the new system regarding payments for public good.

Actually, I want to praise Michael Gove as Secretary of State in Defra for changing the agenda here in a forthright, brave and courageous way to make a radical change in how this works. I regret that he will no longer be the custodian of the 25-year environmental plan, of which this effectively is a key part, because there is public expenditure here on a big scale, and a way to do it.

I was quite surprised that the noble Baroness, Lady Bennett, did not mention that we have a biodiversity crisis in this country at the moment. If you look at the *State of Nature 2019* report, which came out at the end of last year, you will see a list of all the species, particularly in rural areas, which are heavily challenged and the numbers of which have decreased since 1970. That is urgent, yet we have an eight-year transition period until we put in a scheme that has some hope of reversing that biodiversity challenge. I say to the Minister that, both on getting more certainty for the sector, as the noble Earl said, and on our environmental challenges, surely we can start to make that transition shorter. We had a debate on the landing obligation for fisheries—the Minister did not answer it, but he was there—and, although that was a European and partly British issue, we know that you tend to wait for deadlines to happen before you get round to doing something about them. I think that eight years is too lazy; it risks leaving those major reforms to the last few years, which to a large degree it already does. So let us bring it forward.

Of course, the real challenge to the sector is not this one. The destabilising factor is not the funding mechanism; it is international trade. Let us be under no misapprehension whatever that, with the United States, with Canada—which has refused to do a rollover deal with the United Kingdom on its EU agreement—with South America and with Australasia, the key asks for those trade deals will be on agricultural entry to the UK market. How that is done is down to how good we are at negotiating as a country with those other nations. I hope and pray that we will be very good at doing that, but the uncertainty about those trade deals, how they will be interpreted and who has power—that power equation—will be unknown for some time.

I want to ask the Minister a couple of questions. As he is probably aware, in the Northern Ireland protocol under the withdrawal agreement, Article 11 states—clearly for once; it is a pretty unclear document otherwise—

“consistent with the arrangements set out in Articles 5 to 10, and in ... respect of Union law”—

that is, European Union law—

“this Protocol shall be implemented and applied so as to maintain the necessary conditions for continued North-South cooperation, including in the areas of environment, health, agriculture”.

Under the state aid provision in Article 10, it states:

“The provisions of Union law”—

that is, again, European law—

“listed in Annex 5 to this Protocol shall apply to the United Kingdom, including with regard to measures supporting the production of and trade in agricultural products in Northern Ireland”.

Will this and future state aid to the agricultural sector be constrained by that Northern Ireland protocol?

My other question is this. Previous speakers have mentioned the Rural Payments Agency. The RPA has done a lot better on Pillar 1 payments. We are never confident about it, given its history, but what concerns me is that, as my noble friend Lady Bakewell pointed out very well, the current delay relates to Pillar 2. Effectively, the future support mechanism will be a Pillar 2-type process. How that is managed, enforced and communicated will be very complex. I wonder whether Defra has taken into account how much of the capacity of the RPA will be needed under the future regime.

My last question is this. A fundamental change that has not been mentioned in this debate is that at the moment, under the CAP, the money comes from Brussels a year later, as we heard, to cover the cost of the CAP paid out by the UK Government. That changes. This will now be an integral part of Defra’s budget. Given the fact that it is quite difficult to predict payments, there will be a difference from what has been budgeted for in government expenditure—Defra expenditure in particular—at the end of the year. If it is 10% of £3.5 billion, that is quite a bit of money. Will that be taken off Defra’s budget if it has under-budgeted or, if it goes over, will it be sent straight back to the Treasury? I know that in the past Defra has often suffered from Treasury cuts, and I am concerned that, if it gets its budgeting wrong, other essential services it provides will be prejudiced by the fact that the Treasury will be very unhelpful at the time.

5.08 pm

Baroness Jones of Whitchurch (Lab): My Lords, I am grateful to the Minister for setting out the purpose of the Bill so clearly today and for arranging a helpful briefing with officials beforehand. As he said, the Bill has a simple intent, which is to continue the direct payments to farmers scheme for a further year until 2021 to ensure continuity of payments. As this is a money Bill and will provide important guarantees of funding to farmers, we will not oppose it today.

However, I want to comment on how we have ended up here today. This Bill should never have been necessary—a point made by the noble Baronesses, Lady McIntosh and Lady Bennett, among others—

[BARONESS JONES OF WHITCHURCH]

because the Government have had more than enough time to prepare for the transition from CAP payments. It is nearly four years since the Brexit referendum, when so many promises were made to farmers about the sunny uplands, post CAP, and it is 14 months since the Government halted consideration of the previous version of the Agriculture Bill, which began to set out the details of a post-CAP regime and which we are having to revisit again today.

Since then, farmers have been left in limbo, uncertain about their entitlement to payments in the short term and desperate for a clear understanding of the payments regime that will apply from 2021. It goes without saying that commitments on the application of funds for individual farmers are crucial for their long-term planning and investment, so it is unsurprising that they are frustrated with and angry about the delays; a number of noble Lords, including the noble Earl, Lord Devon, and the noble Baroness, Lady Bennett, have reflected that frustration this afternoon. It has resulted in a degree of paralysis, which is unhealthy in a sector that thrives on innovation and introducing new farming applications.

By any measure, Defra has not handled this well. This was confirmed in a National Audit Office report last year, which criticised the department's handling of the replacement of CAP as lacking proper planning, lacking support for farmers to prepare for the change and lacking a proper analysis of the impact of the change on the overall economy. Again, these issues have echoed around the Chamber this afternoon. For example, the noble Earl, Lord Caithness, asked—quite rightly—whether farmers have been properly advised about what is going on, whether they understand the detailed discussion we are having here and whether they understand the legislative process that will follow from that, since they may think that they are dealing with more important issues on a day-to-day basis.

Although we accept that the need for this Bill is now inevitable, we certainly do not accept that it is ideal. It is of course welcome that the Government have agreed to maintain the total pot of £3.2 billion during the transition to 2025. However, questions arise. I was interested in the questions asked by the noble Lord, Lord Teverson: what will happen if all the money is not spent year on year? Will it go back to the Treasury? What is the implication of that? Can the Minister clarify whether that commitment to £3.2 billion, however it is worded, is inflation-proofed? Can he reassure farmers as to what payment pot is envisaged from the end of the five-year Parliament in 2025 to the end of the seven-year transition, because there is a payment gap for the last couple of years? How will that be calculated? Can he also clarify whether the Bill has any impact on the Pillar 2 payments, which are not part of the CAP basic farm payments scheme? Again, a number of noble Lords raised this issue. Will those payments be claimed separately in the usual way until 1 January next year? Can he reassure noble Lords who have struggled with the Rural Payments Agency that the current payments will be made in a timely manner?

In terms of the wording of the Bill, we have another specific concern. As it stands, the Bill allows for the extension of the basic farm payment scheme for one

year only, as the Bill includes a sunset clause. So we may be legislating for a new cliff edge on 1 January 2021, after only another 12 months of certainty for farmers, before the new Agriculture Bill is due to come into effect. What certainty can the Minister give that we are not just going to move from one regime to another and that there will be a smooth and proper handover for these two pieces of legislation?

I would say that we are all enthused about the opportunities that the new Agriculture Bill offers in shaping the payments scheme based on public money for public goods, and I agree with the noble Lord, Lord Teverson, that we probably have something to thank Michael Gove for about that. He certainly raised the game on how we might face the challenges ahead. I also agree with my noble friend Lady Young that this is one of the real opportunities post Brexit which we should grasp with both hands. The new Agriculture Bill places a welcome new emphasis on improving the environment, adapting to climate change and protecting the welfare of livestock, but the Minister will know that passing the Bill is only the first step towards a new regime. It is in effect an enabling Bill. The detail is yet to be set out in regulations which will need to be drafted and approved before farmers can be sure about what the payments system will mean for them, so with the best will in the world, as we stand here now in January 2020, it is hard to see that all that work will be completed before the end of this year, particularly if farmers and stakeholders are to be properly consulted along the way. There is also the added frustration that the regulations that we are promised but have not seen will come in the form of secondary legislation which we will be unable to amend. Given that, I agree strongly with my noble friend Lady Young that consultation on these SIs in advance of them being laid would be extremely helpful. I would be grateful if the Minister could explain whether that is being considered.

At the same time, it is unclear how the outcome of the pilot environmental land management schemes, which of course should provide the basis for future payments, can be properly rolled out and evaluated in time to determine the rules for the next seven years, a point that has also been made by the noble Baroness, Lady McIntosh. Again, we would feel more reassured if the Minister could clarify that because, for the pilots to have any merit, they need to roll on for a considerable period of time. How is that going to influence the starting point of the schemes?

All this is intensely frustrating. We support the principle of public money for public goods, with all the environmental advantages that that implies, and we want to move on to the new regime as quickly as possible. However, we want to ensure that the new scheme is robust, properly monitored and measured, and transformative. We need to be somewhat persuaded that the transitional payments as envisaged in the Agriculture Bill will be ready for implementation on 1 January next year. If that is the case, why is the Bill before us today restricted to one-year payments when it could have retained more flexibility? Can the Minister also explain why the Agriculture Bill itself seems to

give the Secretary of State the flexibility to extend the basic payments scheme for future years rather than including that option in this Bill?

Finally, the Bill does include some good news. All noble Lords have expressed their gratitude to the noble Lord, Lord Bew, for his report into the allocation of farm support across the UK. He has recommended that a greater share of the direct payments should be allocated to Wales and Scotland, and he is right to note that Labour definitely supports that proposal. I pay tribute to him for his detailed work and the great acts of diplomacy that he has had to carry out in brokering a deal—congratulations on doing that.

We are pleased that the Government are implementing the recommendation of topping up these payments while the allocations to England and Northern Ireland are maintained, but can the Minister clarify how that recommendation will apply in future years? Can he confirm that this will not just be a two-year top-up, but will be a principle that is carried forward into the new payments scheme? Further, as the noble Baroness, Lady Byford, asked, will it be ring-fenced in the future? Again, that is another challenge. I look forward to his response on these issues.

While I am on my feet, I thank the Minister and officials for the careful and considerate way in which this Bill has been stewarded through this House. I am sure it sets a good precedent for the much greater challenges ahead when we come to debate the Agriculture Bill.

5.19 pm

Lord Gardiner of Kimble: My Lords, in many respects this has been a preliminary to our deliberations on the Agriculture Bill; I fully expected that. I will first address in particular the noble Baroness, Lady Young of Old Scone. I am worried that she is going to be worried, because I can identify in the Agriculture Bill so much of what she said. In my view, every single element that she mentioned—including soils, floods and climate change—is engaged in Clause 1(1)(a) to 1(1)(j). Because this comes up again, I also want to discuss the balance of all that we want to do. If your Lordships will forgive me, as we have had a preliminary on the Agriculture Bill, I think it is important that I set out the Government's bona fides.

The noble Lord, Lord Teverson, hit on something that I as a farmer have often reflected on. As a farming sector, we will now have to look to the British taxpayer and say, "We would like your support." The way in which to look at this is very much Michael Gove's legacy: the public are prepared to support farmers in doing all the many things in Clause 1(1)(a) to 1(1)(j) in the Agriculture Bill to enhance the environment. With over 70% of our land farmed, the farming world can play an invaluable role in restoring biodiversity and nature recovery.

I also want to emphasise Clause 1(4) of the Agriculture Bill, which says:

"In framing any financial assistance scheme, the Secretary of State must have regard to the need to encourage the production of food by producers in England and its production by them in an environmentally sustainable way."

The Agriculture Bill is not a proposal for us not to produce food. I hope that the noble Baroness, Lady Young of Old Scone, and other noble Lords who have

raised so much of this, will take some reassurance in what is before us when we come to consider that Bill. I also say to the noble Baroness and other noble Lords that the food strategy that Henry Dimbleby is undertaking is absolutely about bringing forward by the summer a national food strategy that goes from farm to fork.

I want to say in the preliminaries that the noble Earl, Lord Devon, has hit on something that I think is very important for us as a nation and our pastoral farming. By that, I mean the best traditions of pastoral farming. Moving from British meat products to plants produced in other parts of the world where we have seen environmental degradation—be it in the production of almond milk, avocado or soya—we should be careful of being buffeted by fads and fashion. I think of what pastoral farming does to the landscape and rural environment in so many parts of the world. We should be very cautious about moving towards a system of jettisoning and disregarding the importance of livestock agriculture to very high standards in this country.

I am grateful to the noble Lord, Lord Teverson, for raising the issue of public money. Let us take ourselves back to earlier caps: could we really face the nation and talk about lakes and mountains, as we had to before, if we are to receive public money?

The noble Baronesses, Lady Jones of Whitchurch and Lady Bennett, and the noble Earl, Lord Devon, asked: why are we here now? The Bill is dependent on the terms of, and has no effect without, the withdrawal agreement. Therefore, we could not introduce this Bill any sooner than we did. Royal Assent cannot occur before Royal Assent to the European Union (Withdrawal Agreement) Bill.

The noble Baroness, Lady Jones of Whitchurch, asked why we were not doing more on future support in the Bill. The Bill is, as I have described, a small technical Bill to lift the 2020 payments mechanism for us to deal with 2020. There are many provisions in the Agriculture Bill that will enable us to outline and deal with the mechanism for continuing to support farmers in their essential work and the production of food.

I will reiterate what I said in my opening remarks on funding. The Government are committed to matching the current overall budget available to farmers in every year of this Parliament. I am not in a position to say what a future Government might do after a future general election, but my view is that we are right to match that overall budget. That is a government commitment. As I said, on 30 December the Chancellor of the Exchequer announced funding for direct payments that matches the total funding for direct payments available for 2019. I think that that is an indication of a Government who are not being cavalier but who absolutely understand that farmers need to have an understanding of where they are this year, and as we go through with all the transitional arrangements and the continuance on a tapering scale of direct payments, so that they can work with the new system and we can progressively reduce direct payments. There are powers to do that.

The noble Baroness, Lady Young of Old Scone, mentioned scrutiny, which is important. Defra will consult before making SIs under the Agriculture Bill. We had some very successful results from scrutinising the exit SIs, for instance.

[LORD GARDINER OF KIMBLE]

In no particular order, my noble friend Lady McIntosh asked about live exports for the second time this week. I repeat what I said before and it will not change: we are extremely concerned about the long journeys that live animals are undertaking. The veterinary profession is very concerned about this and it is something we will work on.

My noble friend Lady McIntosh also asked about tenant farmers. This Bill is about status quo for the scheme in 2020, but new provisions on tenancies in the Agriculture Bill will ensure what we believe will be a vibrant future for agricultural tenancies, providing tenants of agricultural holdings with agreements that have more flexibility and removing barriers to investment and productivity.

On remapping, in future years we will look to simplify the administration of existing schemes for farmers and the RPA. On the RPA's payment performance, it was generous of the noble Earl, Lord Devon, to say that the RPA was working very hard. This year I think that we are up to 97% already being paid. We will obviously focus on completing the remaining claims and releasing payments as soon as possible.

On the issues that the noble Baroness, Lady Bakewell of Hardington Mandeville, raised, my colleague the Minister of State, George Eustice, has had meetings with the RPA's chief executive. There have been considerable improvements over the past 18 months, but I and they are very conscious that we need to improve the position in particular on the environmental schemes and the countryside stewardship schemes. It has been improved, but there is more room on that.

My noble friend Lady Byford asked about timings on the Agriculture Bill. The Second Reading will be in the other place on Monday 3 February, so clearly it will reach your Lordships in the due time of its deliberations in the other place. I look forward to that. As I said, I think that we have had a very good preliminary.

My noble friend Lady Byford and the noble Baroness, Lady Bakewell, asked about trials. We are currently running a programme of tests and trials. It is important to say that these are about co-designing with farmers in all sorts of topographies in the country. This will be so that we have a range of trials, because part of the work of an ELM in certain parts of the country will quite clearly be somewhat different. The focus might well be on elements of paragraphs (a) to (j) of Clause 1(1) of the Agriculture Bill, for instance. We are working closely with a range of environmental and agricultural stakeholders to design collaboratively the new ELM scheme, so that it is fit for purpose. We will provide further information over the coming year, but, following these tests, we want to refine the co-design to ensure that it works on the ground for farmers and other land managers, and that it delivers the environmental outcomes that we and the farmers want.

The noble Baroness, Lady Bakewell, asked about the rates of exchange. The level of funding available for direct payments in 2020 for each part of the UK will be the same as for 2019; the funding is based on the same financial ceiling and exchange rate.

Several noble Lords, including the noble Baroness, Lady Young of Old Scone, raised trade. We should be proud of our British produce for domestic and export consumption, and of its reputation as being of the highest quality. As I have said so many times to your Lordships, any future trade agreements must work for consumers, farmers and businesses. We will not water down our standards on food safety, animal welfare or environmental protection as part of a trade deal.

On the review by the noble Lord, Lord Bew, it is a great privilege to have one of your Lordships undertaking a review that clearly was knotty. Your Lordships were right; the noble Lord's skills will become legendary. This was a knotty problem for all sorts of reasons. Also important is the noble Lord's confirmation of the collaborative spirit across the devolved Administrations. It is a feature of life that we are always wanting to find the areas of disagreement rather than agreement. I say to my noble friend Lady Byford, and the noble Baroness, Lady Jones of Whitchurch, that this money will be ring-fenced, to be spent on farmers in Scotland and Wales respectively. I assure your Lordships that this money will not be taken by farmers in England or Northern Ireland. It is additional money, resulting in an overall funding increase of £56.6 million for UK farming over the two-year period.

As I mentioned before, the transition period, raised by the noble Baroness, Lady Jones of Whitchurch, and the noble Earl, Lord Devon, is a seven-year transition. We intend to introduce changes steadily. In 2021 we will start applying reductions to direct payments. Reductions will apply progressively. We will offer land management schemes throughout the transition. Countryside stewardship will remain open to new applicants until 2023-24. Additionally, existing high-quality countryside stewardship and environmental stewardship agreements will be extended, protecting their environmental outcomes and farmers' incomes. The new environmental land management scheme is being developed, with full ELM rollout across England in late 2024.

Food security was raised by the noble Baroness, Lady Bakewell, and my noble friend Lady McIntosh. The Agriculture Bill includes a new requirement to report on food security. I say to my noble friend Lady McIntosh that on self-sufficiency, we are at 75% of UK production for indigenous grown food, but there are many things that the consumer likes that we do not produce here, so self-sufficiency is not the point. It is about food security. Candidly, I know about tea in Cornwall, but not about coffee and citrus fruits. We need to be conscious of food production, but conscious of food security too.

The Government believe that upland farmers play a vital role as stewards of the countryside and our iconic landscapes, and that across the land they are well placed to benefit from new ELM schemes, which will reward farmers for what many in those areas are already doing.

My noble friends Lord Cathcart and Lord Caithness asked about transition. I get the *Farmers Weekly* and the *Farmers Guardian* every week and there is no doubt that there is an awareness and considerable discussions, individually and across farmers generally, about this period of change and the co-design. I emphasise

again that none of this will work if it is not the farmers' idea and concept, too. It is vital that we get it right by co-designing these schemes with farmers.

In response to a point raised by my noble friend Lady Byford and the noble Lord, Lord Bew, on the devolved Administrations, the Government are committed to engaging with the devolved Administrations to develop a fair approach to future funding allocations. We agreed to consider the needs of farmers in England, Wales, Scotland and Northern Ireland, recognising that agriculture policy is and will remain devolved.

My noble friend Lord Caithness asked what amendments Defra expects the EU to make to the CAP this year. We are not expecting the EU to make significant changes but the Bill includes a power, but not an obligation, for us to undertake any amendments. He also asked about greening under pillar 2. Under our new ELMs scheme we are considering how best to reward farmers and land managers for the good work they do in managing the countryside.

On the countryside stewardship scheme, a new round of countryside stewardship will be open for applications in February, with the agreement starting in 2021. This will be a stand-alone domestic grants scheme and we have made an SI on that matter. My noble friend Lord Caithness also asked about this in relation to Northern Ireland. It is a matter for DAERA. Since the start of the current scheme, payment entitlements in Northern Ireland have been moving towards, but have not yet reached, a uniform unit value.

The Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly have all granted legislative consent Motions for the Bill, and the NFU has welcomed it.

On the issue of the carry-over of the three-crop rule, raised by my noble friend Lady Byford, the Bill does not introduce new policy. The basic payment scheme, including the greening rules, which include the three-crop rule, will apply for 2020. The Agriculture Bill will allow us to simplify the current scheme from 2021. However, the Rural Payments Agency has recently updated its GOV.UK online guidance on flooding and wet weather so that farmers are clear on rules and possible alternative options which will allow them to remain compliant.

On the Northern Ireland protocol, an issue raised by the noble Lord, Lord Teverson, spending that supports the production of trade in agriculture products in Northern Ireland is exempt from state aid rules when meeting Article 10.2 conditions. I do not have time to say more on this matter but if there was anything further on it I would.

The noble Baroness, Lady Jones of Whitchurch, also raised the issue of pillar 2. Under the withdrawal Act 2020, Defra and the devolved Administrations will continue to deliver rural development programmes under the terms of the EU regulations, which are not the subject of this Bill.

My noble friend Lord Inglewood raised a number of pertinent points but I am afraid that taxation is above my pay grade.

Obviously, there are issues—many of which will come up in the Agriculture Bill—but I want to take the opportunity with this short Bill to put on record

my thanks to the Bill team and all noble Lords who have engaged in these deliberations. The Bill is necessary. I hope I have explained why we are doing it now and why we could not have brought it forward before although it was an issue we understood we would need to manage. It has also enabled the Government to address the review of the noble Lord, Lord Bew, dealing with 2020.

These measures have been agreed by the other place and are overwhelmingly supported by the devolved Administrations, stakeholders and farmers across this country. As I have said, this Bill is certified and is therefore a money Bill. I will look at *Hansard* because there are many questions which go beyond this Bill. If any particular points come up in other deliberations, I will come back. In the meantime, I beg to move.

Bill read a second time. Committee negatived. Standing Order 46 having been dispensed with, the Bill was read a third time, and passed.

Social Mobility

Question for Short Debate

5.41 pm

Asked by **Baroness Tyler of Enfield**

To ask Her Majesty's Government how they plan to respond to the ten steps to improve social mobility contained in the Sutton Trust's *Mobility Manifesto*, published in November 2019, and the recommendations of the Social Mobility Commission's 2019 *State of the Nation* report.

Baroness Tyler of Enfield (LD): My Lords, I am delighted to open this debate on social mobility and by the level of interest it has generated among noble Lords whose contributions I look forward to hearing, particularly the maiden speech of the noble Lord, Lord Choudrey.

I start by declaring an interest as co-chair of the All-Party Parliamentary Group on Social Mobility. It has been a privilege to have served as an officer of this APPG since 2011. A general debate on social mobility is long overdue. To be frank, it feels as if there has been something of a deafening silence on this issue of late. There were scant references to social mobility in the recent party election manifestos, and the few there were felt less than positive in places. I feel sure that I am not alone in your Lordships' House in viewing taking action to improve the life chances of all our citizens, whatever their background or the circumstances of their birth, as a primary responsibility of any Government.

How do we get this subject high up on the political agenda where it should be? Let us hope that this debate helps. As a starting point, I do not think we could do much better than looking at the Sutton Trust's *Mobility Manifesto*, which was published last November, and the Social Mobility Commission's *State of the Nation 2018-19*. Both reports contains important recommendations which must not be lost simply because of the political machinations we have

[BARONESS TYLER OF ENFIELD]

been living through. I look forward to hearing how the Government plan to respond to them and about their overall thinking on boosting social mobility.

I shall first say a few words about why I think social mobility is such a pressing issue. I shall try to go easy on the stats, but a little theme-setting is required. The stark reality is that it is becoming harder to be socially mobile. A recent study of ONS data found that only one in eight men in professional jobs who was born in the late 1970s and early 1980s was highly socially mobile, compared to one in five in the late 1950s.

Let us next look at the economic case. According to the World Economic Forum's *Global Social Mobility Report*, which was published this month—so it is hot off the press—the UK ranks 21st out of 82 countries. It is the third-lowest G7 economy and is followed by the United States and Italy, so there is no room for complacency. Low social mobility is estimated to cost the UK many billions a year, not least in terms of low productivity. It has been estimated that even modest increases in social mobility could increase GDP growth by 2% to 4% a year, so it matters for economic prosperity as well as for social justice.

It is also highly instructive to look at public attitudes to social mobility. We are lucky to have the *Social Mobility Barometer*, which was published earlier this month. It found that 77% of people in the UK feel that there is a large gap between the social classes. This is unchanged from previous years and suggests that people feel the gap is not closing. Almost half of people feel that where you end up in British society is still mainly determined by your background and who your parents were. Tellingly, more than half of those questioned felt that the Government should do more to help the least well off, and 76% of people felt that there were large differences in opportunity across the country, with the greatest difference being between London and the north-east.

All this is reinforced by recent polling commissioned by the Sutton Trust, which shows that people have become considerably more pessimistic about opportunities to be successful in life, with just 35% of respondents agreeing that people had equal opportunities to get ahead.

In short, this stuff really matters. So what do we need to do? The Social Mobility Commission's *State of the Nation* report found that social mobility had “stagnated” over the last four years, at “virtually all stages from birth to work”.

It contained a wide range of recommendations, including on childcare, the pupil premium in schools, support for disadvantaged 16 to 19 year-olds, financial support for undergraduates, university-contextualised offers, and government investment in skills and jobs in areas of low social mobility and low pay.

The Sutton Trust manifesto was equally wide ranging, covering early education and childcare, school admissions, open access to independent schools, support for the highly able from disadvantaged backgrounds, essential life skills, apprenticeships, university contextual admissions and post-qualification applications, and student maintenance grants and internships. There is no shortage of ideas. I am sure that other contributors to this

debate will cover many of these specific areas, although the acute time constraint—I fully understand the frustration that many noble Lords feel—is going to make it tricky. Of course, we heard only today on the news about the need for the top universities to increase places for disadvantaged youngsters.

In big-picture terms, what both reports clearly demonstrate, and my main message today, is that improving social mobility requires the Government to take action across the life course: early years, primary and secondary school, careers education, further education, universities, apprenticeships, access to good employment opportunities—and so it goes. It requires a sustained cross-government approach, with strong political will and clear delivery mechanisms.

Let me pick up briefly on a couple of these issues. There is abundant evidence that a child's first years play a major role in determining their chances later in life, and that good early years education is critical to reducing the gap in school readiness between disadvantaged children and their better-off peers at the age of five. In summing up, could the Minister say what plans the Government have to review their 30 hours of free childcare to shift the entitlement from high-income families to those on low incomes? Could she also say what plans the Government have to give early years teachers qualified teacher status, with the increase in pay and status that that would entail?

Moving up the age range, countless reports highlight the potential of further education and apprenticeships to be effective vehicles for social mobility, with disadvantaged students significantly more likely to enter FE than their more advantaged counterparts. However, this route has suffered from years of historic underfunding. Funding per student for 16 to 19 year-olds fell by 12% between 2011-19 and was 8% lower than for secondary schools. The Lords Select Committee on Social Mobility, which reported in 2016—and on which both the Minister and I were lucky enough to serve—also pointed out the simply huge disparities in funding levels between universities and further education colleges, meaning that those studying at FE colleges were getting a raw deal.

Last August, building on the two key reports of the APPG on Social Mobility—*The Class Ceiling* and *Closing the Regional Attainment Gap*—as co-chairs we wrote to the Chancellor asking him to prioritise social mobility in the spending review, and particularly to increase spending for further education. Of course, we welcomed the Chancellor's announcement last September on increasing FE funding by £400 million, but this was only a one-year package and focused on some very specific areas of funding. Therefore, I am calling on the Government again today to prioritise long-term sustainable increases for further education in this year's spending review.

Allied to this, the APPG, along with others, also called on the Government to introduce a student premium of at least £500 per year for disadvantaged 16 to 19 year-olds. This premium would mirror the current pupil premium funding in schools and would be used to raise the attainment of disadvantaged students. Today, again, I call on the Government to introduce a student premium for 16 to 19 year-olds.

I have one final question for the Minister. I am aware that I have asked a lot of questions and would be very happy for him to write, setting out the Government's full response. What is happening to the socioeconomic duty introduced in Section 1 of the Equality Act 2010? It is described as requiring public bodies to adopt

"transparent and effective measures to address the inequalities that result from differences in occupation, education, place of residence or social class."

As I understand it, it currently sits idly on the statute book and has yet to be enacted. What plans do the Government have to bring this duty into force?

I would be delighted if the Minister would agree to meet me to discuss the next steps on these and many other issues, including how to turbocharge this whole agenda—something that I know that she, like me, feels passionate about.

To conclude, from birth to the workplace a young person's life chances are heavily shaped by how much their parents earn and where they grow up. It is critical that this new Government act now to put a stop to this tragic waste of talents that blights both our economy and our sense of fairness. Although the main levers for improving social mobility lie within the education system, we cannot just look at schools in isolation; we need a cross-departmental strategy that combines big-picture thinking with genuine local understanding. I very much look forward to hearing the contributions of other noble Lords.

Lord Bethell (Con): My Lords, I should like to say a word about this very important and very heavily subscribed debate. As has been mentioned, there is a tight constraint of two minutes on speaking times. I ask all noble Lords to stick to that time. There is a maiden speech, and the time limit will not apply to the noble Lord following that.

5.51 pm

Baroness Morris of Yardley (Lab): My Lords, I welcome the opportunity to take part in this debate and I pay tribute to the noble Baroness, Lady Tyler, for her noble championing of social mobility. I also pay tribute to the Sutton Trust, which has worked very closely with her. In the short amount of time available, I want to raise two general points and then three policy points that I ask the Minister to consider bringing back for further discussion. I do not think that there is unanimity on them and we need to debate them before coming to conclusions.

Turning to my general points, first, I worry that, when we talk about social mobility, we overfocus on the bright disadvantaged child. Social mobility is about every child, no matter their level of attainment. I worry most about the underperforming child from a socially deprived background. Secondly, the Government could act now on some of these recommendations. All they need is the political will.

I now turn to the three points that I ask the Government to come back on in a further debate. First, I am not sure that we understand the causes of a lack of social mobility. They are not the same as they were in the 1950s and 1960s. Part of our failure to

solve the problem is that our analysis is probably not accurate. We talk a lot about the solutions, but might it be a good idea to talk about the causes as well?

Secondly, I worry about the idea that these children should go to good schools. Some of those schools would not be good by the measurements that we use if they had to teach the underperforming children from socially disadvantaged backgrounds. Therefore, I should like to invite a debate on what we mean by "good schools" and why we think that somehow the schools teaching these children are not good, because I do not agree with that.

Thirdly, I am really interested in the debate on contextualised admissions to higher education. It is a very brave debate and one that we ought to have, although it is quite tricky for politicians. I would like to look at the advantages, of which there are many, but I know that it is a policy that is not without consequences for other groups.

If we could debate those three issues, we might then more successfully take forward our debate on the solutions.

5.53 pm

The Lord Bishop of Durham: My Lords, I look forward to the maiden speech of the noble Lord, Lord Choudrey.

Opportunity, aspiration and education are critical to all having the best chance of being socially mobile. Giving children the best start in life is paramount, so we need more health visitors, better-targeted childcare for those least able to afford it and renewed opportunities for parents to interact with others. Will Her Majesty's Government commit to a proper national early years strategy with an increased share of future spending?

Church of England schools in my diocese have found it difficult to implement our motto that "no child is left behind" because social mobility is a great challenge exacerbated by a poverty of aspiration. According to the Social Mobility Commission's survey, less than a third of people living in the north-east think that there are good opportunities in our region. Teachers can be catalysts for widening the aspirations of not only their students but their communities too. So, to address poor social mobility, the Church of England is looking to develop a "teach rural" programme, focusing on recruitment and retention of high-quality teaching staff in rural schools. Will the Government support programmes aiming to attract teachers to disadvantaged, socially immobile, rural communities?

Aspiration is raised by presenting to all real choices throughout life. Will Her Majesty's Government commit to ensuring that social care, nursing, farming and public service work are presented as of equal value to what are referred to as high-skilled posts? Will they ensure apprenticeships are regarded as of equal importance to higher degrees by adequately funding FE as much as HE?

Finally, the Social Mobility Commission's research found that families' incomes affect their children's social mobility. According to the Education Policy Institute, children eligible for free school meals are developmentally four and a half months behind their peers between the ages of nought and five. Yet child poverty is increasing; by 2023-24, the two-child limit is

[THE LORD BISHOP OF DURHAM]
 expected to drive a further 300,000 children into poverty. What are the Government's plans to curb increasing levels of child poverty?

5.55 pm

Lord Choudrey (Con) (Maiden Speech): My Lords, it is with a sense of honour and humility that I rise to speak in your Lordships' House for the first time. I would like to place on record my profound gratitude to my sponsors, my noble friends Lady Evans of Bowes Park and Lord Marland, for all their help and encouragement. I would also like to thank your Lordships and all the staff here—especially the doorkeepers—for the warm welcome that I have received.

I confess to a degree of trepidation in participating in this debate on social mobility, which has characterised my own life and matters to me personally. Hailing from a small farming village in Pakistan, my father, a Second World War veteran, moved to the UK in the hope of better fortunes. I joined him aged 12 specifically to attain the social mobility that was lacking in our motherland. Our move to the UK provided us with access to education, healthcare and work opportunities.

After five decades in the UK, and a great deal of hard work and perseverance, I stand before you today as the CEO of one of the UK's largest family-owned businesses. We are a socially responsible business that has always given back to the communities in which we operate. We have provided vital support to local hospitals and helped transform inner-city schools across the UK. Our businesses have invested in economically deprived parts of the country, created jobs and invested in training programmes for staff and customers.

Social mobility is a complex and multi-faceted issue. However, in my opinion, education, healthcare and fair work opportunities are the key levers that need to be addressed to tackle it, with clear links between education and tangible work opportunities. Although the findings of the Social Mobility Commission's report paint a bleak picture, I am confident that these issues are solvable, and this Government have already announced policy initiatives to address them.

The current Government are quite correctly channelling greater resources towards regional economies, particularly the Midlands and the north-east, which are primed to be engines of growth and job opportunities. An ambitious domestic reform agenda for healthcare has been put in place, with the NHS receiving a multi-year funding settlement last year. School funding is set to increase by £14 billion, with historically underfunded areas receiving the greatest increase. A new national skills fund worth £3 billion has also been announced.

This Government have been given a historic mandate by some of the most economically deprived parts of the country. They will target their efforts and resources at the people and places that need them the most. These policy measures are no panacea in themselves, as social mobility cannot be tackled by the state alone. All stakeholders, including schools, LEAs, businesses and civil society, need to work together in harmony to achieve this objective.

I thank your Lordships for giving me the opportunity to participate in this important debate.

5.59 pm

Lord Bates (Con): My Lords, it is a great privilege to follow my noble friend Lord Choudrey's excellent speech. He is a living embodiment of the truth that if you want to make it in modern Britain, you can. I pay tribute to his courage, and perhaps his wisdom, in selecting a debate with a two-minute time limit in which to make his maiden speech. His credentials speak for themselves but he has not mentioned his generosity to various charitable causes that have sought to advance the social mobility of others. He has a wealth of experience and expertise to benefit your Lordships' House and I am sure we all look forward to his future contributions, perhaps at even greater length than we heard today.

I grew up in Gateshead when it was one of the most socially deprived towns in the country. I failed all my O-levels and left school at 16, an outcome that was the norm rather than the exception at the time, but I was blessed with having wonderful parents who still encouraged me. I started running a youth club at my local church and then worked with others to establish a new non-selective state school for the town that would promote academic excellence by transforming the expectations of teachers and parents and, most importantly, of students themselves regarding what they could achieve. Today it continues to produce the best academic results among state schools in the north-east of England. Great achievements stem from great expectations and are delivered by great efforts.

That combination of experiences leads me to believe that too often young people from economically poor communities are portrayed as victims of circumstance to be pitied rather than equipped to be victors over circumstance to be admired. Telling people that somehow the cards have been stacked against them from the start and that other people are to blame is not only factually wrong but erodes self-esteem, breeds resentment and corrodes personal responsibility in the very people we are seeking to help. On 18 January the *Times* carried an interview with Moloko Matsapola, principal of one of the most successful state schools in South Africa. Asked about its success, he answered that the reason for it was a belief in the

"power of the human spirit ... This is far more important than any of the facilities we don't have, so we always find a way. We don't believe in excuses or talking about what might make us fail, we are too busy identifying our ambitions and making them happen."

So, if you want more social mobility, start raising expectations and aspirations and stop raising excuses. Change attitudes and you will change altitudes. Tell people to pick up their ambitions and their dreams and to work hard. As Ayn Rand said, the question is not who is going to let me; it is who is going to stop me.

6.02 pm

Lord Aberdare (CB): My Lords, I too congratulate the noble Lord, Lord Choudrey, on his well-timed maiden speech.

The CBI's Carolyn Fairbairn says, in a report out last week, that

"the need to close the opportunity gap and maintain business engagement with young people is imperative to social mobility."

So I will focus on access to the workplace. The Sutton Trust's *Mobility Manifesto* emphasises the importance of high-quality careers education. When I ran a business preparing at-risk young people for employment, many had few friends or family in work and little idea of the opportunities available or how to pursue them. We give them what the trust calls essential life skills, covering things such as appearance, punctuality, confidence, communication, team-working, problem-solving and resilience. Would it not be better to teach these skills in school, starting at primary level? Children's ideas about careers begin to form between the ages of six and eight, yet only a few primary schools have careers-related learning strategies. Will the Government encourage more to do so, preferably involving parents?

The Government's laudable careers strategy requires pupils to have seven employer encounters between years 7 and 13 and two workplace experiences by the age of 18. How will they ensure that enough employers, especially SMEs, step up to meet this need? According to the Youth Parliament, work experience is one of the top concerns of 11 to 18 year-olds, so a group of young British Youth Council members recently produced a toolkit for SMEs interested in offering placements. How will the Minister promulgate good advice like that to the SMEs that need it?

The manifesto rightly promotes apprenticeships, especially for disadvantaged young people. How will the Minister make teachers and parents more aware and more supportive of the opportunities and benefits of apprenticeships, and will she take up the idea of a UCAS-style portal for apprenticeships? I hope she will acknowledge that issues relating to career aspirations and skills are central to any successful strategy for improving social mobility.

6.04 pm

Baroness Garden of Frognal (LD): My Lords, I thank my noble friend for introducing this debate and pay tribute to all the work she does to encourage social mobility. I also thank the Library for the helpful briefing notes.

Once upon a time, grammar schools and direct grant schools were great engineers of social mobility. My parents, from modest backgrounds, went from grammar school to Cambridge, where they both got firsts. My late husband was a scholarship boy at a direct grant school, another avenue to social mobility in education that has now been cut off. That took him to Oxford and high rank in the RAF.

In a debate on cadets on Monday, I reflected on how much the cadet forces contribute to social mobility. Young people, often from very disadvantaged backgrounds, learn about leadership, self-respect and social responsibility. They learn skills for life through the challenges they are required to face, which opens up opportunity and aspiration.

I have a perpetual concern that the current Government's obsession with academic achievement at school marginalises many young people whose skills and interests lie in practical, work-based fields. I declare an interest as a vice-president of City & Guilds, which does so much to encourage learning in non-academic careers. What are the Government doing to encourage

aspiration in work-based skills in the compulsory years of education at school? For young people to have social mobility, they must first have confidence in their ability to be worthwhile citizens.

UK universities engage in a wide variety of outreach programmes and initiatives, but do not have access to verified data on free school meals or pupil premium eligibility at the time of application. Why is this information not available to admission tutors?

The Sutton Trust summer schools do a wonderful job in breaking down barriers and the Open University is a great engine of social mobility. However, loan restrictions and fee increases have seen a very unwelcome decline in disadvantaged students being able to study. What plans do the Government have to help these students with grants and fee reductions? In this race against time, I hope the Minister will be able to offer some solutions to the many hurdles that prevent social mobility.

6.06 pm

Lord Giddens (Lab): My Lords, I failed my A-levels too, but somehow I struggled into your Lordships' House. The Sutton Trust's manifesto is admirable and I fully endorse its proposals. However, the changes sweeping through the economy are just huge. At this point, the Government must face up to three hard truths and I should like the Minister to comment on these.

Hard truth one: as the guru of mobility research, John Goldthorpe, has shown, upward mobility in the UK is falling, while downward mobility is rising. It would be difficult to exaggerate the importance of this finding. It is the expansion of the gig economy, with all its insecurities, that stands in the way here. Do the Government recognise that improving mobility chances will be impossible without active and quite radical intervention into labour markets? Education is not the great leveller.

Hard truth two: further profound changes are affecting the future of work, which will deeply shape the prospects of the up-and-coming generation. Only 8% of the labour force works in manufacturing today, down from three times that number only a generation ago. White-collar and professional jobs are next in line. AI is already transforming a whole range of such occupations, in law, medicine and elsewhere. The implications for social mobility for the younger generation are far-reaching indeed. They are not for the distant future but are happening in the here and now, and we need action now.

Hard truth three: the Government embrace the idea of social mobility, I think, because it sounds less threatening than confronting inequality. Yet you absolutely cannot deal with the one without confronting the other. The UK is one of the most unequal of all the industrialised countries. There simply must be substantial redistribution, including between the generations, if the trends dislocating our society are to be confronted.

6.08 pm

Baroness Shephard of Northwold (Con): My Lords, I congratulate the noble Baroness, Lady Tyler, on securing this debate. I also congratulate my noble

[BARONESS SHEPHARD OF NORTHWOLD]

friend Lord Choudrey on his excellent maiden speech. I am delighted to take part, not least because I think I may be the only Member of this House to have served on the Social Mobility Commission between 2012 and 2017. Very briefly, here are some of the lessons we learned, in the hope that they might be helpful.

First, at that time the term “social mobility”—perhaps even the concept—was not universally familiar. We sought, I think with some success, to raise awareness of the issues concerned.

Secondly, we worked to achieve acceptance that social mobility, involving educational, social and regional disadvantage, is a matter for the whole nation in every field: national and local government, early stages to postgraduate education, the private and voluntary sectors, public services and the professions. Government must lead and set an example through funding and policy but it is everyone’s responsibility.

Thirdly, there are no quick fixes. It takes dedicated knowledge and time to improve social mobility in any field. For example, it takes 10 years to raise a failing primary school to outstanding Ofsted status, thereby transforming its pupils’ life chances and those of its neighbourhood.

Fourthly, initiatives in any area must be sustained and sustainable. For example, there is Lincoln University’s collaboration with aspirational employers such as Siemens, which provides new job openings for local ambitions.

Fifthly, the voluntary sector already plays a huge role and will continue to do so. The Social Mobility Foundation, funded entirely by business, has since 2005 provided bursaries and training for disadvantaged young people, and now provides a social mobility index for employers—a powerful incentive. There is much more to do but it needs us all to do it.

6.11 pm

Lord Bird (CB): My Lords, we all like a good example of a socially mobile person because we are always looking for the exception that proves the rule. Unfortunately, the socially immobile have normally failed at school. I am one of those persons; I relied on the prison system to get my education, but you cannot rely on that system any more to give you your education. You cannot rely on being wrong at some stage in your life, then somebody coming along, putting you together and moving you on so that you end up in the House of Lords. That does not happen.

I am an ambassador for a very grown-up thing to do: taking the social mobility pledge. Four hundred businesses have pledged to use social mobility and to be fair in how they take people on at work. That represents 3 million workers in the United Kingdom. We should have more businesses doing that. Unfortunately, if we fail 35% of our children at school and they make up 90% of our prison population—and if they make up the people stuck in our hospital A&Es—we are going to have social immobility. We really have to look at what our education system is doing because it is not providing the opportunity. What is happening is that people like me are now going in bad and coming out worse.

6.13 pm

Baroness Walmsley (LD): My Lords, many years ago, when I was training to be a teacher, I had to spend a week observing in a primary school even though I was preparing to be a secondary teacher. One particular moment has always remained in my memory. It was in the reception class when the teacher said to me, “When they come to us, some of the children are bright and inquisitive but some of them have a dull look in the eye. They can hardly put a sentence together and lack energy. Some are not even toilet-trained and some are obviously undernourished. What can our school do to make up for all these disadvantages?”

Today, there is absolutely no excuse for this. We know about the importance of the first thousand days. We know that a child’s life course is fundamentally affected by what happens to them in their first three years, and that babies from disadvantaged backgrounds are more likely to be born with low birthweight, which leads to poor health. We know that the poorest children are 11 months behind when starting school. High-quality early years provision is vital for all children but particularly those whose family is unable to provide the richness of experience that allows the child to develop fully. However, 33% of staff working in early years settings lack either English or maths GCSE, or both, and are unable to provide that high quality. They are not trained to observe children and intervene appropriately to provide personalised development activities. Of course, staff with higher qualifications cost money, but it is money well spent because it produces better results for children and could be a major contributor to their social mobility.

I support the Sutton Trust’s recommendation that priority be given to ensuring that more early years teachers gain qualified teacher status. The Government should also invest in improving qualifications for all practitioners in the sector. It really matters.

6.15 pm

Lord Willetts (Con): My Lords, so many important points have already been made in such brief speeches. I have two quick observations. First, higher education is the only stage of education where disadvantaged students outperform. Will the Minister confirm that only 20% of people from poor backgrounds go to university and 60% of young people from advantaged backgrounds go to university? Will she confirm that it is the Government’s objective that more people from disadvantaged backgrounds should go to university and, therefore, as a matter of arithmetic, that either more people in total will go to university or fewer people from advantaged backgrounds would need to go to university?

Secondly, we have focused a lot in this debate on education, but social mobility is not just about education. The most important single change in the structure of the British economy is the rise in the value of assets and property such as housing relative to GDP and earnings. Wealth used to be three times GDP; it is now seven times GDP. That means that acquiring property, acquiring wealth, out of earnings has become harder. It means that inheritance is more important. It means that family assets are more important. Will the Minister therefore confirm that, as part of tackling social mobility,

it is important that our party stand true to our principle of spreading the property-owning democracy and make it possible for people, especially younger people, to build up property in the form of housing and pensions?

6.17 pm

Baroness Prashar (CB): My Lords, my remarks will be confined to early years. I want to draw attention particularly to the literacy skills gap, which starts at the age of five, and its long-term implications for and impact on social mobility.

Children from the most disadvantaged communities start primary school up to 19 months behind their better-off peers. This is a deficit from which most never recover and one that is predicted to take 40 years to close at the current rate of change. The number of children living in poverty is expected to reach 5.2 million by 2022, so this is a problem we cannot afford to ignore.

Last year, 180,000 five year-olds in England started school without literacy, language and communication skills, and disadvantage continues to hold them back throughout their life. For example, children with poor vocabulary at the age of five are more than twice as likely to be unemployed when they are 34. For language development at an early age, parental influence, home environment and skills for the early years workforce are significant factors, as has already been mentioned. Both the reports we are debating recommend extension of the eligibility for the 30 hours offer by lowering the lower-income limit to earnings equivalent to eight hours per week, taking steps to promote the revised offer and targeting low-income families.

The Sutton Trust report and the *State of the Nation* report also recommend tackling the decline in children's centres, speeding up the review of children's centres and ensuring that investment in the home learning environment reaches disadvantaged and vulnerable families. Furthermore, excellent programmes for training early years staff and volunteers to work with families are run by the National Literacy Trust and other voluntary organisations. They need support and scaling-up. It would be helpful to hear from the Minister what progress is being made in response to these recommendations and how effectively the Government are working with local authorities and voluntary organisations to respond to these urgent issues.

6.19 pm

Lord Shipley (LD): My Lords, much has been promised by the new Government to level up Britain. That levelling up seems to prioritise infrastructure investment, but it must surely also include investment in education and training, given that recent cuts in public spending have impacted negatively at all stages of education.

There is evidence in some parts of England that, whereas primary schools in general perform very well, secondary schools perform less well. That clearly makes social mobility more difficult for young people, and we need to understand far better than we do why that is. Aspiration may be a factor. For that reason, the private sector has a key role in those areas in providing higher-grade jobs than just those paying the minimum wage and in providing progression opportunities. Deep cuts in FE budgets have been a source of concern, and

for that reason a 16 to 19 student premium would be a boost to help young people who do not follow the traditional academic route into university. It would also help employers to recruit better-skilled employees.

I spent over 30 years of my professional life working for the Open University. I saw with my own eyes what could be achieved by those who took up higher education later in life. Yet, since 2011, the number of university entrants in England from low-participation areas of the country has fallen by a sixth. Crucially, this drop has been caused by a 50% fall in the number of part-time HE students from low-participation areas. Only a small proportion of those transferred to full-time higher education. The majority are not participating at all, and those most deterred from entering higher education are the older students who cannot afford to carry debt. They need financial help.

Finally, we must try to stem the migration of those who feel they must leave their communities to study by increasing opportunities locally that are affordable.

6.21 pm

Lord Patten (Con): My Lords, these two reports have pointed all their recommendations, almost without exception, at government. However, government is not the only body responsible for promoting social equality and growth.

Two bodies in particular spring to mind. The first is the importance of the teaching profession taking a positive attitude towards young people's aspirations to get into our top universities and not saying, "This is not for you; it's not for people from your background or region." I believe that teaching's professional bodies—teachers' trade unions, teacher training colleges and others—must be much more positive in their attitude to promoting aspiration in young people. That is not in government's hands. The right reverend Prelate I think mentioned the only example of that, from Durham.

Secondly, the Civil Service is often criticised for being one of the last bastions of Oxbridge—or, as I prefer to call it, Camford—privilege. The upper mandarinat is littered with people from Oxford and Cambridge. But it is not government's job, and government should not be involved, in deciding who is to be employed in the Civil Service. It has traditionally been independent and has had independent advice. The Civil Service promotes and recruits its own. There is unfortunately no one from the upper mandarinat of the Civil Service on these Benches to hear my strictures this afternoon, but it is clearly a failure on the part of the Civil Service itself not to have developed young people at greater pace who come from backgrounds other than the traditional backgrounds that are pointed out in statistics in these two reports.

Lastly, I am an admirer of the work that is being done in your Lordships' House by the Clerk of the Parliaments and the Clerk Assistant in promoting diversity among those we recruit to your Lordships' House to help us.

6.23 pm

Baroness Thornhill (LD): My Lords, I will focus on one aspect of the use of the pupil premium. It was brought in specifically to help the disadvantaged across the board, including enabling bright and able pupils to

[BARONESS THORNHILL]
 compete on equal terms with their middle-class classmates. It was targeted at those pupils whose parental aspirations and expectations were low and whose financial means were even lower—a physical, tangible means of levelling the playing field and facilitating upward mobility.

However, last year a Department for Education report on school funding found that the majority of schools were using their pupil premium to prop up their existing school budgets—something that we should be very concerned about. In particular, it was being used to employ teaching assistants, perhaps understandably.

However, a working-class youngster might need not a smaller class or a teaching assistant to improve their school achievements, but perhaps a vital piece of equipment: an iPad, music lessons or funding for cultural or educational trips and activities, or, in an area where public transport is poor and there is no mum's taxi, the taxi fare to get home after an enriching after-school activity, the money to attend a university open day, or even a mentor/counsellor to support, guide and encourage them to believe that admission to an elite university is really “for the likes of you”. My school did that for me—#MeToo.

From my research, it is clear that the Government are coming under mounting pressure to be more “flexible” in the use of the pupil premium. Can the Minister assure us that it will still be used for this aspect of its primary purpose and will not be subsumed into the substantive schools budget? On that subject, why do maintained schools have to publish their strategy for the use of the pupil premium on their website, yet academies do not?

6.25 pm

Baroness Bennett of Manor Castle (GP): My Lords, I thank the noble Baroness, Lady Tyler, for this debate, and congratulate the noble Lord, Lord Choudrey, on his maiden speech.

We are debating the 10 points made by the Sutton Trust. I have no argument with any of them—except, perhaps, the Open Access scheme. I not sure that using that great engine of inequality in our society to try to tackle these problems is a way forward. However, I particularly applaud the call for a ban on unpaid internships and the return of maintenance grants for students—something for which our young Greens in particular have campaigned—and the contextual admissions to our highly selective universities.

However, we need to think about our terminology here. We are talking about individual social mobility—potentially lifting a few people up and leaving everyone else behind. The noble Baroness, Lady Morris of Yardley, made that point clearly, expressing concern that the focus very often is on a few bright children. This is a small plaster stretched across the gaping wounds of inequality, poverty and desperation in our society. All this is a tragedy, because it is a waste of human potential. In our previous debate we discussed the climate emergency, the nature crisis and the scourge of poverty in our society. To get to grips with these problems, we need the full capability of every person in our society to develop as much as possible, for all our sakes.

So I urge your Lordships' House to think about structural mobility instead: lifting up whole communities; a just transition; and a green new deal. But, more than that, I urge your Lordships and the Government to think about a society in which we do not need to think about social mobility at all. We need street sweepers, sewer cleaners and carers—boy, do we need lots of carers. Those jobs need to be respected and properly paid. The New Economics Foundation did a study that showed that cleaners contribute more to our society than bankers. Would the Minister encourage any young member of her family to become a cleaner? If not, why not?

6.28 pm

Baroness Newlove (Con): My Lords, I also thank the noble Baroness, Lady Tyler, for this important debate on social mobility—two words that flow right through the veins of communities up and down the country, like a stick of Blackpool rock.

Last May, after seven years, I stood down as Victims' Commissioner, having met hundreds of vulnerable people. Now, in my new role as pro vice-chancellor of the University of Bolton, as set out in the register, I have yet again seen for myself the divide and the degradation of our young people and the communities they live in. However, I am very proud to say that our university is in the 2020 top five in the UK for student satisfaction. For me, that says everything.

While we are talking about these two reports, which are very qualified and raise important societal issues, I am more of a people person than a policy person. That was especially the case on a visit to the Wise Owl Trust academy in Manchester. The executive principal, Sophie Murfin, and her team explained to me that their programmes build resilience for three year-olds—yes, three year-olds. The level of need in schools is now affecting our very young, from living in poverty to mental health. A father hanged himself on scaffolding near the school while his child watched. Five year-olds attended in nappies and five year-olds were self-harming.

I say this to my noble friend the Minister: please can we stop the talking and do more walking? We are at a crisis point. The time has come to prepare our children for the tests of life, not a life full of tests. We are talking about human lives—but, as we speak, children are leading a life in which they are at their most vulnerable. We need to protect them now.

6.30 pm

Lord Rees of Ludlow (CB): My Lords, my remarks will focus on the need for greater flexibility in higher education.

We should abandon the view that a standard three-year residential degree is the minimum worthwhile goal. Students who realise that the course they embarked on is not right for them or who have personal hardship should be enabled to leave early with dignity, with a certificate to mark what they have accomplished. They should say, “I had two years of college.” They should not be disparaged as wastage. Universities should not be pressured to entice them to stay, least of all by lowering degree standards, but they should have the chance to come back later.

Some 18 year-olds of very high intellectual potential who have had poor schooling do not have a fair chance of admission at 18 to the most competitive universities. Even if they are given contextual offers, they may still struggle with the most demanding courses. That is why I urge that Oxbridge, and other universities whose entry bar is dauntingly high, should reserve a fraction of their places for students who do not come straight from school but have caught up despite their disadvantaged backgrounds through earning two years' worth of credits online, at another institution or via the Open University. Such students could then advance to degree level in perhaps just two further years.

These reforms could be implemented routinely if the Government were to follow the Augar report and formalise some system of transferable credits across the whole higher and further education system. Moreover, another of that report's welcome suggestions is that everyone should be entitled to a total of three years of support that can be taken à la carte, as it were, at any stage in life.

Finally, despite what I have said, the most intractable causes of inequality are imprinted before the age of five on those brought up in stress and poverty. These concerns should be at the top of our agenda.

6.32 pm

Lord Lexden (Con): My Lords, I declare my interest as president of the Independent Schools Association, which has nearly 550 members. I speak on their behalf. They are good schools. In no way are they grand schools. They do not retard social mobility; they assist it. People who proclaim their opposition to independent education because it provides only for a wealthy elite should visit some of them. Drop in on the Old Vicarage School at Darley Abbey in Derbyshire, a co-ed preparing 160 pupils for education post 13 and charging extremely modest fees. Or call in at Maple Hayes Hall school near Lichfield, which, year by year, achieves spectacular results for around 100 children with severe dyslexia, yet has to fight local authorities that try to stop families choosing state-funded places there, to which they are entitled.

It is tragic that these schools, firmly based in their local communities, should have to listen to pundits and politicians calling for their abolition. For them, for the independent sector as a whole and for our country, the right route to greater social mobility is through widening access to them, on which the Independent Schools Council has made major proposals to the Government—I am sorry to hear that the noble Baroness, Lady Bennett, is not in favour of such a course—and through ever closer association with state schools. There are now nearly 11,500 partnership schemes bringing schools together in a two-way process for joint music lessons, joint teaching of STEM subjects and much else besides.

In 2011, just three students from the London Borough of Newham went to Oxbridge. In 2019, the London Academy of Excellence in Newham, sponsored by six independent schools, sent 25 pupils to Oxbridge. Such initiatives highlight what the independent/state school partnership can achieve in assisting social mobility.

6.34 pm

Lord Holmes of Richmond (Con): My Lords, I thank the noble Baroness, Lady Tyler, for securing this debate. I congratulate my noble friend Lord Choudrey on a marvellous maiden speech, and I thank the Sutton Trust, the Social Mobility Commission, Intern Aware and many others for their excellent work in this area. I should like to address my comments to step 10 of the *Mobility Manifesto* on unpaid internships.

In 2020 we have high employment and low unemployment, which is good, but we also have a boom in unpaid internships in this country. Tens of thousands of young people are asked to give their labour for free, with an increase of 50% since 2010. The current law is clearly inadequate, not least because it puts the onus on the individual to bring a claim. Hence the need for my Private Member's Bill, which would put a prohibition on all unpaid work experience exceeding four weeks. High-quality work experience of up to four weeks is good but unpaid internships are bad and illegal from day one.

Some 66% of businesses support this change, as do 75% of the public. Step 10 of the Sutton Trust *Mobility Manifesto* is supported by No. 10, as demonstrated in an answer from the Prime Minister to a question asked last July by my right honourable friend Alec Shelbrooke. What is my noble friend the Minister's understanding of how many unpaid internships there are currently, how many successful prosecutions has HMRC brought in this space, and will she support the Prime Minister and meet me and others at her earliest convenience to seek a swift solution to the pernicious practice of unpaid internships, thus ensuring that they can be truly condemned to the dustbin of history?

6.36 pm

Baroness Bottomley of Nettlestone (Con): My Lords, I warmly congratulate the noble Baroness on introducing this critically important debate. The questions around social mobility have permeated my entire career. I was representing the Child Poverty Action Group in 1972 at Church House when Keith Joseph made his great speech about the cycle of deprivation: low-income families, poor housing, lack of education and early childbirth all leading to a vicious cycle.

But then I thought that that was too deterministic. Interestingly, in my present career I meet any number of people who have succeeded against the odds, so there is a danger that social determinism can be too negative and patronising because it fails to bring out ambition.

When working in Brixton, I decided that the one thing those from a very poor family needed was somewhere to do their homework because they had no space. They also needed a bit of coaching. Failing to persuade Margaret Thatcher or Ken Baker, I did persuade the Prince of Wales that swot shops or "homework havens" were the answer. He introduced 200 homework havens up and down the country through the Prince's Trust. On the question of social mobility, rather like on climate change, the Prince of Wales has been a great pioneer for current thought.

Currently, I am the chancellor of the University of Hull in the north-east, and I have been there for 14 years. This is an area that needs hope, optimism, employment and empowerment.

[BARONESS BOTTOMLEY OF NETTLESTONE]

I believe in the effect of the Social Mobility Foundation and the Sutton Trust, along with Conservative Government policies. The work of my colleague Justine Greening set a wonderful example in her paper *Unlocking Talent, Fulfilling Potential*, in which she covered all those areas. We need to see how employers can really work with local people. The university technical colleges are a wonderful example.

Most particularly, Bernadette Kelly, the champion for social mobility in the Civil Service—who went to the University of Hull—is challenging all the issues addressed by my noble friend Lord Patten in his speech, and I commend her work. I wish that I had an hour and a half to speak, but it is hopeless.

6.38 pm

Lord Storey (LD): My Lords, I thank my noble friend Lady Tyler for introducing this debate and for all the work she does on social mobility. I also congratulate the noble Lord, Lord Choudrey, on his maiden speech.

I agree with what my noble friend Lady Tyler said about the student premium, the socioeconomic duty and a cross-departmental strategy.

Virtually every Member has mentioned education. I want to highlight again the importance of early years. It is about not just the hours but the quality of early years. We need well-paid, well-trained, quality staff. It is also about the parents themselves. We need to make sure that parents are supported in early years. All the statistics show that, if we do not get numeracy and literacy right at the age of 7, that gap gets wider and wider. That is why we have a problem with social mobility.

I like the idea of a cross-party strategy. The Government need to look at everything they do to see its effect on social mobility. I was going to mention internships, but I will give your Lordships another example. Instead of the legal practice certificate, the new solicitors qualifying exam is going to be introduced. It costs about £10,000, yet the Government have decided that students cannot access a higher education loan. Imagine the effect that will have on people from deprived communities entering the legal profession.

Only one person in your Lordships' House has mentioned the word "poverty". Poverty is important to social mobility. If we rid our nation of poverty and take steps to deal with it, that does something about social mobility. Social mobility is about levelling up. I am pleased that the Government believe in levelling up, and if we all work together we can do something to achieve that.

6.40 pm

Lord Bassam of Brighton (Lab): My Lords, I congratulate the noble Lord, Lord Choudrey, on his maiden speech and thank the noble Baroness, Lady Tyler, for instigating this debate.

Education is one of the most powerful means we have to overcome disadvantage; it is therefore vital that access to the very best education is open to students from less privileged backgrounds. At present, the gap between poor students and the well-off remains enormous, particularly at the most selective universities. In addition to tackling the financial barriers to accessing

higher education, we must move towards a system that tackles the structural disadvantage that holds young people back.

I welcome the Sutton Trust's recommendation that universities move to a system of post-qualification admissions, where students apply after receiving their A-level results. Given that many disadvantaged students have their grades underpredicted, this could play a key role in the drive to widen access to universities by reflecting an applicant's true potential.

Labour has pledged to work with universities on better using contextual admissions across the sector to ensure that admissions teams are able to recognise a student's achievements in the context of their background and experience, and therefore identify their potential. Can the Minister confirm that the Government will support this approach—also advocated by the Office for Students—by making key individual indicators, such as eligibility for free school meals, available to universities through UCAS?

Many may be aware that the Headmasters' and Headmistresses' Conference, which represents many of the country's most expensive independent schools, has challenged the greater use of contextual admissions, complaining that they could lead to a form of reverse discrimination. I hope the Minister will send a clear message to the HMC that the Government will support the OfS to take appropriate action and ensure that we have fair access to our best universities for people from all income levels and all parts of our society.

6.42 pm

Baroness Berridge (Con): My Lords, as a beneficiary of social mobility, I am honoured to answer this debate on behalf of the Government. I thank the noble Baroness, Lady Tyler, for raising these issues and for securing so many speakers to ask questions of me at the Dispatch Box. I first commend the excellent maiden speech of my noble friend Lord Choudrey and applaud his community support and leadership as an employer on social mobility. I agree with my noble friend Lord Bates that he is a living embodiment of social mobility, and we look forward to hearing from him in your Lordships' House.

I particularly want to mention at the beginning that I think the noble Baroness, Lady Morris, might have been a fly on the wall at my first meeting with the officials about this debate, because my question was about the causes. These are complex and, following that question, I will go back to the department to ask more about what evidence we have. I do not think anybody has a silver bullet for the causes or solutions, but I assure the noble Baroness, Lady Morris, that it is not just about academic achievement. Social mobility is about every child in this country being able to make the most of their innate gifts and talents.

I welcome the thoughtful insights of the Social Mobility Commission and the Sutton Trust, which focus on education and work—both important pathways to spreading opportunities. I assure noble Lords that that is a priority across the department.

Many noble Lords mentioned the importance of early years and childcare. The reports highlight that the evidence supports the view that high-quality childcare prepares children for school and enables parents to

balance work and family. The Government are committed to making childcare more accessible, saving families up to £5,000 a year. All three and four year-olds and disadvantaged two year-olds can now access at least 15 hours of free childcare each week. There is evidence that that amount of childcare makes a difference to those children.

On the many questions relating to staff and statistics about staff qualifications, the Government are investing £20 million to provide professional development for early years practitioners. The department has a fund of £100 million focused on social mobility and those who are disadvantaged.

In response to the questions from my noble friends Lady Newlove and Lady Shephard, and the noble Baroness, Lady Walmsley, the department has a 10-year target to halve the number of children leaving reception class without the communication, language and developmental skills to access education. The many comments go to show that we are aiming at a 10-year target.

Moving on to schools, the Sutton Trust manifesto calls on the Government to ensure that admissions to state schools allow for a better social mix. We are committed to ensuring that every child has fair access to a good school place and the School Admissions Code allows admission authorities to prioritise disadvantaged children. I need to state, however, that the attainment gap has narrowed and there is some good news in this space. At key stage 3, the attainment gap has narrowed by 14% and at key stage 4 by 9.5%.

The right reverend Prelate the Bishop of Durham asked about teachers in more disadvantaged areas. I know that the Church of England has looked at this issue, with clergy going to what we call the outer estates. There is an emphasis in the opportunity areas programme on teachers going to the more disadvantaged areas of the country.

On the question raised by the noble Baroness, Lady Thornhill, it is up to schools how they spend the £2.4 billion pupil premium. The department has also given them some ground-breaking research from the Education Endowment Foundation. We want to spread best practice, but we have given schools and head teachers the freedom to know where best to spend that money in their particular location.

The Sutton Trust recommends opening up independent schools to pupils of all backgrounds. As my noble friend Lord Lexden outlined, we have encouraged partnerships between independent and state schools, and we have agreed a joint understanding with the Independent Schools Council. I hope it is good news for the noble Baroness, Lady Bennett, and my noble friend Lord Lexden that we have these 11,000 partnerships and that they are two-way: there is much to be learned from the success of the state sector. On the point made by the noble Baroness, Lady Bennett, we will not be supporting the Sutton Trust's open access proposal.

The Sutton Trust also recommends that the Government establish an evidence-led fund to support young people with high academic potential from disadvantaged backgrounds. As I mentioned, we spend £2.4 billion on the pupil premium and there is internationally recognised research. We are pleased

that the Social Mobility Commission has recognised the importance of the opportunity areas, which are promoting social mobility in 12 deprived parts of the country. There will be a one-year extension to that programme, with £18 million of funding. My noble friend Lord Bates will be pleased to hear that Opportunity North East is a £24 million investment with local partners to tackle the specific issues holding back young people in that region.

On a question from the noble Baroness, Lady Prashar, I should say that it is evidence-based that the 15-hour offer makes a difference to children. Yes, there is the additional 30-hour offer, but that is more to do with helping working families. We are basing that universal offer on our current evidence base. To give an example to the right reverend Prelate the Bishop of Durham, the North Yorkshire opportunity area has launched an innovative programme where teacher recruitment is centralised to a single agency, which is helping.

The Sutton Trust has called on the Government to incentivise schools in relation to essential life skills, a point mentioned by the noble Lord, Lord Aberdare. There has been a £22 million investment within the opportunity areas in essential life skills, so that those areas can benefit from the extra-curricular activities which the evidence shows are often the added value that children need to succeed and make the most of their opportunities.

In relation to much of what has been funded on those programmes, the noble Baroness, Lady Newlove, mentioned that children need resilience. Those programmes have found that team-building and working together are building resilience for children who are in some of the most vulnerable and heart-breaking situations.

We agree with the Social Mobility Commission. It was a pleasure to serve with the noble Baroness, Lady Tyler, on a Select Committee looking at further education as a drive to social mobility. We have already done many of the things mentioned in *State of the Nation*, such as: increasing 16 to 19 funding by £400 million; investing in adult learning through a national skills fund; changing how we allocate discretionary bursaries to meet student needs, as recommended by one of these reports; and reviewing qualifications at level 3 and below to ensure that the reforms work for all students. Pupil Premium Plus, which is for looked-after children and children under a care order, already travels into the 16 to 19 zone. However, I recognise that there is a strength of feeling that we should look at that further.

We have long recognised the role that high-quality apprenticeships play in spreading opportunity, as mentioned by the noble Lord, Lord Aberdare. I welcome the comment about the Civil Service made by the noble Lord, Lord Patten but, in preparation for a Question yesterday, I requested to meet an apprentice. Zach Lloyd from the Department for Education has taken the opportunity to come to London from Wales—he is planning to return there—and has a placement in the private office of the Secretary of State. The Civil Service is leading the way in opening up diversity. Apprenticeships are some of the best opportunities.

Degree apprenticeships offer people of all ages and from all backgrounds the chance to earn while they learn, which is attractive to many young people

[BARONESS BERRIDGE]

from disadvantaged backgrounds. We also encourage apprenticeship starts among underrepresented groups through projects such as Opportunities Through Apprenticeships, and our Apprenticeship Diversity Champions Network. Regarding the comments made by the noble Lord, Lord Giddens, about the radical changes in the labour market, we are already pre-empting that in developing the national retraining scheme with £100 million, and an additional £3 billion under the course of this Parliament to pre-empt those workers who will potentially be unemployed due to changes in their sector.

I am limited for time so will move on to higher education. We expect universities to increase access across all ages. I welcome this morning's announcement from the Office for Students of the bold target for our most selective universities to close the access gap between advantaged and disadvantaged students, halving it within five years, a point raised by the noble Lord, Lord Willetts. I will have to write to him regarding the statistics.

We welcome the fact that the Office for Students has instituted a wide-ranging review of admissions practices, including of the post-qualifications admissions system. One reason why this was not successful in previous reviews was that students from disadvantaged backgrounds did not have the in-school support that they often needed the most in order to make the best applications. I am sure that that matter will be taken into account in the review. We are considering the recommendations of the Augar review but, unfortunately, I am not able to give a precise time when noble Lords will receive our response to that.

On the point raised by the noble Lord, Lord Bassam, and the noble Baroness, Lady Morris, we welcome properly used contextualised offers by our universities that take into account the school and the particular background from which people have come. I am aware from the noble Lord, Lord Shipley, that there is an issue about the uptake of part-time higher education.

On the final issue of unpaid internships, the law is clear; it is a matter of enforcement. The main enforcer is not the employee but HMRC—which has had its budget doubled in order to bring employers to book—and there have even been website-scraping adverts and writing to employers in the sector where there is the most abuse. I should say to the noble Lord, Lord Bird, that I am sure that those employers would welcome contact on the social mobility pledge, which sounds like a very good idea.

In conclusion, I thank all noble Lords for their contributions to this debate. I hope I have outlined some of what the Government are doing. To echo the comments of my noble friend Lord Patten, the noble Lord, Lord Shipley, and the noble Baroness, Lady Shephard, achieving social mobility is everyone's responsibility. I personally have reflected on what I have done and what more I can do to open up opportunities for those from disadvantaged backgrounds, and I say to the noble Baroness, Lady Bennett, that I would recommend that somebody should be a cleaner. It was my privilege this morning to get in here early and meet those who clean the Palace of Westminster. There are few more important priorities for any of us and any Government than social mobility.

House adjourned at 6.56 pm.

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