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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

## OFFICIAL REPORT

*ORDER OF BUSINESS*

Coronavirus Bill	
<i>First Reading</i> .....	1649
Coronavirus Bill	
<i>Second Reading</i> .....	1649
Questions	
Covid-19: Charities.....	1682
Covid-19: Public Interest Reporting .....	1685
Business of the House	
<i>Motion on Standing Orders</i> .....	1687
Covid-19: Support for the Self-employed	
<i>Statement</i> .....	1687
British Citizens Abroad	
<i>Statement</i> .....	1691
Coronavirus Bill	
<i>Second Reading (Continued)</i> .....	1695
Contingencies Fund Bill	
<i>First Reading</i> .....	1738
Divorce, Dissolution and Separation Bill [HL]	
<i>Third Reading</i> .....	1738

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<b>Abbreviation</b>	<b>Party/Group</b>
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

*Tuesday 24 March 2020*

Noon

*Prayers—read by the Lord Bishop of Rochester.*

## Coronavirus Bill *First Reading*

12.06 pm

*The Bill was brought from the Commons, read a first time and ordered to be printed.*

## Coronavirus Bill *Second Reading*

12.06 pm

*Moved by Lord Bethell*

That the Bill be now read a second time.

*Relevant document: 9th Report from the Delegated Powers Committee*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, I bring this Bill to the House with a huge sense of regret about the challenge we are facing and foreboding about the cost to the country of this terrible virus.

The Bill contains key administrative measures that are absolutely essential in helping us to fight the pandemic. It is not everything that we are doing, but it is essential for what we are doing. I am deeply conscious that many Peers are not present for the debate, because they are, quite rightly, following the official medical advice on social distancing and isolation. We have sought to give this Bill a proper level of scrutiny during our extensive engagement. In my remarks, I intend to reflect on some of the concerns that absent noble Lords have raised with me in recent days.

Before getting into the detail of the Bill, let me start by taking a step back and saying a word about its purpose. Fundamentally, this Bill is about buying time. You might not think it from looking at those alarming graphs charting the growth of the disease, but time can help us. With each day that passes, the science gets better. Each day, the models are refined and improved as more data becomes available. Each day brings us closer to faster, more accurate testing capabilities and, ultimately, a vaccine. The infection rate is exponential, but so too is our scientific understanding.

Many commentators have been drawing comparisons between the current pandemic and the grave situation facing our country in 1940. There is value in that, but the historical parallel I would draw is that of the Great War. In 1914, the military planners relied on tactics and technology that would have been familiar to Napoleon. By 1918, the tactics developed would have been recognisable to a veteran of the Gulf War. The learning curve was exponential. I believe it will be the same with this pandemic.

Think how little we knew about coronavirus back in December. The genome had not been sequenced, there was no serology test to tell you if you had already been infected, and we did not even know whether there was human-to-human transmission. Imagine what we will know in six months' time, once the world's most advanced economies, including our own, have applied their best minds to solving this problem.

I am an optimist. I am hopeful about our ingenuity and the progress we can make in fighting this virus. That is why time matters. Each day that we can slow the rate of transmission is a small victory that will lead to the ultimate defeat of the virus. We need to buy time for the NHS, flattening the infection curve and raising the capacity line, moving the peak away from the most dangerous winter months. We need to buy time for our society too, saving as many lives as possible and keeping essential public services running as we weather the storm. That is our plan and that is what this Bill contributes to.

There are five main parts to the Bill, and I will take each in turn. The first part is about increasing the available health and social care workforce, shoring up the system as far as possible as it comes under pressure. It allows for the temporary registration of NHS staff and social care workers, for instance those who may have recently retired. It allows recently retired staff to return to the NHS and social care without a negative impact on their pensions. It provides additional indemnity cover, if necessary, to key workers who are called upon to undertake additional duties as part of the response, and it protects the income and employment rights of our dedicated army of NHS volunteers. I know that everyone wishes to thank each and every one of those NHS and social care workers, who are going above and beyond on behalf of the country. We can thank them with deeds as well as words: not buying more than we need, not taking public transport if it is not essential, staying at home to protect the NHS.

The second part of the Bill concerns measures to keep essential services running while easing the burden on front-line staff. This includes introducing flexibility into education legislation, such as temporarily allowing for larger class sizes once schools reopen. It includes expanding the circumstances in which audio and video can be used in the court system. It allows the Home Secretary to suspend airport and port operations if the level of Border Force staff falls below a safe level. To ensure that the Treasury can transact its business at all times, it allows a single Minister or commissioner to sign or act on behalf of the others.

The Bill also ensures that our national security investigatory powers regime remains fully operational during the course of the epidemic, allowing for the temporary appointment of additional judicial commissioners who can sign off vital investigation warrants for our police and security services. Such appointments will be made only at the request of the Investigatory Powers Commissioner. It also allows the Home Secretary to extend the lifespan of a warrant from five to 12 days. Again, this power would be activated only at the request of the Investigatory Powers Commissioner.

Because of the unprecedented pressure on front-line staff, there are some areas where we will have to temporarily relax strict legal requirements for the duration

[LORD BETHELL]

of the emergency. We do not take these measures lightly; they will be triggered only in order to keep people safe and on the basis of expert clinical advice, and they will be relinquished as soon as the danger period has passed. The Bill will allow mental health professionals to secure the advice of one doctor, instead of the usual two, when applying to detain a person with a mental health disorder for the protection of themselves or others. These clauses also allow for flexibilities in the time limits governing the short-term detention of mental health patients. These emergency powers would be activated only in circumstances where there were so few mental health staff available that having to wait for a second doctor would endanger patient safety. Even when enacted, the powers would be used only at the discretion of local mental health trusts, and they would be switched off by government as soon as reasonably possible.

NHS England and NHS Improvement are currently preparing detailed guidance setting out the exact circumstances in which such powers would be used. During the peak period, we also need to ensure that patients are rapidly discharged from hospital when they are medically fit to be. The Bill supports this by allowing the NHS and local authorities to delay continuing healthcare assessments, which can take weeks, until after the pandemic. People who need this support will still receive NHS funding in the interim, but it will mean that local authorities might not meet all the individual's assessed care needs in full. Instead, under powers in this Bill, local authorities will be required to prioritise people's most urgent and serious needs and keeping people safe.

Local authorities will still be expected to do as much as they can to meet everybody's needs during this period, and this will be underpinned by a duty for them to meet needs where not doing so would breach an individual's human rights. Again, these powers would be triggered only in circumstances in which staff shortages meant not prioritising was putting vulnerable people in danger, and they can be switched off while still in the emergency period if circumstances allow. In any event, they would last only for the duration of the emergency.

The third part of the Bill contains measures for delaying transmission of the virus. It gives us the power to restrict or prohibit events and public gatherings and, where necessary, to shut down premises. I know that this will not be easy, particularly for our world-leading creative industries. Yet I have no doubt that the months and years after the pandemic will be a time of extraordinary cultural flourishing for our nation. Consider that William Shakespeare wrote "King Lear", "Macbeth" and "Antony and Cleopatra" while London theatres were shut down because of plague in 1606. This part of the Bill also allows us to close down educational settings or childcare providers and gives us the power to postpone elections due to take place this year in England until May 2021.

To ensure enforcement of the public health advice, this part of the Bill strengthens the isolation powers of the police and immigration officials, allowing them to detain those at risk of spreading the virus for screening or assessment and to isolate people if necessary. The police or immigration officials would use these powers

only in cases in which they had reasonable grounds for thinking that an individual was at risk of spreading the virus, such as due to their travel history or symptoms. It goes without saying that the powers will last only for the duration of the public health emergency. I sincerely hope that they will not have to be widely used because everybody will follow the public health advice, if not to protect themselves, to protect others and the NHS.

The fourth part of the Bill is about managing the deceased. These are not pleasant matters to think about but, as the Health Secretary has said throughout this crisis, we must plan for the worst and work for the best. It expands the list of people who can register a death to include funeral directors. It means that coroners have to be notified only when there is no medical professional available to sign a death certificate. It allows death certificates to be emailed instead of physically presented and removes the need for a second confirmatory medical certificate in order for a cremation to take place.

All of this is designed to ensure that the deceased can be treated with dignity and respect at a time when bereaved families may be self-isolating and many of the professionals who would normally be involved in the process may be unwell. In extreme circumstances, if the level of mortality were to overwhelm the capacity of local funeral services, the Bill contains powers that would allow local authorities to take control of parts of the process. This could include operating crematoria for longer than usual or drafting in parts of the wider public sector to assist. It would be triggered only if there were a risk to public health from not acting.

The fifth part of the Bill contains measures to support people to get through this crisis. It will ensure that statutory sick pay is paid from day one, applying retrospectively from 13 March. It enables small businesses with fewer than 250 employees to get a full refund for sick pay relating to coronavirus during the course of the emergency. It requires industry to provide information about food supplies should it fail to do so voluntarily.

Lastly, the Bill contains clauses that will make it easier to make changes to national insurance contributions, giving us the freedom and the tools to respond to a changing situation if necessary.

This is a Bill for the whole country, jointly agreed by all four Governments of the UK. We understand that it significantly increases government power in some areas, while temporarily scaling back some areas of government responsibility. This is why the Bill has been constructed in a way which means that the different measures can be switched on and off as the clinical situation requires. We have tabled an amendment to give this House an opportunity every six months to confirm that these powers are still required. This gives us the flexibility to respond to the course of the disease. The Bill also requires Ministers to update Parliament regularly on how these powers have been used across the UK. Finally, the Bill will expire after two years unless Parliament decides to extend it.

This is an extraordinary Bill for an extraordinary moment in the history of our country. It gives us the legislative and regulatory toolkit that we need to respond to a constantly evolving situation. It balances public

safety with democratic accountability. In a situation where time is the most precious commodity, it gives us more time. I beg to move.

12.20 pm

**Lord Falconer of Thoroton (Lab):** My Lords, I thank the Minister for his clear description of the Bill and the openness with which he has treated our team engaged in it; personal trust is very important in these matters. I declare an interest: my youngest son is a doctor in an NHS hospital in London, which is now almost exclusively devoted to treating those with Covid-19.

Her Majesty's loyal Opposition support this Bill. In normal times, it would be utterly unacceptable, but these are not normal times. As long as the emergency lasts and these powers are necessary, they should be available to the Government. We also support the instructions, to be backed subsequently by legal enforcement powers, that the Prime Minister announced last night. Inevitably, more detail is needed about the measures announced by the Prime Minister, but there is no doubt that there needs to be immediate compliance by the public with the "stay at home" message. Legitimate issues about the limits do not detract from the Government's message to the country: stay at home unless you have a very good reason for leaving. Can the Minister provide details of the legal powers that will be introduced to back up the Prime Minister's message last night? When will they be introduced and what is the basis for them?

Again, we in the Opposition will assist as necessary in ensuring that effect can be given to the Prime Minister's statement. The Bill before us today can be improved to make it more effective in fighting the virus, to give more support to those on the front line in the struggle and to provide better economic security for the public. We recognise that full scrutiny cannot be given to the Bill—the needs are too urgent and the time too short. We will focus on the key issues and table only a small number of amendments in Committee tomorrow. In these circumstances, the right course for the Opposition is to assist in getting the Bill on to the statute book with focused amendments on the key issues, but also to ensure that each power lasts only as long as is necessary to fight the virus and that there are regular time-restricted limits on its continuation. If it needs to continue beyond the sunset clause, the time before sunset should be taken to improve it, as, inevitably, time will reveal it can be improved.

Parliament has a critical role in the weeks and months to come in legislating, scrutinising the Government and providing national leadership. It cannot function as normal: we cannot meet like this, debate like this and do our job like this as the crisis develops. We need urgently to work out remote and different ways of doing our job—but our job is to hold the Government to account, to provide national leadership and to legislate when the country needs it. The country will need more scrutiny, more leadership and more legislation than it has at the moment. In this national effort, we need to ensure that the Government are moving fast enough and clearly enough, and that they are giving the right leadership. We will press hard to achieve that. There need to be clear messages to be public and they need to be well publicised. The Government need to

recognise that doing their best to alleviate the most acute economic anxieties for the employed, the self-employed and those in the gig economy alike is vital to deliver compliance with those messages. We will press hard to ensure that proper security is given and that the Government move as fast as they should.

We are very conscious that part of what the Government must do is to ensure that the public comply with their instructions to stop the virus spreading. We in opposition must take especial care not to undermine the chances of those instructions being acted upon. We are under no illusions that an epic struggle is currently being waged on all our behalf by the NHS. Hospitals up and down the country have been reconfigured incredibly fast to fight the Covid-19 virus. Large teaching hospitals have devoted whole floors to the disease. Smaller district hospitals have effectively reduced their non-Covid-19 workload as much as possible to accommodate the cases and become largely Covid-19 hospitals. Medical staff have had in many cases to reskill from their normal specialties. They are seeing a frightening influx of patients with the disease that is growing every day. The risk to medical staff is significant. If the patients are hospitalised, they will have a serious illness with Covid-19, and those patients deteriorate often very rapidly and are then required to be moved to ITU and ventilation. The demands on the NHS staff are immense; the pressure is huge.

To ensure that staff have access to all the personal protective equipment they need, make sure that they are all trained in the use of PPE, and to start to test all NHS staff to see whether they have or have had the virus when the antibody testing becomes available are critical measures. It has taken too long to sort out the PPE issues, and the testing of NHS staff has not started. Can the Minister give us an update on the testing capacity and how it is to be rolled out?

The debt of gratitude we owe as a country to the NHS staff engaged in this struggle is incalculable. When the history of this appalling period comes to be written, they will be the true heroes. The rest of us—parliamentarians, Ministers and members of the public—must not let them down. The risk by now is very well known that the NHS will be overwhelmed by the number of cases. There will not be the staff, critical care beds or ventilators to deal with the pandemic. We must do everything to ensure that that does not happen.

I also recognise and pay tribute to the work being done in central government to craft our response to this crisis. The pressure on them is immense. We have an excellent Civil Service, which has worked on as the illness has reduced its number. This is a collective battle; we fight as one nation. The co-operation with the devolved Administrations has been close and effective. I pay tribute to them for the incredibly impressive work they have done.

The noble Lord, Lord Bethell, told us yesterday that there are currently 3,700 critical care beds and that the total usage was currently 2,428, of which 237 are Covid-19 related. He told us that the Government's ambition is

"to increase this dramatically to perhaps 30,000 in time for the crisis arriving in full."—[*Official Report*, 23/3/20; col. 1634.]

[LORD FALCONER OF THOROTON]

Will he update the House as to the number of critical care beds currently available, what the total usage is, how many are being used for Covid-19—that is, the increase from yesterday—and the dates on which the increase of 25,000-plus are expected to come on stream?

On the detail of the Bill, my noble friend Lady Thornton will deal in her speech with issues relating to the health and social care workforce, the reduction of administrative burdens, and financial support. There are education issues, which my noble friend Lord Watson will deal with. I will deal with the other issues.

First, on the sunset clause, there is understandably huge pressure to get the Bill into law so that the Government have the necessary powers to tackle the coronavirus pandemic. Given these circumstances, a sunset clause is necessary and vital, and a prudent mechanism. The position is that there is now a two-year sunset clause, but a power in the Commons to stop the continuation of the Bill after six months, 12 months, 18 months and two years.

Moreover, there is provision for a debate in both Houses and the power to stop after 12 months. That power, the six-month power, is an all-or-nothing one. It is inevitable that some of these provisions will work while others will not. Can the Minister indicate why there is no power to stop some of these powers at six months, 12 months and 18 months as we learn more about how they are working? Will the Government consider whether they would introduce such a power?

I move from the sunset clause to the provisions for containing and delaying the spread of the virus—social distancing. The Bill sets out provisions to restrict potentially infectious people from being in contact with each other as well as a power to restrict or prevent them from moving around, or to detain them. It also contains powers to prevent events and gatherings, to close premises and to restrict port activities. It does not contain powers to stop people going to work or to stay in their homes, which were the key measures announced yesterday. We would be willing to assist in incorporating those powers. Can the Government tell us what their intentions are?

On immigration, can the Minister indicate what the Government are doing to maintain the health and safety of people currently detained in immigration detention centres? Can he also confirm that people will not be held in detention centres if they cannot be removed due to airport closures and travel restrictions related to the coronavirus?

I turn to the courts. We broadly agree with the provisions related to increasing the circumstances in which video links can be used. Can the Minister give an assurance that they will be used only in the interests of vulnerable defendants and those who are digitally excluded? Will those who are unable to get legal advice be properly protected?

I would be grateful if the Minister would touch on the issue of prisons. What is happening there gives rise to especial difficulties. Can he indicate what is being done in relation to the prison population? Can he further confirm what powers the Government have to deal with this position and what are their intentions in relation to the exercise of those powers?

The Bill contains measures related to the management of death. We understand that there may be reduced capacity to register and manage deaths as a result of the pandemic and that it may be necessary to relax the rules around the registration of deaths and cremations to ease the burden on the NHS and to deal with the issue. Again, we agree to these, but only for as long as the emergency lasts. The House will be aware that concerns have been raised about how cremations could conflict with some religious teachings. Cremation is forbidden in Islam and Judaism, and therefore the possibility of forcing a cremation on a loved one from those communities would add further anguish and trauma to bereaved families who may themselves be in self-isolation. We understand that these provisions are designed to deal with a potential surge in deaths and a lack of grave space capacity. What steps will the Government take on this? In particular, are there plans to consult the deceased person's family and local faith representatives to find suitable alternative arrangements?

I turn to supporting the homeless. The coronavirus outbreak presents specific risks to the homeless because they are a high-risk group. Rough sleepers and those living and sleeping in shared spaces such as hostels, night shelters and day centres are at particular risk as they are unable to self-isolate. Further, these services cannot close down because the people they support are then forced back on to the streets where they are at even greater risk. Can the Minister indicate what steps the Government are taking as regards the homeless in light of the announcement last Friday that the Welsh Government will make £10 million available to Welsh councils in order to block purchase rooms in hotels, bed and breakfasts and student accommodation to act as additions to the existing provisions for the homeless? Are the Government doing the same in relation to England?

The Bill contains provisions related to the giving of information about food supplies. The public are understandably worried about perceived shortages of essential products, empty shelves and securing online delivery slots. The supermarkets are doing all the right things, including redeploying their existing staff and hiring new team members to ensure swift restocking where supplies exist, as well as establishing schemes to assist the elderly and key workers.

Supply chains are stepping up their efforts to ensure that sufficient quantities of essential products are available for sale. These efforts are appreciated and will continue to be vital in the weeks ahead.

The Bill includes powers to compel food supply chain operators to provide information on, and assessments of, any disruption to food supplies. We understand that such information is currently being provided voluntarily, meaning that it is intended as a reserve power. We agree with this approach but note that it does not, in itself, do anything to guarantee the availability of food and other items. What discussions are the Government having with supermarkets and supply chains to maintain public confidence?

We will explore all these issues in Committee. We will play our part in supporting the fight against this virus. Sometimes, that will involve telling the Government that they are wrong; always, it will involve giving the

country confidence that we in the Opposition—and we in Parliament—are working together as best we can to provide security and safety for the country, which rightly expects the best from us. We are determined to give it.

12.36 pm

**Lord Newby (LD):** My Lords, we meet today in truly extraordinary and worrying times. The pace at which the pandemic has spread and the range of measures which are now widely accepted as necessary to fight it are unprecedented. As a result, we are not just faced with this Bill but must consider how we as a Parliament operate in the weeks and months ahead. If we are to work effectively, we have to reconsider all our ways of doing things.

We on these Benches of course support the Bill but, as we do so, we need to be clear what we see as the role of Parliament in the period ahead. It seems to us crucial that we maintain our role of scrutinising legislation and holding the Government to account. This is partly because the Government are being asked to exercise, on a daily basis, the judgment of Solomon. We fear that they lack a Solomon, so we think it vital that Ministers remain answerable to Parliament for their decisions. But Parliament also has a major part to play in improving public policy development, by feeding into the process and drawing to the Government's attention what is really happening on the ground across the country, and by probing their responses.

While we on these Benches are fully supportive of the House adjourning early for the Easter Recess, we do not support an extension of that Recess beyond our planned resumption date of 21 April. If by then the situation in respect of self-isolation and social distancing remains broadly as it is today, which seems highly likely, we will need to look at how we conduct our business to ensure that the House can operate effectively.

Many service-sector companies have closed their offices altogether yet are carrying on their business by use of the phone, internet and conference calling. I believe that your Lordships' House should do the same to the maximum extent possible, particularly as almost half our number will—or should—be unable to attend by virtue of their age, while others have underlying health conditions which make their attendance impossible or, at the very least, imprudent. We will need to change our ways.

In my view there is, for example, no reason why committees should not sit via videoconferencing straightaway. I believe that we should also look at ways in which the business in the Chamber could be done differently. If a radio station can do it, I do not see why Members should not be able to phone or email in their Questions for Oral Answer, for example, or why some speeches could not be submitted in writing in advance, for inclusion on the record. On our return, to allow us to ask Questions in a timely manner while minimising the demands on ministerial time, we should also have half an hour of Covid-19 questions at a convenient point after the Prime Minister has done his daily press conference. If the frequency or timing of these press conferences changes, we could obviously adapt to reflect this.

The alternative is an unsatisfactory preponderance of coronavirus Questions on the Order Paper and a daily series of requests to the Lord Speaker for Private Notice Questions. We have raised these suggestions via the House of Lords Commission and the usual channels, and are having very constructive engagement with them. I believe the same process is now taking place in the House of Commons.

I realise that for some Members all these suggestions will produce the kind of shocked response associated with a Bateman cartoon but, unless we move in this direction, proper scrutiny will simply be impossible. Scrutiny will be particularly important because of the wide-reaching measures which the Government are adopting. They are measures which we support in principle. As a result of today's Bill, the Government will gain large new powers exercisable by statutory instrument, which should be debated, and further new powers will need to be taken to implement yesterday evening's announcement. We have only to look at the extraordinary, irresponsible action of Sports Direct today to see that exhortation of not just individuals but of companies will be inadequate. I too would like to know what legal basis the Government will use to introduce these necessary powers.

Other legislation is already being introduced giving the Government new powers by statutory instrument. For example, on Saturday a regulation was made under the Public Health (Control of Disease) Act 1984 to close all restaurants, cafés, bars, cinemas, theatres and virtually every other premises where people meet. They came into force the same day, have a lifespan of six months and, in theory, need parliamentary approval, but such approval obviously requires Parliament to be in session. The same will apply to all the other SIs which are required, and the Government may well find that they need more primary legislation to be introduced at short notice before this crisis is over, so we need to find ways to do this with the country in lockdown and we need to do so quickly.

We accept the need for today's Bill and the need to pass it speedily. We do not propose to divide the House but this is a very long and complex Bill and, as is always the case, it raises very many specific questions to which no answers have yet been provided. In saying that, I am not criticising the Government. I have huge sympathy for the challenge the Minister faces in explaining an unprecedented raft of business, and I would not want him to think that in making that point I am being critical, but the country wants to know and needs clarity on many issues, and Parliament is the best way of doing that.

However, our proceedings today and tomorrow do not in reality allow us to subject this Bill to the normal scrutiny that we would expect so, like the Opposition, we on these Benches will limit our amendments to a relative handful on which we wish to probe the Government. There are a lot more issues that we would in ordinary circumstances raise, but in the course of a day—tomorrow—it is simply impossible to do so.

The issues that we will raise are as follows. On social care, we want to ensure that the Government provide local authorities with the resources necessary to provide appropriate levels of care for those discharged

[LORD NEWBY]

from hospital, particularly those with complex needs. On social security, we want to suspend the sanctions regime, which we believe could bear down unfairly on those who are ill. We want to give local authorities the power of direction they will need if they are to implement government policy effectively. We want to scrutinise the civil liberties implications of the increased detention powers. We want to examine the scope for providing much better levels of support for the self-employed, and we want to ensure that your Lordships' House plays its full part in considering the extension of the emergency powers beyond the initial six months. My colleagues will explain our detailed concerns on these points during the course of today's debate.

This is an unprecedented Bill to deal with an unprecedented crisis. Over the coming months, every aspect of the way that we do things in Britain will come under strain. As in wartime, we will have to change the way that we do things, and when it is all over things will not revert to business as usual. Some things will have changed for ever, and the way that we do business here will assuredly fall into that category. I am sure that everyone in your Lordships' House wishes the Government well as they grapple with coronavirus. But democracies never give the Executive a blank cheque. As a Parliament, we must retain our critical faculties and, if we do so, it will help the Government and the country to get through this crisis together.

12.47 pm

**Baroness Grey-Thompson (CB):** My Lords, I draw noble Lords' attention to my registered interests. I am trustee of the British Institute of Human Rights and a vice-president of the LGA, among others.

We are in challenging times, with a significant number of noble Lords not in their usual place. With a Bill of this magnitude, the Chamber would normally be full. I strongly support the comments made by the noble Lord, Lord Newby, that this has proved more than anything that we need to find more modern ways of working, especially when we have had no time to discuss the Bill outside the Chamber. Even more so, the review point for this Bill is incredibly important.

I sincerely thank the House staff who are here today and the NHS and front-line staff for what they are doing. For me, it was a big, personal decision to be here today, especially with the release of the clinical frailty scale. Many would see me, as a wheelchair user, as being no higher than number 7 on that scale. I am delighted that NICE yesterday confirmed that the clinical frailty scale would not be used for certain groups, including those with learning disabilities and cerebral palsy, but many disabled people are still very worried by the Bill. Decisions will be taken by someone else about our usefulness in the next few months that we will have no control over. I am starting to worry that disabled people might be seen as expendable during this pandemic. There is a real fear that this will graduate towards a move to register disabled people and that that will be used to decide future provision.

There is a need for part of this emergency Bill; however, the draconian measures outlined made it a personal necessity for me to be here today. This is a health and

social care obliteration Bill by a different name. Alan Benson captured many views when he said that we have been fighting for rights for 30 years and now it is about survival. Inclusion London has said that, "buried deep" in the Bill is

"the complete removal of social care responsibilities, for at least two years."

I apologise because I will ask the Minister a series of questions. I will email them to his department because there are many. I will also cover presentations and questions that have been sent to me by other noble friends.

What will happen to those stuck in the PIP decision appeal process while we are going through these difficult times?

What will be done to look after or support victims of domestic violence, who we know will be at greater risk?

What specific measures will be put in place for the emergency registration of healthcare professionals for those over 65, some of whom may be considered vulnerable?

What about unpaid carers and child carers? What about the self-employed? There will be additional pressure on them at this time that will be impossible to step back from.

When the Prime Minister and Her Majesty's Government make announcements on TV, will they commit to having a British Sign Language interpreter so that everybody can understand what is going on?

The Bill is a temporary suspension of most of the duties contained in the Care Act 2014. Is this any more than just a cost-saving exercise? If local authorities are no longer required to meet care needs under the Care Act, will the Minister explain why local authorities would carry out any assessments at all if they did not have to? How will they prioritise?

In yesterday's debate in another place, a human rights safeguard was raised numerous times. The Government stated that they considered the Bill to be compatible with human rights. However, the analysis was released late on Friday 20 March, after the Bill was laid before Parliament on 19 March, and while some of the analysis is welcome, some of the most worrying clauses have simply not been dealt with. Will the Minister explain what analysis has been done about the unintended consequences on the NHS at this difficult time of removing social care or prioritising health over social care?

Will the Minister advise how social care is guaranteed, because, as I understand it, there is no human right to social care or a positive obligation under the European Convention on Human Rights to meet care needs? Are people to be protected from inhumane or degrading treatment within the provisions of Article 3 or perhaps Articles 8 or 14? I would like to understand that. How will the Secretary of State ensure that social care is protected and what support will be given to decision-makers such as social workers to ensure that they identify and avoid breaches? Given that human rights training is not mandatory, is that something that could be considered?



What happens when a disabled child turns 18 and their adult social care package is unavailable? Does provision just stop?

My noble friend Lady Hollins, who is unable to be in her place, asked me to raise the following questions, which are really important for disabled individuals. If we look to home care for disabled people, what provision are Her Majesty's Government putting in place for European care workers who have not been able to return to the UK? What personal protective equipment will be made available for carers? Can Her Majesty's Government look at parking charges, so that carers who do not want to use public transport are able to drive? Will there be extra funding for disabled employers or home care agencies to enable them to pay an additional income premium or quarantine payment? What about carers who have to self-isolate in their employer's home to ensure they do not put their disabled employer at risk? How will care agencies or disabled employers fund these periods of advisory self-isolation? Will the Government require local authorities to keep a record of those who have had their support reduced or cut, so that their support packages can be reinstated when this emergency is over?

What about people with dementia? Can the Government assure us that they will not be discharged to inappropriate care homes without staff who have had dementia training? Can the Government give a financial guarantee to families living with dementia—that they will not be retrospectively charged for inappropriate care home placements once the pandemic is over?

The St John Ambulance contacted me this morning. It said that it is ready and wants to help and would very much welcome a call with the Minister. What about paid leave and access to emergency volunteering certificates for it?

The changes to the Mental Health Act are just as concerning. Does the Minister consider it proportionate for individuals to be sectioned by only one medical professional, who is no longer required to be acquainted with the individual? I hope no amendments will be tabled that amend other major pieces of legislation. This is a time for unity, not for introducing other far-reaching changes on highly contested issues.

At different times, in-patients in mental health care facilities may face increased restraint and seclusion. The powers in this Bill could lead to a deterioration in an individual's conditions where carers or families cannot manage, leading to individuals being admitted to an in-patient unit in crisis. No one should be admitted because of a failure of social care. Can the Minister assure the House that, should the powers in this Bill be activated and as a consequence should people be admitted to in-patient settings because of a failure of care, an independent care and treatment review will be carried out as soon as this emergency has ended, and not just for people detained in long-term segregation? The Bill's provision to relax the measures around NHS continuing healthcare assessments could see some of these people discharged from hospital without the right support, putting them at additional risk of readmission. Delays to NHS continuing healthcare assessments will undermine this programme of work.

Like many others, I have huge sympathy for what the Government are trying to do right now, but a Bill of this magnitude will be life-changing for disabled people. I look forward to hearing the Minister's response.

12.53 pm

**The Lord Bishop of Rochester:** My Lords, in these days I have been reflecting on the words of the Hebrew psalmist who, at the time of his people's exile, articulated the question:

"How can we sing the Lord's song in a strange land?"

In many ways we are entering into a strange land, and indeed in some ways a land of exile: a land in which we are exiled from many of our normal patterns of living, in which people of faith are not able to attend their places of worship and in which many people find themselves having to live life in entirely new ways.

This is a small thing, but I am grateful for the inclusion in the other place of Clause 84, which solved a little conundrum about the legality of the General Synod of the Church of England under these circumstances. Rather more importantly, and in relation particularly to what the Prime Minister said last night, we in the faith communities absolutely accept that our places of worship are now closed. Such things as weddings are suspended and postponed until a later time. But though the buildings are closed, I hope the communities and people are not closed. Particularly in relation to our caring and charitable activities, I hope that people of faith, alongside others, will continue to engage.

Reference has already been made to the care of the homeless and the importance of shelters, food banks and those kinds of things. I am grateful for the discussions happening around those. I think I am right in saying that work is under way in London to transfer residents of shelters to budget hotels.

The care of the vulnerable has just been spoken of powerfully by the noble Baroness, and I have other categories in mind, including trafficked people and victims of domestic abuse—of course, the Bill to support such people has now been delayed again—those who are isolated and perhaps especially those who are or sadly will be bereaved in the coming days.

That brings me to Schedule 28 which deals with funerals and is very far-reaching in its effects, potentially, but it is important and I accept the need for it. However, I hope that alongside all this we can maintain our sense of dignity, which is really important, around issues of death, bereavement and the way we treat the dying, the dead and the bereaved. The point has been made about the need for sensitivity to the funerary practices of different faith communities and I know that conversations have been going on with Downing Street about that. We trust that local authorities and others will act in appropriate ways. I think I can speak for all the churches, faith communities and indeed civil celebrants when I say that for as long as we possibly can, we will wish to provide people to officiate at funeral services, even if those services are attended only by the deceased person in their coffin and the officiant—that is part of treating these situations with dignity. I confidently express our commitment on these Benches to do that for as long as we possibly can and to enter into discussions that are needed in order to do it.

[THE LORD BISHOP OF ROCHESTER]

On the theme of treating people with dignity, reference has already been made to prisons and other places of detention—immigration removal centres and suchlike. We know that they will be under huge pressure at this time, not least if staff numbers are restricted due to infection. For as long as possible I know that, in prisons and other such places, our multifaith chaplaincy teams will continue to work as they are today. That underlines the importance of giving prisoners, particularly if they are not able to gather for their worship, access to faith provision of some kind at this time, when they are cut off, very often, from other forms of contact.

That brings me to two particular questions in relation to prisons. One is about communication with the outside world now that prison visits have understandably been curtailed. Is there any intention to increase the availability of such things as Skype, whereby families, and perhaps particularly the children of those who are in prison, can maintain relationships and contact with them? The other question concerns those who might be released. There has been some talk about this and I would value an update from the Minister as to the thinking. I am thinking, for example, of low-risk, elderly prisoners, who are in any case difficult to care for in prison and may become more difficult to care for. Another group might be those pregnant women who are currently in prison. Can special provision be made for early release for those groups and, no doubt, others as well?

A few minutes ago, I referred to the Hebrew psalmist. The lesson from that time is that the cry

“How shall we sing the Lord’s song in a strange land?”

was answered some decades later by the fact that people did actually learn to do it. During that period of exile, they learned to express their worship and their solidarity with one another in new and different ways that set patterns for many centuries to come. I have a quiet confidence, actually, that with all the difficulties and challenges, we will, as a society, learn to sing our songs in new ways. Maybe, as has been indicated, the workings of this House will be one of those songs that we sing in a new way. Above all, we must learn to sing the songs of human dignity and maintain them, and perhaps also those songs that celebrate human ingenuity, compassion and relatedness, which will be incredibly important virtues in these coming days.

12.59 pm

**Lord Robathan (Con):** Noble Lords will be familiar with the profound words of John Donne written in 1624. That was a time of recurrent outbreaks of bubonic plague, so he knew about death and the plague:

“No man is an island entire of itself ... any man’s death diminishes me ... And therefore never send to know for whom the bell tolls; it tolls for thee.”

Each death from Covid-19 is a tragedy for the individual, obviously, and for every bereaved family, and we should mourn every death because anyone’s death diminishes us.

I attended two very informative briefings by the Chief Medical Officer, Chris Whitty, earlier this month. He was calm, balanced and logical. He inspired confidence. I understood—I think—the concept of herd immunity. I understood why it would be counterproductive to close schools and why it was unnecessary to ban large

gatherings. I understood the concept of flattening the curve to prevent the NHS being swamped. All that seemed pragmatic and sensible.

The weekend before last, everything changed after an Imperial College study and modelling exercise estimated that there would be 250,000 deaths unless we changed tack and policy. A quarter of a million deaths is a very large number. I also understand the international situation, where other countries are taking more extreme measures that, to a certain extent, put the Government under pressure. These deaths are largely among the elderly, the frail and the sickly—people with what I have learned to call “underlying health conditions”. Each one is an individual to be valued. I also understand that it is likely that 80% of us sitting here today will contract the virus, and I have a mere 16 months before I reach my allotted span, according to the psalmist in Psalm 90, of “threescore years and ten”—memento mori.

However, it is not callous or uncaring to point out that last year 623,000 people died in the UK. On average, every day 1,700 people die. As of this morning, there have been 335 deaths from the coronavirus outbreak. Therefore, this is not the Black Death, the great plague of 1665, the Spanish flu nor war. It is a very real health crisis which should be taken very seriously indeed, but I suggest that it should also be kept in proportion. Referring to war, which people have been doing, the Blitz spirit was best summed up by the slogan “We never closed”.

The Chief Medical Officer thinks that there are many thousands more cases than the 6,650 confirmed today. My right honourable friend Jeremy Hunt, former Health Secretary and chairman of the Health Select Committee in the Commons, yesterday suggested that there were 300,000-odd cases in the UK. My untutored and entirely anecdotal guess is that there are very many more. For instance, my son at Sandhurst has had it; my daughter, 50 miles away in Oxford, has it, as has my niece in Gloucestershire; three out of 12 jurors in the trial of the alleged murderers of PC Harper have self-isolated; and there are lots more cases besides, of which we all know. They have not been tested but it seems likely that the number of additional cases is huge. Therefore, what are the implications for herd immunity and what is the likely percentage of deaths?

Now we have in this Bill draconian and oppressive restrictions. I understand the impossible position of the Government, but how long will this lockdown be imposed? The Imperial College study, which so worried the Government, says that

“this type of intensive intervention package ... will need to be maintained until a vaccine becomes available (potentially 18 months or more)—given that we predict that transmission will quickly rebound if interventions are relaxed.”

It goes on to say that

“experience in China and now South Korea show that suppression is possible in the short term”,

but

“it remains to be seen whether it is possible long-term”.

I am not an epidemiologist, nor a doctor, but I have questions on government policy. Do the Government have any real idea of the numbers infected and, now, possibly developing immunity? I understand that a test for antibodies is being developed. How long will

the restrictions be in force? Three weeks was mentioned yesterday. Will it be 18 months or more? Will a lockdown be effective? Will it work? And will the numbers rebound if the lockdown is lifted? Therefore, will it really achieve its stated aim of preventing transmission and saving lives in the long term?

Will these measures lead to a recession or, much worse, to another global depression? We should remember the lives destroyed in the desolation of the 1930s and, indeed, the rise of extremist parties. Will younger generations—our children, with their future in front of them and not already behind them, as in my case—think that the impact on the long-term good and prosperity of the country, on their education and on their standard of living and quality of life is worth it, especially if these oppressive restrictions do not beat the virus and people continue to die? These are rhetorical questions, because nobody knows. Only time will tell—perhaps six months, a year, or many years.

Perhaps this will be seen as a contrary view. I wish my noble friend the Minister and the Government well in this hugely difficult crisis but certainly do not like this legislation. The restrictions and closing down of our country are disproportionate. I will not oppose this, but giving these powers to the state is unprecedented outside wartime; they are draconian in so many aspects and based on a premise that may turn out to be incorrect. In my 68 years, I have learned that it is very rarely the case that the gentleman in Whitehall knows best.

1.05 pm

**Lord Blunkett (Lab):** My Lords, I too pay tribute to those on the front line: those in intensive care and social care, but also those serving in food shops and those in local government keeping services going. I also pay tribute to those in the Civil Service and in this House who are ensuring that our democracy can continue. Our democracy, as has just been said, is vital in being able to challenge, ask questions and perhaps sometimes put a different point of view—not merely via a question online or a telephone call, but in debate, which is what democratic parliaments are all about.

I have tried to approach this issue from a lifetime of experience, having been Home Secretary at the time of the attack on the World Trade Center and much afterwards. I realise, as the Minister has said, that this is on a different scale. We are talking about the experience and challenge of the Great War. In my view, the Minister has handled his brief incredibly well since taking it over and I pay tribute to him for doing so.

Over the last few weeks I have asked myself what I would do if I were in Cabinet today. Would I try to maintain that proportionality and balance which we debated at great length nearly 20 years ago? Yes, I would. Would I be absolutely clear that democracy demanded that Parliament continue to work? Yes, I would. Would I take incremental steps that took people with us? Yes, I would, because the balance between the philosophy of John Stuart Mill and Rousseau's social contract has underpinned everything we have done in this country and should do in future. The nature of the state will be debated now and in the future; though perhaps in a different way, it will still be about the balance between the actions we need to take as a Government and a state and the responsibility we carry as individuals.

I am here today because I have lifelong experience, some areas of which are more relevant to this debate than others. I do not mind saying that, while others will rightly take a decision to isolate and protect themselves, as demanded of all of us, some have to be there on the line, saying things and debating matters from the perspective of their age and experience. I make an appeal for social responsibility and care to print, broadcast and responsible social media, because it is vital at this time that people continue to be there to ensure that the papers are printed and that broadcasters can still broadcast—it is not all down to social media. The most dangerous things we face, other than the virus itself, are anxiety and fear—people's confidence in their own mental and physical well-being being undermined. I make a plea to the media: inform, interrogate, sometimes entertain, but never fear, because that anxiety can be incredibly dangerous at this moment in time. That is why enforcing the measures in this Act must be done with great care.

I say to my colleagues, including my noble and learned friend Lord Falconer, and the noble Lord, Lord Newby: be very careful about the demanding of yet more power and enforcement, the media demanding every day that more people be more fearful. Yes, there will be particular areas of our country where intensive care services and all around them will be under pressure, as they are at the moment in London and the south-east, but listening to interviews from Queen's in north-east London on Sunday's edition of "The World This Weekend", I realised that what we needed was the calming voice of those who had been through experiences of this kind.

My wife Margaret has been a doctor for 35 years and has just retired. I do not speak for her, but I learn from her about the dangerous and difficult decisions that she has taken over a lifetime: of whether people should die at home or be transferred into hospital. That is why we should listen to the noble Lord, Lord Robathan. Proportionality requires us to take a deep breath. Yes, we respect the scientists, but we need more of them, from a wider sphere, to come forward and to be heard. I respect those who came forward quickly with their modelling, but we need wider modelling to ensure that we get this right. We need more testing more quickly. If we had more testing, we would know much more quickly who had had the virus and who was reasonably immune, and we would be able to distinguish those who had not had the virus but thought they had. We could then continue in a more reasonable fashion—yes, of course, working from home, but without that anxiety and fear.

I have talked a lot about anxiety because my daughter-in-law, who is a teacher, spent the whole of last Friday talking to the students in her secondary school not about exams but about their anxiety about their parents and grandparents and what was going to happen to them. Recovery plans as Theresa May has described will therefore be really important. Behind the scenes, I hope that that work is taking place.

It is important to use the letter that has been sent out by the Communities and Local Government Secretary to reassure people in local government that they will be supported. Local government has lost more in the austerity measures than any other part of our

[LORD BLUNKETT]

public services. The capacity does not exist. What the noble Baroness, Lady Grey-Thompson, said needs to be underlined and understood.

I shall finish, as did the right reverend Prelate, by quoting from my favourite hymn. “Dear Lord and Father of Mankind” ends with:

“O still, small voice of calm.”

That still, small voice of calm is needed now as it has never been needed before.

1.12 pm

**Lord Scriven (LD):** My Lords, what extraordinary times we live in. Those who have followed Sheffield politics will know that the noble Lord, Lord Blunkett, and I tend to disagree quite a lot on things, but on this occasion, I agree with quite a lot of what he had to say.

This Bill has jaw-dropping and eye-popping powers, which, if we were to have them explained to us in the normal run of the mill, would lead us to think that a military dictatorship had just come in and was trying to get control. However, we are not in normal circumstances when it comes to some of the powers needed to deal with this public health crisis—that is what we need to call it; let us stop using the words of war and talk about the battle to keep people alive and safe. We are in a public health crisis and some of the powers will be needed.

The role of this Parliament and this House over the next two days will be to try to improve the Bill wherever we can and, I hope, to persuade the Government to accept some of the suggestions that will come from around this Chamber. Our role is also to make sure that the powers that the Government and individual Ministers wish to take are reasonable and proportionate to the public health crisis that we face. Some of them will be tough measures, and we understand why, but we will also have to make sure that the Bill’s powers are for the minimum length of time possible and are to deal only with the coronavirus.

A number of provisions in the Bill, particularly those to do with local elections and their suspension, do not refer to coronavirus—in the clauses or the schedules. I understand that the Bill may have been written in haste, but we need to be clear. Every clause and every schedule needs to refer to coronavirus. The power in the Bill for Ministers to extend, for two years, also had no reference to extending purely because of coronavirus.

I would like to explore this issue with the Minister: why six months? If the powers are so broad, why does Parliament and this House not get a say every three months, not just to debate the issue but to get a vote on some of the issues? The powers are so wide and have such effects on individual lives that such a vote is needed.

The social care provisions will mean that the lives of some of the most vulnerable people will become intolerable. If the pressure on local authorities means that they cannot make such provision, which they have to legally, individual lives and families could be shattered. These powers are so wide, with their effects on individuals and families, that three months is long enough. What, in dealing with this public health crisis, would prevent a review at three months?

I declare my interests in the register as a vice-president of the Local Government Association and, like the noble Lord, Lord Blunkett, a former leader of Sheffield City Council. Those of us who have been council leaders will know that many issues arise in a local community in the normal run of things, and local government does not always have the power to deal with them, even though communities look to local government to do so. In fact, local government is probably best placed to make clever, local interventions to deal with the problems that people face. Local government will have to deal with many issues that are not in the Bill. What if the vast majority of refuse collectors get the virus? How will the refuse be collected? If it is not, it will lead to another public health issue, for environmental health officers.

It would be wise to give local authorities a general power of direction on burials and on death so that, if they give an instruction, bodies in their jurisdiction have to act. It will go much wider than death; there will be many things that great planners and people who work in Whitehall have not thought of because the consequences are probably unintended or have not been thought through, but it will be down to somebody in each local area to make significant decisions about what is needed. If we are to help local communities to survive as best they can and deal with the issues that no one has thought of, we will have to give somebody—I suggest that it should be a local authority—a general power of direction. I urge the Minister to look at that carefully.

Finally, I thank the many hundreds of thousands, if not millions, of individuals up and down this country who are volunteering and supporting their local community in trying to get through this, especially the great people on the front line of our NHS and the people who are keeping our shelves stocked. Those local efforts and individual interventions will help communities to get through this.

1.19 pm

**Lord Ramsbotham (CB):** My Lords, I will raise two unconnected points in connection with the Bill. First, I admit to being very surprised to see no mention in it of prisons, which the noble and learned Lord, Lord Falconer, and the right reverend Prelate the Bishop of Rochester, have already mentioned, or of probation. Both are state-run activities and require state employees to have face-to-face contact with offenders who have been sentenced by the courts, which are mentioned, as are the police, who are responsible for the investigation of criminal acts.

I remember that, when the Prison Officers Association went on strike in 1989 and I was commanding the United Kingdom field Army, the Army was required to set up, and externally guard, two temporary prisons in existing army accommodation. When there was a suggestion that soldiers were to be required to censor prisoners’ letters, I appealed to the then Home Secretary, Lord Hurd of Westwell, that soldiers should not be put in such close contact with prisoners, to which he immediately agreed. I was therefore interested to see a report in yesterday’s *Times* that the Royal Navy would be called on to cover any drastic shortfalls in the number of prison officers, after the police had made it clear that they were unable to, including being responsible for delivering ready meals to prisoners in their cells.

I know that these are extraordinary times, and that extraordinary measures need to be taken, but service personnel do not have the same training as policemen or prison staff, and I appeal to the Government not to deploy Armed Forces personnel to anywhere where they will come into such close contact with convicted criminals. When I was Chief Inspector of Prisons, my deputy, who governed HMP Holloway, was faced with a strike of prison officers, and ran the prison using teachers and other volunteers already working in the prison.

No thought appears to have been given to the supervision of offenders in the community. No plans have been announced to suspend sentences or arrange other supervisors if probation staff should fall victim to the virus. All probation sentences begin with an assessment, made following a face-to-face interview, and require personal contact throughout their completion. Will work on *A Draft Target Operating Model for the Future of Probation Services in England and Wales*, published earlier this month, be suspended until the future is clearer? This matter will be discussed in detail in both Houses in the context of the promised royal commission on improving the effectiveness and efficiency of the criminal justice system. Unless this is carefully thought through, I am afraid that any extraordinary measures made necessary by the impact of coronavirus can only deepen the existing crisis in the delivery of probation services following the rushed and ill-thought-through transforming rehabilitation exercise.

Before making my second point, I declare an interest as co-chair of the All-Party Parliamentary Group on Speech and Language Difficulties. I realise that, compared with the other demands on NHS staff, speech and language therapists may come lower in the list. However, how do the Government plan to ensure that information about the virus and the provisions of the Bill are made accessible to those with speech, language and communication needs? Therapists, who are essential in this process, should be issued with protective equipment and added to the list of key workers.

1.24 pm

**Baroness Harding of Winscombe (Con):** My Lords, I begin by declaring my interest as chair of NHS Improvement. At my pre-appointment hearing two and a half years ago, I said I would be very cautious about speaking on health matters while in this role, but I hope noble Lords will forgive me for doing so as I feel in these extraordinary times it would be wrong not to speak.

First, I express my deepest sympathy for those who have already lost loved ones because of Covid-19 and I send my very best wishes to those currently in hospital or with relatives in hospital or at home fighting the disease. I shall speak today about why this Bill matters so much, why it matters to our NHS people and why it matters to all of us. I shall start by reading a statement from my noble friend and sort of job-share partner at NHS England and NHS Improvement, my noble friend Lord Prior, who is not in his place today as he and I are endeavouring not to be in the same room at all and are working shifts. My noble friend says: “In its extraordinary history of over 70 years, the NHS has never faced such a momentous challenge. Our country

has never depended so heavily on its most loved and respected institution. I”—in fact, we—“know that the remarkable people who work for and with the NHS will more than do their duty; they will do their absolute best. It is a privilege and an honour for me”—us—“to work with them.”

As my noble friend says, our NHS people will do everything in their power to look after us and care for us: our consultants, paramedics, healthcare assistants, junior doctors, nurses, midwives, porters, cleaners, scientists, physios, engineers technologists and procurement teams. There are so many professions, I cannot list them all, as I mean everyone working in our health and care system. There are those directly employed in the NHS, but those working in social care, volunteers, the voluntary sector and, yes, even the independent healthcare sector. They are all our National Health Service right now, and my goodness they are working hard and fast to face up to this challenge. They need us to help them. They need us all in this country to play our part, as the Prime Minister said last night. They need us to play our part personally in abiding by the rules the Government have set out, and they need us to play our part practically in sourcing personal protective equipment, making ventilators, expanding testing capacity and coming to work with them, if we have the skills. They need us to care for them, to make sure that they can eat at the end of a long and challenging shift, that they can get to and from work and that their loved ones are okay while they are at work, and they need us to support and cherish them when things go wrong.

They need all of this, and they also need us in this House to play our part constitutionally by passing this Bill to give the Government the powers they need to guide us through this immensely challenging time and to provide our NHS people with the support they need so they can save lives. There are powers in this Bill that many noble Lords have said that in normal times all of us in this House would wish to question, challenge and test, but this is not a normal time. Our NHS people need us to act now. Time is not on our side, and they need all of us to join in this fight with them because right now, this is the ultimate national effort from our NHS, that most cherished British institution. Right now, we, all of us, are the National Health Service in one united effort from everyone in the country, with healthcare professionals in the front line backed up and supported by the whole country, as a genuine united National Health Service.

1.28 pm

**Baroness Blackstone (Ind Lab):** My Lords, like many others in this debate, I pay tribute to the many thousands of people who are working immensely hard to counter the effects of the coronavirus.

This huge Bill gives unprecedented power to the Government. Whether all these powers will be needed is uncertain. There are still questions about the severity of the disease and its future trajectory. The CMO has assessed a death rate of 1%. New research from the University of Oxford suggests 0.7%. In Germany, where far more testing has been done, it is 0.3%. We know that in the UK the average age of death from the virus is 78.5 years, and it is a fair assumption that, very regrettably, of those who succumb, quite large numbers

[BARONESS BLACKSTONE]

would have died anyway. The measures in the Bill and those already taken, exacerbated by last night's announcement, are leading to massive fear and anxiety in much of the population. More must be done to explain the demographics, reduce unnecessary fear and protect mental health. We in this House might need to worry about our survival but, fortunately, most of the population does not.

The other general point I want to make concerns the economy. A global recession will lead to the death of many children in poor countries, and it is undisputed that the supply of goods and services will be greatly reduced: first, by closing down production with large lay-offs; and, secondly, by restrictions imposed to keep a large part of the workforce at home. At the same time, in the UK, huge amounts of money are being pumped into the economy for understandable reasons. Are the Government assessing the serious implications for high inflation in the medium term? Will they be considering price controls at a later date?

I turn now to my main focus: how we sustain our education system and protect our children and young people from long-term damage as a result of school closures and the cancellation of public exams. History will judge whether or not the wider measures that have been taken to combat the coronavirus were proportionate. My view is that the decision to cancel GCSEs and A-levels was disproportionate and made without sufficient preparation and the requisite advice on what would be put in place instead. While recognising, as I really do, how difficult it is for the Government in these circumstances, answers are desperately sought by teachers, parents and pupils. Many pupils have said that they feel "gutted"; having spent the past two years working hard to reach their potential and get good grades, they feel cheated that they have been denied the opportunity to do so.

The Government have said that alternative assessments will be just and fair. Teachers will have to draw on many sources, including predicted grades, class work and mock exams results. I am sure that they will do their best. Nevertheless, there are bound to be large variations in the judgments they make. Some will be generous, and others tougher, so it will not always be just and fair. Moreover, universities will face difficult decisions about who to admit; at least a collapse in international student numbers could allow them to admit more home students and veer towards a generous admissions policy. But, given that all secondary schools will be open to allow the children of key workers to be looked after, I think it is a pity that 16 to 19 year-olds cannot work at home until the exams begin, and then come to school to take them. I believe that that is what should have happened.

The other concern about many children being forced to remain at home is the likely outcome of increased social inequality. Schools do not just educate children; they also provide them with a safe haven, a structure to their day and a chance to be creative and to learn about sharing. Schools are a leveller, in that they provide a similar environment for all their pupils, in contrast to the huge inequality in their homes. I am not sure how head teachers will define vulnerable children—presumably it will include those with disabilities,

those who have been abused and those who are in children's homes—but it is doubtful that they will be able to embrace the 4 million children who live in poverty and the many children who live in appalling accommodation, with overcrowding and limited resources.

When the schools reopen, will the Government provide extra resources to schools with many disadvantaged pupils, to allow them to give additional help, particularly to those who have suffered most from possibly many months of being unable to go to school? Will PGCE students be able to complete their courses this summer, to ensure an adequate supply of new teachers?

To conclude, ways must be found to ensure that the drastic decision to close our schools indefinitely does not have life-changing consequences for children and young people, such as increasing their vulnerability to gang violence and crime, as well as to mental illness and anxiety, while trashing our hopes for more social mobility.

1.34 pm

**Baroness Ludford (LD):** My Lords, the only bright spot in this crisis is that experts are being listened to; long may that continue.

Obviously, the overarching concern is that the powers in the Bill should last no longer than is strictly necessary, should not overreach and should not set unwelcome precedents—one thinks, for example, of the reduction to one doctor for the exercise of Mental Health Act powers and the problems around care assessments. Moreover, the powers should not impact unfairly on disadvantaged minorities or marginalised groups, and should not go further than can be truly justified. It is not entirely clear why the Civil Contingencies Act or the Public Health Acts were insufficient in various areas.

In Schedule 21, there is a test of necessity and proportionality which is strangely absent from Schedule 20—the one that affects directions to people. From these Benches, we will therefore table an amendment to require that all the powers in the Bill should be exercised in accordance with the principle of necessity, proportionality and non-discrimination, respecting the European Convention on Human Rights and other human rights instruments. We also want the Government to keep the powers under frequent review and to publish reasons and explanations for any measures introduced under the Bill.

Although the right to life—Article 2 of the ECHR—underpins the response to this pandemic, human rights issues under several articles of the convention are engaged: Article 5 on the right to liberty; Article 8 on the right to family life, as relating to isolation, quarantining and restriction of family visits; Article 11 on freedom of assembly and association, relating to the prohibition of public meetings and gatherings. These are just some of the examples. I am glad that the Joint Committee on Human Rights, chaired by the right honourable Harriet Harman—I declare an interest as a member—is conducting an inquiry into the human rights implications of the response to Covid-19.

There have been shocking cases of victimisation and blaming of certain people due to their perceived ethnic or national origin, particularly those of Chinese and other east Asian appearance. The power for local authorities not to meet some assessed care needs and

to avoid the duty to conduct a care needs assessment will impact on the vulnerable. The Government should, at a minimum, notify the Council of Europe and the United Nations, as stewards of the ECHR and international human rights instruments respectively, that the UK is enduring a national emergency, and of the measures being taken. Do they in fact need to formally derogate? Perhaps the Minister could tell us.

People need to be able to assess, scrutinise and, if necessary, question and challenge the Government. It is not helpful to have a Minister on Twitter call someone by a rather vulgar term because they had the temerity to raise questions about the Government's approach, as happened yesterday. Apparently, there have been no advertisements on social media. I am on only Twitter so I do not see Facebook, Instagram or any of the others but, considering that a lot of money was spent on Brexit no-deal ads on social media, this omission seems anomalous.

Assessing Schedules 20 and 21 is a bit difficult, as we do not yet know how the Government will give effect to the measures heralded in the Prime Minister's announcement last night. I imagine that is still being worked through. Schedule 20 does raise a lot of concerns. Where are people to be directed or detained? Is a police station envisaged or just home? What screening is to take place, especially given the lack of current testing capacity? Will there be any judicial authorisation of detention or any provision for appeals? What about people who, for one reason or another, do not have a home to go to—the street homeless, sofa surfers, victims of domestic abuse, some immigrants and refugees, who get little or no support? Surely imposing isolation and quarantining restrictions on people living in abusive or dangerous environments would place them in an impossible situation. As concerns Schedule 21, are the closure of premises regulations issued just last Saturday under the public health Act—they were mentioned by my noble friend Lord Newby—to be revoked in the same way as the February regulations on direction and detention of persons are repealed by this Act in Schedule 20?

I want briefly to mention one or two other things. I entirely agree with the noble Lord, Lord Falconer, and the right reverend Prelate the Bishop of Rochester, who raised issues about funerals and religious beliefs as concerns the need for burial and not cremation. As someone who organised my late husband's funeral just five months ago, and a memorial service four months ago, this is very important to me. I will perhaps have more chance tomorrow to raise concerns about immigration powers as they affect people in immigration detention as well as in prison. Also, the fear of data sharing with the Home Office could deter people from seeking health treatment. Will the Home Office undertake to suspend that data sharing?

There are also some concerns about video hearings in court. Much as one accepts that they are necessary in the circumstances, various safeguards would be required. There are also concerns about changes to the Investigatory Powers Act and the extension to 12 days for a warrant. From experience, we know that there is a ratchet effect of expansion of state powers, as terrorism legislation has shown. We will need to be vigilant to prevent spillover.

1.40 pm

**Viscount Colville of Culross (CB):** My Lords, I declare an interest as a freelance television producer.

I very much appreciate the extraordinary work that the Government and especially the Chancellor have already carried out to mitigate the effects of the present crisis on the economy and the nation's workers. However, as other noble Lords have said, we are in an unprecedented situation, with bankruptcy and unemployment sweeping through our nation. I want to concentrate my comments on Clauses 39 to 44, which extend statutory sick pay.

Quite rightly, the Government's efforts so far have concentrated on the job retention scheme, supporting businesses and employees to ensure that there is an economy to build on when these terrible times are over. However, my concern is for the 5 million self-employed and freelance workers, many of whom have had their contracts cancelled with only a week's notice—if that. They have been sent home to worry about paying ongoing bills without any prospect of returning to work in the foreseeable future.

This group of freelancers and self-employed people is far-ranging. It includes 37% of people in the creative industries, who are highly skilled and highly paid and work in what is one of the fastest-growing areas of the economy. It also includes sole traders, such as plumbers, electricians and agricultural workers, as well as an increasing number of supply teachers and agency social care workers. I am also concerned about zero-hours workers who are independent contractors and are often semi-detached from companies. Many claim that they should be defined as employees and entitled to the same rights as employees, including having access to the job retention compensation scheme.

I have been told about a number of cases involving these workers. One is a cycle instructor teaching Bikeability classes in London schools. He is defined as a self-employed worker on a zero-hours contract; in reality, he does public sector work without any of the protections of a public sector employee. Normally, March to July is his busiest time, earning him up to £2,000 a month. With the schools closing, all his work has dried up. A 24-hour cancellation policy has left him with no work and no prospect of work. At the moment, he is not part of the job retention scheme and faces a very uncertain future.

I understand that supporting these people is very complicated. When I asked a question on this subject on Thursday, the noble Lord, Lord Callanan, explained that the Government were looking for a comprehensive package which was co-ordinated and coherent and would take time to roll out. Of course, I very much welcome the Chancellor going some way to help the self-employed by rolling out universal credit, allowing self-assessed tax payments to be postponed until January 2021, and encouraging interruption loans.

However, universal credit pays only £94 a week and even less if people have been prudent enough to save a nest egg. As has often been said in this House, UC takes five weeks to roll out. The tax holiday and interruption loans are also helpful but, in the end, they simply kick the problem down the road and the debt still has to be paid. We have no idea how long this crisis

[VISCOUNT COLVILLE OF CULROSS]

period will continue and, in the meantime, these hard-working people from across the country and across society face mounting debts and a very frightening future.

I know that the Government are looking at what is happening abroad and talking to stakeholders about how to support the self-employed through the crisis. Norway is paying self-employed workers grants equivalent to 80% of their average income over the past three years. Belgium's self-employed workers will have access to an income replacement scheme.

I would like to draw the Minister's attention to an idea supported by many across the self-employed sector, which, at the very least, would go some way to compensating for lost wages. I would like to see the Government extend their job retention scheme and pay 80% of expected earnings up to the cap of the median wage. Rolling this out will be difficult but the Government could use the person's last three years' tax returns to decide how much support they should be paid within this limit. It is estimated that four-fifths of the self-employed and freelancers earn less than the median wage and so would benefit hugely. Maybe the resulting grants could be made through the payment on account scheme, as is used at present for tax rebates. I quite understand that new software would need to be rolled out at HMRC to administer this system. That is often expensive and not entirely successful. Perhaps the DWP and other departments could help out.

At this time of unprecedented worry for every single person in this nation, we must think about the millions of workers who are the backbone of this country, who have lost their livelihoods—workers who are now sitting at home worrying about how they are going to get through the coming months without incurring huge debts, which could take years to pay back. Action is needed now to ensure that they do not sink into destitution and despair.

1.46 pm

**Lord Bates (Con):** My Lords, I begin by paying tribute to my noble friend Lord Bethell for the way he has stepped in to a difficult brief at a difficult time. He is stepping up to the challenge. The way that he is keeping us informed is very much appreciated by us all. I also appreciated the opening remarks of the noble and learned Lord, Lord Falconer, particularly his statement that this is a collective battle, which we fight together as one nation.

As someone with a little experience of legislation, I also think it is appropriate that, as legislators, we should pay tribute to those who prepared the legislation before us—321 pages, 87 clauses and 27 schedules. I have known such legislation to take more than a year, and certainly many months, but it has actually been produced for us within a few weeks. I thank the civil servants, the parliamentary draftsmen and the clerks who have been party to that effort.

In any crisis, no matter how bleak, there are opportunities for us to reflect on who we are, how we work, what values we cherish and how we can improve ourselves, so that once we emerge from the crisis—as we shall—we do so in better shape than we entered it. Looking for those opportunities and making changes empowers us at a time when we can feel powerless, and it gives us hope when things can seem hopeless.

I will focus on just one area—volunteering—referred to in Schedule 6 to the Bill. As a nation, we often seem at our best when we are giving, be it of our time or our money, in pursuit of some great cause. Your Lordships can see this in events such as the Great North Run and the Children in Need telethon, or the efforts at times of crisis of the British Red Cross, St John's Ambulance and the Salvation Army. Who can forget the 70,000 Games makers who made the spirit of 2012 something which raised our national morale? The British people are indeed a generous people, in both time and money. This is relevant because if we are going to get through this crisis together and emerge stronger, it will require a herculean collective effort—everyone pulling together and lending a hand.

It is estimated that each year some 20 million people volunteer their time in Britain. It is part of our national social capital. We are already seeing this beginning to happen organically, with thousands of local groups of volunteers forming up and down the country, wishing to help their neighbours with shopping, collecting prescriptions or post, or just a friendly telephone call. I declare an interest as a member of my local Covid-19 mutual aid team. I know that many of the volunteers in my local group would be very grateful for guidance as to how the new restrictions announced by the Prime Minister last night will impact on their volunteering activities.

I know also that the DCMS is doing incredible work with major charity organisations like the British Red Cross, the NCVO and others, supported by General Sir Nick Parker. But my concern is that what we are now witnessing is a mass grass-roots surge of altruism not through the traditional channels but across social media platforms such as Facebook and WhatsApp, and apps like Nextdoor. This surge of good will needs to be harnessed, informed and trained; it does not need to be frustrated or discouraged by an overly bureaucratic process. Extraordinary times call for extraordinary measures, and that applies to those wanting to help too. The mass outpouring of altruism towards each other that we are witnessing in our country can help not only to get us through this crisis but to bind some of the wounds of our recent past, so that we can emerge stronger and more resilient as a society than we entered it. This precious resource flow must not be wasted, but it must be directed.

1.50 pm

**Lord Hain (Lab):** My Lords, it is always a pleasure to follow the noble Lord, Lord Bates. We all owe a massive debt to the brave and skilled workers who are battling this crisis, including a close relative of mine on the NHS front line who is trying to keep her patients, as well as her husband and three small children, safe. Care workers who are without proper personal protective equipment are looking after another close relative who is in her 90s and in a care home under lockdown.

I thank my noble friend Lady Thornton for her diligent leadership, expertise and hard work, because key questions affecting this Bill remain. First, everyone in government has known for years about the probability of a pandemic at some point. Although I was never a Health Minister, as a Cabinet Minister 17 years ago



I recall being alerted during the SARS outbreak. My noble and learned friend Lord Falconer might remember that too. Given that, why was it only last week that the Health Secretary appealed for companies to help produce many more ventilators? Why was this not done much earlier, especially after Chinese scientists gave deadly warnings about the pandemic? Why were plans not put in place for proper testing, especially for front-line NHS staff and care workers? Why were no preparations made to ensure the supply of sufficient personal protection equipment for doctors, nurses and carers?

Secondly, there have been mixed messages. For instance, the Prime Minister suggested that he would be seeing his mother on Mother's Day, but that was later hastily corrected by No. 10. The contrast with the sober authority of Wales's First Minister, Mark Drakeford, Scotland's First Minister, Nicola Sturgeon and the Mayor for London, Sadiq Khan, has been striking.

Thirdly, although I congratulate the Chancellor on acting quickly, providing hundreds of billions of pounds in extra and vital funding to protect employees and businesses—although the self-employed still remain to be protected—and surely with even more to come, the Government must promptly make much more funding available to local councils and voluntary groups because they too are on the front line. However, they have suffered budget cuts of around a third over the past 10 years.

In his novel, *The Corridors of Power*, C.P. Snow wrote that,

“political memory lasts about a fortnight.”

A fortnight since the Budget, its contents have been eclipsed by the Chancellor's subsequent coronavirus announcements. He is rightly injecting hundreds of billions of pounds of Keynesian stimulus into an economy that is facing certain recession and perhaps even depression. The scale bears comparison with our Labour Government's response to the 2008 global banking crisis—a response lambasted by Conservatives ever since. The Chancellor has rightly abandoned all the Tory borrowing rules and spending ceilings because the urgent action needed to stave off disaster requires intervention on a scale that only government can provide. The Chancellor was right to turn away from 10 years of Tory austerity and to throw the power of the state at the most acute crisis we have faced since World War Two.

However, that previous Tory insistence on non-intervention and shrinking the public sector has left us battling the coronavirus with an NHS in England that is short of 10,000 doctors, 40,000 nurses and 110,000 adult social care workers. It did not have to be like this. The Government have been able to borrow at record low interest rates for years and there was no need to wait until catastrophe stared us in the face before discarding the financial straitjacket. Why start spending and investing only in a terrible crisis like this? Despite gargantuan levels of national debt and borrowing to defeat Hitler, Keynesian policies after World War Two—led by both Conservative and Labour Governments—rebuilt this country through huge public investment and spending, generating healthy growth and a buoyant private sector. When the coronavirus outbreak is over, let us not repeat the mistake made after the financial

crisis in 2010 of reverting in knee-jerk style to austerity and starving public services of support in a futile attempt to balance the budget, with only feeble growth accompanying it.

After the 1956 Suez debacle, Tory Minister Anthony Nutting wrote: “It has taught us no end of a lesson. It will do us no end of good.” The Conservative Party did not thank him for saying so. Today, after 10 years of avoidable austerity, this coronavirus crisis has reminded everyone what Keynes taught us about the vital role for an active, investing state in a modern enterprising economy.

1.55 pm

**Lord Alderdice (LD):** My Lords, I direct the House to my medical and research interests noted in the register. The Minister, in his excellent introduction to the debate, referred to the lessons from the 1914-18 war. I understand that reference and have some sympathy for it. However, my friend the anthropologist Scott Atran has pointed out that there are certain dangers in using the terminology of war, because it tends to turn people towards various “isms”: racism, chauvinism, ethnocentrism and xenophobic nationalism—exactly the opposite of the things that we want to find in our global community at the moment.

In truth, a more accurate reflection would be to address the lessons of the 1918-20 flu pandemic, which crossed the world and led to the deaths of tens of millions of people. However, two things about that experience are different from our own. One is that people experienced it immediately after the war, when tens of millions of people had died. To some extent, they were emotionally almost numbed by the whole business of massive death. Secondly, unlike us, who are used to antibiotics, vaccination and an expectation that people will not die of infections, people at that time were very much aware that people died of infections, sometimes in large numbers.

These facts contribute to what another colleague of mine, Dr Kerry Sulkowicz, the president-elect of the American Psychoanalytic Association, has referred to as the second pandemic of the moment, which was referred to by the noble Lord, Lord Blunkett, and other noble Lords: a pandemic of anxiety. It is not that he suggests that this is an inappropriate or pathological anxiety. On the contrary, it is a very realistic anxiety, because what is ahead of us is profoundly dangerous and challenging. We do not even know how dangerous and challenging, so anxiety is not an unreasonable response; it is a natural, human response. However, it produces problems in reaction. It leads some people to be so overwhelmed that they deny the reality. Even coming through London today in my car, not by public transport for safety reasons, I still noted groups of people out on the street in much more than twos and threes, not taking seriously the very sensible advice that they have been given publicly by the Prime Minister, Ministers and other experts.

Sometimes it leads to people being paralysed by the anxiety so that they do not know how to deal with things, but it also often causes illness—not just psychiatric and emotional illnesses of various kinds, but physical illnesses. Many people will be falling ill, physically and mentally, as a result not of the coronavirus directly,

[LORD ALDERDICE]

but of the psychological sequelae of it. There are many sequelae, not just anxiety. Reflect, for example, on what it will mean for many people, particularly older people on their own, to face three months or more without ever having touched a person or been touched by them. As human beings, the physical dimension of life is of enormous importance. They will be losing that and undoubtedly reacting in ways we do not know, because it has never happened in this wise before.

Many years ago, I was called to do work at a hospice where the staff were finding difficulty in continuing their work. It became apparent that this was because of the repeated, incessant, unremitting experience of the deaths of those they were working with. Reflect for a second on what it will mean for health service staff, who have been relatively well used to getting people better, to find that hundreds and hundreds of their patients will die. How will they manage, psychologically as well as physically? Can the Minister say how much thought has been given to addressing these problems?

There are many other things that I could mention but I will say two. One is that there are, in the voluntary, private and community sectors, employee assistance programmes that have been relieving the health service of having to deal with many of these problems. They are not going to be able to survive financially if there is no assistance for them. The noble Baroness, Lady Hollins, who is not in her place, has asked that we also remember the problems, as have been mentioned, for those who are vulnerable because of learning disability. Finally, because there will be more people admitted on formal orders, can we monitor how many more patients come in than would normally be the case on such orders, so that we have a sense of the increased burden on the psychiatric services?

2.01 pm

**Lord Balfe (Con):** My Lords, I begin by drawing attention to my interests in the register. I have a series of questions for the Minister, most of which he will probably not be able to answer. However, I hope that he can write to us as appropriate.

I congratulate the Government and the TUC on the way they have worked together on this problem. They have shown that when it is needed, both sides are able to stand aside and work in the national interest. The TUC, as the Minister will know, has mentioned a wage subsidy for the self-employed. It has made the sensible suggestion that the subsidy should be based on the previous three years of tax returns, because of course we all believe that every self-employed person declares every penny that they have earned. This is an excellent suggestion from the TUC, and I hope that the Minister will be able to proceed with talks with it, not necessarily to agree it exactly as put forward but for some sort of help. We tend to think of the self-employed as people with big businesses but I am thinking of people such as musicians, actors and authors: people who work singly and are represented by Equity, BECTU and other unions. They are often sole workers, and very often earning not that much.

The second point, which I made recently in a debate, is the need to clarify what happens when companies goes into liquidation. They often do so with wages

owing immediately to the staff, but, under the rules as presented at the moment, they have to be paid out by the administrator in bankruptcy. It would be very useful if some way could be found of according them the emergency relief afforded to other workers.

I turn briefly to the airline industry, not unsurprisingly. I place on record my thanks to the DfT Ministers, who I know have worked ceaselessly with the industry. They have had numerous telephone calls with BALPA, the union of which I am president, and other unions within the industry, as well as with the employers, of course. All airlines need some level of support. It is not for me to measure it out, but it is needed sooner rather than later. I suggest, as a guiding principle, that the support must end up not with the shareholders and directors but with the companies to strengthen them.

I never thought I would say that there was a positive gain from leaving the European Union, but one that does present itself is the ability for the Government in directing the rescue package for the airlines to make public service routes available and to subsidise them, which of course would not be permitted under EU rules but could now be. They could look at the many regional airlines that have been impacted by recent events.

Another aspect that can come out of this is promoting good employment practices, for instance better maternity leave. That is a demand on a number of airlines, which, because they have been male dominated for most of their history, have some of the worst maternity arrangements in the industry.

Perhaps I might mention just two or three points arising out of the brief from UNISON, which represents many health service workers. It is concerned, as I am sure the Minister is, that the use of healthcare students and returning workers has to remain on a voluntary principle; they cannot be directed back. If they do go back, the final-year students must be able to return to their learning without any penalties for leaving or interrupting the course. I am sure the Government have this on board, but I would just like to read it into the record.

There is a small technical point in the briefing I have been given. Apparently, staff who retired under the 1995 NHS Pension Scheme can work for a maximum of only 16 hours per week for the first four weeks and continue to receive their pension. I hope the Minister will be able to look into suspending this rule. I am sure he will be happy to assure the House that he will continue to talk to UNISON about the many problems it wishes to help the Government solve. There is no doubt about that.

My final point is on behalf of charities. The way in which wages are being subsidised is very good for business, but charities have very different income streams. I hope the Minister will consult with both the National Council for Voluntary Organisations and the Charity Commission to ensure that the rescue packages that have been put forward for business and are at least notionally available to the charitable sector are tailored in such a way that the charitable sector can make use of them.

With that string of questions, can I say how much I admire the Minister's tenacity and hard work in doing the job he is doing? Please carry on.

2.07 pm

**Baroness Watkins of Tavistock (CB):** My Lords, I draw the House's attention to my list of interests in the register; in particular, that I am a registered nurse. We are here today at a time of public health challenge unknown to date on our globe. I will be brief and start with my support for the Bill, which is widely echoed by many Members who cannot be here today as a result of the social distancing advice to reduce the spread of Covid-19. However, they are following the Bill online and have aided my contribution. They include my noble friends Lord Patel, Lady Hollins, Lady Boycott, Lady Bull, Lady Hunt of Bethnal Green and Lord Bird. In addition, our Convenor has been in contact with our Members throughout the week. His message has been that while on first reading some of the measures in this Bill appear draconian, under the circumstances they are necessary. Knowing his concerns about the use of Henry VIII powers, this opinion should carry considerable weight in our deliberations.

The Royal College of Nursing and the British Medical Association have provided detailed briefings, as have many other parties, including the Royal College of Psychiatrists. In principle, they support the measures outlined in the Bill to protect the public and essential workers. However, they want reassurance that the measures will have regular parliamentary review, preferably at least every two to three weeks, to ensure the effectiveness and relevance over time. Can the Minister outline the plans for review once the Bill is enacted?

Nurses and other healthcare staff who have recently retired and those about to qualify have been encouraged to return to work or commence employment earlier than planned. We are assured that they will have the same employment rights as other workers. Sadly, we know from the management of previous infectious diseases that some healthcare workers will catch Covid-19 while carrying out their duties. Will these staff be entitled to proper sick pay in line with NHS employment rules? In the exceptional circumstances of such an individual dying, will death-in-service benefits be generous? These benefits often relate to length of service, so it may be necessary to change the current terms. Does the Minister agree?

Other noble Lords have spoken of the challenges in social care and the potential for some people to have, in effect, the current level of service reduced as demand rises. A range of groups associated with long-term disability ask: will any reductions be re-instigated after the emergency period? Can the Minister reassure the House on this issue, the details of which were brought up extremely effectively in the powerful speech of my noble friend Lady Grey-Thompson?

The changes to the Mental Health Act are supported by the Royal College of Psychiatrists and will be necessary to protect people with serious mental health problems and to ensure rapid access to treatment. However, some human rights organisations are concerned that that will result in higher numbers of detentions than normally, particularly among disadvantaged groups. As a former acute ward psychiatric sister, I remind the House that once a patient is admitted, other professionals assess that patient quickly, and that treatment orders

can be rescinded rapidly if appropriate. Will the Minister consider echoing this point to reassure those who are so worried?

NICE has given guidelines to prioritise patients for effective treatment and critical care, and these of course need to guide clinicians and be enacted by them in their work. However, there are some concerns that the guidelines from NICE on this issue refer to frailty. Can the Minister further assure the House that frailty with regard to physical and learning disability and severe and enduring mental illness will not disproportionately disadvantage these groups? My noble friend Lady Grey-Thompson raised this issue in detail, and I will not cover it further. I thank her again for her powerful speech on a range of social care challenges and the rights of people with a range of long-term conditions. I await the Minister's reply to her questions.

Finally, will the Minister ask the Government to consider debt relief for the fees of healthcare students who are entering the workplace this year and who will work in our healthcare settings, probably for several years in the future? It is extraordinary that we are asking them back. They have paid their fees this year; they are willing to come back—we need some intergenerational fairness on this issue.

2.13 pm

*Sitting suspended.*

## **Covid-19: Charities** *Question*

2.30 pm

*Tabled by Lord Dannatt*

To ask Her Majesty's Government what plans they have to provide additional support to charities working with people who are self-isolating as a result of the COVID-19 pandemic.

**Lord Ramsbotham (CB):** My Lords, on behalf of my noble friend Lord Dannatt I beg leave to ask the Question standing in his name on the Order Paper.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, civil society organisations and volunteers are making a huge contribution to ensuring that the most vulnerable across the country are supported. However, we know that Covid-19 presents serious challenges to the sector. We are hearing concerns around income disruption, particularly for those charities where the bulk of their money comes from public fundraising, trading or investment income, and they will be hit especially hard. We are working with partners across government in the sector to gather a picture of the impacts for civil society, including for those working in frontline roles with vulnerable and lonely people.

**Lord Ramsbotham:** My Lords, I thank the Minister for that reply. As chairman of the National Emergencies Trust, my noble friend has been pressing the Government to put a significant amount of money into the voluntary sector for two specific reasons. First, as the Minister said, general fundraising for charities has almost completely stopped, so that even the big ones, such as the Red

[LORD RAMSBOTHAM]

Cross and St John Ambulance, are struggling to survive. Secondly, is the need to resource local charities that can help people on the ground now. The amount required—between £3 billion and £5 billion—is a fraction of the £150 billion put in to save businesses and jobs.

Last week, with the support of the Duke of Cambridge, the National Emergencies Trust launched a national appeal, which to date has raised over £5 million—a mere drop in the overall ocean—which will be distributed to where it is most needed by the community foundation. Will the Minister please tell the House whether and how the Government plan to support the charitable sector?

**Baroness Barran:** I thank the noble Lord, Lord Ramsbotham, for this Question and commend the noble Lord, Lord Dannatt, for the work that he has done in his leadership of the National Emergencies Trust. However, this is not a competition between funding for business and funding for the voluntary sector: both need to be funded. We need to keep people safe and make sure that the economy comes through this with as little damage as possible.

In terms of what the Government are doing, many actions have happened already, including the ability to furlough some staff and offering loans, which to certain parts of the sector—although not all, I appreciate—is important. But for some charities, demand is up sharply and income is down sharply, and we are working tirelessly and talking every day to the sector about how we bridge that gap.

**Lord Faulkner of Worcester (Lab):** My Lords, I remind the House of my railway interests, as declared in the register. The Minister will be aware that the heritage railway sector has effectively been wiped out for the whole of this summer season by the emergency. However, will she commend a worthwhile initiative which the HRA—the trade association—has taken to help Network Rail with its laudable aim to keep trains running for the next six months under government control? The heritage sector is volunteering its members, who are retired railway staff, particularly signallers and station staff, to help Network Rail. Will the Minister encourage Network Rail to take up this offer and, maybe, encourage similar groups where volunteers are available and skilled to take on work in the national interest?

**Baroness Barran:** I thank the noble Lord. One thing that brightens my day is hearing stories such as that. People are being extraordinarily generous and creative in how they are sharing their organisation's assets. I will share the noble Lord's comments about Network Rail with colleagues in the Department for Transport and I thank him for raising this.

**Baroness Finn (Con):** My Lords, community foundations will be critical to ensure that aid is properly distributed to those who need it most. Can the Minister confirm that they will receive the support that they require to do this?

**Baroness Barran:** My noble friend makes an important point. In other emergency situations we have seen that aid is not always distributed effectively. Community

foundations around the country have extraordinary networks of local charities and can make sure that the money raised gets to the places that need it most. I know that the National Emergencies Trust and others are working actively with the community foundations.

**Lord Purvis of Tweed (LD):** My Lords, I declare an interest as patron of a number of charities, including very local ones. As the Minister is well aware, many people who deliver services for charities and local communities are volunteers who are themselves in the same vulnerable categories as those they wish to support. We know that local charities often find a great deal of bureaucracy in securing funds, especially when they have to match fund or go through a byzantine system of funding applications. Will the Government's package of support include that element?

We have seen reports of people using the good support for charities for their criminal activities. One example is scammers leafleting people offering to get shopping then taking money and not providing it. Will the Government make sure that our criminal justice system is acting proactively on those who are taking advantage of the most vulnerable in society? This is abuse and there should be zero tolerance of it at this critical time.

**Baroness Barran:** The noble Lord made important points about local charities, simplification of funding and older volunteers. I am pleased that we announced this morning, through the Department of Health and Social Care, the launch of the GoodSAM app, which I commend to Members of the House. It allows volunteering both from home, by telephone support for others, and in the community if necessary. On simplifying funding, every funder that I have spoken to is looking at ways to simplify and become more agile and responsive. That is happening across the piece. The noble Lord made an important point about scammers; colleagues across Government are working on that.

**Baroness Stowell of Beeston (Non-Affl):** I refer noble Lords to my entry in the register. I commend the Government for the steps they have already taken in support of charities. I particularly support the charities on the front line and the dedicated volunteers who are doing such important work at this time. The Charity Commission is taking a flexible and pragmatic approach to regulation where relevant and appropriate, and will continue to do so. Will the Minister assure me that, as the commission continues to explore regulatory opportunities to make life easier for those charities doing such important work on the front line, we will be able to seek government support for that aim should we need it?

**Baroness Barran:** I am delighted to give the noble Baroness that reassurance.

**The Lord Bishop of Rochester:** My Lords, the noble Baroness has indicated that conversations are going on between the Government and the sector. I wonder whether she could give us more detail on that and on whether new networks are being put in place in the present circumstances, especially to link not just with the larger charities but with the wider sector, particularly those on the ground.

**Baroness Barran:** We are working closely with some of the major delivery organisations as well as with the umbrella bodies, particularly organisations such as the NCVO and NAVCA, the latter being responsible for organising the local community response. We are also aware—but think that we need to be supportive but not controlling—of some of the more spontaneous work going on, including from established networks such as faith groups.

**Lord Collins of Highbury (Lab):** My Lords, may I briefly pick up on the last point? How often is the Minister meeting the NCVO, the umbrella organisation? It has come up with a three-point plan; does she have a response to it and have the Government responded to it? It is a diverse sector, and working with the umbrella organisation is vital.

**Baroness Barran:** I think the chief executive of the NCVO and I have each other on speed dial. I can reassure the noble Lord that we are talking pretty much every day and certainly were over the weekend. We are in very close conversation. The noble Lord is right that this impacts on the sector in different ways. There are organisations, perhaps more in the arts and heritage, that can mothball staff and then re-emerge, but there are also those where demand is up but income is down, and that is what we are trying to pin down now.

## Covid-19: Public Interest Reporting Question

2.41 pm

*Tabled by Lord Griffiths of Burry Port*

To ask Her Majesty's Government what steps they are taking to ensure that, in the event of any further restrictions on movement to limit the transmission of COVID-19, journalists and photographers carrying press cards will continue to have the freedom to travel for the purposes of public interest reporting.

**Lord Collins of Highbury (Lab):** My Lords, on behalf of my noble friend Lord Griffiths of Burry Port, and with his permission, I beg leave to ask the Question standing in his name on the Order Paper.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, the Government are clear that journalists are critical to providing essential information about coronavirus to the public and that it is imperative that they are able to continue doing so. We are working with the industry and others to ensure that journalists are able to continue performing their vital function at this time. Relevant journalists, broadcasters and ancillary staff have been included on the list of key workers whose children will be prioritised for school or other educational or childcare places. We are also clear that employers need to be responsible about who needs to be in the office, and we encourage them to help their staff find alternative arrangements and to support them in working from home.

**Lord Collins of Highbury:** I thank the Minister for that response and welcome the Government's response on designation, but it is not the only issue. The Minister mentioned others; I hope they include the National Union of Journalists, which across the sector represents not only employees but the self-employed. When it comes to the means for journalists to do their job, it is the self-employed—the freelancers—we must be concerned about. In the debate on the Bill, we have talked about support for the self-employed; I hope that the Government will be able to respond positively to that. I also hope that the Minister will reassure us that, if she does not have the general-secretary of the NUJ on speed dial, she will be speaking to him soon.

**Baroness Barran:** I hope my honourable friend the Minister for Media and Data has the NUJ on speed dial, but I will check; he is certainly actively talking to broadcasters, the Society of Editors and others regularly. As the noble Lord rightly raised, work is going on in relation to the position of the self-employed.

**Lord Clement-Jones (LD):** My Lords, I pay tribute to all the journalists, photographers and, in particular, camera staff in our 24-hour news service, who are providing a vital, trusted news source in an incredibly fast-moving situation. As the noble Lord said, many of them are freelancers. Does the Minister agree that it would be quite wrong for those freelancers to feel under pressure to work because they do not have the underpinning support enjoyed by those employees rightly identified by the Chancellor in the very supportive settlement that he arranged? There is no equivalent for those freelancers. We have the UQ coming in a minute, but I see that the Statement says that further help is coming. I hope that further help is coming very fast indeed; otherwise, we will see freelancers who feel obliged to carry on working when they are creating a danger to themselves and others.

**Baroness Barran:** The noble Lord has covered a number of points. I absolutely echo his sentiment about the importance of journalists and those involved in public service broadcasting at the moment; not only are they a trusted source of facts, but they will have a role to play in rallying communities and getting the message across about how we can keep ourselves and our families safe, and protect our NHS. Undoubtedly, they have a critical role. I know the noble Lord understands the pace at which government has had to work over the past couple of weeks. In a number of these areas, it may be worth waiting a couple more days and getting the solution right, rather than being too hasty.

**Lord Adonis (Lab):** My Lords, might this be an appropriate moment for the over-75s to be given back their free licences?

**Baroness Barran:** The noble Lord might not be aware that an announcement was made about the changes to licences for the over-75s due to be effective from 1 August.

## Business of the House

### Motion on Standing Orders

2.46 pm

*Moved by Earl Howe*

That, in the event of the Contingencies Fund Bill being brought from the House of Commons, Standing Order 46 (No two stages of a Bill to be taken on one day) be dispensed with on Wednesday 25 March to allow the Bill to be taken through all its stages that day.

**Earl Howe (Con):** My Lords, on behalf of my noble friend the Lord Privy Seal, I beg to move the Motion standing in her name on the Order Paper. This Motion will allow us to take all stages of the emergency Contingencies Fund Bill tomorrow. Like the Coronavirus Bill, it is an essential part of the legislative response to Covid-19.

*Motion agreed.*

2.47 pm

*Sitting suspended.*

## Covid-19: Support for the Self-employed

### Statement

2.50 pm

**The Earl of Courtown (Con):** My Lords, with the leave of the House, I will now repeat an Answer given to an Urgent Question by my right honourable friend Steve Barclay earlier in the House of Commons.

“Mr Speaker, we know that many self-employed people are in real distress, but we are working urgently to address this problem and I say to the self-employed: we have not forgotten you. Help is coming, but the policy and delivery are complex, and we cannot and should not rush to announce a scheme that begs more questions than it answers. The Chancellor has held meetings this morning with representatives of the self-employed and will continue to meet them this afternoon, but it is important to remember that Covid-19 is an urgent challenge to our entire economy, affecting workers of all types. It is essential that we respond swiftly, so that people can keep their jobs and businesses can carry on. This is the basis of our coherent, co-ordinated and comprehensive plan. It is a plan that gives those on the front line the tools they need to tackle the virus, with all the support the NHS needs, backed up by an initial £5 billion fund for public services.

It is a plan that puts a shoulder behind business with a statutory sick pay relief package for SMEs, business rates holidays for all retail, hospitality, leisure and nursery businesses in England, and grant funding for small enterprises, as well as support through HMRC’s time-to-pay scheme. As of yesterday, businesses with cash-flow concerns will also be able to access the coronavirus business interruption loan scheme, offering up to £5 million for SMEs through accredited lenders. For larger firms, the Bank of England is providing a new facility to help support liquidity among larger firms. I urge all Members of the House to speak to business

leaders in their constituency and make sure that they are aware that they are not alone, and that help is coming.

In this House, we are standing behind all businesses, and everyone who works in them. To encourage businesses to retain staff, we are deferring VAT and my right honourable friend has announced the coronavirus job retention scheme. Taken together, this is a huge programme of support, and will keep thousands of workers in their jobs.

However, we know that there are thousands of self-employed people who have been wondering what the future holds for them. My right honourable friend the Chancellor has already set out a range of measures in support. Sole traders and freelancers will be able to access the business interruption loan scheme, as long as activity is channelled through a business account. We are also removing the minimum income floor for self-employed workers affected by coronavirus, so that they too can access universal credit in full. At the same time, the next self-assessment income tax payments will be deferred until January 2021, which means that those assiduously putting money aside for the end of this month now have more freedom to prioritise and plan for next year.

Let me reassure everyone in this House and the self-employed people they represent that further help is coming. However, we have to make sure we get this right and target the right support towards those most in need. The Chancellor will provide a further update on support for the self-employed in the coming days.”

2.54 pm

**Lord McNicol of West Kilbride (Lab):** My Lords, I thank the Minister for reading that Answer, which was quite scant on detail. In response to this pandemic, Norway immediately committed to paying the self-employed 80% of their three-year average earnings, obviously with an upper limit. Denmark and Belgium have brought in similar schemes. We are happy to work with the Government to look for solutions, but these solutions need to be delivered quickly. Many self-employed people are in desperate situations in these desperate times. What timescale are the Government looking at to bring in these new measures? Can the Minister encourage them to do so as quickly as possible?

**The Earl of Courtown:** I thank the noble Lord, Lord McNicol. I am in total agreement that these things must be advanced as soon as possible. As I said in the Statement, my right honourable friend the Chancellor will provide a further update on support for the self-employed in the coming days.

The noble Lord mentioned other countries. As he will be aware, the situation has unfolded in different countries around the world at different paces. Her Majesty’s Treasury is keeping a close watch on what is happening elsewhere in Europe and in other countries. We will keep all these matters under review.

**Baroness Thornhill (LD):** My Lords, I am sure we can all imagine the households up and down the country of the 5 million self-employed and freelance workers as they watched the Prime Minister’s statement and the penny dropped. You can imagine the scene:

a builder talking to his wife, a freelance speech therapist in a school, and saying an expletive beginning with “S” and then, “This means we’ll have no money coming in for the foreseeable future.” That is what we need to consider. These people will have no access to funds.

Can the Government confirm that the support package mentioned by the noble Earl—much of what he said was about business in general, not the self-employed in particular—will be equal in generosity to that already provided to business and employees? Likewise, will the Government agree to the self-employed having the same access to zero-interest loans as other people for the next 12 months? They are not second-class workers. Perhaps more radically, will they consider a form of statutory self-employment pay, as the noble Lord mentioned, based on previous tax returns? That would seem the ideal safety net for those who will need it during the course of this pandemic.

**The Earl of Courtown:** I thank the noble Baroness, Lady Thornhill, for her question. Her Majesty’s Government are looking at all options for how we take this forward. Specifically for freelancers and the self-employed, at the moment we are doing it through the welfare system, which will benefit from changes made on 20 March, such as the £20 increase in the UC standard allowance and the uprating of local housing allowance. We are also temporarily relaxing the minimum income floor for all self-employed UC claimants for the duration of the outbreak. This means that a drop in earnings due to sickness or self-isolation, or as a result of the economic impact of the outbreak, will be reflected in claimants’ awards. Self-employed people unable to work because they are directly affected by Covid-19 or self-isolation will also be eligible for contributory employment and support allowance, as announced in the Budget; that is now payable from the first day of sickness. This package will enable self-employed people to claim welfare close to statutory sick pay.

The noble Baroness mentioned another issue, to which I do not have the answer. I will arrange for her to be written to on that.

**Baroness Verma (Con):** My Lords, I will not ask about the self-employed; I will wait for the Chancellor’s Statement in a few days’ time. Will the small businesses able to access zero-interest loans have to put up any form of security for that loan?

**The Earl of Courtown:** My noble friend refers to the business interruption loan scheme, I think. The recent Budget announced a temporary new coronavirus business interruption scheme to help businesses access the finance that they need. On 17 March, the Government went further by increasing the value of the facilities available under the scheme from £1.2 million to £5 million. Alongside the action being taken by UK lenders, this will help to ensure that eligible businesses facing short-term cash-flow difficulties continue to access the finances that they need to respond to the temporary impact of the coronavirus outbreak on their cash flow.

My noble friend asked a specific question about security. I will write to her on that matter.

**Lord Livermore (Lab):** My Lords, I understand that it can take a while to develop specific targeted measures for the self-employed, but can the Minister say why so

little is being done on social media, for example, to publicise to the self-employed the limited range of measures that currently exist?

**The Earl of Courtown:** My Lords, the noble Lord makes a very good point. That is imperative. So far, we have been able to give them wide coverage and ensure that the self-employed are aware of what is available to them at the moment. I am sure that over the next couple of days, when the Chancellor has the opportunity to bring forward further measures, there will be an effort on this basis to ensure that the self-employed, whom we all know and employ at some stage or another, are given the opportunity and looked after.

**Lord Clement-Jones (LD):** My Lords, is the Minister aware of the plight of the creative industries? For instance, 72% of those working in the music industry are freelance. Last week, the Creative Industries Federation conducted a survey which showed that almost 50% of freelancers in the creative industries who responded to its poll had already had 100% of their work cancelled. Will the Government urgently consider a scheme in Norway—the noble Lord, Lord McNicol, has already mentioned schemes in Belgium and Denmark—which has guaranteed temporary income protection of 80% of average self-employed earnings from the past three years? That seems exactly the kind of scheme that would fit the bill here.

**The Earl of Courtown:** My Lords, the noble Lord, Lord Clement-Jones, is quite right to raise the situation of freelance workers in the entertainment and music industries. He makes a very good point. We will carefully consider the schemes of all other countries. We want to ensure that we can look after the self-employed and will try to give them every opportunity to take some of their worries away.

**Baroness Altmann (Con):** My Lords, I commend the Government for removing the universal credit minimum income floor for the self-employed and for the business interruption loan scheme for sole traders and freelancers. However, in the meantime, self-employed and freelance workers are likely to need to turn to their banks, for either a credit card or an arranged overdraft. Credit card interest rates are now significantly higher than they were before the 2008 crash—they have just reached another record high—and arranged overdraft interest rates have just increased significantly to around 40%. Given the dramatic drop in Bank of England interest rates, would my noble friend agree that it might be time for the banks, especially given the huge sums they received from the public during the last crisis, to consider dramatically reducing interest rates on credit cards and overdrafts? Will he take that back to the department and discuss it?

**The Earl of Courtown:** My Lords, I will of course take that back. My noble friend will also be aware that we have been talking to the high street banks—there is now the mortgage holiday situation—and there will be an announcement from my right honourable friend the Secretary of State for Housing, Communities and Local Government on renters and evictions.

**Lord Adonis (Lab):** My Lords, the scheme for the employed announced last Friday was backdated to 1 March. Could the noble Earl take back to the Treasury the importance of ensuring equivalent backdating for the self-employed?

**The Earl of Courtown:** My Lords, this question was also raised in the House of Commons when the issue was debated. I know my right honourable friend was listening to the question closely, as am I.

3.04 pm

*Sitting suspended.*

### **British Citizens Abroad** *Statement*

3.07 pm

**The Minister of State, Foreign and Commonwealth Office and Department for International Development (Lord Ahmad of Wimbledon) (Con):** My Lords, with the leave of the House I shall now repeat in the form of a Statement the Answer given to an Urgent Question on the assistance given to British nationals abroad. The Statement is as follows:

“Mr Speaker, we have FCO staff in all our 280 posts in 168 countries and 10 overseas territories, and they are working around the clock to respond to this global pandemic. Over the last three days, we have seen 80 countries place restrictions on their borders. That situation is unprecedented in scale and our overriding priority now is to assist the thousands of British travellers who need and want to return home, bearing in mind the hundreds of thousands of UK nationals who may be travelling at any one time.

Following last week’s decision to advise against all but essential travel globally, last night I changed our travel advice again because of the rate of new border restrictions. We strongly advise those British people who are currently travelling abroad but who live in the UK to return as soon as possible, where they are still able to do so because commercial routes are still running. Where commercial options are limited or prevented by domestic restrictions, we are in close contact with the airlines and local authorities in those countries to overcome those barriers and enable people to return home. With my ministerial team and across the diplomatic network, we are engaging with numerous Governments to keep commercial routes open, particularly in transit hubs. The Department for Transport is working closely with airlines to ensure that travellers can rebook or find alternative routes home.

I know that Members on all sides have constituents who have contacted them in relation to particular countries, so with your forbearance, I shall update the House on a few of those countries. On Peru, I spoke to the Foreign Minister at the weekend and we have agreed special arrangements for flights to return British nationals later this week.

I spoke to the Singaporean Foreign Minister this morning and we have agreed to work together to help those stranded get back to their homes in the UK. We have also agreed to help Peruvian nationals here get back to Peru. Given Singapore’s role as a transit hub,

the commitment to work with us to enable UK nationals to transit via Singapore is particularly important, not least for those currently in Australia and New Zealand.

In New Zealand, the high commission is working with airlines, airports and the New Zealand Government to keep flight routes open and reopen some that have been closed. The high commission in Australia is doing the same. It has also opened a register of British nationals hoping to return to the UK and is supporting them via phone calls and walk-in appointments at the high commission, as well as updating social media pages.

For those trying to get home from other countries, we are providing as much practical advice as is physically possible. We would ask all travellers first to look at the travel advice online. It is the best and most comprehensive source of information and is updated in real time. If people are in need of urgent assistance, they should call our embassies and high commissions and they will automatically be connected to our global consular contact centres based in Malaga and Ottawa. We know that considerable pressure has been created by the restrictions put in place in countries around the world and the rate at which it has been done, with either limited or no notice. We have doubled our capacity and we are now doubling it again to deal with the surge in demand.

We are seeking to reduce travel costs by encouraging airlines to have maximum flexibility on changing return tickets. Where people are in real need, our consular teams will work with them to consider their options and, as a last resort, offer an emergency loan.

More broadly, the UK is working alongside our international partners to deliver our international strategy, which rests on four tenets: to provide resilience to the most vulnerable countries; to pursue a vaccine; to keep vital trade routes and supply chains for foodstuffs, medicines and other things open; and to provide reciprocal support to return British nationals overseas who are stranded.

These are the right priorities. We are working day and night to keep British people safe at home and abroad.”

3.12 pm

**Lord Collins of Highbury (Lab):** My Lords, I thank the Minister for repeating that Answer. Since we last discussed this issue, there has been welcome progress. Again, I thank all the staff of the Foreign and Commonwealth Office, who have worked tirelessly to address this issue. Anyone who heard the debate in the other place earlier would have been shocked by what was said about the number of people contacting MPs. As we saw in the media this morning, it remains a matter of huge concern.

The Foreign Secretary mentioned working with international partners, including the G7 and EU partners, to try to ensure that we can repatriate those who want and need it. However, he acknowledged—and this is my key point—that clear information is vital for those stranded. He said that the Government were providing certainty through embassies; although physical access is often restricted, they are not closed. The Statement mentioned doubling capacity, particularly through call centres. Can the Minister explain whether this is meeting demand? Certainly, MPs are hearing concerns from



constituents that they are not getting a response. Can he address that capacity and demand issue? We have heard on the radio that a number of medical staff are very frustrated at not being able to get back to their job helping the NHS. Has the Foreign Office taken steps to compile a register of NHS staff stranded overseas to pass on to the Department of Health?

Given the scale of this situation, compiling full data is really important. I hope that we can get a better picture of those stranded abroad.

**Lord Ahmad of Wimbledon:** My Lords, once again, I thank the noble Lord, Lord Collins, for his support. He and I are talking about the issues impacting British nationals globally, and I am very grateful for his support in this matter. He asked a number of pertinent questions on the concerns that exist. I, too, listened to the debate on the Statement in the other place, and, rightly, genuine concerns have been raised. I am sure that I speak for many in your Lordships' House today, as well as others.

Noble Lords have been contacting me on an almost hourly basis with genuine concerns that have been raised with them. I assure the House that my colleagues and I are dealing directly with, and taking up, those issues. Only this morning, I was dealing with a consular case that had arisen. We are seeking to speak directly to the Members of Parliament concerned to ensure that we address those issues head on. As the noble Lord will be aware, my right honourable friend the Foreign Secretary will be leading a virtual call with G7 Foreign Ministers tomorrow and this is the item on the agenda. We are not alone in this matter—all countries across the world are impacted. However, the noble Lord is right to raise the need for clarity and information. We are seeking to improve that, as improvements can always be made.

He talked about doubling capacity and asked whether demand was being met. The fact that we are having to double capacity means that current demand is not being met. To be candid, there will be challenges ahead. I am the Minister for south Asia, where, thankfully, the number of cases thus far has been minimal. However, we are challenged by the fact that there are thousands and thousands of British nationals abroad, and we need to react to that positively and proactively. A major part of the Foreign Office effort is that, barring certain priorities that need to be sustained, Ministers and officials are now fully focused on this crisis.

The noble Lord's point on data collection is well made. We are continuing to collect data on nationals abroad. He made a very constructive suggestion about NHS workers abroad, and I will certainly take that back to see how we can best factor it in.

**Lord Paddick (LD):** My Lords, I understand what the Minister says about Singapore, but is he aware that Qantas, for example, is rerouting via Darwin rather than Singapore? What discussions are the Government having with the Australian Government about perhaps rerouting British Airways flights via that route? Is he aware of the BBC story about a couple who were booked on a flight from Egypt? They were told that their flight was cancelled, only to find that it then operated as an emergency flight, with their seats having

been sold to somebody else and leaving them stranded. What are the Government doing to make sure that airlines do not profit from this disaster?

**Lord Ahmad of Wimbledon:** My Lords, the noble Lord has, rightly, raised a concern. We are actively engaging directly with various airline operators. British operators and our colleagues at the Department for Transport are meeting regularly—not just not on a daily basis but often several times a day—to establish connectivity. He raised the issue of hubs and the rerouting of certain flights, and specifically mentioned Qantas. Singapore acts as a key hub for those coming from Australasia. I have a vested interest in that, as my in-laws are in Australia, so it is a route that I know well. The other key hub that we have is in the Middle East. Concerns have been expressed about the suspension of flights announced by both Etihad and Emirates, which has implications for travellers going through the Dubai hub. I know that my right honourable friend the Foreign Secretary is prioritising calls in this respect.

The noble Lord raised a specific case relating to Egypt. I did not know about that, but perhaps he can forward the details to me. However, I stress that, if anyone is aware of a constituent, friend or family member in that situation, the first port of call has to be the high commission or the embassy.

**Lord Purvis of Tweed (LD):** My Lords, the Minister will be aware that one communication that he received last week was from me, copying him into an email. Having followed Foreign Office advice scrupulously, I travelled to an African country, which, without notice, declared a state of emergency and closed the airport and all borders. I secured an exit via another country and travelled back to the UK over the weekend. When it came to getting accurate, up-to-date advice that could be shared with a small group of British nationals, including me, and colleagues who were British residents but European Union citizens, I saw at first hand the reality of the UK not being in the same room as the European Union delegation in that country. It is not too late for the Government to think again about having a treaty relationship to ensure that the same level of support can be provided to EU and British citizens who are abroad in multi-country delegations or groups. It is not too late to accept Theresa May's position on such a treaty, rather than Boris Johnson's, which is to decline it.

**Lord Ahmad of Wimbledon:** My Lords, I cannot agree with the noble Lord. First, I pay tribute to my right honourable friend the Prime Minister, who is doing an incredible job in leading our country through an unprecedented crisis, and now is the time for us all to get together and ensure that we act as one. The noble Lord raises the issue of co-operation with our European partners, which is a genuine question. We are indeed co-operating. There were 1,444 British nationals repatriated, including from Wuhan, the "Diamond Princess" through Japan, the "Grand Princess" through the United States and the "Braemar" through Cuba. There were an additional 254 non-British nationals. We are readily talking with our European counterparts, acting as one and ensuring that we help each other. I quote a phrase we have often talked about: we are all in it together.

**Lord Cashman (Non-Aff):** My Lords, many people are trapped overseas. As the Minister says, some routes are still open. However, people are being financially crippled because of the extortionate rise in some ticket prices. I declare an interest, with a cousin trapped in Brisbane. The hike in Emirates air tickets is quite rightly described as extortionate. Will the Minister, along with other Foreign Ministers, therefore put pressure on the airline carriers?

And, although this is not in the Minister's remit—it has been raised with me by airline personnel—is he aware that social distancing rules are not being thoroughly followed in some UK airports?

**Lord Ahmad of Wimbledon:** On the latter point, I am aware of it. I have family members involved in the airline industry in the UK, and that is a concern being addressed directly by colleagues.

In response to the noble Lord's first question, I agree with him and we are working with airlines to ensure that any prices charged reflect the true nature of the emergency.

**Baroness Altmann (Con):** My Lords, I echo the thanks to all our staff around the globe and here in the UK who are working day and night to help British citizens stranded abroad. Can my noble friend assist me? I have a friend whose daughter is one of the 400 stranded in Peru. Apparently, the problem is not so much that they cannot get any flights but that they are stuck in an area that is not by the airport and are not able to get to an airport. I ask my noble friend to give some information to the House on what the Government's plans might be to get them to the airport.

**Lord Ahmad of Wimbledon:** My Lords, my noble friend raises an important point. Noble Lords will know that Peru has been high up on the agenda. There are approximately 1,000 British nationals seeking to return. My noble friend is also correct that it is not just an issue of them being able to fly out from Lima; many are dispersed throughout the country. I assure my noble friend that we are working directly with the Peruvian authorities. My right honourable friend the Foreign Secretary had a productive phone call with his opposite number over the weekend. They have assured us of co-operation in ensuring that we can repatriate from Peru all British nationals seeking to return. Indeed, the first flight will leave tomorrow and arrive back here in London on Thursday. It is a series of flights with a commercial operator. Each flight's capacity is circa 200. We hope that with that schedule of flights we will be able to repatriate all British nationals wishing to return from Peru.

3.24 pm

*Sitting suspended.*

## Coronavirus Bill

*Second Reading (Continued)*

3.28 pm

**Lord O'Shaughnessy (Con):** My Lords, I draw attention to my interests set out in the register, particularly in health and education.

I join other noble Lords in registering my gratitude to and admiration for the NHS and care staff who are at the front line in battling this disease. We know they do an extraordinary job in ordinary times, but these are not ordinary times. Many of them are putting their lives at risk to keep us safe, and they deserve our eternal thanks for doing so. There are other workers whose work will also be important: the police, school teachers, postal workers, bin men and those working in shops and supermarkets. I add to that list my noble friend, other Ministers and the civil servants who are working so hard. Let us not forget the sacrifices that they are making to keep us safe and resolve to do everything we can to lead by example to show that we are listening to the Government's advice about how we should go about living our lives.

The purpose and content of the Bill would ordinarily be anathema to a freedom-loving people like the British, but in these circumstances there is something we prize even more than liberty—security, which is what the measures in the Bill will provide. For that reason, and in accordance with other noble Lords, I am very supportive of this legislation, while sincerely hoping that we will not need it for the two years the Bill provides for.

I have a few specific questions that I would be grateful if my noble friend the Minister could address, if not today in his response, which necessarily will be loaded with content and questions already, then subsequently by letter. The measures to allow for the urgent registration of health and care staff are sensible, necessary and proportionate, but can my noble friend explain how his department is using technology to meet the challenge of registration, credentialing and deployment of staff in the NHS and care systems? He will also know that this will be reliant on very good and fluid data flows within the NHS, which has not always proved possible because of GDPR. I understand that a public health exemption for GDPR has now kicked in, but can he provide reassurance that those exemptions are well understood when it comes to front-line practice and that the GDPR regulations, which are understandable in peacetime, are not being used to provide barriers, however unwilling, to the proper deployment of the staff we desperately need to keep us safe?

I commend the Government's idea for emergency volunteering leave. It is an excellent innovation, but the current plan allows for only up to four weeks' leave. If the pandemic lasts longer than we hope for, are the Government open to extending this leave if there is need in society? In particular, what plans do the Government have to use the labour force, whose wages the state are now subsidising, which the IFS has estimated could be up to 10% of workers, to fill critical gaps in health, care and the wider economy? We do not necessarily want to get to the Ministry of Labour-type approach that we had in the Second World War, but there is nevertheless a moral obligation on those whose wages have been subsidised. We need to make sure that we can make the best of their good will.

I confess that I am slightly confused about the situation regarding the DBS checks set out in the legislation. There seem to be clauses covering Wales and Scotland, but not England. Making sure that we can

safely but urgently redeploy people in the health and care system without suffering from this bureaucratic bottleneck will be critical. Can my noble friend clear up my confusion?

Clause 10 provides indemnity for those in the NHS and care systems who are moved on to Covid-19 work. That is excellent news. However, the EVL scheme is also likely to raise issues of employer indemnity outside the health and care system. Are the Government open to extending indemnity to the wider economy to cover those under the EVL scheme to reduce the barriers across the entire economy to using this pool of willing labour?

I would also be specifically grateful to my noble friend if he could provide more clarity on the responsibility of employers. I have just been on the LBC lunchtime programme, where this was raised by many listeners who felt that some employers are not acting responsibly by insisting that people should go to work. What provisions exist to force recalcitrant employers who are posing a health risk to their staff to obey the guidelines? Do the enforcement powers extend to organisations as well as to people? Many people would want to know that.

Finally, regarding education, schools across the land are managing heroically to provide physical key worker schooling while delivering online education for everyone else. I declare an interest as a parent of three children going through online education at the moment. No doubt we will muddle through to the Easter holidays, but schools simply are not set up for this eventuality in the long run. What plans do the Government have to provide financial and technical support to enable rich, high-quality learning from home? I reassure my noble friend that, notwithstanding the answers to these questions, which I know he will be able to give, the Government have my full support on these measures and I will do whatever I can to support the national effort.

As my noble friend Lord Bethell pointed out, the Bill is one part of the national response to Covid-19, but it is not the full armoury. Many other interventions are needed besides. That means, for example, making sure that as borders close, we do not interrupt the supply chains of the medicine and medical device industries and that they stay open; mercifully, that seems to be the case at the moment. The Government are ramping up ventilator and ICU capacity, which is extremely welcome, and we have unprecedented financial help for all those families whose livelihoods are at stake. Government should be and are being applauded for their actions, even while we know that much more is needed.

If my noble friend will allow me, I will make two more suggestions about policy interventions that I believe will be needed. The first is diagnostic testing. We simply are not yet at the capacity that we need to be at; we ought to be aiming for nationwide population-wide testing so that we can understand who is infected and who is not, to be able to redeploy them in the economy as soon as possible. Can my noble friend give me some idea about when that might happen? The cost-benefit analysis is overwhelming. It might cost £5 billion or £10 billion a year to provide such a scheme, which is a lot of money, but that is set against

the £330 billion-plus package to keep our economy going through this time. I am sure that all Members of the House will appreciate some information on this. We also need a social policy package that is as ambitious as the economic and health plans we have in place. That is essential if we are to get through this crisis as a stronger and more cohesive society.

To conclude, we find ourselves, sadly and unexpectedly, in the most difficult of times, but I believe there is cause for hope. On the health side, we see the potential for vaccines and new treatments coming on stream. However, more than that, we will display our real character as a nation. The good news is that, according to the University of Delaware's Disaster Research Centre, when faced with these crises we become kinder, not more selfish. Let us use this opportunity, which of course nobody wanted, to demonstrate just what the British have in their character.

3.36 pm

**Lord Adonis (Lab):** My Lords, I join the noble Lord, Lord O'Shaughnessy, in paying tribute to NHS staff. I will pick up on his point about the importance of diagnostic testing. If we are to find a way through this that does not involve people being off work for months and months, which could be the alternative, we need to start mass testing of the population. I know that the Minister has been on to this, and preparations are being made for ensuring that the tests meet appropriate standards, and so on, but this clearly is a way through. Just as we are having to make it up as we go along, to some extent boldness on the part of the Government would be appreciated.

I commend the Minister and my noble and learned friend Lord Falconer on their opening speeches, which were well judged. Nobody wants to be here but we are where we are. It is because we trust the Minister and his colleagues to use these powers in the public interest and we are defending our way of life and not attacking it that we entrust these powers to them. However, to quote the Book of Proverbs

“Where there is no vision, the people perish”.

We need to look beyond the crisis; the crisis measures need to look beyond so that people have significant hope. I will make a few practical suggestions to the Minister which he might be able to latch on to in his reply or in a letter in respect of three extremely significant and vulnerable groups: young people, the low paid, and those in rented accommodation.

Massive disruption is taking place to young people's education at the moment—that is unavoidable. Appropriate steps are being taken with regard to ensuring online learning, guaranteeing places at university and in sixth forms for students who will not be able to go through the proper exam systems, and so on. However, there will be a huge impact on education, and I suggest to the Minister that the Government should think about making an offer while this crisis is proceeding for people to repeat years at public expense when this is over. That will be particularly important to people in the final years of GCSE, A-level and university courses, where they may not be able to complete those courses properly or get properly graded exams. The opportunity for them to complete and for

[LORD ADONIS]

this to be offered at public expense—or, in the case of the universities, which have quite large reserves from the big increase in fees, maybe partly at their expense—would be a big step forward.

Secondly, on the low paid, we had a Statement earlier on the self-employed—or rather, we had a Statement saying that there would be measures in respect of the self-employed; we still do not have them. However, this group was already vulnerable. Those most vulnerable in the community at the moment regarding employment protection and the protection of their wages and rights are the vast number of workers in the gig economy—I had to stop myself saying “employees”, because that is the fundamental point.

A whole slew of cases is going through the courts at the moment, so this is about whether the 5 million people in the gig economy, a number which has doubled in the past three years, are or are not employees. There is the big Uber case that is going to the Supreme Court later this year along with a load of other cases. Because of zero-hours contracts, people in this group do not have secure employment and in many cases they do not even appear to qualify for the scheme that the Chancellor announced last Friday. In many cases, people in this already vulnerable group stand to see their incomes cut to ribbons and with no great future to look forward to afterwards. If the Government want to offer hope and security to people, I suggest that they should indicate their willingness to look at the really vexed issue of the employment status of gig economy workers. We have had the Taylor review which contained a set of recommendations, but the Government have not actually moved on them. They said that they would—it was a big theme for the last Prime Minister and it was in the Conservative manifesto—so if they are able to indicate that they are moving forward on this, that would be a big and positive step which would give people the confidence they need in the period ahead.

The third issue is people’s accommodation. In his opening speech, the noble Lord referred to the huge transformation in technology that took place in the First World War. The element of that war which sticks the most in my mind, where delivery did not match promise, was Lloyd George famously saying that there would be homes fit for heroes. The homes never materialised and we had a housing crisis that took the best part of the next 60 years to resolve through mass housebuilding on the part of local authorities.

One of the biggest and most sorely felt issues of the current crisis is that of people in rented accommodation, who are in a very insecure state. I would like to press the Minister to say in his reply whether he can further elucidate the meaning of Schedule 29, related to the provisions in respect of renters that were inserted late last night in the House of Commons. It is extremely complex and I do not fully understand it—I am not a legal mind, although there are others in the House who may be able to help us in Committee tomorrow. My understanding is that while Schedule 29 meets the concerns of people who may potentially be evicted by preventing actual evictions during the period of the coronavirus crisis, it does not prevent evictions or action being taken against tenants afterwards in respect of the non-payment of rent while the crisis is proceeding.

That simply does not seem reasonable to me if our aim is to offer security and decent support for people because of the crisis. We need to see to it that not only are they not evicted, but that they are not waiting until the day after the crisis ends to be evicted because they have not been able to pay the rent in the interim. The rent waiver provisions which have so far been announced by the Government are quite weak. I know that it is not his area and I do not know how the Government are going to handle the Committee stage tomorrow, but perhaps I may ask for an elucidation of what Schedule 29 actually means. If he is able to come forward with stronger assurances that it is not just that people will not be evicted during this crisis but that that will not happen afterwards, we will be able to offer some genuine hope to those whose lives have been made a misery through this crisis.

3.42 pm

**Lord Oates (LD):** As many noble Lords have noted, this Bill contains unprecedented powers, but we recognise that it comes before us in unprecedented times. Its purpose is to protect the lives of the public and to provide the National Health Service with the best chance of minimising the death toll from this virus. We owe NHS staff, the staff in our care services and all key workers who are working so hard and taking many risks to keep all of us safe, an immeasurable debt of gratitude. Among all the debts that we as a country will run up in tackling this virus, that will remain by far the greatest debt.

I support the Government in bringing forward this Bill. My noble friends and other noble Lords have set out a number of concerns about some of the measures it contains, which I share, in particular covering the duration of the powers and procedures for bringing them to an end, the variants to the social care duties of local authorities which were spoken about so powerfully by the noble Baroness, Lady Grey-Thompson, the changes to sectioning powers, the wide powers to detain people under Schedule 20, the issues around prisoner management, immigration detention, the hostile environment and data sharing. I hope that the Minister will be able to address the important questions which have been raised in these respects on all sides of the House.

Personally, I would have preferred a Bill which was of a much shorter duration—perhaps three months, as my noble friend Lord Scriven suggested—with robust arrangements for scrutiny and review, but which also contained further powers in three specific areas. The first is the powers to regulate the food supply industry, including retailers; secondly, the powers to support the self-employed and to protect renters from eviction; and thirdly, the powers to direct both supply and labour across the economy to ensure that we can meet the urgent demand for critical equipment and, going forward, for the manufacture of a vaccine, when it is discovered—hopefully, in the near future.

At the weekend, an elderly woman asked specifically that I raise with noble Lords her experience of trying to shop for essential food items last week. She went to a dedicated shopping hour for the elderly in a major supermarket in my home town of Surbiton. She had to stand in a long line of people packed close together; the majority of them not elderly. When the shop opened,

the staff had no powers to prevent people who were not elderly from entering the store. As a result, she was pushed and jostled in a congested and unsafe environment as she tried to shop. She has a husband at home with underlying medical problems and she is desperate about how she can look after him and keep them both safe.

It is not enough for us all to decry the obvious selfishness and irresponsibility of those who act in this way. What this elderly lady wanted from the Government was not more censorious words but actions to enforce and protect. I therefore hope that the Government will consider introducing powers to direct food retailers and the supply chain to ensure that there are sufficient supplies in the shops, because the actions of some of these people are driven not just by greed but also by fear. They should also allow police or designated council officers to enforce dedicated shopping hours for NHS staff and the elderly and, if required, powers to require controls on the price of goods and the quantity that may be sold to individuals.

Secondly, the Bill needs to provide sufficient statutory authority for the measures that the Chancellor will need to take in the coming days and weeks—in particular, the urgent need to provide support for the self-employed. I raise the specific case of a self-employed neighbour who is working in NHS hospitals constructing the additional wards and isolation partitions needed to expand NHS capacity to deal with the crisis. He is taking risks every day by going into hospitals and yet, when this work is completed, his only recourse will be to the benefit system. That is no way to treat someone who is doing so much to ensure that the NHS is able to cope with the virus.

That is a particularly resonant case but, all over the country, as the noble Viscount, Lord Colville, highlighted, self-employed people are seeing their livelihoods disappear overnight due to government restrictions. It is right to impose those restrictions, but we must stand by the self-employed who are impacted by them just as the Chancellor stood behind those in employment. The Bill should also contain powers to introduce a rent holiday and impose a moratorium on evictions in the rented sector for rents not paid during this crisis, as the noble Lord, Lord Adonis, mentioned. We cannot have one rule for owner-occupiers and another for renters. That is the way to division, not unity.

Thirdly, the Government need greater powers to direct both supply and labour across the economy to ensure that we can meet the demand for critical equipment, testing kits, personal protection equipment, ventilators and any other equipment needed to fight this virus and protect NHS staff and other frontline workers and volunteers while we do so. Cabinet-level Ministers of supply and labour should be designated to direct this work and, in time, to ensure that we have the manufacturing capacity for the vaccine that we hope will be discovered very soon.

The Bill contains unprecedented powers that in normal circumstances this House would not dream of entertaining. But these are not normal circumstances. Therefore, with a heavy heart, a plea to the Government to shorten the duration of powers in the Bill and to review the procedures for renewal, I support the Bill and commend the hard work and dedication of

Ministers and civil servants in assembling it so rapidly. Most importantly, I thank once again all our frontline NHS staff and all key workers who are working to keep us safe.

3.49 pm

**Lord Adebowale (CB):** My Lords, I support the Bill. Clearly, we are in the throes of a pandemic, and the Government's attempt to make it a slow pandemic rather than a fast one needs to be supported.

I want to make three points, the first of which relates to the vulnerable. It is in a time of crisis that the real values and priorities of a society become apparent, and I will reference homelessness in this regard. The homeless will be on the front line of whatever happens next in the Covid-19 pandemic, and I wonder whether we are really doing enough to ensure that they get the support that they need. I am aware of the hotels opening up rooms for the homeless, but more needs to be done to co-ordinate the efforts of the homelessness organisations, which are attempting to do their best for and with the homeless.

Here, I refer in particular to the Faculty for Homeless and Inclusion Health, formerly known as Pathway, which has been working very hard with UCL professors to ensure that there is a proper care pathway for homeless people. Will the Government ensure that organisations such as the Faculty for Homeless and Inclusion Health, which I know are struggling for funds while doing this important work to ensure that the most vulnerable homeless get the support they need during this pandemic, are supported? Will the Government go as far as they can to ensure that homelessness services are co-ordinated in their attempts to provide support for those on the streets?

That leads to my second point, which is about testing. I know that the Government are looking to bring forward testing, but what will they do to prioritise it? The World Health Organization has made it clear that we need to test, test, test; we cannot manage what we do not know. In so doing, however, it is important that we are very clear about the priorities and stratification as to who gets tested first. In my view, that should be the most vulnerable and those who are working on the front line in the NHS and other areas. Can we have some assurances about the timing of that testing and how it will be prioritised?

Moving on, I declare an interest as the incoming chair of the NHS Confederation. In preparing for this debate, I sought feedback from NHS Confederation members about the Covid-19 Bill. There continue to be concerns about PPE supplies. The Government need to work closely with the NHS Confederation and providers in ensuring that supplies are available for those in most need on the front line. I am receiving emails from doctors and nurses who are very concerned about the supply of PPE to them and their colleagues.

I have mentioned that testing must be ramped up for all staff; staff in the NHS need to be prioritised. We welcome the £5 billion emergency fund in the Budget for public services, but we need to ensure that money can be accessed quickly to manage additional workloads and to cover absences due to staff sickness. Relaxing the rules on PCN underspends would be a

[LORD ADEBOWALE]

positive enabler of this. Further, there is a need for care and nursing home staff, who will require training and preparation for scale, which will be difficult.

I should mention the efforts being made to make transport more available for staff on the front line. I am concerned: I have read reports that reducing transport has an impact on staff who work shifts, particularly in London, and there are reports of overcrowding.

Before I leave this issue, I note the self-employed. Notwithstanding the Government's statement on the self-employed, I am concerned, because I am aware that people who are self-employed in the health and social care sector feel forced to go to work in order to put food on the table. I note the Minister's comments on the self-employed. Shakespeare, of course, wrote some wonderful works during a time of stress, but I note that he had a patron; these people do not. It is very, very important, not just for their welfare but for the welfare of all of us, that people are not forced into a position where they have to work in order to feed their family and put a roof over their kids' heads. I hope that those proposals are brought forward now and are focused with particular rigour on those in the health and social care sector.

Finally, I know the Minister is aware that social enterprises are also businesses. Some 38% of community services are provided by social enterprises. They need to be treated in exactly the same way as other providers in the health and social care sector. Indeed, the fact that social enterprises are run not just to provide dividends should be taken into account as a favourable aspect of them. I am sad to report, however, that many social enterprises have not yet received the communication that others in the health and social care sector have, and some are relying on emails being passed via CCGs. Details of reimbursement for any additional services are not being provided to the social enterprise sector, and day-forward and other Covid-19 payments have not been extended to social enterprises, nor have evaluations of supply of PPE. This is important, because social enterprises tend to provide services in our poorest communities. Not many Peers have mentioned the fact that those are the communities that will suffer most from this pandemic. I urge the Minister to communicate with social enterprises and ensure that they are treated in exactly the same way as other providers of health and social care during this crisis.

3.55 pm

**Lord Sheikh (Con):** My Lords, I commend the Government for bringing forward this important piece of legislation. We are indeed facing challenging times. The coronavirus has caused widespread disruption and tragedy. Families have been torn apart and businesses forced to close.

I was in self-isolation but felt that it was important to contribute today as this Bill raises important questions about the treatment of the deceased. The permission granted to local authorities to cremate the deceased caused anxiety within the Jewish and Muslim communities. I therefore broadly welcome the Government's decision to amend the Bill to provide safeguards against this practice. I pay tribute to members of the Muslim community, who have all worked together on this issue to face the problems in a true spirit of solidarity.

There should be respect for the souls of our dead. Our collective human dignity and preservation should not be compromised and defeated by this pandemic. It is important to emphasise that Islam strictly forbids cremation of the deceased in any circumstances. There are verses in the Holy Koran which state that the body must be buried. We regard what is written in the Holy Koran as the words of God, and we need to abide by them. There is a great deal of disquiet and concern about the provisions of the Bill relating to this subject.

I have had discussions with, and received correspondence from, leaders of mosques, burial grounds and Muslim organisations, and scholars, who all recognise the practical challenges of burials due to the coronavirus pandemic. This has caused deaths in the community to become a major talking point, as a number of Muslims have underlying health issues including heart and lung conditions and diabetes.

Although I welcome the Government's concession, I fear that it may not go far enough, as there is a chance that cremations could occur in exceptional circumstances. I would therefore be grateful if my noble friend the Minister could inform your Lordships' House as to whether Her Majesty's Government will give further guarantees to ensure that cremations do not take place against the will of the deceased's loved ones in any circumstances. These guarantees are absolutely essential.

The Muslim community is keen to work with local authorities to find solutions to the challenges arising from the coronavirus pandemic. A fatwa has been issued by the Ulama Council of the UK Islamic Mission, which has declared that the practices of Ghusl and Kafan have been suspended in the present climate. Ghusl means washing the body and Kafan means shrouding the body in accordance with Islamic principles. The deceased's body will therefore be buried as it is received in a body bag. Furthermore, the burial prayers will be performed in a graveyard from a convenient distance at the time of the burial or offered at the grave after the burial has taken place.

Today, I was told that there is a shortage of body bags in mortuaries. That needs to be addressed. Mosques and burial grounds are providing protective clothing to their members who will deal with burials. The number of friends and relatives of the deceased at the funeral is being kept to a minimum. The community also acknowledges that there may be problems regarding burials in the light of a shortage of land and is willing to work with authorities to find solutions. A number of proposals have been made, including: burying bodies one on top of the other; burial in the garden of the deceased person, if this is possible; and burial in mass graves. In relation to the latter, local authorities will need to provide the appropriate land for this to happen. Today, I spoke to the head of a major Muslim charity who is willing to provide support.

The coronavirus pandemic has raised many challenges for our global and local communities. It is vital that we strike a balance between addressing the concerns of our communities and enforcing this important legislation.

4.01 pm

**Lord Purvis of Tweed (LD):** My Lords, I commend both the Minister for the way he introduced the debate and the responding speeches from the Front Benches.

Any Member who speaks from the well of this Chamber does so on wooden floorboards that were put in place to repair the Chamber after an unexploded bomb from the Luftwaffe fell 80 years ago. Our response to that crisis as a Chamber was simply to move; not a day's sitting was missed and there was no break in proceedings. This emergency will require us to carry on with our parliamentary duties differently, rather than simply moving. It will mean us perhaps carrying out our roles of scrutiny and oversight through different means when we come back after the Easter Recess.

I agree with my noble friends Lord Scriven and Lord Alderdice that this is not a war that we are engaged in but a health and, by association, economic emergency. The Minister is right that some elements of crisis response are necessary. This legislation is the kind that no Parliament would ever wish to consider; in general circumstances, no Parliament would ever pass it. The powers in it are ones that our police, public services and local authorities should never have and that many of them would never want, but what is facing our country requires such measures. In passing them, we should not abrogate our responsibility to consider them in detail; sometimes that consideration is about asking pointed questions. It means that government still must be accountable to the people who will undergo many restrictions on their normal way of life.

The unsaid areas in the Prime Minister's address to the country last night have been responded to by Ministers throughout the day. That is welcome. Further clarity is needed for people who need to travel to work in the areas of retail that are exceptions to the closures, and for people in the professions or in the circumstances that noble Lords have mentioned, insufficient information has been provided—but it is coming piece by piece. That is welcome.

After the immediacy of what we are doing in this legislation, there will need to be sober reflection. As I referred to earlier, I saw this approach abroad. Over the past three weeks, I have been in the Gulf, the Middle East and Africa. It was clear that the three regions I visited struggled at times to understand some of the UK Government's messages during the response. I welcome the greater clarity that is now emerging, which will be underpinned by statute.

I am the very proud son of an NHS ambulance driver who retired a few years ago after 30 years of service. Our nation is proud of our recently retired health workers who are returning to service, as well as of our police workers, transport workers, retail workers who are working in the shops and premises that we will need to remain open, and adult care and health workers. They are the very backbone of our response to this emergency; they and their families need to be supported going forward.

The House will know that I live in Scotland and represented a border constituency when I was a Member of the Scottish Parliament. My following comments therefore relate to this issue. Many thousands of people

who live and work across the border will see an emergency response from two Governments, underpinned by legislation from two Parliaments. Can the Minister reassure the people who live and work continuously over the border, in the agricultural sector and in the public services, that UK Ministers will work hand in glove with Scottish Ministers and those from the Welsh and Northern Ireland authorities?

The competences in many aspects of this legislation are devolved competences. It is the convention of this House, as the noble and learned Lord, Lord Falconer, and other noble Lords, have said, that we respect the devolution settlement, but equally, the necessity for close working and understanding that there will be times when legislation is required to be consistent across the border is welcome.

Can the Minister, if not today then in writing, answer some detailed questions. In Clause 83, there is a duty on the Secretary of State to make reports at two-monthly intervals on the interaction of devolved areas. Is the expectation that this would be the same from Scottish Ministers with regards to the implementation of those powers? It has been referenced before; the noble Lord, Lord O'Shaughnessy, mentioned Clauses 32 and 33, regarding the suspension of disclosure requirements in Scotland. How will this interact with members of the public services across the different borders? How does this Bill interact with the Public Health etc. (Scotland) Act 2008, which includes quarantine, detention, medical examination and other powers for local authorities and health boards? How do the Government intend this interaction to operate?

There are two areas within Schedule 20 in which there are criminal offences regarding sanctions, and then the separate aspect of the notifications of infected areas. Will that definition of "infected areas" be identical north and south of the border, and if any offences under the Bill are committed north and south of the border, will they have different penalties? Can the Minister explain this?

As I said earlier, I have observed from other countries the UK's response over the last three weeks. I want to put on record the support that I received from the Spanish embassy, through a colleague who was a British resident but a Spanish citizen, working with British authorities and officials. The Minister was previously slightly upset at my question. The Spanish deputy ambassador to the country that I was in, Alfonso Herrero Corral, gave the epitome of what sort of support one should receive from one's Government: the information was clear, accurate and up to date.

This emergency will have major consequences. I very much hope that while we naturally look to our own citizens, providing services for our vulnerable until we get our economy back on track, we do not become insular. This country can manage a crisis better than many others around the world. I hope that we will still be global citizens of high honour, supporting other nations which, even at this moment of emergency in the UK, are more vulnerable than us.

4.08 pm

**Lord Porter of Spalding (Con):** My Lords, I declare my interests as detailed in the register.

[LORD PORTER OF SPALDING]

If anybody ever doubted the statement that we could not have a truly sustainable National Health Service without a truly sustainable care service, this pandemic will write it in neon lights. I am sure that the whole House will ensure that it is heard loud and clear by the Government at every opportunity.

Unlike the noble Lords, Lord Blunkett and Lord Scriven, I have not been the leader of Sheffield City Council, but I am still the leader of South Holland District Council. I put on record my gratitude from a first-hand sighting of the fantastic work that local government staff up and down the country are doing. Yesterday, I returned from here to the flatlands and had the pleasure of making my own spaghetti bolognese because my wife is looking after my mother-in-law—not generally the best of statements. While I was doing that, and watching the Prime Minister on the telly, our gold commander was on the phone trying to interfere with my concentration by digesting what the Prime Minister was saying as he was saying it. We started the conversation again at 6.30 this morning, based on the actions we had finished talking about at 10.30 last night. Local government staff are doing a fantastic job everywhere.

I have two other relatively minor points to make. First, we are rightly concerned about people being made homeless for not paying their rent because of this. One way that the Government can minimise the impact of that is by making sure that the rents they currently pay to tenants are paid directly to landlords, rather than risk them being misused in the process. That would make it less likely that we end up with a big spike in evictions in four or five months.

Secondly, does the Minister think that these powers go far enough? I know that every other noble Lord has said that they probably go too far, but I am concerned that we might be back in six or eight weeks looking for additional powers.

4.11 pm

**Lord Low of Dalston (CB):** My Lords, forgive me; I was not expecting the noble Lord, Lord Porter, to finish quite so soon. I support the Bill and certainly agree that it, or something like it, is necessary. However, I want to sound one or two warnings and flag up some points that need the Government's continuing attention.

We face a national emergency. In these circumstances, we should all be prepared to accept some sacrifice of personal liberty. What worries me more is the threat the Bill poses to structures of social and community support, already seriously eroded by a decade of austerity. I shall be supporting amendments that seek to ensure that these remain intact, as far as possible. After all, the fact that coronavirus is on the scene does not mean that pre-existing needs for support have somehow gone away. I hope that the Government may subject this area of the legislation to particularly searching review, with a view to ensuring that subsequent iterations are able to address some of the concerns that I and others are expressing.

I have received many expressions of concern at the way the Bill undermines social care support for disabled people. It suspends many duties in the Care Act 2014, including the duty to meet the eligible needs of disabled

people, under Section 18, and their carers, under Section 20. Local authorities will have to provide care only if they consider it necessary for the purposes of avoiding a breach of the European Convention on Human Rights. That largely frees local authorities from their duties to provide support under the Care Act 2014 and will oblige them to provide support only in cases where the human rights of disabled people, under the convention, are breached. That is a much higher standard to satisfy.

The Bill changes duties to meet disabled children's educational needs to a "reasonable endeavours" duty. I have received many expressions of concern about this. First and foremost, there are concerns about the impact of relaxing statutory provisions for children with special educational needs and disabilities. How will the provisions in the Bill on education, health and care plans be used in practice? Will they be used to water down provision? I understand that that is not the Government's intention, but backsliding authorities could easily use them as an excuse. Even if the Government are forced to relax their efforts to promote better provision at this time, they should not provide excuses for a deterioration in provision. Many parents will understand the need for flexibility at this time. However, their children still have the same need for specialist support. The Government need to give a clear account of why it is necessary to relax the statutory underpinning of the support that disabled children need.

If the duties around education, health and care plans are suspended, how will vulnerable children access the support they need? Can the Minister confirm that the Bill does not change the duties of schools and education authorities, under the Equality Act 2010, to provide reasonable adjustments and auxiliary aids for disabled pupils and students? Can he also indicate whether there will be any guidance for schools and local authorities on how they can support those children with special educational needs and disabilities who do not have an education, health and care plan? It is estimated that fewer than 20% of deaf children have a plan, for example. This area needs the Government's attention.

4.15 pm

**Baroness Bennett of Manor Castle (GP):** My Lords, I am delighted to follow the noble Lord, Lord Low, and endorse the concerns he expressed.

I want to pick up a point raised by the noble Baroness, Lady Watkins, about nursing and midwifery staff. Many noble Lords have begun by offering the thanks of the House and the country to NHS staff who are crucial to all our lives and working so hard under such difficult conditions. The Bill allows nursing and midwifery students who are just finishing their courses to begin working before they would normally have done so. This cohort of students is the cohort facing maximum debt. They face fees of nearly £28,000 and in many cases have had to take out loans for living costs. In London, that can total up to £34,000. They have had no bursaries. They have not had the new grant of £5,000 a year that is coming in for students starting now. I therefore ask the Government—no, I beg the Government—to make a special grant to these students, reflecting their special circumstances, of £15,000 each



so that they will be placed in the same financial position as nurses and midwives starting their courses now.

Like many noble Lords, I support the Bill with great reluctance. It is a huge assumption of government powers. I welcome the Government conceding and not trying to force that it should be in force for two years and going to a six-month review. I echo other noble Lords: three months would be more appropriate, particularly given the haste with which we are passing this legislation. I also welcome the Government having yesterday introduced Clause 78, allowing for the remote meeting of councils. As many noble Lords have noted, that is crucial for their functioning in the coming weeks and months. I believe there is still an issue about parish councils to be sorted out and I hope we can work through that.

That stresses the point that, in the coming weeks and months, democracy will be crucial to the functioning of our country. I endorse the words of the noble Lord, Lord Newby, about the essential need to keep this House and the other place functioning. Last weekend the Green Party held a remote conference, over the four days when we had been planning to have our spring conference. We are a very small organisation, yet we managed to organise that in a very short time. More than 700 people took part—almost as many people as are in your Lordships' House. We successfully held debates and people held discussions, had chats on the side and essentially did everything that we do in this House except vote. I note for your Lordships' reference that the European Parliament will now be voting by email. I spoke to the Clerk's office two weeks ago and was told that it was working on the remote working of the House. I urge the Government and the authorities of the House to ensure that we can fully operate remotely as soon as possible.

I have very little time and lots of points to make, so I hope the House will forgive me a bullet-point approach. I have grave concerns about some of the draconian powers, in Schedule 21, relating to "potentially infectious persons". I am particularly concerned about the potential treatment of children under that provision.

For the cause of my noble friend Lady Jones, who cannot be with us today, I have to note the extension of powers under the Investigatory Powers Act and urge that they should be used only for the absolute minimum period possible.

I endorse the questions asked by the noble Baroness, Lady Grey-Thompson. As many noble Lords will have done, I have had many representations over the concerns of disabled people and frail people about the provisions of this Act.

What is not in the Bill is the protection of incomes. We have talked about protecting wages and businesses and the Government have acted, but we have to protect everyone's incomes. As your Lordships' House has heard, I am a long-term champion of a universal basic income. For the period of this crisis, we have to ensure that everyone has an income to survive. On that point I will refer, as many have, to the situation of the self-employed. There is an amendment for statutory self-employment pay, and that is something that we should definitely look at.

On food provision, there are some limited provisions in the Bill, but I would also like to see provisions in the Bill—or soon—ensuring that we do not see profiteering in food prices or other essential supplies. I would like to see provisions to help seasonal workers to get farming produce growing and to bring it in from the fields. There is talk of a land army of volunteers to help with that, and I would like to see that happening.

I turn to the question of the vulnerable in our society. We should be closing the immigration detention centres. Those people have committed no crime. To take the example of Yarl's Wood, 70% of people who are held there are eventually released anyway. They are in an incredibly dangerous and difficult situation and should not be there. People in prison for short-term sentences and those whose sentences are going to end shortly should also be released and, as the noble Lord, Lord Adebowale, said, we need much more provision for the homeless.

I am being asked by many people whether the Government will suspend the requirement for MoTs because many people are leaving their homes dangerously to deal with that.

On construction, surely only essential safety-related construction should be continuing. In London there are grave concerns about construction workers on the Tube and what that is doing to overcrowding on the Tube.

Lastly, there is the question of burning on the moors. Yesterday a controlled burn got out of control on the West Yorkshire Moors and 15 fire appliances had to be called the deal with it. Surely things like that should not be being done in this crisis.

4.22 pm

**Lord Naseby (Con):** My Lords, before I say anything else I would like to pay tribute to the Prime Minister and his team of two advisers who communicate almost daily with the British people. In my experience of 46 years across two Houses, that is unique. I pay tribute to that team and to all Ministers at every level, particularly my noble friend on the Front Bench, who was my excellent Whip until he was promoted.

I am here—as someone who is 83 I am not supposed to be here—because the Bill is very intrusive, but I recognise that the situation is so serious that it is appropriate. I see my role as one to ask questions. I have spent most of my 46 years here asking questions: on the Public Accounts Committee for 12 years; as Deputy Speaker; and then in this House.

I come from a medical community: my wife, to whom I have been married for 59 years now, is a full-time GP while my son is a doctor. Necessarily, as I and my wife have worked in the UK, India, Sri Lanka and other parts of south and south-east Asia, we understand the medical world at some length. I recognise that south Asia and south-east Asia had the SARS catastrophe, and as a result of that they are used to dealing with the great problem that we now face. They were prepared for pandemics, which the West was not and is not.

I have a question about the aims of the Bill. The summary of impacts says:

"The purpose of the Bill is to provide powers needed to respond to the current coronavirus epidemic. Powers are for use only if needed, judged on the basis of the clinical and scientific advice"—

[LORD NASEBY]

or, as the Prime Minister says, action to save the NHS and to save lives. Is that the limit? Frankly, I do not think it is. I believe that there is another criterion. Are we to follow totally slavishly those two conditions, regardless of any impact on the economy? I venture to suggest that we should not.

A section of the NHS which I looked at closely over the weekend is the dental community. I had a telephone call on Sunday from a dental practitioner in Bedford, because Bedfordshire and Northamptonshire are where I know best. He raised with me the key point issued by the British Dental Association, and that is uncertainty. The BDA recommends that

“no aerosol generating procedures are undertaken on any patient without appropriately fitting FFP3 masks, other required protection equipment and protocols”.

That is pretty clear. It is backed up by this individual consultant, who then said to me in an email: “The situation is that the front-line ITU staff do not have FFP3 masks. We will not treat cancer cases until equipped. We will need to run some emergency clinics, but where are they to be?” Since nobody else has raised dental matters, I say to my noble friend on the Front Bench that I hope this can be looked into.

Secondly, I thought we were communicating with all the trade associations, but two days ago I read in the *Telegraph* that the CEO of the UK Chamber of Shipping in London makes the point that shipping is an absolutely vital industry. It has made contact with Her Majesty’s Government—that has been raised with the Transport Secretary—but has heard nothing. That is a problem, is it not?

What can be done? Since the Prime Minister is a great believer in Churchill, I suggest that he might think about having the equivalent of Lord Beaverbrook. On the television news last night or the night before, there was a shedload of these masks—a warehouse full—at Amazon. Why are those in the warehouse? They should be out with the front-line people waiting for them. It needs someone to get behind this and get those masks out and into the field. I suggest that this must be happening in many other areas as well.

I finish by saying a huge thank you again to the front-line NHS staff. I have lived with that community for years. It is doing more now than it has ever had to. I re-emphasise that we have to learn from what Korea and others did. The key word is “testing”. We need large-scale, readily available testing, combined with case isolation and contact tracing.

My last question to my noble friend is: where are we on testing? The WHO recommends: trace the contacts to trace infection; isolate to stop the spread; then test, test, test. If we do all that, we ought to, and might hopefully, get through the incredible challenge we face at the moment. I wish all those involved all possible success in their attempt to do so.

4.29 pm

**Lord Inglewood (Non-Affl):** My Lords, I begin by referring to my interests in the register. I am involved in business and am chairman of the Cumbria local enterprise partnership and, as a result of that, a member of the NP11—the Northern Powerhouse 11. It is because

of those two things that I have come down south to London to this debate. The Cumbria LEP is leading on business resilience, which is an integral part of the Cumbria local resilience forum. At regional level, the NP11 is doing much the same on a wider canvas.

Quite rightly, the Government are placing their prime focus on the country’s health, but the more health measures introduced, the greater the impact on business. That is not to say they should not do it, but it is a consequence. The impact on business, commercial life and jobs is therefore getting greater.

There are two fundamental and important implications. First, if people do not have any money, the consequences are self-evidently dire. Secondly, businesses provide work, and with it wages, to the parts of the supply chain and among producers of things that we need and want. They are the basis of commercial life. In future, if they do not have any money, they will cease to exist.

Cash is king. If cash stops, business stops. If business stops, cash stops. If business stops, jobs and goods stop. On top of that, the infrastructure of the future economy is strangled. I welcome that the Government recognise the need for cash and are putting measures in place to get it into the wider community. But is it enough, and is it being done quickly enough? What is needed from central government is speed, precision and user-friendliness in the economic and governance measures that it puts in place, to run in parallel with the health measures that are the predominant topic of this debate. As the noble Baroness, Lady Bennett, said, money is needed now—not at the end of the week, or the month, or the end of April, or this year, or next year or whenever. I echo the points made by the noble Viscount, Lord Colville, about the self-employed, and that the noble Lord, Lord Balfe, made about charities.

As I have intimated, I welcome the general direction of travel shown in the Answer repeated by the noble Earl, Lord Courtown, to an Urgent Question earlier this afternoon, but where is the beef? Individuals are running out of both time and money. Business owners, perplexed by the lack of clarity, will shut up shop, get out with what they can and cut their losses. The devil lies in the detail. Banks distributing interest-free loans are seeking collateral, I understand—and anyway a loan, interest-free or not, has to be paid back. People, especially smaller operators, are understandably asking themselves, “Is it worth it?” The self-employed are feeling exposed and discriminated against, as has been said.

What is needed is equivalence and even-handedness across the piece—big and small, rural and urban, employed and self-employed. The perspective of everyone’s personal and business financial affairs, looking both forwards and backwards from this coming year end, seems diametrically different, in my view. I think that no payments should be made as opposed to liabilities incurred until the end of the forthcoming financial year, in order that liquidity is preserved in society.

Twenty years ago, my own farming business was destroyed in the foot and mouth outbreak in Cumbria, when I was a Member of the European Parliament for that area. I have first-hand and close experience of some of these things. One thing that we must not overlook is the implications of isolation combined with worry.

It is very unpleasant and damaging for people's mental health. That point was made by the noble Lord, Lord Alderdice.

Finally, there is the long term, which I hope will start with the comprehensive spending review later this summer. As many Members of your Lordships' House have said, we are looking at an unknown future, and we must revisit *de novo*, pragmatically, our future national economic, commercial and business policies so that they are based on hard-nosed, real-world economics, to get our economy up and running again. The first step on that road is a recognition that cash is king, because cash is the lubricant of the engine that is the economy.

4.34 pm

**Lord Watson of Invergowrie (Lab):** My Lords, I salute the superhuman efforts of NHS staff and all other key workers in their efforts to win this battle against an invisible enemy. I will focus my remarks on issues within the remit of the Department for Education.

It may not be widely appreciated that staff on casual contracts are widespread throughout the education sector. Many from early years to higher education are on casual or zero-hour contracts or are freelance. If there is a guarantee that institutions will not lose funding, it should be made clear by the Government that these kinds of contracts should be honoured in full.

It may require secondary legislation, but the 25,000 students currently undertaking a course leading to qualified teacher status need to have their coursework validated so that they can start teaching in September—the earliest schools are likely to reopen. It will be essential to ensure that the supply of new teachers is maintained when the school system will need them more than ever.

I welcome the key role for local authorities in co-ordinating the new arrangements. By working with maintained schools, academies and the independent sector, they should ensure there is sufficiency of places for children of key workers and vulnerable children. But why is the Secretary of State not being given a power to authorise local authorities to co-ordinate all 16 to 19 provision in their area? In Schedule 15, the local authority can be authorised to exercise powers over childcare, schools and 16 to 19 academies, but why should that be restricted to academies?

The decision to close schools is unprecedented but proportionate given the scale of the crisis. None the less, it must be recognised that a decision of this scale will have life-changing consequences for families, many of whom are already stretched to the limit. It is vital that the issues that school closures create are properly considered and appropriately dealt with.

It is of course right that the interests of the most vulnerable children—those who are known to social care because of issues such as abuse and neglect, or those with additional learning needs—are being prioritised. However, we know that many highly vulnerable children are hidden from view and do not benefit from the official status that will mean they can continue to attend school. For instance, as highlighted by Barnardo's, what about children living in domestic abuse households who do not have a social worker or an education, health and care plan? How will they be protected?

There are genuine concerns about the effects of the crisis on children's social care, and other children's social services. Many social workers are also on temporary contracts and not eligible for sick pay. Will the DfE instruct schools or safeguarding leads to check on vulnerable pupils who do not have an official social care status? Will schools receive discretionary powers to ensure that vulnerable pupils who do not have official status can remain in school? Will the Government keep pupil referral units open, given the vulnerability of most of the children who attend those schools?

Clause 5 provides for the emergency registration of social workers, with guidance referring to

“deployment of volunteers where it is safe to do so, and where indemnity arrangements are in place.”

This will be important, but they will also require sufficient protection for themselves and those they work with, and an induction to ensure that they understand their remit and can conduct their role safely.

In essence, the Bill suspends or disapplies all the key provisions of the Care Act 2014 and there are genuine concerns about the impact of relaxing statutory provisions for children with special educational needs and disabilities. Ten years of local authority cuts have already seriously eroded SEND provision; coronavirus must not be allowed to compound that.

Schedule 16 contains powers for the Secretary of State to vary or disapply statutory provision, such as Section 42 of the Children and Families Act, which is the core duty to secure special provision in accordance with an EHC plan, and the Secretary of State could vary Section 43 of the same Act, which covers the duty on schools and other institutions to admit a child where they are named in a child's plan. Many parents will understand the need for flexibility in these uncertain times. However, their children will remain in urgent need of specialist support and they deserve a clear explanation of why it is necessary to relax the statutory provisions.

There is a further concern; namely, the assurance that children with special educational needs and disabilities continue to receive the support they need. Can the Minister confirm that the Bill does not change the duties of schools and education authorities under the Equality Act 2010 to provide reasonable adjustments and auxiliary aids for disabled pupils and students? For example, there is concern about how deaf pupils will be able to access online or remote teaching.

The cancellation of GCSEs and A-levels will have a major impact on the hopes of millions of young people for their future. My noble friend Lord Adonis called for students to be able to repeat this year should they so wish. The Secretary of State said yesterday that children would have the option to sit their exams in 2021. Could the Minister clarify what that might mean? The Secretary of State has said that not just predicted grades will be used to replace cancelled assessments. His statement yesterday offered some insight as to what is proposed, but not enough to assuage the concerns of teachers, students and parents. There is widespread anxiety and confusion over the replacement assessment system, and the Government should at least set out a timetable for making definite decisions so that there is clarity.

[LORD WATSON OF INVERGOWRIE]

One lesson that emerges from all of this, which applies in many areas of life, is that we have developed systems that rely on everything working perfectly. That is true of intensive care bed numbers and supermarket deliveries, but also of school exams. Once we had AS-levels and coursework, which could have provided evidence to counter the crash of the exam system. Building in some spare capacity should be part of any robust system; for exams, that means not relying on just one source and therefore being better able to withstand shocks. There is a lesson here too for the future: a fragmented education system does not work well when subjected to stress.

4.40 pm

**Lord Hastings of Scarisbrick (CB):** My Lords, we are all immensely grateful for the selflessness and professionalism of everyone responding to this pandemic and for the reasonable, calm heads of those in government. I associate myself especially with the comments of the noble Lords, Lord Scriven, Lord Blunkett, Lord Robathan and Lord Alderdice, and the noble Baroness, Lady Bennett.

There is a need for tighter scrutiny, a shorter timeline—three months has been mentioned; I strongly support that—and reasonable balance. We need not to fall into a collective consciousness of consent. We need dissent for democracy to continue to flourish. We continue to need to ask hard questions and not be rolled over by fear but instead, with reasonable wisdom and proportion, keep this thing in balance.

I will make a few specific remarks about areas of the Bill, particularly paragraph 7(5) of Schedule 21, which refers to the powers to be given to the police and immigration officers for detaining and holding people on the basis or assumption of their ill health or of the coronavirus being present. We have had a number of warnings from Liberty; in its briefing, it rightly points out that the consequences of some aspects of the Bill are too grave and far-reaching to be simply nodded through. One dimension of paragraph 7(5) of Schedule 21 states that the police and immigration officers may detain and, if necessary, remove someone for testing and, if possible, have a health official present. I do not think “if possible” is good enough, especially coming from a community where people are very frightened of being tapped on the shoulder or even asked to their face by police to come with them. In a prospective detention or if someone fears the possibility of exposure on an immigration case, they are more likely to abscond—which now becomes an offence, according to the requirements in Schedule 21.

We all want to have the utmost regard and respect for the police and immigration officials at this time. I do not want to unnecessarily conflate two things, but I draw the attention of the Minister and the House to the comments made in this House and in another place last week. On Thursday, at the tail-end of business here, the Minister repeated a Statement on the Windrush report from the Home Secretary, who used the words:

“Ministers did not sufficiently question unintended consequences” of their conduct, behaviour or decisions. In particular, she referred to the fact that there was institutional “ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation”.—[*Official Report*, 19/3/20; col. 1615.]

I have had many representations from people in the black and minority communities who still feel that nothing has changed between last Thursday and this afternoon. The very department with responsibility for police and immigration—the Home Office—will probably help to set the tone of how officials, without health professionals, will go about detaining people and holding them, even though for only short periods of detention. The presence of health officials ought to be a fundamental requirement in an amendment to this Bill: a health official must be the decider, not the police or immigration officials.

There is a need for some elements of reasonable societal caution. However, too much suspicion of people who fit into categories that are uncertain and unclear leads people towards greater fear. Liberty says that there is a real prospect that groups may be targeted on the basis that they are effectively proxies for characteristics such as income level or race and especially in light of existing patterns of discrimination in police-public interactions, as identified by the Lammy review.

I hope we do not blunder into causing further, unnecessary fear in communities all over this country where black and minority-ethnic people are or where immigrants feel they may be holding out, by adding to police powers without ensuring that health security is the decision-maker, not the individual constable—there are constant references to constables, not senior officers, in the Bill. That places too much burden on those individuals.

4.46 pm

**Baroness Uddin (Non-Afl):** My Lords, it is a privilege to follow the noble Lord, Lord Hastings. I agree with the entirety of his contribution. The entire world faces the colossal fear—unimaginable a few weeks ago—of an outbreak of such magnitude; a public health emergency.

Only today Dr Fuad Nahdi’s family laid him to rest as I sat in the Chamber. He lost his battle with several health conditions and finally succumbed to coronavirus. I do not know whether he was able to be resuscitated—whether that facility was available to him. But he was an outstanding community champion and he worked relentlessly—tirelessly—with Government Ministers, churches and the community to keep people safe post 9/11. I express my condolences, heartfelt prayers and good wishes to his family.

Dr Rosena Allin-Khan, an honourable Member of another place, has called for urgent attention to be paid to the shortage of resuscitation units. These are already full, she says, in many hospitals as the numbers of admissions rise. NHS staff face an incredible decision: who will live and who will die? I add my thanks to all those NHS and front-line bravehearts who are putting their own life and well-being aside to take care of us and others.

The country understands that decisions must be made to prevent mass infection and preserve security, with adherence to the norms of a civilised, humane nation. Perhaps liberty is in temporary abeyance—the freedom and privilege that we have enjoyed. Therefore, the Government’s economic measures and responses are welcome, although I have pointed reservations. Since the Bill was published, all parliamentarians have been inundated by constituents and community and

business groups alike; they support government measures but are deeply troubled by some aspects of the proposed legislation, and its short-term and long-term impact on significant sections of our vulnerable communities. I record my thanks, for their incredible insights, to Toni Meredew at account3; James Lee at the City of London Corporation; Inclusion London; Haji Taslim Funerals; the East London Mosque; and Hasina Zaman from Compassionate Funerals.

I wish to raise two points in particular: first, how the Bill will potentially impact the lives of disabled people such as my noble friend Lady Grey-Thompson. Many fear serious risk to their and thousands of other vulnerable people's daily care needs, and that they will be abandoned in the emergency situation and left to the discretion of an already overstretched local authority. There are incredible misgivings about measures to suspend provision under the Care Act 2014. The fear is that social care provision is likely to breach the human rights threshold, as has been said, and will be offered only to those in critical and severe need.

We have large numbers of disabled people who require daily care and noble Lords are rightly concerned that the Bill will suspend their right to daily care from a local authority. If, as the legislation proposes, assessment needs are delayed, there will be untold suffering, which will cause lasting mental and physical harm to the well-being of those dependent for their care needs, as well as an unbearable imposition on carers to cope alone.

With regard to mental health services provision, I accept that this is a national emergency and we are being asked to suspend normal freedoms as a new norm. However, we must think carefully about obliterating our social care responsibilities. There is also significant fear about the power of detention by one doctor. I cannot overemphasise caution about that provision, given that many black and minority ethnic citizens experience detention disproportionately, as has been mentioned. Suspending any accountability in the process may leave a generational legacy of damage. Will there be an impact assessment in place to monitor the impact of the proposed legislation?

Equally, I declare an interest as a former social worker. The well-being of those who experience and will continue to experience domestic violence, child sexual and physical abuse, and sexual exploitation depends on social workers, but there is a huge shortage. What are the Government doing to ensure that social workers will also be asked to come back and provide emergency services?

We have worked for decades to advance the rights of people with disabilities, those who live with mental health issues and those who are cared for by social services. I echo the words of my noble friend Lady Grey-Thompson and ask how the Government will adhere to the human rights of people who receive social care and social services support.

I also wish to make a point about the power in the Bill at Schedule 28, which proposes to suspend taking into consideration the preferences of the deceased, regardless of their religious duties and obligations. I apologise to the House for taking a few more minutes to finish this point. The Bill suggests using powers to

direct the deceased to be cremated if there is a lack of capacity at storage facilities, thus suspending Section 46(3) of the Public Health (Control of Disease) Act 1984, which prohibits cremation against the wishes of the deceased. This has caused serious panic and anxiety in many parts of our communities and many have written to ask us to raise that matter as Members of Parliament. The honourable Member for Bradford West tabled an amendment to the Bill and has now withdrawn it. I am thankful for her outstanding campaign to mobilise and bring about the Government's understanding that, even in these times of national existential threat and crisis, we will remain resolute in remaining a society that values freedom of choice, particularly around the dignity of human death.

I spent the whole weekend speaking to various organisations that lead funeral services, including those I mentioned earlier. Will the Minister agree to consult and work with them and with faith-based organisations along the lines that I referred to earlier to ensure—

**Noble Lords:** Oh!

**Baroness Uddin:** I have nearly finished. With the leniency of the House I will ask my final question.

I appreciate the fact that the Paymaster-General has given his assurance, but will the Minister assure us that the provisions in Part 4 of Schedule 28 in relation to the wishes of the deceased will be respected? I thank noble Lords for their leniency.

4.54 pm

**Viscount Trenchard (Con):** My Lords, I too offer my strong support to the Prime Minister and believe that the Government are doing the right thing to prepare the armoury, to be able to do everything they conceivably need to do to protect lives and support people whose income has disappeared in the face of this unprecedented crisis caused by the coronavirus.

There are many people who have experienced some of the symptoms and think they may have contracted a mild form of the disease but have already recovered. These people are self-isolating but wish they could be tested for antibodies so that they would know whether they have had the disease. If they know that they have, they should be free to do useful work, which they could easily find with supermarkets, on farms and perhaps in the NHS. Good testing kits are available which show a result within 24 hours or so. Can the Minister offer any advice to people in this situation and tell the House whether it is possible to arrange for such people to be tested?

I declare my interests as set out in the register. Statistics provided by the Association of Independent Festivals show that in 2018 the UK live music sector contributed £1.1 billion to the economy—an increase of 10% on 2017. The 65 festivals staged by the association's members generated more than £386 million in revenue in 2017. In addition, festivals have a large beneficial effect on the economies of the villages near where they are held. According to UK Music's report published last year, 4.9 million people attended a festival in 2018, a considerable increase on the 2.7 million back in 2012. Small music festival companies, many of which stage a single event every year, usually in the summer

[VISCOUNT TRENCHARD]

months, have been put in a particularly parlous position by the pandemic. The Government are to be congratulated on taking measures that will alleviate the financial damage to the leisure and hospitality industries, but many of these do not actually have a beneficial effect on the festival sector. Cash grants of £25,000 and £10,000 are, of course, welcome, but they do not have a major impact on the sudden and enormous negative effect on cash flow.

Festival organisers who had been planning events for this summer have seen their income from ticket sales and sponsorship completely dry up. Furthermore, festivals are still contracted to pay their artists' deposits, which are often substantial. The business interruption loan scheme is a very welcome lifeline for the sector, but some lenders are asking directors of festival companies to pledge their personal assets. Many will be unable to do that. Will the Minister consider asking lenders to apply flexibility regarding the collateral required to cover the 20% portion that is not guaranteed by the British Business Bank? Will he confirm that it is the Government's intention that all events businesses whose financial viability has been affected by the pandemic, whether or not they have yet cancelled or rescheduled their events planned for 2020, will be eligible to receive loans equal to the amount of financial damage they have suffered as a direct result of the pandemic?

Paragraph 5(5) of Schedule 22 empowers the Secretary of State, in exercising his powers to prohibit mass gatherings such as music festivals, to inform persons of the prohibition, but the Bill does not include any requirement to specify the duration of such prohibition, although that is the case under Clause 6, which deals with the powers to close premises. The industry needs to know when and for how long the Government intend to prohibit gatherings of more than 50 people and the process by which they will determine whether a prohibition will be extended beyond its original period.

The one measure that festival companies and other event organisers need most urgently, and which is not included in the Bill, is the suspension of the provision of the Consumer Rights Act requiring the return of monies to ticket holders within 14 days of cancellation. I was encouraged to hear the Secretary of State for Health say at a meeting on Thursday that the Government are looking at this. The German Government are considering a measure that would permit the promoter of a festival to defer refunds until the end of September but containing a review clause that could extend this break until 30 July 2021. I have also heard that in Italy a new law has been enacted that allows promoters of festivals to issue vouchers for future events instead of refunding cash. The Bill may not be the right place, but will the Minister inform the House whether the Government will introduce legislation to this effect?

Some noble Lords may dislike restricting consumer protection in this way, but it would, paradoxically, serve to protect consumers' interests. If no relief is given to the 14-day refund rule in the very near future, it is likely that many small festival companies will be insolvent and will liquidate, meaning that the ticket

holders would receive nothing back at all. This would also have a devastating effect on the income of artists, many of whom are self-employed freelance workers who do not benefit under the salary support scheme.

It is very welcome that this scheme will alleviate the problems faced by festival businesses that have no cash flow to pay their staff. Will the Government consider a London weighting provision for the threshold of £25,000? What are the Government's plans for those whose salaries exceed the threshold?

Extraordinary times require an extraordinary response. I am confident that the various schemes introduced by the Government could alleviate the financial difficulties that will be faced by very many. I earnestly hope that access to the schemes will not be unreasonably restricted by bureaucratic and onerous conditions.

5.01 pm

**Lord Anderson of Ipswich (CB):** My Lords, to defeat a disease, strong and unpleasant medicine may be required. This Bill is that kind of medicine. Its likely side-effects are alarming, as we have heard today from all sides of the House. However, we must swallow it—and we must try to do so not like a child, with our eyes tight shut, but, as befits parliamentarians, with our eyes wide open.

The medicine is sweetened by two features which we would normally take for granted but which it is reassuring to see in abnormal times: the absence of any attempt to oust the jurisdiction of the courts, and the declaration of compatibility with convention rights that appears as a badge of honour on the front page of the Bill. Given the number of rights engaged, that is a tribute both to the pragmatic flexibility of the ECHR and to the Government for not seeking to derogate from that rather sensible reminder of our basic freedoms, as a few other contracting states have recently done.

Clauses 22 and 23 concern the judicial approval of warrants. Warranted investigatory powers are of course vital to our national security and the fight against crime. But the function of judicial commissioners is not simply to facilitate surveillance; it is to keep it within lawful bounds. To take one example—topical, though hypothetical in this country, so far as I know—they might have to decide the extent to which the location data from our mobile phones may be used for contact tracing, or for the monitoring and enforcement of the movement prohibitions that may be introduced under Schedule 22 to the Bill. These are not straightforward issues, which is why we entrust them only to judges of High Court rank and above.

These clauses strengthen, rather than undermine, the system of judicial approval by allowing for the rapid appointment of assistant or temporary commissioners and extending the time necessary for approving urgent warrants. The reasons are not far to seek: the overwhelming majority of judicial commissioners are over 70 and male, and the highly classified nature of their work requires the use of a secure physical location. The key safeguard, noted by the noble Lord, Lord Bethell, in opening, is that the Secretary of State can make the necessary regulations only if the Investigatory Powers Commissioner—a senior judicial figure—notifies her that this is necessary. That is good enough for me.

Before leaving these clauses, however, I would ask the Minister two questions. First—he can answer in writing, if he prefers—could a temporary commissioner serve under successive regulations for a total period of longer than 12 months, if required? That is a question on the meaning of Clause 22(3). Since it can take a while for judicial commissioners to get fully up to speed in this arcane area—I speak as someone who has done some of their training—I hope that the answer is yes.

Secondly, as the Delegated Powers and Regulatory Reform Committee pointed out in its report of yesterday, Clause 22(4) allows the Secretary of State to provide for existing statutes in this area to apply with

“specified omissions or other modifications”.

Why is that Henry VIII power necessary? Could the Minister give examples of the kind of omission or modification that the Government have in mind? Why are these powers subject only to the negative procedure, given that, as the committee explains in its report, a statutory instrument can be made just as expeditiously under the “made affirmative” procedure, under which they would lapse without parliamentary approval?

Finally, on parliamentary review, I welcome the new provision in Clause 98 for a six-month review by the Commons, though, like the noble and learned Lord, Lord Falconer, I would have welcomed it more warmly if the Motion had been amendable. In either case, the effectiveness of review will be linked to the content of the two-monthly reports to be produced under Clause 97. I was encouraged to hear the noble Lord, Lord Bethell, say in opening this debate that the Government would “update Parliament regularly on how these powers have been used across the UK”. However, as presently provided for, the two-monthly reports need contain nothing more than an account of which provisions have been activated, and a statement that the Secretary of State “is satisfied” with that state of affairs; one hopes he will be satisfied, because this clause requires it.

There is a broader point here. My experience of reviewing exceptional powers against terrorism has been that effective review requires basic information to be provided by government. One needs to know not just whether a provision is in force but, as the Minister said, what use has been made of it, what unexpected problems have been encountered in its use, what steps have been needed to enforce compliance, and how effective they are judged to have been. We are all acutely mindful of the need not to overburden the Civil Service with major new reporting obligations. But the Government will, as a matter of course, conduct their own assessment of these exceptional powers, based on experience of their use and an assessment of their effectiveness. I would suggest that they can only benefit—as would we—by the opportunity to communicate their reasoned case in this way to Parliament and to the public.

I tabled a modest amendment on this point this afternoon—not in a critical spirit, but in the hope that the Minister might look on it favourably. It would be, I hope we might all agree, a useful way of generating the trust on which public acceptance of the measures in this Bill will ultimately depend.

5.07 pm

**Baroness Verma (Con):** My Lords, I refer the House to my interests in the register. I start by thanking the Government for the actions they have taken over the last few days to help support employers and employees, especially taking into account the impact on small and medium-sized businesses.

I want to focus first on social care and the wonderful care staff who, along with their brilliant colleagues in the health service, are at the forefront of delivering care, both in hospital settings and in the homes of those who need their support. As a social care provider, I put on record how our staff have not wavered in ensuring that all our clients have been reassured, informed and been part of our contingency planning as it has developed. This is probably the same across the thousands of small and medium-sized providers across the country. Our care staff need assurances that they will be among the first to be tested for the virus, that we will ensure that protective equipment is readily available, and that the costs are not raised because there is a shortage. Will my noble friend the Minister assure the House that extra funding for social care is ring-fenced for social care provision? This is absolutely critical.

Being on the front line puts all care workers at greater risk of getting the virus. Will the Minister consider how, with the sector already under huge recruitment pressures, we can look at having all criminal checks for health and social care delivered in 24 hours, and the mandatory three to five-day basic training for care reduced to a day’s training? This would be as long as newly inducted staff work with experienced care workers in double-up calls for the most vulnerable, care-needing users.

I am sure there will be plenty of people wanting to play their part in supporting the health and care sectors. To ease the pressure on our health service, our trained care staff can reduce nurse call-outs and hospital admissions for such tasks as reapplying dressings and sterilising fluids on wounds and pressure sores. Also, with the shortage of blister packs, we could ensure that care staff are able to administer properly recorded medication prescriptions. Many other basic healthcare tasks can be carried out by trained care staff, which would ease the pressure on the health service.

Will the Minister talk to his colleagues in local government to see how these and other measures could be considered? Will he assure the House that those in the most vulnerable group, including the elderly, are not left without human contact, especially where they need assistance? Over the last weekend or so, I have had so many people calling to tell me how frightened and worried they are about their elderly, vulnerable relatives.

The care sector has been underfunded for far too long; too many Governments have not put care at the heart of their policies. There is a misconception that this sector is unskilled. It is not. It is a sector with hard-working, properly trained staff, who are well regulated, and subject to regular inspections by both local authorities and the regulator. I hope that, once this crisis is over, the social care sector will be given a much-deserved priority in government plans.

[BARONESS VERMA]

The other group I want to talk briefly about today is the self-employed and contractors. Many noble Lords have mentioned them in today's discussions. Over the past few days, I have been inundated with people calling me to ask where they can go for government support. This important group of people help to grow the economy. We have a duty to ensure that they have proper care and financial support, and I urge the Minister to ensure that they get it. It was heartening to hear the Chancellor announce that a support package will be coming through very shortly. Will my noble friend impress upon colleagues across government that a proper communication strategy must be put in place and broadcast across all media channels to ensure that people know where to go for easy information?

People have contacted me to ask about the mortgage holidays and rent holidays for renters in the private and public sectors which were announced by the Chancellor. They all have the right to an initial three-month deferral to ease their financial pressures as they are told to stay home by the Government. Have commercial landlords been asked by the Government to give the same support to their tenants, particularly the larger landlords? I shall not name any landlords today, but if they do not support the Government in giving three-month holidays to their business tenants, I will not hesitate to call them out. This is a time when we should all come together and be supportive; nobody should think it is a time when they can make money on the back of somebody else's pain, when they are simply following government instructions to close their business and stay at home. I want the Government to understand that small businesses just do not have the means and resources to navigate around complex forms. I ask the Government to ensure that all information is easy to understand and that if there are application forms to fill in, they are easily found and navigated around.

We all want to ensure that we keep everyone safe, but financial pressures have a huge impact on mental health, as has been said today, and our role is to ensure that in these most challenging times, those who can provide well-being and health support while people stay in their homes are encouraged and supported by the Government.

5.13 pm

**Baroness Barker (LD):** My Lords, I, too, pay tribute not just to the staff of the NHS, who are doing a truly wonderful job, but to the army of cleaners, drivers and shop assistants who are playing an incredible role in the most difficult of circumstances.

I start by echoing what my noble friend Lord Newby—and, to a certain extent, the noble and learned Lord, Lord Falconer of Thoroton—said about the need for scrutiny and for this House in particular to scrutinise legislation. Speaker after speaker has said that at any other time, this legislation would simply not pass.

It is extremely important that when the Government have to take extreme measures—and they do—they do so in an open way and that there is detailed discussion involving people who themselves have the relevant experience and information, or who have access to outside expertise, as do we in this House. That way, we

will go beyond the level of a television interview. We need to deal with matters in great detail and be part of the information and education programme that will be necessary throughout all this, to ensure public support for and recognition of the need for extreme legislation.

Secondly, we must recognise that the Bill comes before us at a moment when we do not have large-scale testing programmes or vaccination, and that that has a direct effect on everything in it. If we have both in a few months—as I very much hope we will—life will be very different, and it will be important then to revisit some of the assumptions built into the Bill.

I want to make a point that may seem obvious, but nobody has yet said it today. When we talk about the NHS and local government, we are talking about completely different systems. The NHS is a centralised system which is largely run on a not particularly democratic basis; it is run more on the basis of expertise. It is a command-and-control system that enjoys a political standing in this country which practically no other body does. Local government is different. It is based on an open democratic procedure, with elected officials, and it does not, by and large, enjoy the same standing. Therefore, local government is, quite naturally, often very defensive and cautious, and for good reason—it gets taken to town by the *Daily Mail* quite frequently. We are suddenly expecting those two systems to function together in the same way. I go back to the point that my noble friend Lord Scriven made earlier, which may seem terribly technical but is in fact very important. There needs to be a general power of direction for local government, so that it can take the decisions that will have a bearing on the health and social care outcomes of its local population.

It is really interesting to see what, even in an emergency situation, government considers to be important and not important. Three things in the Bill are problematic. The first is the removal of the duty on local authorities to provide adult social care. Everybody understands that local government will go through the most massive transformation; it will never be the same again. It will probably have to reorientate everything towards this for years to come, and certainly for a year. However, to remove that duty completely is wrong, because from it flows not just the way in which vulnerable people are dealt with now, during the emergency, but the recovery process for local services and so on. It would be preferable if local government retained its relevant social care duties, but that their application was amended so that it was required to implement them only so far as is reasonably practical. As the noble Baroness, Lady Verma, said, domiciliary care is under immense strain. If local authorities do not make those investments now because they think they will not have the money, the impact on the NHS in a few months' time will be even greater.

When I talk to local government colleagues, as I am sure we all do, they say that one of the big issues worrying them is indemnity for volunteering. The Bill refers to volunteering for a local authority only in relation to health and social care. It may well be that, just to fulfil the health and social care duties, local authorities will have to rely on volunteers to do all manner of other things, such as carrying out some of



their environmental responsibilities. They are really bothered, because local authorities have traditionally spent an awful lot of staff time doing DBS checks because of the nature of what they do. We need not only a fast-track system—for example, not allowing somebody who has ever been barred to be checked—but a much faster system. We should also have an indemnity for a local authority that has to reconfigure very quickly a number of its central functions.

The other point that it is important to make at this stage is that, more so than the NHS, local authorities have had whole ranks of staff taken out. They have a few central managers, and front-line staff. They do not have very much; in fact, unlike in the NHS, most of their services are not provided in-house, so they do not have the ability to command or summon up capacity in the same way the NHS does.

We are expecting that charities will step into that breach, but that sector, as people heard during the debate on the Question answered by the noble Baroness, Lady Barran, this afternoon, is on a cliff edge. Charities do not run with great margins or large amounts of reserves, and they cannot quickly scale up on nothing. You cannot have an entirely voluntary workforce; volunteers need to be managed, which is a skill in itself. Can the Minister talk about the need for there to be grant funds—some via the NHS, some via local authorities, and some direct to charities—in order to build up that capacity?

The Government have taken drastic action in respect of the Mental Health Act. Mental health tribunals are now to be a single judge on a phone—if we are talking in that way, we ought to require them at least to be videophones—and the three-month treatment rule will be changed. I, along with organisations such as Mind and Rethink Mental Illness, accept that in a time of great stress on the NHS we cannot run the system as we do now. However, there are misgivings about people being sectioned under Sections 2 and 3 of the Mental Health Act. Having taken away some very fundamental safeguards with regard to people being deprived of liberty and incarcerated, will the Government reconsider the length of time before which somebody can have their case reviewed and make it much quicker, so that anybody who has been detained by one doctor instead of two will automatically go to the front of the queue for a swift review?

Having said that, one thing that has caused much remark in the social care sector is that there is no mention at all here of the mental capacity legislation. There are two problems with that. First, in emergency medicine there is still a requirement to establish that somebody has mental capacity and to ascertain their wishes. I understand that, at a time like this, an A&E department will not be able to go through such a comparatively bureaucratic process, and that it is possible to do a simplified version of that just for these purposes.

The other, bigger, problem is that we will have lots and lots of very vulnerable people in care homes without access to any sort of representation, or even assessment. So I say to the Minister, and this is a very difficult admission, that the Government may wish to take out some of the bureaucracy and form-filling that was in the Mental Capacity (Amendment) Act, which

some of your Lordships worked on. We should be requiring people who run homes to enable relatives at the very least to have some kind of contact—remote contact, telephone contact, or something like that—if it is not possible to go in and visit. To ignore this completely sends out a really bad message to people.

I fully understand the Government seeing the need to free up medical resources by going down to only one doctor. I imagine that across the NHS people are looking at ways to free up time for medical staff, cut down visits and make sure that people are not going on public transport unnecessarily. As the Minister knows, I am concerned about women's access to early medical abortions. We already have an agreement in England, Wales and Scotland that women can take at home the second of the two pills that they need, provided that they have ongoing support and access by phone to a medical practitioner. I ask the Minister to consider whether women can have a telemedicine interview with the staff of a clinic. They could then very quickly get the medicines that they need and take them safely at home. I am not asking for any other change to the grounds on which that might be done. It is simply an administrative procedure, but it would make an enormous difference to the ability of women, most of them young, to receive that healthcare.

On the next point, I declare an interest: my brother is shortly to retire as a police officer—this week, I think—having served in the Greater Manchester Police for over 30 years. All the provisions in the Bill are about health and social care workers, particularly health workers, returning. All the issues about their pensions apply to other people in public service. I rather suspect that there may come a time when we need police officers who are not long retired to come back, not least because they are first responders, they have some medical training, and all of that. I do not think anyone else has mentioned this issue. It is not a personal plea on behalf of my family in any way at all; it is a genuine point.

On the provisions to review this legislation, it seems wrong that the Government are going to say that the Bill cannot be amended in future. That is a mistake, a point that was made by David Davis in the Commons. As I said, the Bill has been made now on existing knowledge, but the position may well be very different in three or six months' time. Inevitably, some of the proposals that the Government have put in the Bill will turn out to have been necessary, but some will not. It would be in the Government's best interests to retain the flexibility for this Bill to be amended in the light of experience. I hope I have demonstrated, as other noble Lords have, that we say this in the spirit of seeking to be helpful to the Government, not to attack them or to try to achieve any kind of political advantage, and I hope the Minister and his colleagues will reconsider.

The Government have said that there are various powers in the Bill and they will be switched on and off as necessary. That is potentially very confusing. Have the Government thought about having a website, a place to which anyone who has to refer to the Bill can go, with a rolling update on which provisions of the Bill were active and which were not? I can see a number of people who will have to try to make this legislation work having problems doing so.

[BARONESS BARKER]

That said, sadly the Bill is very necessary. We will work hard, and although we will, I hope, be back here, we will work smart and in different ways to provide ongoing scrutiny and to help the Government, and indeed the country, to get through these extraordinarily difficult times.

5.30 pm

**Baroness Thornton (Lab):** My Lords, we are living in a strange and frightening time. I congratulate all noble Lords on their speeches and questions today. I refer to my interests as listed in the register, including the fact that I am a member of a clinical commissioning group until the 31st of this month, when it will be abolished and absorbed.

As always, our thoughts have to be with those who have lost loved ones to this virus. Also, all of us would praise, as we have done today, the extraordinary efforts of our NHS staff and other dedicated public servants. We are for ever in their debt. My nephew, Oliver Carr, is a newly qualified first-year doctor at the Royal Free Hospital here in London. I cannot stress enough how proud we are of Oliver, but we are also, like thousands of families everywhere with loved ones working in our NHS today, very concerned for his safety.

Today, we are being asked to make decisions of a magnitude that we would never have dreamed of a few weeks ago. None of us came here to put on to the statute book powers that would curtail so many basic freedoms which our forebears had fought so hard to put in place and which we take for granted. As my honourable friend Jonathan Ashworth said yesterday:

“This virus spreads rapidly, exploits ambivalence, thrives on inequality”.

I shall speak about health and social care. My noble and learned friend Lord Falconer covered justice and dealt with the aspects relating to coroners—I am very pleased to say—as well as the sunset clauses. Also, I shall not refer to education, because, between them, my noble friends Lady Blackstone and Lord Watson covered the waterfront on the educational questions that need to be asked with regard to the Bill.

The reference in last night’s statement by the Prime Minister to the fact that social isolation and distancing must be enforced was welcome. It was necessary because too many people were not following the advice. I think that we all watched with incredulity and horror the pictures at the weekend of bustling markets and packed Tube trains, beaches and parks, so I am afraid that the public health message was not heard loud and clear, and we now have to see whether it will be.

Everyone who should be at home, must be, and they must work from home. I am afraid that that includes your Lordships. There are six or seven speakers in this debate, including on our Benches, who should not really be with us. They are breaking the Government’s guidelines—now, instructions—and they endanger themselves, which is really worrying. I hate to say this but I know that they are here because most of their friends, including me, would not dare tell them not to be, and they have a contribution to make. However, it does not reflect well on this House after the magnificent example that has been set by the Lord Speaker. Hundreds

of our colleagues are not here and have been sending messages to us, for which we are all grateful. They have been giving us advice, as many of us have mentioned.

I happen to think that Parliament must continue to sit as best it can. We must hold the Government to account, not least because, as many noble Lords have said, inevitably this Bill will have its flaws. Normally, we would have pointed those out over a period of months. It does not adequately cover some very serious areas which we have discussed today, not least the homeless, the self-employed and renters. Therefore, although I feel that the emergency powers, while draconian, are needed, that does not mean that the Government cannot regularly be held accountable. As the Minister said, the powers should be only in the context of this virus.

Turning to the health and social care workforce, one thing that we certainly now know unambiguously, as a result of this pandemic, is that nobody can be unaware of the importance of care workers in our community. There is definitely awareness of social care. It has to be accepted and of course properly funded.

The next few months will present a different level of challenge for the NHS and anyone working in the caring professions. We know that an increasing number of people will become ill and some will require medical treatment in hospital. The additional patient volumes will place enormous pressure on all sectors of our health and social care system. There will be pressures from increased absence by staff who are unwell and self-isolating in their households, so testing is absolutely vital, as is adequate PPE.

I will divert slightly from discussing the health and social care workforce. Several noble Lords mentioned the police, including the noble Baroness, Lady Barker, and the noble Lord, Lord Adebowale. If we are putting on the statute book, as we have been and will do, things that mean that you might be breaking the law if you go out or do something you should not be doing that might involve our police, what protection are we giving them? I will read on to the record what a female police officer has said in a message I have received:

“We need masks for every officer and prisoner, at least four washable masks for police officers: one to use, one to have in the bag for three days to decontaminate before washing, and two to change during the shift. Shower facilities for police officers—there are not enough showers. Gloves. Where do we take prisoners who are symptomatic? Where do we take people in a domestic situation? What happens to child contact arrangement orders? Can a person on bail not sign for bail who is self-isolating? What’s the process for breach of bail? What about registered sex offenders? Do they have to tell us if they intend to be at a different address? They have to attend police stations and register where they are. What do they do if they are symptomatic and away from home?”

She goes on, including on serving warrants and all the issues that our police have to face on a daily basis and which will increase. The Bill does not address those issues, but the Government absolutely have to address them.

The Bill includes provisions for regulators to register suitable healthcare professionals, such as nurses, midwives and paramedics, as well as social workers, including those who have recently retired or are on career breaks. To facilitate the return of experienced staff, we understand that rules that prevent retired NHS professionals working

for more than 16 hours a week and which affect their pension entitlement have been suspended. However, procedures must be in place to ensure that background checks and other measures are fast-tracked. We must ensure that the well-being of these people is prioritised.

The Government will also be registering final-year nursing and medical students who are near the end of their training. These students have to be supported, supervised and properly remunerated. I absolutely back what the noble Baroness, Lady Watkins, said about the debt that nurses face.

We recognise that it will be appropriate and necessary for doctors, nurses and other registered health professionals to work outside of the usual scope of their practice and specialisms, and that a far wider range of staff than usual will be involved in directly supporting Covid-19 patients with respiratory needs. The Bill includes indemnity provisions for those undertaking these services. However, it is vital that NHS staff working outside their usual scope of practice are trained in how to care for vulnerable patients. Can the Minister outline what training will be available, what it will entail and how many staff will need to be trained to use ventilators?

We also recognise that health staff will need to depart, possibly significantly, from established procedures to care for patients in highly challenging but timebound situations at the peak of an epidemic. Can the Minister advise what guidance will be issued to assist clinical staff to make these calls? Can he assure the House that they will be kept under constant review?

I echo and support the words of the noble Lord, Lord Adebawale, about the importance of support for social enterprises. That is based on the role and importance that they have in the delivery of social care in this country. Can the Minister commit that he and his colleagues will meet with Social Enterprise UK and its colleagues to discuss this matter urgently?

The Bill also includes provisions for drafting in volunteers, which noble Lords have discussed, but we have to recognise that people with disabilities and chronic conditions often have some of the most complex care needs. It is very unlikely that volunteers will be able to provide the care that they need. We need reassurances that these people will continue to receive the appropriate care they need from professionals.

The Bill will allow NHS providers to delay undertaking the assessment process for NHS continuing healthcare for individuals being discharged from hospital until after the outbreak has ended. We understand that this will allow hospitals to discharge all in-patients who are clinically fit to leave without delay. Sir Simon Stevens has advised that this will potentially free up 15,000 acute beds. However, it is important that these measures are brought into operation for only the shortest possible time at the peak of the outbreak. The increased burden on social care services, already creaking before the pandemic, means that they will simply not be able to cope. We are concerned that the sector will be unable to cope. It is understandably a great worry for existing service users, who will know how dependent they are on the social care they receive daily.

There is huge concern about how domiciliary social care will cope during the crisis. It really is the front line of social care, with dedicated but low-paid care workers

providing vital personal care services, visiting people in their homes daily, moving from client to client and providing the link with the outside world for people who depend on them, particularly if they are without family and care support. Can the Minister reassure us, for example, that the 15-minute visits will be extended to make sure that there is adequate time for a care worker to take the effective Covid-19 precautions as well as seeing to people's needs, reassuring them and addressing any problems? What guidance has been issued on this?

Finally on social care, the risk to care and nursing homes with older people living in them cannot be overstated. There is a huge responsibility on managers and staff to keep the virus out. Does the Minister anticipate that care workers will be required to self-isolate with residents in the event of a quarantine or lockdown? I think it is obvious: if the pandemic takes hold in a care home, that care home could account for all the acute beds in that area, so it is a very serious problem indeed.

The noble Baroness, Lady Barker, covered the waterfront on mental health issues. On the powers to detain and treat patients who need urgent treatment under the Mental Health Act, to be exercised using one doctor's opinion rather than two if that proves impractical or would result in unhelpful delay, can the Minister just clarify for us what the thresholds are for impracticality and unhelpful delay? I think that was the only question the noble Baroness did not ask on this.

On deprivation of liberty, I echo what the noble Baroness, Lady Barker, said. Also, pressure on care homes is already significant. The legislation—which the Minister was not involved in getting through the House, but many of us here were—is being carried through now, so this really increases the pressure on care home managers.

One of the side-effects of the Government's Bill will possibly be to reduce access to terminations. I agree with the noble Baroness, Lady Barker, that this is a problem. The Minister and the Government really need to address that.

On supporting the public over domestic violence and abuse, the evidence suggests that domestic violence may increase during this time and that children are particularly vulnerable. What are the Government doing to recognise this? Are they improving funding to this sector? Are they considering the most vulnerable, including ensuring immediate funding as well as replacement income for refugees that have already had to close?

Turning to renters, it is clear that nobody should have to lose their home because of the virus and its impact. The Government have acknowledged that with their action on mortgage holidays, yet have failed to protect those in the rented sector. Despite suggestions otherwise, we believe that the Bill fails to legislate for a ban on evictions. I hope that the Minister can confirm that the Government intend to amend the Bill to this effect or to introduce further primary legislation. There seems to be an overwhelming case here. Some 20 million people in England rent, 6 million of whom have no savings whatever, so they are particularly vulnerable if they lose their job or have their hours cut as a result of

[BARONESS THORNTON]

this virus. Last week, Shelter estimated that 50,000 households could face eviction through the courts in the next six months, thereby creating yet another crisis. We therefore remain extremely concerned that a three-month pause on evictions will defer this crisis only to the end of that period because landlords will then demand the total arrears of three months' rent from many tenants who may not have been able to work at all and certainly will not be able to pay.

I turn now to the homeless. The Government need to address the specific question of people who have no recourse to public funds. As noble Lords will know, people experiencing homelessness, particularly those who are rough sleeping, are especially vulnerable in this outbreak. They are three times more likely to experience chronic health conditions, including asthma and COPD, and many are unable to access healthcare or housing because they have no recourse to public funding and benefit restrictions. These people include those on appeals whose rights are exhausted, EU and EEA migrants, people with existing visas, those whose status is not regularised, domestic workers and other migrant workers, as well as the victims of trafficking and torture, so it is critical that this is resolved. It is in everyone's interests that it should be resolved—if we have people on our streets who are either infected or infectious, that will put yet more strain on the NHS.

On income support, we need income protection for those in precarious forms of employment. Apart from anything else, it would stop them packing Tube trains. One reason the Tube is packed is that many people in very low-paid jobs have to get to work. Like other noble Lords, we remain concerned that the Bill fails to give many people the financial support they need to get through this crisis. They should not be expected to make the choice between their health and hardship. Several noble Lords have talked about the self-employed and they are absolutely right to do so. The Government need to look at the position of the self-employed in a generous way. The Government should also act now to assist millions of people through the universal credit scheme by increasing it, suspending sanctions and scrapping the five-week wait for the first payment. We await to hear what the Chancellor will announce on this as a matter of urgency.

The issue of food is important. Stockpiling is clearly taking place and it is happening because people are not reassured that there is enough food to go around. The most vulnerable are losing out, so the Government have to take this very seriously. We understand that military personnel might be brought in to help with food chain logistics. Can the noble Lord explain what their role would be? Additionally on our food supply, by this summer we will need some 80,000 seasonal workers to pick fruit and vegetables, so we will have to train a reliable workforce for that.

The noble Baroness, Lady Grey-Thompson, covered the issues affecting the lives of disabled people. The Government's plans in the Bill for this crisis will roll back 30 years of progress for disabled people. While we may tolerate this for a short period, we cannot tolerate it for very long. All the years that we fought for disabled people's right to social care are being

eroded and undermined, along with their civil liberties and right to support. We need to put the noble Lord on notice that, particularly in this House, we will tolerate this for as short a period as possible.

I want to say a word about food banks, which are suffering from, or are in danger of suffering from, shortages. Here I pay tribute to some of our major retailers, the Co-op in particular, for ensuring that deliveries to FareShare schemes are going through. Today I saw a message from the manager of a Boots shop, complimenting the staff on dealing with a totally unacceptable level of abuse. Apparently, it happens particularly when they run out of Calpol. Such scenes are being repeated over and again in our shops and supermarkets, so I pay tribute to all their staff and managers, who are doing very hard jobs, along with other shopkeepers and indeed our farmers.

In conclusion, as my noble and learned friend Lord Falconer said in his opening speech from these Benches, we lend our support to the Government to put this legislation on to the statute book without delay, but not without comment or scrutiny. This is just the beginning of the challenges of the crisis facing our nation and our democracy.

5.49 pm

**Lord Bethell:** My Lords, I thank noble Lords enormously for their powerful contributions in this Second Reading debate on this important Bill. It is an incredibly technical Bill; it is nearly 400 pages long. It was drafted on the hoof, at pace and in quick time. Noble Lords have stored up an enormous number of extremely thoughtful and, at times, extremely technical questions; there have been literally hundreds of them in today's proceedings. I will try my hardest to answer as many of them as I can and I will write to noble Lords where I can, but I emphasise to the Chamber that, given that we will go into recess shortly, my phone remains on for any noble Lords with questions about either the Bill or the ongoing Covid-19 arrangements. I very much want to stay in touch with noble Lords who have questions.

Despite isolation and social distancing, we embraced technological innovation and embarked on a large amount of engagement for the Bill. I thank very much all the parties who engaged on the Bill—the noble Baroness, Lady Thornton, the noble Lord, Lord Newby, the noble and learned Lord, Lord Judge, who is not here, and their various parties and conventions—all of whom engaged in an extremely positive, constructive and important way. The tone adopted was a great example of Parliament coming together. I am very grateful and hope that that will continue during the Bill's passage.

A number of noble Lords bore testimony to the hard work of NHS staff and those who work in social care. I want to take a moment to say thanks to those who work at Public Health England, without whom we would not be in the good shape that we are in, and who continue to provide incredibly important scientific and supporting work for our healthcare system. I also want to take a moment to say a word of gratitude to every single member of the staff of the House who is here despite the circumstances, as well as to the Bill team, which has literally moved mountains to pull

together an incredibly complicated and long Bill in such a short time and done so with great humour and tolerance; huge thanks to them.

I want to use this speech, first, to update the House on a Statement made in another place by the Secretary of State for Health and Social Care earlier today. Ultimately, our goal is clear: we must slow the rate of transmission to protect the NHS. Our instructions are simple: stay at home. People should leave home for one of only four reasons: first, to shop for basic necessities, for example food and medicine, which must be as infrequent as possible; secondly, to exercise once a day, for example a run, walk or cycle alone or with members of the same household; thirdly, for any medical need or to provide care or to help a vulnerable person; fourthly, to travel to and from work but only when it cannot be done from home. Employers should take every possible step to ensure that remote working can happen. These four reasons are exceptions to the rule.

A number of noble Lords, including the noble and learned Lord, Lord Falconer, asked about the powers to enforce the PM's instructions regarding essential travel and gatherings. For England and Wales, they will be introduced by regulations under the Public Health (Control of Disease) Act 1984. The Coronavirus Bill will give Scotland and Northern Ireland similar regulation-making powers. As the Prime Minister indicated yesterday, these measures are intended to protect the NHS and our social care service, and to save lives. We have taken the right steps at the right time but the spread of coronavirus across the UK is accelerating more rapidly than was originally forecast. Therefore, it is right that this Bill gives all four UK Governments maximum legislative flexibility to reflect the unpredictable circumstances that we will face.

I was pleased to see widespread support in the Chamber from noble Lords for these measures; the measures will, first, increase the health and social care workforce; secondly, they will ease the burden on front-line staff; thirdly, they will contain and slow the spread of coronavirus; fourthly, they will allow us to manage the deceased with respect and dignity; and, finally, they will support people in getting through the crisis. However, I assure all Members of this House that none of these powers is taken lightly. The powers that we take in this Bill are not powers that the Government planned to take, but they are absolutely necessary.

A number of noble Lords spoke about the "on and off" aspect of the powers. I want to reassure the Chamber that the Government will activate them only on the basis of scientific advice. Guided by the experts, we will look at the evidence and continually review the effect of these measures.

Many noble Lords pressed me on whether the necessary powers were in place to curtail the provisions in the Bill. To reiterate, such a power is already in the Bill. Most of the powers in the Bill can be suspended and revived by the Government as the science dictates. On top of this, we amended the Bill last night in the other place to allow us to terminate provisions at the six, 12 and 18-month points.

I hope that noble Lords will agree that the Bill achieves the right balance between the necessary powers alluded to by the noble Lord, Lord Newby, and the noble

and learned Lord, Lord Falconer, and the proportionality referred to by the noble Lord, Lord Blunkett, and my noble friend Lord Robathan. I am grateful for the endorsement from my extremely learned friend, the noble and learned Lord, Lord Judge, who notes that the Bill is proportionate in the unparalleled circumstances that we face.

I thank those noble Lords, including the noble Lord, Lord Oates, who raised the issue of the deprivation of liberty safeguards. We recognise that we have to strike a careful balance between the need to protect some of the most vulnerable in our society with preventing the spread of the virus. Therefore, we have decided not to alter deprivation of liberty safeguards in primary legislation. However, we think that we can achieve significant improvement to the process through emergency guidance. That will include making clearer when a deprivation of liberty safeguards authorisation is necessary, and the basis on which an assessment can be made, including, for example, phone or video calling for assessment. We are especially grateful to the noble Baroness, Lady Finlay, and other experts, who have worked with us on this. On that note, I also thank the noble Lord, Lord Anderson, who has given sage advice on a number of highly technical and detailed aspects of the arrangements for lord commissioners. I cannot answer those points from the Dispatch Box right now, but I shall certainly take them home and reply to him in time.

This brings me to the Government's ongoing work to keep the country running. My noble friends Lord Robathan and Lord Naseby spoke movingly about this, as did the noble Lord, Lord Inglewood, the noble Viscount, Lord Colville, and the noble Baronesses, Lady Ludford and Lady Bennett. They have all raised important points about how we will need to fortify our economy and ensure that it bounces back. As I explained in opening, there is a direct connection between the effectiveness of our healthcare measures and our ability to ensure that people can pay their bills and are not driven back to work. The Chancellor has outlined an unprecedented package of measures to protect millions of people's jobs and incomes as part of the national effort in response to coronavirus. This Government's response includes strengthening the safety net for the self-employed, who will benefit from a relaxation of the earnings rules under universal credit and deferring income tax self-assessment payments due in July 2020. We have always said that we will go further where we can, and we are actively considering further steps.

The noble Lords, Lord Adonis, Lord Low, Lord Watson and Lord Blunkett, and the noble Baroness, Lady Blackstone, among others, raised the impact of the pandemic on schools and students. As a father of four children who are being home-schooled at the moment, I feel those questions personally. This Government have confirmed that exams will not go ahead this summer and that we will not publish performance tables. These decisions were not taken lightly. There will instead be a standardised grades process set by the Office of Qualifications and Examinations Regulation which will take into account a range of evidence including, for example, non-exam assessments and mock results. Ofqual is working urgently with the exam boards to set out proposals for how this process

[LORD BETHELL]

will work. I assure noble Lords that it will talk to teachers' representatives before finalising an approach to ensure that it is as fair to students as possible. Furthermore, the Government will issue a statement shortly on what we will do more broadly to ensure that the teaching workforce is maintained.

I turn next to social care and support for the disabled and carers, which was rightly highlighted by the noble Lord, Lord Low, the noble Baronesses, Lady Blackstone and Lady Grey-Thompson, who spoke incredibly movingly on her own behalf and that of the noble Baroness, Lady Hollins. A number of noble Lords expressed serious concerns about the state of the adult social care market to deal with these profound pressures. I assure noble Lords that these concerns are felt very meaningfully at the Department of Health. My colleague Helen Whatley is a tireless champion and an effective administrator, who is bringing both money and expertise to bear on this subject.

I completely accept and take on board the testimonies we heard in the Chamber today. The challenge to social care is profound, and many of the anecdotes told and circumstances alluded to in this House are of paramount concern. The challenges we face are enormous. We know that local authorities and providers will do everything they can to continue to meet all needs. The noble Lord, Lord Scriven, spoke movingly and persuasively about that challenge. But we cannot rule out the possibility that, in the coming period, they will need to take difficult decisions and may need to be able to focus their resources on prioritising accordingly to meet the most urgent needs. The inclusion of the Human Rights Act in these provisions is intended to underscore that, where local authorities need to prioritise care during the coming period, there is an absolute and unavoidable obligation on them to meet everyone's human rights as an absolute minimum. We are developing guidance on how councils can use these powers in the best possible way. The Secretary of State will have powers to direct councils to comply with this.

We also intend to make changes to the current rules regarding entitlement to carer's allowance for those who have had to take a break in care, so that they can continue to receive carer's allowance. During the period of Covid-19, emotional support can also count towards the carer's allowance care threshold of 35 hours a week.

On protecting the most vulnerable, I want to update the House on shielding, which was introduced yesterday. We are writing to up to 1.5 million of the most vulnerable people in the UK to advise them that they will need to shield themselves from the virus in the coming months. We will provide targeted support for all those who will need it, so that they have the food, supplies and medical care to make it through.

I will say a few words about housing, which was touched on by a number of noble Lords. What we are setting out in this Bill delivers on our commitment to protect tenants during the crisis. These measures will mean that landlords cannot start possession proceedings in court for an initial period of three months, providing tenants with a clearly defined breathing space in which they will not have to leave their home because of a new

eviction procedure. This is a proportionate response that mirrors the three-month mortgage relief we are giving to landlords with mortgages. We also have the power to extend both the three-month notice period and the date these powers will end, and we are clear that we will use these powers if necessary. This legislation is one part of our package of support; it should not be seen in isolation. We have sought to ensure that tenants will still have income coming in so that they can continue to pay their rent, and additional legal protections for tenants are being introduced.

However, let us not forget that the cold-weather period is a particularly tough time for those sleeping rough, as was quite rightly highlighted by the noble Lord, Lord Adebawale, and the noble and learned Lord, Lord Falconer. Given the grave situation, they quite rightly asked about the steps that the Government are taking to protect and support those who are most vulnerable and living on the streets. Some £1.6 billion of additional funding will go to local authorities to enable them to respond to Covid-19 pressures across all the services they deliver, including stepping up support for the adult social care workforce and for services helping the most vulnerable, including homeless people.

There is much more that can and will be done. Our work is continuing, our funding is increasing and our determination is unfaltering. I welcome the opportunity to meet Social Enterprise UK, an organisation that I am familiar with, and I will ask my personal office to arrange that.

Many noble Lords have asked about the justice system, including the right reverend Prelate the Bishop of Rochester, the noble and learned Lord, Lord Falconer, and the noble Lords, Lord Hastings, Lord Ramsbotham, Lord Blunkett and Lord Scriven, and rightly so; given the way that people are treated in the justice system, this experience may have a profound effect on helping them to recover. In response to why there is no mention of prisons and probation in the Bill, as the noble Lord, Lord Ramsbotham, asks, the Secretary of State has advised that powers exist that are considered sufficient for the needs in prisons and for the probation service at this time. Any decision on the release of prisoners would need to be made by the Lord Chancellor in agreement with the Prime Minister and would need to balance public protection considerations. Any decision to release individuals would also need to take into consideration the shared pressures faced by probation services.

Regarding the extremely delicate and important question of pregnant women, governors have been provided with guidance issued by the Royal College of Obstetricians and Gynaecologists and the Royal College of Midwives on supporting pregnant women, and we will continue to provide updates on this. In addition to this, the prison group director for the women's estate has issued advice on measures that can be used to enable implementation.

I turn to the remarks of the noble Baroness, Lady Barker, who has made some important and pertinent points about abortion. We completely recognise that continued access to safe abortion services has to be a priority, and in early meetings she bore testimony

to the challenge and stresses for women in that situation. That will mean that doctors have to work flexibly to ensure that certification can still take place in a timely way, and not to delay women in any way from receiving treatment. There is no statutory requirement for either doctor to have seen and examined the patient. Assessment can take place via telemedicine or webcam or over the phone; DHSC guidance is clear on this point. We are also clear that the doctors can also rely on information gathered by other members of the multidisciplinary team in reaching their good-faith opinion. For these reasons, we do not consider that changes to certification treatment for abortions should form part of the Bill.

I am sincerely grateful for the important contributions made by my noble friend Lord Sheikh and the noble and learned Lord, Lord Falconer, who asked what steps we have taken to ensure that there are no forced cremations for religious followers. This is a very delicate issue, and stakeholder engagement has been moving and persuasive. I reassure noble Lords that we are engaging with faith communities to make sure that contingency measures are designed with due consideration for different practices around managing the deceased.

**Lord Sheikh:** Is my noble friend able to give me the guarantees that the community is looking for with regard to burial and cremation? They are looking for assurances and guarantees.

**Lord Bethell:** My noble friend Lord Sheikh spoke very movingly. The amendment agreed to in the Commons is, I believe, an extremely important step in the right direction. A huge amount of discretion is given to local councils to make arrangements with the communities that they know best. This is a set of decision-making that is best made at a local level, and for that reason I would prefer to leave it in the hands of the amendment and in the hands of the local councils. However, I want to be clear that faith communities will be involved in the drawing up of statutory guidance that will be issued before any direction affecting burial or cremation

is issued. It is of the utmost importance during this difficult time that we continue to respect people of faith and their beliefs.

People across the United Kingdom have already responded heroically to this threat, as we knew they would, and it is clear from the quality of discussion that this House will do the same. I am frustrated that there are several noble Lords whose questions I have not been able to tackle; my noble friends Lord Balfe and Lord Bates, the noble Lord, Lord Watson, and the noble Baroness, Lady Bennett, are on my mind, and there are others who may also wish to stay in touch.

I want to be clear that the Bill is a necessary weapon in the fight against coronavirus. The Bill is a vital tool in our efforts to protect lives and, as this debate has shown, it commands broad support.

*Bill read a second time and committed to a Committee of the Whole House.*

### **Contingencies Fund Bill** *First Reading*

6.10 pm

*The Bill was brought from the Commons, endorsed as a money Bill, and read a first time.*

### **Divorce, Dissolution and Separation Bill [HL]** *Third Reading*

6.11 pm

*A privilege amendment was made.*

6.11 pm

*Bill passed and sent to the Commons.*

*House adjourned at 6.12 pm.*







**Volume 802**  
**No. 46**

**Tuesday**  
**24 March 2020**

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**CONTENTS**

**Tuesday 24 March 2020**

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