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PARLIAMENTARY DEBATES  
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HOUSE OF LORDS  
OFFICIAL REPORT

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The following abbreviations are used to show a Member's party affiliation:

<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

Monday 12 October 2020

The House met in a hybrid proceeding.

1 pm

Prayers—read by the Lord Bishop of Oxford.

## Introduction: Lord Sharpe of Epsom

1.08 pm

Andrew Michael Gordon Sharpe, OBE, having been created Baron Sharpe of Epsom, of Epsom in the County of Surrey, was introduced and took the oath, supported by Lord Taylor of Holbeach and Baroness Pidding, and signed an undertaking to abide by the Code of Conduct.

## Introduction: Lord Lancaster of Kimbolton

1.14 pm

The right honourable John Mark Lancaster, TD, having been created Baron Lancaster of Kimbolton, of Kimbolton in the County of Cambridgeshire, was introduced and took the oath, supported by Lord Arbuthnot of Edrom and Lord Randall of Uxbridge, and signed an undertaking to abide by the Code of Conduct.

## Arrangement of Business

Announcement

1.17 pm

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, respecting social distancing, and others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. Oral Questions will now commence. Please can those asking supplementary questions keep them short and confined to two points? And I ask that Ministers' answers are also brief.

## Covid-19: Over-60s

Question

1.18 pm

Asked by **Baroness Bryan of Partick**

To ask Her Majesty's Government, further to the advice by the World Health Organization that people over 60 should be treated as vulnerable to COVID-19, what plans they have to support people in this age group during the COVID-19 pandemic who must work because they do not have access to a pension.

**The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Stedman-Scott) (Con):** My Lords, people over 60 are not automatically considered to be either clinically vulnerable or clinically extremely vulnerable, as those categories are based on specific

clinical circumstances. Employers have a duty of care towards their workers and should ensure that appropriate steps are taken to mitigate health and safety risks in the workplace. For those who are unemployed, we have announced a comprehensive jobs package to build on the existing Jobcentre Plus support.

**Baroness Bryan of Partick (Lab) [V]:** I thank the Minister for her reply. Is she aware that healthy life expectancy for women in Glasgow is 58 years and six months, but many women in poor health have to continue to work because they still have years to wait for their state pension? Some 80% of key workers in education, health and social care are women, and these occupational groups are among those at the highest risk of Covid-19. Approximately 32% of these women are over 60. Can the Minister explain why the Government cannot give them early access to their state pension?

**Baroness Stedman-Scott (Con):** First, I want to say how we value the work that front-line workers do and how much of a debt we owe to them. The Government are not considering granting early access to the state pension; I am unable to say more than that.

**Baroness Gale (Lab) [V]:** Will the Minister agree with me that women over 60 who work in care homes have to make impossible decisions between a job and their health, and will she further agree with me that they have made great sacrifices over the last few months to protect the people they care for? Will she commit now to ensure all care homes are Covid-safe by improving the health and safety regime and ensuring that employers follow the guidance?

**Baroness Stedman-Scott (Con):** I am pleased to be able to confirm to the noble Baroness and indeed to the whole House that, since late March, the Health and Safety Executive has had an extra £14 million in its budget. It has carried out a programme of interventions to check how businesses are implementing measures to reduce the transmission of Covid. Concerns are acted on quickly, and the HSE decides on what kind of enforcement there has to be.

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** My Lords, for the avoidance of doubt, will the Minister redouble efforts with colleagues to correct the pension injustice done to the WASPI women, which has been exacerbated by the Covid issues of this year, and ensure fair transitional arrangements for all women born in the 1950s who are affected by these pension changes?

**Baroness Stedman-Scott (Con):** I understand the noble Baroness's concern. However, both the High Court and the Court of Appeal have supported the actions of the DWP and, because that is being appealed, we are not able to comment on ongoing litigation.

**Baroness Eaton (Con) [V]:** My Lords, could my noble friend the Minister clarify the position for workers living with someone who is shielding or clinically extremely vulnerable? Do they now need to go back to work?

**Baroness Stedman-Scott (Con):** Shielding was paused on 1 August in England, and clinically vulnerable and extremely vulnerable people are now required to follow the same local and national arrangements as the rest of the population. This means somebody living with someone who is clinically extremely vulnerable is able to attend work as normal if they are unable to work from home.

**Baroness Walmsley (LD) [V]:** My Lords, at the heart of this Question is how to protect the most vulnerable. At the start of the pandemic, my husband received a letter telling him to shield because of his vulnerability and, as the noble Baroness said, in August he got another letter saying that he no longer needed to shield. Given that virus cases are now doubling every day, what consideration is being given to whether such letters will be sent out again, on what criteria and in which tiers of risk?

**Baroness Stedman-Scott (Con):** The answer to the noble Baroness's question needs to come from the Department of Health and Social Care. I will talk to my colleague and ensure that a letter is written to the noble Baroness with the answers to her questions.

**Baroness Altmann (Con):** My Lords, I am glad my noble friend agrees that people in their early or mid-60s are fit and healthy, and most are able to work. However, some are genuinely unable to do so. In light of the near 20-year differential in healthy life expectancy across the UK and looming rises in unemployment, might the Government consider a bit more flexibility in the state pension and allowing early access, perhaps on health grounds?

**Baroness Stedman-Scott (Con):** It will come as no surprise to my noble friend that the Government at this point have no plans to review early access to state pensions, as I have already said. Where people have health conditions and are in receipt of universal credit, however, depending on the circumstances, they may be able to receive an additional amount.

**Lord Berkeley of Knighton (CB) [V]:** My Lords, this Question is particularly pertinent to freelancers and people in the creative industries. In fact, the Musicians' Union told me this morning that it has around 10,000 members who fall into this category. Given that it is very difficult for people of this age to retrain, and when they do retrain it is difficult for them to get jobs against 20 year-olds and 30 year-olds, what would the Minister suggest these people do when they are in financial extremis?

**Baroness Stedman-Scott (Con):** My understanding is that if somebody's job has gone—and I take what the noble Lord says about the creative industries—they can apply for universal credit. They will get the support of a work coach, who will help them in the next phase of their journey, in working out what work they could do and what transferable skills they have, and then turning every stone to make sure that they secure alternative employment.

**Baroness Sherlock (Lab) [V]:** My Lords, just as unemployment started to rise, the Government decided to reinstate conditionality and sanctions. From what

the Minister has just said, is she really saying that if somebody who is clinically extremely vulnerable—on grounds of either age or condition—or who lives with someone like that, refuses to take a job, because they think they would put themselves or their partner at risk, the Government would sanction them and take away some of their benefits? Is she really saying that?

**Baroness Stedman-Scott (Con):** I respond by saying to the noble Baroness that the work coaches are exercising caution and compassion when considering sanctions. Only if there is no good reason for somebody to turn down an opportunity will sanctions be applied.

**Lord Balfe (Con):** The Question actually refers to “the advice by the World Health Organization that people over 60 should be treated as vulnerable to COVID-19”. Some 24.1% of the British population is aged over 60—most of this House is aged around 70. The average age of Covid deaths is 82. Does the Minister agree that the WHO brings itself into disrepute somewhat if it starts categorising a quarter of the population as vulnerable? Would the Minister confirm that the many over-60s who are working hard to get this country back on its feet also deserve a bit of praise?

**Baroness Stedman-Scott (Con):** I completely agree with the noble Lord that it is patronising and not a good thing to be judging people aged over 60, because of their ability to work or otherwise. Noble Lords in this House—I include myself in that—would say that they work very hard and make a great contribution to the country. We owe a huge debt to the over-60 generation, but I am afraid I am not going to comment on what the World Health Organization says people should do.

**Lord Flight (Con) [V]:** My Lords, I first ask for clarification of whether the World Health Organization report is based solely on age and does not take potential physical condition into account. Secondly, what steps are the Government taking to prevent long-term unemployment among older workers as a result of Covid-19?

**Baroness Stedman-Scott (Con):** On the noble Lord's first point, I will need to write to him and clarify that answer. Secondly, the Government have recently announced their plan for jobs, doubling the number of work coaches and putting £150 million into the flexible support fund. The Government are also offering people all manner of support services. We are not writing anybody off and we are going to turn every stone to get people back to work.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** My Lords, the time allowed for this Question has elapsed.

## LGBT International Rights Question

1.29 pm

Asked by **Lord Black of Brentwood**

To ask Her Majesty's Government what steps they are taking (1) to support, and (2) to enhance, lesbian, gay, bisexual and trans rights internationally.

**Lord Black of Brentwood (Con):** My Lords, I beg leave to ask the Question standing in my name on the Order Paper. I declare my interest as a patron of the Terrence Higgins Trust.

**The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office (Baroness Sugg) (Con):** My Lords, the UK is a strong supporter of lesbian, gay, bisexual and trans rights internationally through our overseas network, at the UN and through our co-chairmanship of the Equal Rights Coalition. During the recent UN General Assembly, I announced further UK support to help Commonwealth Governments and civil society to repeal outdated, discriminatory laws. Today, I can announce a further £800,000 of funding to support the work of the Commonwealth Equality Network.

**Lord Black of Brentwood (Con):** My noble friend will know that, in many countries, the Covid-19 emergency has been used by Governments to curtail human rights, with LGBT people very much in the firing line in places such as Uganda and Turkey. Some, particularly in those countries where homosexuality is criminalised, have been jailed under the guise of enforcing Covid legislation. However, is my noble friend aware that the pandemic risks the progress that has been made internationally in tackling HIV, with a rise in new infections of up to 60% and possibly half a million extra deaths from AIDS predicted this year as a result of disruption to antiviral therapy services—with tragic consequences for those who are most marginalised and at risk? Will she commit to the protection of LGBT people as a core component of the Government's international response to Covid, including preventing HIV transmission and ensuring that new vaccines and treatments are available to and affordable for all?

**Baroness Sugg (Con):** My Lords, we are clear that states must not use Covid-19 as a cover for repressive action, including discrimination against LGBT citizens. Like my noble friend, I am concerned about the impact Covid is having on HIV care and prevention, and we are taking steps to action this. The global fund, to which the UK is the second-largest donor, is reallocating up to \$1 billion to continue prevention and treatment services. The UK is fully committed to equitable global access to safe and effective Covid-19 vaccines.

**Lord Herbert of South Downs (Con):** My Lords, I draw attention to my entry in the register of interests. As chair of the Government's international LGBT conference, which regrettably had to be postponed, may I ask my noble friend to update the House on what is happening with this important event, which offers the opportunity to demonstrate to the world the Government's commitment to the promotion of LGBT rights? Will she also say something about the opportunity to announce a funding commitment for the groups all around the world that fight hard to promote LGBT rights and which rely on support from the UK and other Governments?

**Baroness Sugg (Con):** My Lords, we are looking forward to hosting the international conference. As my noble friend said, our ambitious plans, sadly, had to be postponed. We are looking at alternative options

that will ensure that the event achieves all we want it to and is safe for our delegates; we hope to make an announcement on that shortly. We have a strong record on funding and supporting LGBT rights programmes, and that will continue.

**Baroness Hunt of Bethnal Green (CB) [V]:** My Lords, the UK is rightly proud of its record on both LGBTI rights and inclusion and the global power and influence of the FCDO. In order that we can strengthen our position on the global stage, will the Minister seek advice from countries with legislation that is more progressive than our own—including Ireland, Denmark, Malta and Portugal—so that we can be world-beating once again?

**Baroness Sugg (Con):** My Lords, the UK is recognised as one of the most progressive countries on LGBT rights and has one of the world's strongest legislative frameworks to prevent and tackle discrimination. We are fully committed to the principle of non-discrimination on any grounds, including on the basis of sexual orientation and/or gender identity.

**Lord Browne of Ladyton (Lab) [V]:** My Lords, the Minister will be aware that on 27 September, an open letter was released urging the Polish Government to end discrimination against sexual minorities. It was sent by envoys from 50 countries, including the UK, the US, Israel, India and Poland's EU partners. Many towns in Poland have declared themselves free from LGBT ideology. It is commendable that our ambassador signed the letter, but is that sufficient? Are there any plans for this message to be delivered to the Polish Government at ministerial level?

**Baroness Sugg (Con):** My Lords, our embassy in Warsaw works actively on this agenda with both civil society and the Polish Government, in close co-operation with our diplomatic partners. The noble Lord pointed to the letter that the UK ambassador recently signed. Earlier this year, the embassy hosted an expert round table with Polish businesses and LGBT groups. We fly the rainbow flag annually, and our embassy in Warsaw will continue to work on this important agenda and support the groups that are fighting for equal rights in Poland.

**Baroness Barker (LD):** My Lords, statistically, LGBT citizens of the United Kingdom enjoy greater rights than many people around the world, but citizens of our overseas territories do not. They often find themselves in legal limbo, whereby they cannot appeal to their Government or ours. What are the Government doing to close that legal loophole for citizens in our overseas territories?

**Baroness Sugg (Con):** My Lords, as the noble Baroness will know, the British Overseas Territories are separate and largely self-governing jurisdictions with their own democratically elected representatives. That said, we are seeing progress. I was delighted to see the Government of the Cayman Islands introduce civil partnerships legislation recently. We have seen good progress on that and I hope that other OTs will follow.

**Lord Collins of Highbury (Lab):** My Lords, Theresa May's apology at the Commonwealth Heads of Government Meeting in London in 2018 marked a turning point, placing the responsibility for laws that outlaw homosexuality at our door. I welcome the fact that the Government are topping up the fund, but how much progress has been made on decriminalisation in Commonwealth countries and are other countries contributing to the fund to ensure that we make more rapid progress?

**Baroness Sugg (Con):** My Lords, we have seen good progress over the past two years. Our UK-funded Equality & Justice Alliance has helped to promote the full social, economic and political participation of all, has helped to support the creation and strengthening of movements for change and has delivered a series of dialogues across the Commonwealth. We hope to see further progress in Commonwealth countries.

**Lord Moynihan (Con):** My Lords, trans rights in international competitive sport is a sensitive and important issue. Does my noble friend the Minister agree that leaving it to international sports federations and not enshrining it in domestic legislation is the only fair and sensitive way to address this incredibly difficult and sensitive issue, given that the current guidelines allow successfully transitioned athletes to compete internationally, subject to limiting testosterone levels as a metric in women's competition categories?

**Baroness Sugg (Con):** I agree with my noble friend: it is right that sports bodies have the discretion to set their own rules on these issues.

**Baroness Wilcox of Newport (Lab) [V]:** My Lords, like my noble friend Lord Browne of Ladyton, I have issues with the regime in Poland. I welcome the Minister's recent answer, but can I press her slightly further to confirm whether the UK Government, with allies, are exploring any further steps to support the LGBT population of Poland?

**Baroness Sugg (Con):** My Lords, we are working closely with allies to support the LGBT community in Poland. Recently, we have seen concerning reports of local councils and regional administrations in Poland making themselves free of LGBT ideology. We are also working with all our allies to make it clear that we oppose all forms of discrimination and are committed to protecting and promoting the rights and freedoms of LGBT people in Poland.

**Baroness Warsi (Con) [V]:** My Lords, every country is on a journey in recognising LGBTQ rights. Indeed, over the past decade my party—particularly under the leadership of the right honourable David Cameron—and I have learned much and made huge strides. Will my noble friend accept, therefore, that we must always work with local campaigners to ensure that changes in other countries are both indigenous and long term? Will she join me in congratulating Pakistan on its achievements on transgender rights, including the appointment of a transgender rights adviser—Aisha Mughal, who last year became the first transgender person to represent their country at the UN—to its Ministry of Human Rights?

**Baroness Sugg (Con):** My Lords, I will happily join my noble friend in praising the right honourable David Cameron; I know that introducing marriage for same-sex couples was one of his proudest achievements. I agree that we must always work with local campaigners to ensure that the changes we see and the progress we make are sustainable. I also join my noble friend in welcoming this and congratulating Pakistan; it is important that we see transgender representation at all levels.

**Lord Scriven (LD):** My Lords, the Government can now do independent trade deals, but as we know, some countries have capital punishment for LGBT people. What approach will the Government take to doing trade deals with countries that kill people just because of who they love?

**Baroness Sugg (Con):** My Lords, we oppose the death penalty in all circumstances and oppose any discrimination on the grounds of sexual orientation. We will continue to work with countries to remove the death penalty.

**Lord Lexden (Con):** My Lords, should we not pay tribute to organisations such as the Human Dignity Trust and the Commonwealth Lawyers Association, whose work helps LGBT people in Commonwealth countries to gain their basic rights through their courts, most recently in Belize and Botswana? At the same time, should we not continue to deplore the oppression and suffering that remain the lot of gay friends and colleagues in most parts of the Commonwealth, in open defiance of that organisation's charter?

**Baroness Sugg (Con):** My Lords, of course we fully support the Commonwealth charter and we are working closely to make sure that we are seeing progress in this area. I join my noble friend in paying tribute to the brave organisations that are working across the world. These are exactly the kind of organisations that we are supporting through the Commonwealth Equality Network. They work tirelessly to protect the rights of fellow citizens and ensure that LGBT people can live free from discrimination and violence.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** My Lords, all supplementary questions have been asked, and we now move to the next Question.

## Protecting Civilians in Armed Conflict

### Question

1.40 pm

Asked by **Baroness Anelay of St Johns**

To ask Her Majesty's Government what are their plans for the implementation of the proposals set out in their paper *UK Approach to Protection of Civilians in Armed Conflict*, published on 27 August.

**The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con):** My Lords, the paper provides an update on the UK's approach to the protection of civilians, highlighting the work being done across the UK Government over

the past 10 years to move this important agenda forward. The United Kingdom is already implementing the work we have set out and we will continue to do so, be that through the UN Security Council and other multilateral fora or, indeed, by championing agendas such as the Preventing Sexual Violence in Conflict Initiative.

**Baroness Anelay of St Johns (Con):** My Lords, the specific inclusion of children in the strategy for the first time is most welcome. What measures are the Government now taking to fulfil the commitment in the strategy to improve accountability for violations of children's rights in conflict?

**Lord Ahmad of Wimbledon (Con):** My noble friend has raised an important point. As she will know from her own time as Minister of State at the Foreign Office, the annual report on Children and Armed Conflict from the UN Secretary-General has highlighted more than 25,000 UN-verified grave violations against children. I am therefore proud of the fact that the UK is the largest single financial contributor to the Office of the UN Special Representative, SRSG Virginia Gamba, who I have worked with very closely. I can assure my noble friend that we continue to work on this as a key priority in protecting civilians in armed conflict.

**Baroness Tonge (Non-Affl): [V]** My Lords, the report states that the United Kingdom will tackle the climate of impunity around conflict-related sexual violence. Can the Minister confirm that this will include the prosecution of perpetrators and the provision of safe abortion services for victims in conflict zones, whatever the national law in that country stipulates?

**Lord Ahmad of Wimbledon (Con):** My Lords, the noble Baroness raises an important point. On her second point about sexual and reproductive health and support for women, particularly in conflict zones, the United Kingdom has been very clear indeed. When the latest PSVI resolution was passed, I made it very clear in support of the resolution that the absence of that element was a major omission from the resolution. Nevertheless, let me assure her that whether it is within the conflict zone itself or through the international courts, we shall ensure that the perpetrators of sexual violence are held to account.

**Lord McInnes of Kilwinning (Con) [V]:** My Lords, a key factor in the victimisation of civilians in conflict is often the ethno-religious facets of war. The report rightly emphasises the importance of local NGOs and community groups. How can the FCDO do more to support these groups in the de-escalation of ethno-religious tensions?

**Lord Ahmad of Wimbledon (Con):** My noble friend raises a very important point. As he will know, we have stepped up our advocacy on important issues of freedom of religion or belief. I believe very passionately that the engagement of civil society and that of faith and belief groups is an essential component to ensuring that civilians are protected effectively. That does not just mean within countries, but internationally.

**Lord Alton of Liverpool (CB):** My Lords, In Nagorno-Karabakh, despite a temporary ceasefire, this NATO country is involved a deadly proxy war with civilians, including children, continuing to be targeted with heavy artillery. How can we implement the recommendations in Part 1 of the report concerning impunity and justice so that those who are in breach of international humanitarian law and continue to commit war crimes and other crimes against humanity are brought to justice?

**Lord Ahmad of Wimbledon (Con):** My Lords, first and foremost, let me assure the noble Lord that my right honourable friend the Foreign Secretary has made it clear that we continue to support the work of the Minsk Group. He and the Canadian Minister for Foreign Affairs, François-Philippe Champagne, issued a joint statement on 6 October calling for an immediate ceasefire and a return to the negotiating table. That must be the first step so that, as the noble Lord has rightly articulated, we can then move forward to holding the perpetrators of crimes fully to account.

**Baroness Blackstone (Ind Lab):** My Lords, how will the Government hold to account those who are responsible for the use of explosive weapons in populated areas which devastate the lives of all civilians, but particularly those of children and the elderly? What actions are they planning to take to prevent the use of these weapons?

**Lord Ahmad of Wimbledon (Con):** My Lords, on the important point raised by the noble Baroness, the UK is working closely with other states, including the Red Cross movement, to promote compliance with international humanitarian law. We will continue to work with partners and call on all states and non-state actors engaged in armed conflict to respect international humanitarian law and to act in accordance with their obligations under it.

**Baroness Sheehan (LD):** My Lords, 50% of the funding of the former DfID was targeted towards fragile and conflict-afflicted states. Will the new FCDO continue with that funding?

**Lord Ahmad of Wimbledon (Con):** My Lords, the integration of the two departments is a major step towards ensuring that our diplomacy and development objectives are fully aligned. We continue to remain committed to ensuring that resolving conflict and a commitment to peace will be the major objectives of the new FCDO.

**Baroness Helic (Con) [V]:** My Lords, the paper rightly stresses the importance of effective and independent monitoring and reporting for accountability. Can my noble friend the Minister tell the House whether it is still the Government's policy to establish an independent international mechanism to investigate alleged crimes of sexual violence in conflict and what concrete progress has been made in the past two years on this?

**Lord Ahmad of Wimbledon (Con):** My Lords, while paying tribute to the work of my noble friend, let me assure her that within the context of the PSVI which I

[LORD AHMAD OF WIMBLEDON]

lead on for the Prime Minister, it is about strengthening justice for the survivors of sexual violence in conflict and to hold the perpetrators to account. We are seeing progress. In a survivor-centred approach, we have recently seen progress through the appointment of survivor champions. The PSVI conference, which unfortunately had to be postponed, was also focused on bringing together the expertise and insight needed to ensure that we have a centre of excellence where all the best practices can be brought together.

**Lord Collins of Highbury (Lab):** My Lords, perhaps I may pick up on the call by the noble Baroness, Lady Anelay, for specific action in relation to this policy report. Yemen is still the biggest humanitarian crisis we face, with women and children suffering in particular because of the collapse of the health system. What are we doing to ensure that we are able to respond to the crisis in infrastructure and make sure that people have access to healthcare?

**Lord Ahmad of Wimbledon (Con):** The noble Lord rightly points out the situation in Yemen, which is dire. The most vulnerable communities are unable to access healthcare. There are issues around epidemics, including cholera, which continue to persist. That is why it is important, as my right honourable friend has said, that there has to be a political settlement within the parties in Yemen as well as with the countries supporting it. I can assure the noble Lord that that is exactly the objective we are working towards.

**Baroness Coussins (CB):** My Lords, this policy paper is silent on the need for additional protection for civilian interpreters working in conflict zones. Although the Minister told the House as recently as June that the UK would pursue this issue with the UN Security Council, does he accept that the Geneva conventions are currently inadequate to protect civilian interpreters? Can he report on any progress to date towards a Security Council resolution?

**Lord Ahmad of Wimbledon (Con):** My Lords, on the noble Baroness's second point, I have recently discussed with the team in New York how to look at this issue, in particular during our presidency of the Security Council. Let me assure her that since she first raised this issue and continues to do so, it has remained very much on my agenda. Interpreters play an essential and vital role. They are regarded as civilians and the UK recognises their invaluable contribution, as the recent support for Afghani translators has demonstrated.

**Lord McConnell of Glenscorrodale (Lab):** My Lords, it is impossible to meet children who have been involved in conflict or extreme violence without seeing the deep trauma in their eyes and actions. The Secretary-General's special representative on children and conflict has given a high priority in discussions to psychological support for traumatised children from around the world who have experienced that violence. Are the UK Government involved in discussions with her to make progress on that agenda?

**Lord Ahmad of Wimbledon (Con):** My Lords, the short answer is yes. We are looking at all elements of supporting the most vulnerable communities. As my noble friend did, the noble Lord rightly raises the important issue of children who are directly impacted, not just by the conflict itself but in their life chances thereafter. I assure him that, as we work closely with Virginia Gamba and fund her office, we will continue to prioritise this issue.

**Baroness Northover (LD) [V]:** My Lords, following the Question from the noble Baroness, Lady Tonge, and the Minister's Answer, can he confirm the UK's continued commitment to the principle that international humanitarian law trumps national law in situations of armed conflict, and that this applies to abortion, if sought and recommended when a woman has been raped?

**Lord Ahmad of Wimbledon (Con):** My Lords, the United Kingdom remains committed to obligations of international humanitarian law and, as I said earlier, we call on other countries to respect their obligations to it. When we have differed on this issue, even from our strongest allies and at the top table—the UN Security Council—we have made known our difference and the importance of standing up for the sexual and reproductive health of all women, everywhere.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** My Lords, all supplementary questions have been asked. We now move to the next Question.

### Amazon Question

1.52 pm

Asked by **Lord Leigh of Hurley**

To ask Her Majesty's Government what steps they are planning to take (1) to protect third party sellers from the dominance of Amazon, and (2) to ensure that Amazon does not benefit from passing on the costs of the Digital Services Tax to sellers.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, the Government are committed to ensuring that digital markets work for all—businesses, consumers and society as a whole. Promoting dynamic and competitive digital markets will be key to maintaining a world-leading digital economy in the UK. That is why we accepted the six strategic recommendations of the Furman review and established the digital markets task force to advise on the potential design and implementation of pro-competitive measures in digital platform markets.

**Lord Leigh of Hurley (Con) [V]:** My Lords, I appreciate that the DST was always intended as a stopgap while the OECD comes up with a more global solution, possibly imminently. But it was brought in with the background of Amazon paying just £4.6 million in corporation tax in 2017. The DST does not achieve its objective of yielding more revenue from the likes of Amazon, as it is simply passed on to its suppliers in the marketplace, which have to absorb this tax in their

margin. Would the Minister be prepared to set up a meeting with me, some interested parties and HM Treasury to consider this much more carefully?

**Baroness Barran (Con):** The Government expect the digital services tax to raise about £2 billion over the next five years, which will go some way to addressing the issues that my noble friend raises, but I am delighted to commit to meeting him and other interested parties.

**Lord Haskel (Lab) [V]:** My Lords, in spite of what the Minister said, many are concerned about the abuse of market power by Amazon. If the Prime Minister wants to “build back better”, we need a commission that recognises and promotes good company behaviour and standards, in the same way that the Low Pay Commission does for pay. A good place to start would be the increasingly popular environmental, social and governance investing and reporting framework. Will the Government set up such an organisation?

**Baroness Barran (Con):** The noble Lord raises an important point, but I remind him that the Government have established a number of groups and reviews, starting with the Furman review, which reported in March 2019, and most recently the digital markets task force. One of the recommendations we have accepted is the development of a code of conduct, just as the noble Lord suggests.

**Lord Clement-Jones (LD):** My Lords, the chief executive of the CMA described the market position of some of the major US online platforms as “unassailable”. The Government are clearly going to give in to the US on food standards in any trade deal; will they do the same with the digital sales tax and competition regulation?

**Baroness Barran (Con):** The Government remain determined to create the most innovative pro-growth economy that we can. That is dependent on effective competitions in all markets, particularly digital markets, so that is where our focus remains.

**Lord Lucas (Con) [V]:** My Lords, I am delighted to hear the replies of my noble friend, and that the Government now recognise that the likes of Amazon and Google are not our friends. They are entities that we need to extend ourselves to control to make sure that we create, in this country, an environment that is supportive for our own businesses. In that context, does she recognise how important it is for HMRC to ensure that all entities pay a proper level of tax? Failure to do so, as has been the case with VAT for many years, leads to great suffering by UK businesses.

**Baroness Barran (Con):** I know that my colleagues in HMRC spend every day trying to make sure that businesses pay a proper level of tax, but I hope that my noble friend agrees that that is one side of the equation. The other is to promote pro-competitive policies, on which we are also working hard.

**The Lord Bishop of Oxford:** My Lords, the Minister will be aware that last week the United States Congress published a 449-page report, after reviewing millions

of documents and taking testimony from hundreds of witnesses, including Amazon’s CEO. The report concluded that

“the totality of the evidence produced during this investigation demonstrates the pressing need for legislative action and reform.”

Does she agree with or dispute the findings of the report? How soon will the Government introduce their own draft reforms to stop these predatory and harmful treatments of third-party sellers and consumers?

**Baroness Barran (Con):** I cannot claim to have read every page of the US report, but I have looked at the headlines. There is a great deal of overlap with the principles that we have already accepted, both on anti-trust measures and on data interoperability and portability. Where the report differs, if I have understood correctly, is in its promotion of structural separations within the industry.

**Lord Stevenson of Balmacara (Lab) [V]:** My Lords, the Government recently said that they could scrap the digital services tax to facilitate a trade agreement with the United States. Is that still our negotiating position? Can the Minister tell us whether the Government support the challenge that India and South Africa are making to the WTO moratorium on customs duties on goods transmitted electronically?

**Baroness Barran (Con):** We are keen to have a free trade agreement with the US that strengthens our economic relationship with our largest bilateral trading partner. Once a global digital solution is in place, we will remove the DST. I will write to the noble Lord on the second part of his question.

**Baroness Burt of Solihull (LD) [V]:** My Lords, the digital services tax is a mouse of a measure compared with the huge profits made by this American big tech monster. Should the Government not co-operate very closely with the European Union, which is devising an international tax with much greater teeth, so that big tech companies pay their fair share of tax?

**Baroness Barran (Con):** The Government are working closely at an international level with the OECD and the G20. We were pleased to see the publication of the OECD inclusive framework on the tax challenges of digitalisation of the economy, which has come out today. Good progress is being made on those negotiations, and once we reach common ground we can remove the DST.

**Lord Mann (Non-Aff):** The people pay for the information superhighway and the roads that Amazon and others are using to profiteer during this crisis. Does the Minister agree that people would be dismayed should Amazon be allowed drones in this country if it was not taxed at least as much as each of us is whenever we take a flight?

**Baroness Barran (Con):** The noble Lord is right that the people of this country want a fair system. That is why we are pushing very hard on competition legislation, but this is also where we have great evidence of success in our technology industry, with more tech unicorns in this country than any other European nation.

**Lord Blencathra (Con) [V]:** My Lords, I confess that I buy things from Amazon, but I hate doing so because it is singlehandedly destroying the United Kingdom high street. Will my noble friend the Minister make strong representations to the Treasury that the trivial amount of business rates paid by Amazon is an absolute disgrace? Its giant warehouses are rated like an empty farmer's barn, rather than the ruthless mega retail operations they are. Its failure to pay business rates is a greater scandal than its failure to pay corporation tax.

**Baroness Barran (Con):** The Government and the Treasury absolutely recognise the importance of our high streets. That is why the Treasury announced a fundamental review of the business rates system earlier this year.

**Lord Whitty (Lab) [V]:** My Lords, has the Minister read the report by the TUC and the GMB this morning on Amazon's dire employment practices? In this Covid period, Amazon has received a lot of government and public sector contracts. Why are the Government not using their leverage over those contracts to ensure that Amazon improves its employment conditions?

**Baroness Barran (Con):** We are working across the piece to protect jobs in all parts of the economy and to clamp down on any abuses that we are aware of.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** My Lords, the time allowed for this Question has elapsed.

2.03 pm

*Sitting suspended.*

### **Coronavirus Job Retention Scheme: BAME Communities** *Private Notice Question*

2.07 pm

*Asked by Lord Woolley of Woodford*

To ask Her Majesty's Government, further to the end of the Coronavirus Job Retention Scheme, what assessment they have made of its impact on black, Asian and minority ethnic communities in the United Kingdom.

**Baroness Penn (Con):** My Lords, people from a minority ethnic background can be more vulnerable to unemployment than those from a white background, although rates vary considerably by ethnicity. The Coronavirus Job Retention Scheme and other government support schemes have helped protect against rising unemployment during the pandemic. So far, the scheme has helped 1.2 million employers across the UK furlough 9.6 million jobs, protecting people's livelihoods.

**Lord Woolley of Woodford (CB):** My Lords, in August, the Government were made acutely aware that a disproportionately high number of black, Asian and minority ethnic workers have been furloughed or made redundant. With the main job retention scheme

coming to a close, we can now expect another spike in BAME redundancies. Can the Minister tell me whether the Government undertook a BAME impact assessment before making these changes? Also, despite repeated calls, including a petition signed by 140,000 people, why do we still do not have a Covid-19 race equality strategy?

**Baroness Penn (Con):** My Lords, when designing the Coronavirus Job Retention Scheme and its next steps, the Government undertook an analysis of how the policies were likely to affect individuals sharing protected characteristics, in line with our public sector equality duties. Of course, the Coronavirus Job Retention Scheme comes to an end at the end of October. It is being replaced by the Job Support Scheme, which will continue to support jobs during the pandemic.

**Lord Boateng (Lab) [V]:** My Lords, Covid has entrenched existing inequalities. The Government's review, *The Time for Talking Is Over. Now Is the Time to Act: Race in the Workplace*, makes a number of specific recommendations: first, that there should be legislation to make large companies publish ethnicity data; and, secondly, that the public sector should use its procurement powers to drive change. That was three years ago. When will the time to act be? Will the Government implement these two recommendations? If they do not, we are wasting millions of pounds on these schemes.

**Baroness Penn (Con):** My Lords, the Government have taken a number of measures to support employment for people from minority-ethnic backgrounds, partly as a result of the race disparity audit and the work done by the noble Lord who asked the Private Notice Question. The Government are taking things further, with the Commission for Racial Equality. Employment is one of the aspects being looked at by the commission, and it is due to report by the end of this year.

**Baroness Hussein-Ece (LD) [V]:** My Lords, there is overwhelming evidence that black and minority-ethnic communities have borne the brunt of this pandemic, facing a disproportionate fatality rate and now being hit harder by job losses. Do not take my word for it; the analysis is confirmed in research published by the House of Commons Library, which found that in areas of the economy that had been shut down there were an above average number of BAME workers. I press the Minister on the Question put by my noble friend Lord Woolley. A petition signed by 140,000 people is calling for a proper Covid race equality strategy. On the new job support scheme which will replace the support currently in place at the end of October, has there been an impact assessment of whether it will be effective?

**Baroness Penn (Con):** My Lords, the Government take the issue extremely seriously. A number of different factors feed into this. On the vulnerability of people from black and minority-ethnic communities to the virus itself, work was done by Public Health England and there is follow-up work being undertaken, including asking every NHS trust to undertake risk assessments and then take action to mitigate those risks. On the

equality impact assessment, an assessment was done under the Government's public sector equality duty of both the CJRS and its successor schemes.

**Lord Dobbs (Con) [V]:** My Lords, we are using lockdown to fight Covid, but lockdown itself costs lives, costs jobs and denies futures. Those damaged most by lockdown are the poor, who include so many among the BAME communities: it is the poor who pay so much of the price. Does my noble friend accept that there is at least a case—one that some of us feel is increasingly persuasive—that we cannot simply carry on with the endless cycle of lockdown after lockdown, which effectively does far too much of the disease's dirty work for it by putting the poor in BAME and other communities at greatest risk?

**Baroness Penn (Con):** My Lords, of course the Government want to move forward from that approach. That is why we have invested so much in the development of vaccines and why we are working on improving test and trace. The reality is that there are health costs to lockdowns as well as economic costs, but at the same time there are economic costs if we do not get the virus under control. People do not have the confidence to go out and participate in our economy. We are seeking to find the right balance between those, at all times, in our response.

**Lord Bilimoria (CB) [V]:** My Lords, the ethnic-minority groups fared much worse as a result of the 2008 recession than the white majority, exacerbating pre-existing inequalities, with higher unemployment, lower earnings, lower self-employment rates and higher housing costs. The consequences were far-reaching and long-lasting. Can the Minister inform us about the Public Health England report in June which found that the highest coronavirus diagnosis rates were among people from black and Asian ethnic groups, who are twice as likely to die from Covid-19 than white people? More than a month after PHE's first report and outcomes, the Government have announced research funding for projects. Can the Minister tell us the progress and findings of these projects to explain the situation? Does she also agree that mass testing would greatly help the situation?

**Baroness Penn (Con):** I agree with the noble Lord, who has raised the question of mass testing a number of times in this Chamber. The Government are working as hard as they can to make progress. As for the report by Public Health England, there was follow-up work to be done—that is still being done, but it did not stop up from taking action immediately. For example, all health trusts were asked to undertake the risk assessments that I referred to earlier, and to put in place steps and processes to mitigate the risk to staff in those trusts, which was identified as one of the factors that could cause higher mortality rates among those communities.

**Lord Tunnicliffe (Lab) [V]:** My Lords, throughout the pandemic, black, Asian and minority-ethnic people have died at a higher rate. The Institute for Public Policy Research has suggested that by June, 13% of BAME workers had lost their jobs, compared with 5% of the overall population. What structures, if any, have

Ministers put in place to address the specific challenges faced by BAME communities? With the second wave upon us, it is vital that the Government show that they are learning from previous mistakes.

**Baroness Penn (Con):** My Lords, there are two things I have referred to that help answer the noble Lord's question. The first is the assessment of our policy approaches under the public sector equality duty. The second is the commission that will report by the end of this year on a range of issues, including health, but also employment and how to take things forward. The Government's response to Covid, particularly in terms of peoples livelihoods, is unprecedented. We have committed to keeping support in place for the duration of the pandemic, adapting it to respond to where we are in our medical response.

**Lord Sheikh (Con) [V]:** My Lords, the pandemic has adversely affected the health of the BAME community and caused financial hardship. I have been informed by the Runnymede Trust that only about 44% of the BAME community was aware of the measure to allow those out of work due to the crisis to claim universal credit. Furthermore, only one-third of the BAME community had heard of the arrangements making statutory sick pay available from the first day of self-isolation. Does my noble friend agree that more should be done to publicise these benefits, such as liaison with local authorities and community groups?

**Baroness Penn (Con):** My Lords, that is one of the lessons that we have learned in our response to the pandemic so far. As we have had to work with local authorities to impose further local measures, we have seen that local authorities often know their population and community better and have better routes to outreach. We have also given them funding to reach those who have not necessarily heard of the support so far.

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** My Lords, as we mark Black History Month 2020, can the Minister detail what specific discussions the Government have had with the devolved Administrations to address the economic and financial problems facing BAME communities within those devolved regions, which have impacted on those communities throughout the United Kingdom?

**Baroness Penn (Con):** My Lords, as noble Lords have noted, it is often those in BAME communities who are most vulnerable to unemployment, or to seeing a loss or change to their income during the pandemic. That is why the Government have had continued engagement with the devolved Administrations. Last Friday, the Government confirmed that they are uplifting the guaranteed funding to the devolved Administrations by at least £1.3 billion to £14 billion. That includes £2.4 billion for the Northern Ireland Executive on top of the spring 2020 Budget funding.

**Baroness Prashar (CB) [V]:** My Lords, as we have already heard, there is now mounting evidence that some communities within the ethnic-minority population are being hit harder by the economic crisis resulting from the pandemic. Does the Minister agree that the

[BARONESS PRASHAR]

Government need to better assess how different groups are being affected by the pandemic and put mechanisms in place to channel support to those most in need? Can she please tell the House whether they are doing this as a matter of urgency, and whether they are urging employers to do the same?

**Baroness Penn (Con):** My Lords, it is because the Government completely understand that some of the most vulnerable in our society might be hit hardest by this pandemic in terms of both their health outcomes and their livelihood that we have put unprecedented support into supporting people's livelihoods. We are continuing the job support scheme and we said on Friday how that will help to support those in businesses that may need to close down as a consequence of further restrictions imposed to help get the virus under control.

**Lord Liddle (Lab) [V]:** My Lords, in the Minister's replies I hear no hint of any new action to tackle this great injustice. Do the Government not accept that this is disappointing, given that Covid strikes hardest where inequalities are greatest, that one of the greatest drivers of inequalities is rising unemployment and that the BAME community has suffered most of all from this?

**Baroness Penn (Con):** Well, what I am trying to say to noble Lords is that the Government have been aware of this fact since the beginning of the crisis and it has informed our response so far—so, instead of trying to retrofit our response in the light of this information, it has driven our response. The noble Lord said that the Government are not taking any new action in response to this. New action was announced on Friday and I am updating the House on it today. The Equality and Human Rights Commission will report by the end of the year on employment, which is one of the themes it is looking at.

## Trade Bill

### *Order of Commitment*

2.22 pm

*Moved by Lord Ashton of Hyde*

That the bill be reported from the Grand Committee in respect of proceedings up to and including Thursday 8 October 2020; and that the order of commitment of 8 September 2020 be discharged and the remainder of the bill be re-committed to a Committee of the Whole House.

**Lord Ashton of Hyde (Con):** My Lords, the two Motions standing in my name give effect to a decision taken last week to move the Trade Bill into the Chamber tomorrow and on Thursday for the remainder of its Committee stage. As a result, the Social Security (Up-rating of Benefits) Bill's Second Reading debate will need to move into Grand Committee tomorrow. This will mean that more time can be spent on the Trade Bill, which has made relatively slow progress in Grand Committee. Those noble Lords who signed up to speak on those Bills were notified over the weekend,

and I am grateful to the other members of the usual channels for the constructive nature of the discussions we had on Friday. I beg to move.

**Baroness Hayter of Kentish Town (Lab):** I thank the Chief Whip for tabling these Motions, which we undoubtedly support. In fact, we welcome the proper time to discuss the Trade Bill that this allows, prior to Report. However, it raises the question of the seriousness with which our amendments are then considered by the House of Commons. On another Bill, the all-important Agriculture Bill, we see that our so-called Curry amendment has effectively been deemed to need a money resolution. However, it was the Government, not the Speaker, who

"considers it probable that the ... cost to public expenditure would be significant (and would go beyond what could be met under existing authorisation ... by the Secretary of State)."

That statement by the Government begs two questions. First, what is the limit? Secondly, what is the Government's estimate of the cost of Amendment 18? The result of this estimation—the figures which we have not seen—effectively denies the House of Commons the chance to consider amendments sent by your Lordships' House, whether it is the amendment moved by the noble Lord, Lord Curry, the amendment moved by my noble friend Lord Grantchester or any amendment that will emerge on the Trade Bill.

Certainly, should key amendments passed by your Lordships' House be set aside, perhaps a bit peremptorily without proper consideration, the Government should not be surprised if the proponents of those amendments use ping-pong to find a way of ensuring that the issues are properly debated in the other place.

So we welcome this Motion on the Trade Bill but, looking forward, we need to be clear that devices will not be used to set aside amendments, should they be passed by your Lordships' House.

**Baroness Falkner of Margravine (CB):** I say to the Chief Whip that those of us who have been working on the Trade Bill have found the painfully slow pace of progress extremely difficult to deal with, as we have gone on well beyond the number of days in Committee that we expected. So it is really important for the House to grasp how significant this change is because, even if we are going to have two further days in Committee, we really do need to make progress on this Bill, not least for all the institutions that will be set up as a consequence of it.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** Before I call the noble Baroness, Lady McIntosh of Pickering, I remind noble Lords that, if they wish to intervene, they should follow the usual channels and let the clerk know.

**Baroness McIntosh of Pickering (Con):** My Lords, I think I was in touch with one of the clerks, but I do not know whether I was in touch with the right clerk. It may help my noble friend if I indicate—I know he follows these matters very closely—that I have two amendments specifically on this point. I am proposing a new international trade commission, following on

from the work of our government adviser Henry Dimpleby and the fact that a shadow trade commission is already meeting. So it will be extremely important that we have clarification on what budget has been allocated to the existing trade and agriculture commission before we reach the time when Amendments 54 and 55 will be discussed.

**Lord Ashton of Hyde:** My Lords, I am grateful to noble Lords for their questions and points. They are important. First, I am grateful for the support for the Motion that is being debated. I do slightly question the relevance of the noble Baroness's points. However, she was very kind and gave me warning that she would make them, so I feel it would be churlish to go on too much about that and I will reply to her. The point about the reasons that the House of Commons uses, which of course are not uncommon, is that they are entirely a matter for the House of Commons. Not only that, but I shall quote Erskine May on when reasons are given for Lords amendments being disagreed by the Commons:

“When Lords amendments are disagreed to by the Commons, and the amendments are in breach of the Commons' privileges, the disagreement is made on the ground of privilege alone”—

so they do not go any further than that. This decision is made by the Speaker, and the Speaker's decisions on the attribution of privilege to Lords amendments are normally accepted without comment by the House of Commons. So, in summary, it is the Speaker who decides on privilege, as he does on money Bills.

My noble friend Lady McIntosh's points are obviously relevant questions, the answers to which I do not have now—I came prepared to talk about exchanging the Trade Bill for the social security Bill—but I take on board what she has asked and I am sure that the Minister will as well.

The points made by the noble Baroness, Lady Falkner, about the Trade Bill were well made. We all know that it has gone slower than we anticipated. At the moment, after four days we are now at the target for day two. However, having had discussions with the usual channels to enable us to swap the Bill into the Chamber, I can say that all sides of the House have committed to finishing the Bill on Thursday. My noble friend, among others, has helped in that by regrouping amendments, and the Opposition have withdrawn some, so I feel confident that, with the good will on all sides that is evident, we will finish on Thursday as we anticipate.

*Motion agreed.*

## **Social Security (Up-rating of Benefits) Bill**

*Order of Commitment*

2.30 pm

*Moved by Lord Ashton of Hyde*

That the bill be referred to a Grand Committee on Tuesday 13 October for debate before Second Reading.

*Motion agreed.*

## **Procedure and Privileges**

*Motion to Agree*

2.30 pm

*Moved by The Senior Deputy Speaker*

That the Report from the Select Committee *Consideration of Commons amendments in hybrid House* (3rd Report, HL Paper 139) be agreed to.

**The Senior Deputy Speaker (Lord McFall of Alcluith)**

**[V]:** My Lords, the report proposes a process for noble Lords' consideration of Commons amendments—known as ping-pong—in the hybrid House. The process outlined in the report was proposed to the committee by the Government Chief Whip in a letter outlining the agreement that the usual channels had reached. For the past few months, hybrid proceedings have allowed the House to continue its work of holding the Government to account and scrutinising legislation, but these are unsuitable for ping-pong. Using current hybrid procedures, two rounds of ping-pong would take around three weeks. The report sets out who may speak during ping-pong, the arrangements for amendments and Motions, and the minimum intervals between rounds of consideration. The report also makes clear that the remote voting system should be used for any votes and dispenses with meetings of the Reasons Committee. By the time a Bill reaches these late stages, the issues have already been well debated. In putting forward these proposals, the committee seeks to replicate as closely as possible the House's usual rhythms for ping-pong in physical sittings. I beg to move.

*Motion agreed.*

## **Immigration and Social Security Co-ordination (EU Withdrawal) Bill**

*Third Reading*

2.33 pm

**The Deputy Speaker (Lord Russell of Liverpool)**

**(CB):** My Lords, hybrid proceedings will now continue. Some Members are here in the Chamber respecting social distancing, others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

I will call Members to speak in the order listed. Interventions during speeches or “before the noble Lord sits down” are not permitted and uncalled speakers will not be heard. Other than the mover of the amendment or the Minister, Members may speak only once on each group. Short questions of elucidation after the Minister's response are permitted but discouraged. A Member wishing to ask such a question, including Members in the Chamber, must email the clerk. Leave should be given to withdraw amendments. When putting the question, I will collect voices in the Chamber only. If a Member taking part remotely intends to trigger a Division, they should make this clear when speaking on the group. We will now begin. I call the noble Lord, Lord Dubs.

**Clause 6: Children in care and children entitled to care leaving support: entitlement to remain**

*Amendment 1*

*Moved by Lord Dubs*

**1:** Clause 6, page 4, line 28, leave out “is deemed to have and” and insert “on notification by the local authority to the Home Office that they are such a child, must”

Member’s explanatory statement

This amendment aims to address the Minister’s concerns at Report stage by removing the phrase “deemed to have”. It ensures that EEA and Swiss nationals who are in care, and those who are entitled to care leaving support, are granted Indefinite Leave to Remain under the EU Settlement Scheme.

**Lord Dubs (Lab) [V]:** My Lords, it seems a long time since we debated this Bill on Report. I am now speaking to the amendment to Clause 6 in my name. This is a technical change and need not detain us for long. The amendment is intended to achieve settled status for children in care and care leavers. It deals with the identification of such children and the problems they may have with applying for their status—indeed, dispensing with pre-settled status and moving on to settled status.

On Report, the Minister raised concerns about the original wording of the amendment, particularly the phrase “is deemed”, suggesting that this would mean that children and young people would have no secure evidence of their immigration status. The amendment before us today removes the phrase “is deemed to have”, with which the Minister specifically stated that she was unhappy, and replaces it with

“on notification by the local authority to the Home Office that they are such a child, must”.

I hope that by setting out the process of identifying and supporting these children through the EU settlement process, this amendment would remove the Minister’s concern over automatic entitlements and the problem that these children would not be able to prove their immigration status in the future. In the first instance, we would expect that local authorities would be required to identify these young people, after which they would be granted settled status through the EU settlement scheme. This would allow these young people access to the evidence that they need to prove their rights and entitlements in the long term. This House has always championed the rights of the most vulnerable children, especially those in the care system. I hope that the Minister will accept this amendment. I beg to move.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** My Lords, I should have said when I called the noble Lord, Lord Dubs, that we were talking about Amendment 1, to Clause 6. I now call the Minister.

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, I was about to clarify that we are talking about Amendment 1, but the noble Lord, Lord Dubs, and indeed the Deputy Speaker, have now clarified that.

The noble Lord’s amendment seeks to remove the declaratory status aspect of Clause 6 so that it would provide for children in care and care leavers who have their right of free movement removed by the Bill to

obtain indefinite leave to remain—or settled status—under the EU settlement scheme, where they applied to the scheme or a local authority did so on their behalf. It would do this regardless of how long the child or young person had been continuously resident in the UK. There is absolutely no difference of view on the importance of protecting the rights of children in care and care leavers as we end free movement—just as we are seeking to do where all vulnerable groups are concerned.

I set out in earlier debates on this provision the extensive support that the Home Office is providing to local authorities to ensure that those children and young people, as well as any other vulnerable groups, get UK immigration status under the EU settlement scheme, and the secure evidence of that status which the scheme provides. This includes grant funding to organisations across the UK of up to £17 million over the period 2019-20, to support this and other vulnerable and at-risk groups in applying to the scheme. I am pleased to say that the Home Office announced last week that the number of organisations funded for this work would increase from 57 to 72. That includes local authorities and local government associations as well as charities.

I made it crystal clear in the earlier debates that, in line with the withdrawal agreement, where a person eligible for settled status under the EU settlement scheme has reasonable grounds for missing the 30 June 2021 deadline, they will be given a further opportunity to apply. I have also made it clear that those reasonable grounds will include where a parent, guardian or local authority does not apply on behalf of a child. Therefore, if a child in care or care leaver does miss the deadline, they can still obtain lawful status in the UK.

In light of views expressed in this House in our earlier debates on this issue, the Government do not object to Amendment 1. We will see how the other place regards Clause 6 as so amended.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** I have received no requests to speak after the Minister so I call the noble Lord, Lord Dubs.

**Lord Dubs (Lab) [V]:** My Lords, I am delighted with the Minister’s positive response. I say in passing that I wish we had had such a positive response to a number of other amendments, but that may be too optimistic on my behalf.

*Amendment 1 agreed.*

*Motion*

*Moved by Baroness Williams of Trafford*

That the Bill do now pass.

**Baroness Williams of Trafford (Con):** My Lords, I give my thanks to the noble Lords, Lord Rosser, Lord Kennedy and Lord Paddick, and the noble Baroness, Lady Hamwee, for what has been a difficult but nevertheless constructive Bill all round. The Bill gives effect to the ending of free movement as per the referendum and allows for the EU settlement scheme, which has been extremely successful in processing nearly 4 million applicants to date.

There has been a reason why Members of your Lordships' House have found it difficult—views around leaving the European Union—but the constructive way in which we have approached it, even if we have disagreed, does your Lordships' House great credit. I have to say that I admire the skill in moving some amendments that had nothing to do with the Bill, but we have had some very good debates despite that and I think it right that these issues be aired.

I thank all noble Lords involved and am very happy that the Bill do now pass.

**Lord Rosser (Lab) [V]:** Along with my noble friend Lord Kennedy of Southwark, I thank the Minister and congratulate her on her stamina and patience throughout consideration of the Bill, if not, perhaps, on the number of government concessions. We also thank her for her typical willingness to meet and discuss matters relating to the Bill; that is much appreciated. We appreciate, as well, the contribution of the noble Lord, Lord Parkinson of Whitley Bay, and the work of the Bill team. In addition, perhaps I may be permitted to thank Grace Wright in our office for all her work and invaluable advice on the Bill.

This Bill has of course had its own unique incidents, not least the temporary hiccup over the voting arrangements. Let us hope that that remains unique to it.

As the Minister said, the Bill now goes back to the Commons—in my view, certainly a better Bill than when it left the other place. All that we can now do is wait to see what the Commons make of the amendments passed by your Lordships' House.

I reiterate on behalf of my noble friend Lord Kennedy of Southwark and myself our thanks to the Minister, the noble Lord, Lord Parkinson, and the Bill team, and indeed to all noble Lords who have participated in the lengthy and interesting debates during the passage of the Bill.

**Baroness Hamwee (LD):** My Lords, as the Minister said, the Bill is about ending free movement. From these Benches, we are no more enthusiastic about that than when the Bill started; if anything, perhaps less so, particularly because the debates have vividly demonstrated the impact on UK citizens resident in the EU and EU citizens living in the UK.

In our view, it is not surprising that the opportunity has been taken to pursue issues relating to the ending of free movement that have a wider context—a rather softer way of describing the various amendments that all sailed through the Public Bill Office, which is particularly careful in that regard. All the amendments have been very people-focused, which shows that there is a view of a fair and firm asylum system that is very different from the Government's.

This is not the moment for long speeches, nor to rehearse the arguments on the amendments that were agreed by our House with such notable support. The noble Baroness, Lady Williams, and the noble Lord, Lord Parkinson, bore with good humour all that was thrown at them, although I do not know whether they took it out on the cat when they got home.

I express my thanks to our colleagues on the Liberal Democrat Benches and elsewhere in the House; to the Bill team for all their work; and, since the noble Lord, Lord Rosser, has paved the way, to Elizabeth Plummer in our whips' office, whose assistance on the Bill has been magnificent.

We would like to think that we will not be discussing the various amendments again but I realise that we may well do so. In the meantime, with the obvious caveats, we support the Motion that the Bill do now pass.

**Lord Alton of Liverpool (CB):** My Lords, it is a privilege to have been asked to make the concluding Cross-Bench speech at the end of our consideration of the immigration Bill. I thank not only the noble Baroness, Lady Williams, and the noble Lord, Lord Parkinson of Whitley Bay, for their unfailing courtesy and diligence but also the unsung heroes, the Bill team.

During one of my interventions I drew the attention of the House to the tragic story of a Ugandan refugee, Mercy Baguma, who in August was found dead in a Glasgow flat while her one year-old son was found crying beside his mother's body, weakened from several days of starvation. Stories such as hers and of those caught up in the underlying themes of this Bill—from the vast displacement arising from movement of refugees, to the criminal gangs who profiteer from this tide of human misery and the consequences of the so-called hostile environment—have provided the backdrop to our proceedings.

Last week, by a majority of 101, the House supported the amendment of the noble Lord, Lord McColl, on human trafficking. The Commons will now have the opportunity to reconsider that issue and other changes, such as the amendment of the noble Lord, Lord Oates, on physical documentation, which we have incorporated into the Bill. Although the primary purpose, as the noble Baroness, Lady Hamwee, has said, is to end the exercise of EU rights of free movement in this country, noble Lords have focused again and again on the position of children and young people of European parentage who were born here or who have grown up here.

In conclusion, I remember what the noble Lord, Lord Naseby, said from the government Benches: that it would be deeply upsetting for any of us to find our children or grandchildren experiencing this exclusion from their rights to British citizenship. Thanks to the amendments we are sending back down the Corridor, the House of Commons now has the opportunity to correct this profound and damaging injustice, but also to improve the legislation. I hope it will seize the opportunity to do so.

**Baroness Neville-Rolfe (Con):** As the Member who was lucky enough to speak first on this Bill, both in Committee and on Report, I thank those involved with its passage through our House. Indeed, I have spoken on nearly all the Bills that have followed from our exit from the EU, in my position as a former Minister and as a current member of the European Union Committee.

I particularly congratulate my noble friend Lady Williams on her handling of the Bill. It is possibly the most challenging of the EU exit Bills, involving

[BARONESS NEVILLE-ROLFE]

very divided opinions across the House; yet, thanks to her good humour and diplomacy, shown again on Amendment 1 today, it has been progressed in a timely and very courteous manner. Thanks are also due to another Minister, my noble friend Lady Stedman-Scott, our social security Minister on this Bill; to our Whip, my noble friend Lord Parkinson of Whitley Bay; to all those on these Benches who have spoken and to others across the House; and of course to the excellent Bill team.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** I call the Minister.

**Baroness Williams of Trafford (Con):** I am glad the Deputy Speaker has given me another chance to speak, because I forgot to thank both my noble friends Lady Stedman-Scott and Lord Parkinson of Whitley Bay. I will just thank them fulsomely and sit down.

*Bill passed and returned to the Commons with amendments.*

2.49 pm

*Sitting suspended.*

## Arrangement of Business

### *Announcement*

2.55 pm

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** My Lords, the Hybrid Sitting of the House will now resume. This debate is on the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020 and two other Motions. The time-limit is one-and-a-half hours.

## Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020

### *Motion to Approve*

2.55 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 17 September be approved.

*Relevant document: 27th Report from the Secondary Legislation Scrutiny Committee*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, we are all aware of the rising rate of infection, particular after this morning's candid briefings, and the risks that it poses. Your Lordships will therefore understand the importance of taking the necessary steps to keep members of the public safe, while continuing to keep the economy running and schools open, and heading off the need for a second national lockdown.

We know that some of the rules put in place have become increasingly complex and difficult to enforce. That is why the Prime Minister has set out—or will set out—how we will further simplify and standardise local rules by introducing a three-tiered system of local Covid alert levels in England. This is not the subject of the debate today, nor does it change the legal requirement to wear face coverings, but it should

reassure noble Lords that we continue to work with the local leaders to tackle outbreaks with more targeted restrictions that are simple and constructive.

The regulations being debated today introduced the requirement that members of the public should wear a face covering in taxis and private-hire vehicles. In addition, they should be worn when inside premises that provide hospitality, such as a bar, pub or restaurant, except when eating or drinking, for which people must be seated. This means that people must wear a face covering when entering, leaving and moving around the premises.

**Baroness Thornton (Lab):** I think the Minister will find that we are supposed to be discussing the north-east, rather than the face coverings. It does not make any difference—I am quite happy to do them that way round, but we might get confused.

**Lord Bethell (Con):** My Lords, I apologise and give great thanks to the noble Baroness for the polite and kind way in which she brought that to my attention. At this point, we are debating statutory instruments that apply to the north-east of England and were in force on 18 September. As your Lordships may know, a Prime Ministerial Statement in the other place will address these sorts of issues and we will of course keep a careful watch on the progress of that debate.

Over the past few months, local restrictions have allowed us to home in on areas where cases are high and rising, and put targeted measures in place. I understand that the measures we are debating have greatly affected families living in Northumberland, Newcastle, North Tyneside, South Tyneside, Gateshead, County Durham and Sunderland. Families in these areas are no longer able to meet relatives as they used to. I recognise the disruption the measures cause, particularly for those relying on often complex networks of grandparents and friends to help out with childcare. We must celebrate the complex civil communions which underpin so much of our day-to-day regimes.

However, this virus is transmitted by people meeting up with each other and the horrible truth is that the closer our friendships, the more relaxed we are in each other's company and the harder it is to keep socially distanced. These measures are not taken lightly. They are driven by our public duty to protect the most vulnerable people in our society and do our utmost to ensure that this virus does not adversely affect these groups. What is of concern is that the number of cases in the over-60s is rising; we know that coronavirus symptoms can be more severe for people in this age group. I recognise that the Government are asking many people living in these regions of the north-east to make sacrifices to protect those most vulnerable to this virus. We will need to make adjustments to our daily lives until we have suppressed or eradicated this terrible disease.

Unfortunately, as cases have gone up in these areas, we need to introduce more of these local measures. On 18 September, we introduced new restrictions on household mixing, business opening hours and table-only service in pubs, restaurants and other places serving food or alcohol right across Durham, Gateshead, Newcastle, Northumberland, North Tyneside, South

Tyneside and Sunderland. Unfortunately, again, despite these measures the number of cases continues to rise sharply. Incidence rates across these parts of the north-east area are now some of the highest in the country, with Newcastle's rate now more than 534. So, at the request of the local councils, with which we have been working closely, we will introduce legal restrictions on families mixing with other families in their homes and being able to enjoy food or alcohol only if served at a table, and with non-essential businesses being required to close at 10 pm.

These are not steps that we take lightly but we must take them, and that is what we did because we know that swift action is more likely to bring the virus under control. The quicker we can do so, the quicker we can restore the freedoms we all enjoy—in the north-east and right across this country. Targeted measures were needed to tackle the outbreaks in those areas. The council leaderships collectively agreed that a ward-level approach would not be appropriate, as widespread community transmission had been observed in all areas. People move freely through the local authorities for work and leisure; for example, 40% of people who live in County Durham work in other areas.

These regulations prevent gatherings involving more than one household in private homes or gardens. There are exemptions for those in support bubbles, for example, and on compassionate grounds. We listened to feedback from the local leaders and amended these measures so that informal childcare support bubbles are allowed. Before the national restrictions for the same purpose, we tackled the risks of community transmission by allowing table service only in hospitality venues so that people cannot move about and pass on the virus. To reduce riskier behaviours often seen later at night when people have been drinking alcohol, we imposed the restriction on entertainment and leisure venues, limiting them to opening between 10 pm and 5 am.

Noble Lords will be aware that these regulations have since been amended so that they now also prohibit families meeting up with each other in any indoor space in these areas. We revised the guidance for owners and operators of indoor settings, including places of worship, to say that they should not intentionally facilitate indoor gatherings between households. We also advised that care homes should allow visits only in exceptional circumstances to protect their vulnerable residents. No restrictions have been placed on travel, but people have been advised not to travel with people from other households.

The Secretary of State is required to review the need for the restrictions at least every 14 days. The first review was completed on 1 October, and it concluded that the restrictions must stay in place. The next review is due this coming Thursday. I thank the seven local authorities for acting collectively as well as the local resilience forum, Public Health England, the joint biosecurity centre, local council leaders and the local directors of public health. I also thank the people in the protected area in north-east of England, who have responded so well to the measures put in place. It has been a tough year for many, and these regulations have a serious but necessary impact on how they live their lives. I beg to move.

**The Deputy Speaker (Lord Lexden) (Con):** I call the next speaker, the noble Baroness, Lady Thornton. I am sorry—it is the noble Lord, Lord Hunt of Kings Heath.

3.03 pm

**Lord Hunt of Kings Heath (Lab):** My Lords, thank you. Surely, the Minister was right to open by emphasising the gravity of the situation, but here we are again debating regulations that have already been superseded, which serves to underline the unsatisfactory nature of how we are dealing with local Covid lockdown regulations. I do not want to go over the grounds of my PNQ on Friday, but, when Mr Speaker called for the most significant of these regulations to be debated in Parliament at the earliest possible point, I think he spoke for the great majority of parliamentarians.

As the Minister has said, the Government propose to introduce a new tiered system of restrictions for local lockdowns, and, whatever the justifications for them—the noble Lord is right about the evidence that we are facing—they involve a serious reduction of people's liberties and, of course, put many businesses in jeopardy. I am in no doubt that this House should be asked to approve them before they come into force, just as the Commons is likely to do. My understanding is that that is now likely, and, if so, this is very welcome.

Of course, the relationship between government and local authorities is highly relevant to this and the regulations the noble Lord spoke to today. Right from the start—going back to March—the Government seemed to exclude local bodies from the key part that they could have played in helping to combat and manage the virus. Public health directors were ignored, NHS and university lab capacity was overlooked and, as the Institute for Government has pointed out in its analysis of government decision-making:

“The decisions on lockdown and school closures were taken and introduced swiftly, and with little consultation and planning for how they would work in practice.”

I was very struck by a comment made by the Newcastle City Council leader Nick Forbes a few days ago. He said that confusion over the latest restrictions was deeply unhelpful and that they were very difficult to enforce and had left dangerous conspiracy theories to fill the void. We know that a frequent complaint of many leaders is that local authorities were often given little notice of when local regulations were to be made.

In parallel to the new regulations that we will debate later this week, it has been reported that the Prime Minister wants local leaders to help shape the package of local lockdown measures. Clearly, as a principle, that is welcome. Does the Minister agree that, generally, evidence shows that, globally, countries that rely on a central approach are not as effective as those that use trusted local bodies? Does he also accept that local authority test and trace services seem to have a much higher rate of contact, both for complex and non-complex cases, than the national scheme, which faces so many problems? Can he also expect to see the ending of decisions on lockdowns being leaked in advance of local leaders being told what is in them?

It is clearly important that the rules are complied with. Will the noble Lord say something about compliance rates? I do not know whether he has studied the recent

[LORD HUNT OF KINGS HEATH]

report of the C19 National Foresight Group, which has been looking at the communications the Government have with the public over these restrictions. It concluded:

“National Integrity and Trust is Being Eroded”

because of the

“style, pace and timings of communications”.

It says:

“This mostly focussed around rhetoric, over-promising and timing (where late night national announcements created negative impacts on the relationship with the public). Apparent conflicting activities (where two announcements seem to contradict) and stating ambitious targets that are then not achieved were aligned to eroding trust with the public.”

Regarding local bodies, the C19 group went on to say:

“The lack of trust in the local structures from ministers and government departments... also impacts on their ability to feel included as part of a greater UK wide management”

of the pandemic. Does the Minister recognise this, and will this be considered as part of the recasting of the relationship between the Government and local authorities?

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, I apologise again, particularly to the noble Lord, Lord Hunt, and the noble Baroness, Lady Thornton. I was looking at the list for the next debate. I call the next speaker for this debate, the noble Lord, Lord Greaves.

3.08 pm

**Lord Greaves (LD):** My Lords, I support and underline everything that the noble Lord, Lord Hunt of Kings Heath, has just said. This is the latest set of local area statutory instruments that we seem to discuss on almost a daily basis. Yet again, they are out of date—it may be a little known fact, but this is actually now called the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020 as a result of an amendment in another obscure statutory instrument that we received. This illustrates the confusion about the whole thing. If the new initiative that may be announced this afternoon provides more consistency and makes these things easier to understand, that, at least, will not be a bad thing. I will not talk about childcare today; I think we will want to talk about that when we discover what is being proposed today.

I do, however, want to talk about test and trace. I believe it is now generally understood that, whatever restrictions are imposed and whatever the legal background to them, an efficient, well-run and successful system of testing, tracing, tracking contacts and isolating as appropriate is key to tackling the coronavirus problem. It is clear that whatever claims are made about the number of people who have been tested and all the rest of it, the system throughout the country is a shambles. This has to be tackled, and I am sure that everybody wants that. The key to it must be to do it a local level and to involve the skills and knowledge of those who do it week by week as part of their normal jobs—not in the case of coronavirus but in the case of food poisoning and other outbreaks of disease. They are trained people and they know what to do.

As an illustration of how shambolic it has been, I want to go through what has happened in my own patch in Pendle, which of course is in the north-west and not in the north-east. Pendle Borough Council was desperate to get involved and to use its expert staff in setting up a proper system. It is about a month now since the Government, the authorities and the county agreed that we could do this. The first thing that we discovered was that where the local system identified contacts from positive cases—all of which had been sent down from national level, being cases which the so-called NHS Test and Trace system had not been able to reach, so they were the difficult ones; they were coming late but nevertheless quite a few of them were contacted—those contacts had to be sent back to national level to be dealt with by Serco or whoever in their call centres, even if they were in the same families or in the same street or working in the same factories, and even if local people using local knowledge could have contacted and traced them much more quickly. I would like an assurance that this nonsense has now been stopped, and that if there are to be a lot of local councils doing this work locally, they will be able to follow up the people they have found, because, otherwise, it is a nonsense.

To have a proper testing and tracing system, it is necessary that there are sufficient testing stations locally. One thing that people in Pendle did was set up four stations. That number is now going down to two because, in the case of the community testing station, the Government are refusing to send out any more testing kits, so it has to close, and of the three that come under the Government, they have closed one. We have gone from four to two despite the fact that our numbers are still going up alarmingly. It needs to be taken seriously; it needs to be done properly. Unless it is, nothing else will succeed.

3.13 pm

**Baroness Morrissey (Con):** My Lords, we all want the Government and this country to win the battle against coronavirus, but what if the present strategy is just plain wrong? What if the strategy of ever tighter restrictions on bigger swathes of the population is not only not containing the virus but will never do so, while causing untold damage to the lives of so many?

I am afraid that the evidence suggests that this is what is happening. People sometimes say that the cure is worse than the disease. Unfortunately, the measures may be no cure at all. As the Minister said, since tighter measures were introduced in many parts of the country, including the north-east, two months ago, we have seen a sharp rise in cases. At the same time, the collateral damage is mounting. The nascent economic recovery has stalled; unemployment is rising, albeit still the tip of the iceberg of what we might yet see. The poverty that will come as a result of those job losses is obviously not far behind. University students, already fearful for their future, are incarcerated in their halls of residence. Mental health issues are clearly arising and worsening. The arts, hospitality and sports sectors are on their knees. Everyone I speak to—I am sure that it is the same for everybody in the House today—is exhausted and dispirited and can see no end in sight.

Instead of doubling down on a flawed strategy, the Government should have a big rethink—after all, a popular definition of insanity is doing the same thing over and over again and expecting a different result. The only plausible defence for this would be if it were the only way, but that is not so. We have seen in the past week the publication of the Great Barrington declaration by eminent scientists, now signed by 27,000 medical practitioners and other scientists, which sets out a different way. It recognises that younger, healthy people should be free to live their lives pretty much as normal, while the more vulnerable should be offered—not have imposed—greater, more focused protections.

Since March, when I think we were all frightened—I certainly was—by the spectre of a potential 500,000 deaths hanging over us, we have learned a lot. Lockdown might have seemed an appropriate measure at that point, however extreme. We now know that the fatality rate from this illness is not so severe as that, though it is still a very serious and harmful virus. What we have really learned is that it does not treat people equally. That may be very unfair, but we know that young people are a thousandfold less likely to suffer than people who are over 80. Some 70,000 students from 50 American universities tested positive; three were hospitalised and, fortunately, none has died.

There is no playbook to consult for coronavirus. There would be no shame—in fact, I think we would all applaud it—if the Government took account of the evidence that is mounting and came up with a different, more sophisticated approach that recognised that the restrictions are not necessary for every single person in this country, or if they were at least prepared to consider the evidence. If they do not, it is important that they are absolutely confident that it is the right way forward and only way forward and have the evidence to prove it.

We are reading a lot at present but I want to conclude by reading out a letter that I am sure some of your Lordships have seen already, so forgive me for repeating it. It moved me greatly. It was in the *Telegraph* last week and was written by an Elizabeth Clarke—she is not from the north-east but from London:

“Does no one in the Government hear the screams and whimpers of this tormented nation, amid the unemployment, the loneliness, the heartbreak, the fear, the poverty, the despair, the cruelty caused by blind deference to unproved theories? ... It is as if someone who, to kill a hornet, sets off a bomb in a house—and in the ruins says it was the only way. Covid may be here to stay. There are many unpleasant diseases. Mortality is 100 per cent in the long run. I am 80, and it is no business of the Government to tell me whether or not to kiss my grandchildren, or whom I may invite into my house.”

Minister, what do you say to Elizabeth Clarke? What do you say to those who are lonely, who are scared, who are suffering poverty and who are frightened about their future?

3.19 pm

**Baroness Watkins of Tavistock (CB) [V]:** My Lords, I declare my interests as outlined in the register. I thank the noble Baroness, Lady Morrissey, for her important contribution to this debate; I agree with much of it.

When I put my name down to speak, it was to express my concern that Parliament appeared to be managing rises in Covid-19 rates in different areas of the country through myriad secondary legislation instruments—at least 18, I believe. As a member of the committee that considers SIs in this House, I and other members were becoming concerned that it was increasingly difficult to understand the evidence base on which individual SIs were being developed. In addition, it has become crystal clear over the weekend that the public and local authority elected representatives, particularly in the north-east, Liverpool and Manchester, have begun to lose trust in the way in which we are dealing with local restrictions.

Fortunately, the Prime Minister and his Cabinet accept that we must adopt a more strategic approach to legislation, associated with changes in the number of infections per 100,000 of the population. Currently, different parts of the country have significantly different rates, estimated at between 16 cases per 100,000 where I live, here on Dartmoor, and 600 in Nottingham. However, any three-tier system to manage the virus should be applied in a uniform manner associated with virus increases, and hopefully decreases, over time. The three-tier system that the Prime Minister is expected to announce should be passed into law and applied across England equitably as the virus ebbs and flows. Any legislation should clearly indicate when an area will be enabled to move up or down a tier, associated with the ratio of virus cases to the population. This will ensure that the public can clearly understand the core reason for proposed restrictions.

At the core of managing increases in infections are the test and trace system and the public's buy-in to restrictions of liberty, be this closing licensed premises or requests to reduce travel and meeting friends and family. In March, care homes were largely closed down in terms of relatives' and friends' visits; we know that this caused considerable distress in many cases. Careful consideration must be given to trying to ensure that we avoid transmitting the virus from the community to care homes, but we must also weigh up the devastating effects to people of not being visited by ones they love. What approach do the Government intend to take on this issue?

When Governments reduce their populations' liberties, even for good reason, it is vital that they counterbalance the restrictions with effective leadership. In particular, did the breakdown in recording over 15,000 positive coronavirus tests 10 days ago contribute to the rapid increase in cases in certain parts of the north-west and north-east of England? By this I mean: did a high proportion of those 15,000 cases, where contacts were not traced quickly, occur in this area?

Will the Minister assure the House that, if hospitals in any area of England become overloaded, the Government will ensure that additional test and trace facilities, PPE and other resources required to manage the virus will be made rapidly available from other parts of the country?

Finally, I welcome the honours given this weekend to nurses and other health and social care workers who contributed in the first wave of the pandemic. However, the Government's recent press conferences have focused heavily on scientific evidence, with little

[BARONESS WATKINS OF TAVISTOCK]

reference to applied, evidence-based public health interventions, which nurses are often involved with. Yet nursing is reportedly the profession that is most trusted by the UK public. Nurses should play an important role in the public health messages we are trying to get across. They can encourage the take-up and delivery of vaccinations, including for flu and tuberculosis, and the mass vaccination for Covid-19 as and when it is developed. Does the Minister agree that now is the right time to more effectively use the voice of nurses, including the Chief Nursing Officer for England, Ruth May, and locally based community, hospital and school nurses, to explain to the public how best to reduce the spread of the virus?

3.24 pm

**Lord Hain (Lab) [V]:** My Lords, I agree in particular with my noble friend Lord Hunt about the Government's failure to consult locally and that countries using locally rooted strategies are far more effective than those using centralised ones. The noble Lord, Lord Greaves—a friend from a past political life—made similar points. Ministers are guilty of incompetent centralism, for two central reasons. First, outsourcing to Serco, Deloitte and Boots testing and tracing tasks that they have never undertaken before has not worked. It was an astonishing thing to do when there are ready-made primary health and care systems in place, with one of the most respected local GP networks anywhere in the world. We could have utilised this network and resourced it better, rather than cutting it, as has happened remorselessly over the last 10 years. We could have poured into it all the money that has been given to Deloitte, Serco, Boots and other agencies. They have failed for six months and are still failing in the second wave.

The second major mistake has been imposing decisions on local councils and mayors. In recent days, we have seen an explosion of protest from Andy Burnham, the Mayor of Greater Manchester. We have seen similar sentiments from Steve Rotherham, Metro Mayor of Liverpool City Region. Other leaders of English regions, including some Conservatives, have expressed similar protests that Westminster keeps varying the rules by Whitehall diktat, and that they learn what the Government intend to do, not through Ministers consulting them—the people on the ground who know their areas and communities and what is happening—but from the newspapers.

The other day, the leader of Gateshead Council complained on the BBC that the rules are just dumped on them. He pointed out that in Newcastle and Gateshead, although cases in student populations have soared, Covid cases elsewhere in those communities have actually been falling, so it makes no sense to lock them all down, at great cost, especially to local hospitality businesses and jobs. Manchester City Council's leader, Sir Richard Leese, told the BBC this morning that it had a much more granular system of local intelligence and information than Whitehall could possibly have, and so were better placed to judge what to do and how to do it. Importantly—I hope that the Minister might respond to this—he also wanted more local powers to enable these to be deployed selectively, for example to

close a particular pub if it was transgressing the rules or being responsible for a crowding experience that might spread the virus, not the whole lot in a blanket approach

Precisely what has this incompetent centralism achieved? It has pushed us back to where we started: lockdowns, and rising infections and hospital admissions. How many lockdowns are still to come? Are we condemned to continuous lockdowns, lifting them and then reimposing them? There is no clear strategy. The strategy must surely be to localise testing, tracing and isolating and resource them properly, rather than having these failed, centralised diktats sprayed down on local communities by Whitehall, which are having the reverse effect and condemning the country to many more months of misery.

3.29 pm

**Lord Shipley (LD) [V]:** My Lords, I am grateful for the opportunity to speak on the north-east regulations. I fully understand that this is a very complex and fast-changing situation, and I hope that the Minister will take my suggestions as a constructive response to current circumstances. However, the House should be discussing these orders much nearer the date of decision, not nearly a month later. I am speaking this afternoon from Newcastle upon Tyne, and we shall learn later today what changes may be forthcoming for our area, and for others.

The regulations before us today derive from the initial decision on 17 September to introduce the greater social restrictions requested by the seven north-east councils when Newcastle had a rate of 70 cases per 100,000. There was then a further tightening of restrictions, announced by the Secretary of State on 28 September, apparently without proper consultation with those councils. Of course, even tighter rules are now expected.

I want to look at the issue of student testing. Over 2,500 students of the two universities in Newcastle have tested positive, significantly pushing up the local infection rate. We know that most of the students being tested had no symptoms. That makes me wonder whether university cities in the south and the Midlands have had such extensive testing of students without symptoms. Can the Minister give us any information on the evidence base being used to decide which tiers are appropriate to each area, given the apparent differences in the amount of testing?

In terms of process, I remain concerned by the consistent evidence that local testing and tracing leads to better, safer outcomes. England is simply too big to be run on the centralised model of recent months, and the debate over the last few days has confirmed this. To command public confidence in their decisions, the Government need to publish far more than they do. The evidence that limiting the opening of pubs and restaurants even more will result in lower transmission levels may well be accurate, but it should be published.

Our experience of the last few days tells us that meetings between local leaders, civil servants and Ministers should be formalised and minutes should be published. There has been too much claim and counterclaim that the public cannot understand, which can undermine their confidence in the decisions made.

The Government should use district postcodes for their decisions on which tier an area should be placed in. I have not understood why the whole of the north-east of England, from the Scottish border to the southern end of county Durham—some 80 miles—is treated as one area when the infection rates can vary so greatly. Nor have I understood why the 10 pm closure time for pubs and restaurants applies. The evidence suggests it could actually be increasing the rate of infection. Might it not be better to have staggered times of closure set locally?

On the continuation of furlough, the current proposals for financial support are just not enough. If things get worse and more businesses are forced to close, the financial support has to be greater. People's incomes and their ability to pay bills depend on that level of support from the Government.

I accept it is clear that we are at a tipping point, and great care is needed. I know that local hospital admission rates here are rising, and that we must be careful to get decisions right. That means maximising engagement between decision-makers and sharing as much information as possible through public health structures, with the general public receiving better standards of messaging so they understand what they are being asked to do, what is compulsory and what is advisory.

The directors of public health for Newcastle and Gateshead have both said in recent days that the curve may be flattening. For that reason, the Government should heed advice from local political leaders to be very careful about unnecessary extensions to lockdown rules.

Finally, we need better clarity about review dates. The Minister has said that they are going to be fortnightly; they may need to be weekly.

3.34 pm

**Lord Bourne of Aberystwyth (Con) [V]:** My Lords, it is a great pleasure, as always, to follow the noble Lord, Lord Shipley, who put forward an exposition on some very relevant points, some of which I will be touching on. I thank the Minister for setting out the purpose of these regulations, which we are looking at retrospectively, as we always seem to do; they came into force on 18 and 22 September respectively. I am afraid it is yet more scrutiny by means of the rear-view mirror, which I think we all agree is far from satisfactory. I look forward to the day when we look at regulations much closer to the time when they come into force.

The first set of regulations relates to the closure of pubs, bars and restaurants in the north-east of England. The second set merely corrects some minor defects in the first; it is purely technical, and I make no complaint about that. The third set relates to enabling infant childcare arrangements, which the noble Lord, Lord Greaves, touched upon. I agree with him: it is probably not appropriate to dwell on it when we know that, as we debate the regulations, new arrangements are being discussed in the other place. So, I do not propose to spend time on that.

While I, like the noble Lord, Lord Shipley, recognise the need for these regulations and the fact that we are at a tipping point, I do have some general points to make about our whole approach, as well as some questions. First, we need effective parliamentary scrutiny

and oversight. I have made this point many times, and I know the Minister has emphasised it, too, but it would be good to hear from him when this is going to happen—when we are not going to be constantly two to three weeks behind the curve, looking at regulations that are so out of date. These regulations, for example, talk about trying to align the north-east with the rest of England. As we speak, the “rest of England” is shrinking because new areas will be subject to the restrictions. But also, there is a sense we are in the tail-stream of what is happening out there. It is too late to be debating these in any effective way.

On a related point, we should be publishing the evidence. The evidence must be there—I certainly hope it is—and it would reassure people to know that rational decisions are being made on their behalf about the closure of hospitality undertakings, for example. Why on earth do we not publish this evidence? We had a review of these regulations before we even looked at validating them. Some regulations had two reviews before we validated them. It is not good enough. I hope the Minister will heed these points.

I agree strongly about the need for localism. Localism is trusted, effective and familial—it is what people want. When we look at overseas experience, as we on the Public Services Committee and many people in the news, television and other media have done, we see that controls are exercised better and test and trace is better at a local level. Just look at Germany's record compared with ours. For goodness' sake, let us learn the lesson and trust people locally much more.

I appeal to the Minister that we should learn these lessons. It would be good to know what the reviews said. We keep hearing that reviews are taking place; I never get to see them, and I do not know whether anyone else does. It is about time we were trusted with some of the evidence, so we can see for ourselves. I am sure the Government are acting in good faith and are generally making the right decisions, but it would be beneficial to involve the rest of Parliament, the rest of the country and certainly people locally, so that we know the decisions have been properly thought through. At the moment, it is not clear what the national strategy is. By that, I do not mean that we need a uniform, one-size-fits-all approach, but we need a national framework and a national indication of how we are attacking this virus and what we are doing locally.

I look forward to some clarity and some strategy, and to what my noble friend on the Front Bench, who carries a heavy load, has to say on these issues.

3.39 pm

**Baroness Wheatcroft (Non-Affl) [V]:** My Lords, I share the sentiments of the noble Lord, Lord Bourne, about the weight on the Minister's shoulders, and I have every sympathy with him. However, I share the qualms of the noble Baroness, Lady Morrissey, that we might be pursuing the wrong course, inflicting untold damage on our country in misguided efforts to fight the virus. But having embarked on this course, the Government have done so in a manner that has just caused confusion, because they themselves act in a confused manner. It is no wonder that the country is bemused.

[BARONESS WHEATCROFT]

Others have stressed the unsatisfactory test and trace system. Back in May, when the system was launched, we were told that test and trace was going to be the way that we would solve this problem. It was crucial. We were going to have a world-beating system. When that did not appear to be the case, the Prime Minister stated on 22 September:

“Testing and tracing has very little or nothing to do with the spread or the transmission of the disease. The spread and the transmission of the disease is caused by contact between human beings and all the things that we are trying to minimise.”

He went on to say:

“Of course NHS Test and Trace is vital”.—[*Official Report*, Commons, 22/9/20; col. 822.]

Test and trace is vital, and simply changing the rhetoric does not mean that it is any less important than it was in May, when it was launched. We need to get it working properly, which certainly is not the case at the moment.

The lack of logic in what the Government do is what really leaves people puzzled and often failing to comply with the regulations. For instance, we know that we are about to hear some fairly drastic changes to the way in which the Covid regulations are working, with a three-tier system. But we first got wind of that three-tier system a week ago. Seven days is a long time in a fight against a virus. Why did we have to wait seven days listening to rumour and conjecture before this becomes operative? If it is important and it needs doing, why not have a sense of urgency and move fast?

The lack of logic is in every aspect. We have heard time after time in this Chamber how local authorities, which have to cope with the 10 pm curfew, would like to see a clamp-down on off-licence and supermarket sales of alcohol, instead of encouraging people to leave restaurants and pubs at 10 pm and simply go drinking in groups elsewhere. There is no logic in that. We need to start applying common sense.

Finally, how can we expect anybody to stick to regulations that simply resort to gobbledygook? In those that we are currently looking at, it states that

“food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on its premises.”

This is nonsense. How can we expect anybody to comply with such gobbledygook?

3.43 pm

**Baroness Altmann (Con):** My Lords, I thank my noble friend for introducing these regulations and share others’ sympathy with the position he finds himself in on the Front Bench. I agree with him and echo his concerns that these measures have greatly affected families; they have interfered with the bonds that many children, parents, siblings, grandparents and friends rely on for their sense of worthwhile living. My noble friend mentioned that these SIs are vital to suppress and eradicate this disease. I understand how they suppress it, but how do they eradicate it?

As the noble Lord, Lord Hain, eloquently explained, we were in this position many months ago; the transmission rate fell but, once freedom was restored, the transmission reappeared. What consultation has occurred with the areas affected by these SIs? For

example, will the 10 pm curfew merely transfer meeting to the street, or on to public transport, as all pubs and clubs empty at once?

We are once again being asked to rubber-stamp measures in this House that have already been introduced and amended twice—perhaps shortly to be thrice—yet there are still no impact assessments and no detailed cost-benefit analysis. I also echo the words of the noble Lord, Lord Shipley, in asking for evidence of how the rising number of cases is related to the extent of testing in any area, and how many are among only the young and asymptomatic, which may be of far less concern. These measures are so draconian, intrusive and dangerous to both lives and livelihoods that we surely need much more rigorous analysis than we have hitherto been offered.

When calling for a detailed cost-benefit analysis, we are not just talking about looking at the trade-off between lives saved by lockdown versus costs to business and economic growth, important though that it is. As mentioned so powerfully by my noble friend Lady Morrissey, analysis is required of the costs and benefits of Covid-19 deaths prevented by lockdown versus deaths from other causes caused by lockdown. Deaths and serious ill health, both physical and mental, will be increased by the measures we are debating today.

How many people will die or suffer life-limiting impacts? Who has done those estimates? For example, Hull University NHS teaching hospitals have already informed thousands of patients that they will have to wait two years for medical treatment. As another example, 16,000 fewer patients than expected are being urgently referred for lung cancer tests just since March—a 50% fall. Some fear going out, but others may develop a cough and just self-isolate rather than going for a check. Even if they try to see their GP, they may have only a virtual consultation, which may tell them to self-isolate. Cancer, heart failure and other illnesses are being worsened by the measures that we are debating today.

This is not an easy situation; we are in a very difficult position. But we need much better and more detailed information and analysis on which we can truly base judgments about these kinds of draconian measures, so that we can satisfy ourselves and the public at least that we understand what the costs are, that they are justifiable and that, in the end, we have a strategy for eradicating this virus rather than just suppressing it on an ongoing basis, with all the damage that that entails.

3.47 pm

**Baroness Bennett of Manor Castle (GP) [V]:** I declare my interest as a vice-president of the Local Government Association. We are talking today specifically about what will soon be historic rules applied to the north-east of England from Westminster. My remarks are informed by observations of Green Party councillors from the region, and I thank them for providing them and hope that they may not be too late to inform the forthcoming changes, or at least their implementation.

There are many ways in which to approach these regulations, including the approach that I took last week in asking whether we were learning appropriately

from global best practice—a question that needs to be applied to everything that the Government do and one that they invite with frequent claims to be “world-beating”. Reflecting the Green slogan, “Think global, act local”, today I outline some of the issues reported to me from the north-east, seeking to add information to that provided by other noble Lords rather than repeat their points, although I agree with much of what has been said.

One issue is what might be called the “edge effect”. Communities just outside the areas of restriction are concerned about people from inside restricted zones coming to use businesses and socialising in ways forbidden in their home area, potentially bringing the virus with them. Secondly, whether they are inside or outside a restricted area may not be known to significant numbers of residents. Local government areas and coverage have changed significantly over the years. For example, Darlington was part of County Durham until 24 years ago, and many residents still write “County Durham” on their address. Darlington was not covered by these regulations, and people may be experiencing unnecessary isolation and deprivation as a result. Conversely, in other places, people may be breaking the law without any ill intention.

The answer to the second problem is clearly the best possible communication and information and a broader reflection on the need to involve communities more in local governance, to ensure that local government has the resources and powers it needs to be relevant to people’s lives, which would also encourage residents to vote in local government elections, further building their knowledge. That should include control over anti-Covid measures, as called for by the noble Lords, Lord Hunt of Kings Heath and Lord Greaves.

My second point refers to what might be called “concentration effects”. My local observers were reflecting on schools and colleges, but it is true in many aspects of life today that people have been concentrated into a few small areas. Where once pupils from a wide area used to go to local colleges, now they all go to one place. That has obvious risks both in spreading coronavirus and for anxiety and concern. The communities which see a large influx of people are concerned about the risk they might represent to them. This is, in terms of resilience, a risk for future pandemics where infections have greater impacts on younger age groups.

As a final point on detailed local concern, the local voluntary aid groups that were so effective in the early stages of the pandemic have less capacity now. Funding is needed to fill the gaps.

To conclude with an overview, there was an understanding back in March that the virus, however much we should have been preparing for an epidemic in general, had arrived suddenly, with very limited information and understanding about it. There was good will and an understanding that mistakes would be made through lack of information and time to plan. That does not apply now. From the north-east and around the country, we are hearing clear understanding—which reflects what the scientists are telling us—that restoring any kind of secure, certain life requires a highly effective test, track, isolate and support system, and that local systems, not a distant

privatised call centre, are the key to making that happen. We are finally seeing some moves in that direction.

However, we need much more of an understanding that, for the north-east and every other region, it is local people who know and understand their community who need the resources to make plans and decisions and to implement the measures needed to keep coronavirus under control. In understanding that many of these communities are already blighted by poverty and inequality, there is a moral responsibility to understand that levelling up means spreading out the concentration of money, resources and particularly power in London and the south-east and not continuing to stand in the way, as Westminster has for decades, of people taking back control in their communities.

3.52 pm

**Lord Naseby (Con):** My Lords, this weekend I thought I would try to do a bit of research to help my noble friend on the Front Bench.

In 1960, I joined the Reckitt Group in Hull, which is in the north-east, as a management trainee. I looked up my notes and found that I was shadowing a test market just south of Newcastle for a brand of Jane Seymour cosmetics. I noted that my tutor made it quite clear that you have to analyse the fabric of the society in which you are doing the test market. The north-east is nowhere near the same as Bedfordshire, where I lived. It is very different. Therefore, any campaign or programme must reflect that difference.

There is a huge community spirit in places such as Hull which does not exist to anywhere near the same extent in the south. There is also far more terraced housing, far more ethnic mixing and a wholly different attitude to life. In that part of the world, local government is very strong. I had the privilege of being the only ever—so far as I can find out—Conservative leader of the London Borough of Islington. I soon learned that the friends in the north in local government are really strong.

I thought, “What is the nearest analogy we have for this?” I am in a medical household. We had a look at what happened with Asian flu in 1957-58; no less than 9 million people suffered from it, the commercial world was hit and 14,000 died. The key element in the report I read was that it started out being controlled nationally, but they soon found that that did not work and had to use local medical officers and GPs for help. That is the evidence there.

After that, I had a look at the statistics in the latest report I could find from the Office for National Statistics: death rates in the first wave of this situation, which began in March, rose steeply from one per day on 2 March to 975 per day at the peak on 7 April. If we look at the second phase—now—there were two deaths from Covid in England on 1 September; five weeks later, on 6 October, this had risen only to 11. That is a huge difference.

As I said on Friday, I looked at what the death certificates show as the primary cause. Between 10 August and 7 October, there were 43 deaths—not hundreds. There were no deaths in the groups 0 to 19 and 20 to 39, four in the group 40 to 59, 14 in the group 60 to 79 and 24 in the group 80-plus. If the objective is

[LORD NASEBY]

to save real lives, we have to look at the elderly and the very elderly. Frankly, the young are not dying. That surprises nobody. Any of us who knows anything about medicine knows that very few young people die from any sort of disease.

I cut a lot of papers, that is a terrible trait of mine. In the *Telegraph* of 11 October, I read a report from Professor David Livermore of the University of East Anglia. He says, quite rightly:

“In March, we knew little ... Now ... we know that much infection is very mild and inconsequential”.

He then gives us some figures from Northumbria University and goes on to say that lockdowns might be good if the vaccine were just around the corner. But it is not, is it? At best, it will be here in the spring. We are taking quite a punt following the present policy.

It seems to me—and to Professor Livermore—that life should return to normal, as far as possible, for those at low risk and anyone older who accepts the hazards, which includes him and me. The virus will circulate among us, generating herd immunity. As we recover, it will run out of hosts and lose traction, rather as it did in Sweden.

3.57 pm

**Baroness McIntosh of Pickering (Con) [V]:** My Lords, I will speak to the regulations relating to the north-east of England, particularly those that prohibit people in those areas gathering with one or more people from a different household, apart from linked households in a private dwelling, whether inside or outside the protected area.

It is very clear, and I share the frustration that I am sure Ministers and the general public feel about this, that Covid is not acting as one would expect it to. However, the communication and understanding that flow from the regulations which the Government are bringing forward are clearly key to enabling those in the north-east of England to follow the letter of the regulations before us this afternoon.

My particular concern relates to the fact that urban areas such as the Tees Valley were initially left out of the regulations, whereas deeply rural areas such as Teesdale, with a population of 25,000, and Weardale, with a population of just over 8,000, were included, lumped together with the whole of the city of Durham and other more urban parts of County Durham. This must be a feature of unitary government, and it is one I deeply regret. It leads to perverse consequences; I am not convinced that, when these regulations came into effect, the level of the virus in the rural areas was high enough to justify the draconian regulations that were introduced.

I will ask my noble friend a specific question, because I am being asked it by those I know living in County Durham. It relates in particular to linked households under SI No. 1010—Regulation 7 on page 6—and paragraph 7.2 on page 3 of the Explanatory Memorandum to the SI No. 1012 correction regulations. What does my noble friend understand exactly by a “linked household”? Is it just for the householders to agree or do they have to notify the authorities, or only if they were challenged in that purpose? Also, can my

noble friend explain what a support bubble is? How many people can form one? If I can learn that from my noble friend, I can go on to explain what it is to others who are asking. Other noble Lords have expressed concern about the extent of the measures before us today, so can my noble friend explain what balance has been reached regarding the mental health and well-being of—and the feeling of isolation experienced by—those living in a single household who may not be part of a linked household or a bubble, or who may not quite understand the extent to which they are? They may take a complete turn for the worse in those circumstances. Physical conditions such as cancer and others itemised by my noble friend Lady Altmann are also important, as the timing of diagnosis and treatment is a particularly critical factor.

I have a general question for my noble friend in connection with the regulations before us. I know he said that consultations were held with the leaders of councils, so presumably that included the leader of Durham County Council. However, with particular regard to my concerns about the rural area of Teesdale and Weardale, what consultation and discussions were held with councillors elected to represent those areas?

Finally, what is the relationship now between the regulations before us and the new tiers announced this afternoon by the Prime Minister? What will happen if, even in spite of the new, even more draconian, measures announced along with the tiers this afternoon, there continues to be a rise in infection? What further action might my noble friend and the Government consider taking if such a course of events transpires?

4.03 pm

**Baroness Barker (LD):** My Lords, hindsight is frequently knocked as the privilege of an Opposition, but provided it is used wisely, it is a very useful tool to bring about informed decision-making in the future. That is what I have felt all these last six months as we have stood up to talk about these different regulations which have come before us, often weeks after they have been implemented. I like to think that at least some of the changes that will come about later today are the result of weeks upon weeks of penetrating questioning in your Lordships’ House of some of the Government’s assumptions. It is worth saying that some of the things that we have said and will continue to say still stand. Herd immunity is a strategy for when a vaccine is available. It is not a strategy for an illness for which there is no vaccine, and that will not change. However, it is also true that back in March we said to the Government, “You must be led and informed in your decision-making by local people—in local authorities, the police and local public services. Those people know how to deal with these sorts of outbreaks, and if we do not learn from them, we will waste a lot of time, money and resources.” Well, here we are today.

I am not in the brigade which has seized on the Barrington declaration and misinterpreted what the WHO has said to try to reject lockdown. There will be an ongoing place for lockdown until such time as we have an effective vaccine. However, there is not a place for reliance on generalised lockdowns in perpetuity, because they are very crude and ineffective, serving only to suppress a virus within a population. However,

what we can and should be doing in these repeated regulations is learning from what has happened in different parts of the country to inform things.

We should have listened to the leaders of the local authorities in the north-east who predicted that, after a summer in which young people had been allowed to go out, go abroad and so on, if thousands of them turned up in a university town, they would make a difference to the incidence of infection, even if not to its transmission. We should listen to the public health officials, who tell us that they can see from the rise of infections in the 18 to 25 year-old group a lag but none the less a correlation with people with infections in the over-60 group on whom this has a differential effect. That evidence is there.

We ought not at this stage to rely on such crude geographic interpretations of statistics. I would like to know whether the low number of people infected in Northumberland and County Durham work in Newcastle, and how many of them work in the universities in Newcastle and have contact with students there, so that we can begin to see the patterns of transmission of the infection. That is the important thing that we are not yet learning. We are learning about incidence but we are not being told about transmission. I would like us to have the information to be able to differentiate between different businesses. I guess that transmission of infection is more likely in pubs than in restaurants, at which people sit down—or hotels, for example—and we should be able to make a regulation which differentiates between those different types of venue.

As I say, I am no Florence Nightingale. As noble Lords will know, she was originally a statistician. She was not a nurse; she went to follow the pattern of infection and illness in the Crimea. I am also tempted to say that I am no Dido Harding. What are we doing to get information from households? They are the easiest groups of people to trace. We should be getting differential information per household from all across the country.

I make a plea to the noble Lord for when we are using this information to plan for things. We saw what happened back in March, April and May in care homes. We should now be talking to the civic leaders and care home providers in the north-east and the north-west to make sure that we have no repetition of the daft and dangerous situation in which we had three different systems for ordering PPE, none of which worked.

I want to go back to the councils in the north-west, which my noble friend Lord Greaves mentioned. A few weeks ago, they wrote to the Minister to say that the protocols for the NHS 111 system needed to be looked at and changed. The Minister has told us that NHS 111 will become the primary point of access to the NHS. If we are talking about the NHS in these areas not falling over in the next few months, and as it is the one source of information that the public trust when they have long since lost trust in the Secretary of State for Health, can he assure us that the resources, training and protocols for NHS 111 will be resilient enough to make sure that people all across these areas get access immediately to the services that they need?

4.09 pm

**Baroness Thornton (Lab):** My Lords, after a weekend of speculation, leaks and press briefing, after the leaders of many councils—including the ones affected by these regulations—have rightly taken the Government to task about how they are conducting the local lockdowns, and after a Statement from the Prime Minister, which may be happening right now, the Minister must forgive me for feeling that we are yet again embarking on a fruitless exercise. He calls that scrutiny and assures us that we are being heard, but we on these Benches call it a continuation of the undermining of parliamentary democracy and the role of this House in particular. However, we can hope that all that might change.

Is it the case, as I heard just before I came into the Chamber, that the Nightingale hospitals are being reopened in the north-west and the north-east? If so, can the Minister explain that? If not, I would like to learn it.

My noble friends Lord Hunt and Lord Hain gave very good explanations of the issues that we face. Almost every noble Lord, possibly with the exception of the noble Baroness, Lady Morrissey, talked about the importance of localism and running things locally. The noble Baroness, Lady Barker, gave her an answer. In the face of no vaccine, how many millions of us does the noble Baroness, Lady Morrissey, suggest stay out of the way and locked up? In the face of no exit, how many millions does she want excluded from society? I am sorry that the hybrid rules do not allow her to answer those questions, but we will have another opportunity to have a go at this issue tomorrow; I look forward to that. Without any exit strategy, her proposition is not viable.

We can use this time to do what other noble Lords have done: see how things are going in the north-east. What do local leaders and others have to say? We can see certain patterns that we have seen before, with the regulations described as confusing and contradictory. As my noble friend Lord Hunt said, because of the way in which the restrictions were introduced, they have left space for dangerous conspiracy theories to fill the void. Councillor Nick Forbes, the leader of Newcastle City Council and the leader of the Local Government Association, said that the way in which the restrictions were introduced was “deeply unhelpful”. He said that, for example,

“the confusion allowed conspiracies to breed, such as the false claim that the 10 pm curfew was ‘part of a grand plan by the council to abolish alcohol’ to appease Muslims.”

Frankly, that is a very unhelpful thing to be said in a community. It was allowed to happen because the communications did not work in this case. It is deeply frustrating for local communities.

I have enormous respect for Councillor Nick Forbes, the leading councillor in this country. He called for help from the Government before the restrictions happened, but they were delayed and he says that they were confusing when they arrived. This weekend, he still came back to the Government to say how keen he was to work with them to make all this work. The Government are fortunate to have council leaders

[BARONESS THORNTON]

across the north-east who take that view. I hope that they respect that in the way that they conduct themselves from now on.

Noble Lords may have heard a 18 year-old Durham University student on Friday's "Today" programme talking about having Covid, being seven hours away from home and not being properly fed. She lives in a college where she is supposed to have her meals supplied for her but was being given junk food, with no fruit or vegetables, for the week. Frankly, I thought, "Oh my God. Can't somebody take this poor young woman some chicken soup or something?" She was also trying to complete her online lectures and so on. She said that

"it's hard to concentrate when you're hungry and haven't had any vegetables in over a week."

If I were her parents, I would be going absolutely spare with anxiety. I hope that Durham University has seen the error of its ways and is now providing nourishment for the students who have tested positive and are having to self-isolate.

I have several questions. What impact has the particular lockdown mentioned by the Minister had on mental health and well-being in the north-east? What will happen to that region next? What support will councils receive? Will test and trace be devolved to those areas? Will it be resourced?

Finally, let me say how much I welcome the third SI. I hope that support for people who need childcare is now built into the considerations on the restrictions being imposed, as we will discuss on Wednesday.

4.15 pm

**Lord Bethell (Con):** My Lords, I am enormously grateful for the debate on these technical but very important SIs. I want to say a few words about lockdowns generally and the role of the national/local framework, and then answer the question of where we go from here.

The Prime Minister is on his feet in the other place at the moment, talking about local alert levels. I cannot pre-empt what he will say but I remind the Chamber that the Leader of the House will make a Statement here and provide a platform to discuss those important measures tomorrow.

I also remind the Chamber that local lockdowns are likely to play and remain an important part of our response to Covid. They are a way of avoiding national measures, in that they help to preserve the economy, keep children at school, protect the NHS and maintain a normal way of doing things. For that reason, getting local lockdowns right is enormously important. A debate such as this one is an important part of lending scrutiny to the process; I am enormously grateful for that.

I should also mention that the British public are enormously supportive of the principle of local lockdowns. Some 73% of Brits support local lockdowns in principle, while 68% would support them in their area if they were needed. In this sense, we are not cutting across the grain of public opinion.

I say in response to the noble Baroness, Lady Watkins, that there have been instances where local lockdowns have emphatically worked, such as in Bolton, Leicester

and Luton. We learned there how prompt, accurate and emphatic lockdowns can really nip an infection in the bud. I also mention Swindon—as I did in the Chamber last week—where car sharing was identified as a source of transmission and nipped in the bud at a very early stage.

In response to noble Lords' questions, let me say a few words about the principles that we apply to local lockdowns. On our approach, the noble Lord, Lord Hunt, asked about enforcement. Our guiding principle is to use consent wherever possible, but enforcement is necessary. Up to 21 September, 18,912 fixed penalty notices had been issued in England and Wales. It is shame that that number has crept up as high as it has done but that demonstrates the determination with which we are prepared to follow up on this important principle.

The noble Baroness, Lady Watkins, asked about the exit strategy. Let me reinforce the absolute primary importance of the exit strategy. She is entirely right: the public absolutely deserve to know how they can help to get their area out of lockdown. An important principle behind the Prime Minister's announcement on local alert levels will be trying to design a way to articulate that so that there is a sense of common purpose.

On data, let me assure my noble friend Lady Altmann that incident rates are not the only thing that we look at; we also look at positivity rates so that we are not distracted by the increase in testing.

I assure the noble Baroness, Lady Thornton, and my noble friend Lady McIntosh that the mental health impact is a major concern. As an illustration of that, let me say to my noble friend that we are concerned about people who live alone. There is clear guidance on making a support bubble with another household. I would be happy to write to her with a link to that.

On technology, the noble Baroness, Lady Barker, asked about 111. Privately, I am incredibly pleased that she listened to what I have said on the matter. I assure her completely that there is massive investment in both people and the tech behind 111. It is incredibly important that that stands up well and provides people with the reassurance and advice that they need to make that a success.

Lastly, on the observation from the noble Baroness, Lady Barker, on households and pubs, the Joint Biosecurity Centre makes that kind of analysis. I agree that there seems to be evidence that household transmission is extremely acute. Once in a household, the disease often spreads to many people within the household, but of course it needs to get into the household in the first place. That happens in places such as pubs, clubs and hotels, although I am not sure that there is any evidence to distinguish between different venues and their transmission rates.

Local/national interaction has been the subject of a huge amount of comment. I completely hear and endorse a lot of the sentiments that have been heard. Our approach, despite what might appear from the debate, is very much a national/local partnership. We have come a very long way since February and March, when we initially discussed these matters. There are more local testing sites, local test processing sites, local

tracing partnerships and local dashboards, and there is more publication of data. I would be very glad to provide a guide for any of that public data to anyone who would find that helpful.

The noble Lord, Lord Hain, is shocked to observe the outrage of local council chiefs over these measures. I am surprised myself. I reassure noble Lords that a huge amount of dialogue goes on every hour of every day at the moment between local authorities and central government, and that the narrative on TV is quite different from what happens in private conversations between all parties. There is very much a deep commitment by the Government to work in partnership. That is one reason why so much care, time and consideration has gone into the design and funding of the tiers being announced by the Prime Minister as we speak. Local support for these measures is absolutely fundamental to changing behaviour and to the public committing to the rules we apply. That is the principle set out in the Chamber and the principle that the Government understand. Because of that principle, we are taking the care that we are over the national/local partnership.

My noble friends Lady Morrissey and Lord Naseby, and the noble Baroness, Lady Wheatcroft, all alluded to whether we have a choice. That is a really important question. I completely share the exhaustion, frustration and occasional “What if?” feelings. There is no monopoly on knowledge in this Government; we do not necessarily get everything right. However, I invite my noble friend to read the publication by the Home Office, the ONS, the Government Actuary and the Department of Health on the direct and indirect impacts of Covid-19. It spells out in very clear, graphic and numerate detail what happens to a country such as Britain when it runs out of bed space, when there is an overwhelming demand for bed space that means that those with Covid or seeking bed space for another reason simply cannot get the attention they need. It spells out in clear detail what the impact on mortality would be were that to happen.

That publication also spells out the challenge of trying to enclose those who are vulnerable—the millions who are elderly, those with learning difficulty, those with diabetes and those whose ethnic background puts them into a special category. Millions of people are in the “vulnerable” category. Locking them up is neither conscionable nor practicable. We have tried this. Every year people try to keep their relatives out of the flu season. It makes no impact at all because people want to be with the people they love, and they need the attention and support of the social care workers who support them. For those reasons, the idea of confining the vulnerable to some form of isolation is neither conscionable nor practical. It comes down to a mixture of a values judgment and an economic judgment. History teaches us that those countries that have the stamina to defeat the virus bounce back fastest. That is why we take the approach we do.

To conclude and look forward from here, I once again acknowledge noble Lords’ frustration about the manner of these statutory instruments coming to the House. All I can say in response is that it is a negotiation for the usual channels and the Joint Committee on Statutory Instruments to decide when these matters

are programmed. I am very much committed to being here whenever it is decided by noble Lords that these SIs should be discussed. The Prime Minister’s recommendations on tiering should, I hope, bring a more predictable and easily scheduled progress to these SIs. I very much hope that that will work.

In the meantime, in response to the noble Baroness, Lady Thornton, the Manchester, Sunderland and Harrogate Nightingales have been put on standby. There are more patients in hospital with Covid today than they were before the restrictions came in in March. This is a sombre moment and I am extremely grateful to noble Lords for a rewarding and constructive debate.

*Motion agreed.*

### **Health Protection (Coronavirus, Restrictions) (North East of England) (Amendment) Regulations 2020**

*Motion to Approve*

4.25 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 18 September be approved.

*Relevant document: 27th Report from the Secondary Legislation Scrutiny Committee*

*Motion agreed.*

### **Health Protection (Coronavirus, Restrictions) (Protected Areas and Linked Childcare Households) (Amendment) Regulations 2020**

*Motion to Approve*

4.26 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 22 September be approved.

*Relevant document: 28th Report from the Secondary Legislation Scrutiny Committee*

*Motion agreed.*

4.26 pm

*Sitting suspended.*

### **Arrangement of Business**

*Announcement*

4.32 pm

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** My Lords, the Hybrid Sitting of the House will now resume.

## Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place and on Public Transport) (England) (Amendment) (No. 2) Regulations 2020

*Motion to Approve*

4.32 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 22 September be approved.

*Relevant document: 28th Report from the Secondary Legislation Scrutiny Committee*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, we are all aware of the rising rate of infection, particularly after this morning's candid briefings, and the risks this poses. Therefore, noble Lords will understand the importance of taking the necessary steps to keep members of the public safe, while continuing to keep the economy running, the schools open and heading off the need for a second lockdown.

We know that some of the rules put in place have become increasingly complex and difficult to enforce. That is why the Prime Minister has set out today how we will further simplify and standardise local rules by introducing a three-tier system of local Covid alert levels in England. This is not the subject of the debate today, nor does it change the legal requirement to wear a face covering, but it should reassure noble Lords that we continue to work with local leaders to tackle outbreaks with more targeted restrictions that are simple and constructive.

The regulations being debated today introduce the requirement that members of the public should wear a face covering in taxis and private hire vehicles. In addition, they should also be worn when inside a premises that provides hospitality—such as a bar, pub or restaurant—except when eating or drinking, for which they must be seated. This means that people must wear a face covering when entering, leaving and moving around inside these premises. Additionally, staff working in certain retail and hospitality settings should wear a face covering if they are in areas that are open to members of the public and are therefore likely to come into contact with members of the public.

I will now set out why this is a necessary measure, and how we have seen public behaviour change since the introduction of the first set of face covering regulations. A review of recent clinical research published in the *Lancet* in August suggested that face covering usage “in community settings with reduced physical distancing might be justified.”

But despite this, the paper concluded that for Covid-19 this evidence is of

“low or very low certainty”

due to the nature of the data collection.

Studies published in the journal *Nature* have shown different degrees of support for face coverings. In an article at the end of September, the publication concluded that the effectiveness of cloth face coverings is not as well established as that for PPE in a clinical setting.

This article recognised that face coverings are intended to protect the public from exhaled virus-containing particles, but points out that

“few studies have examined particle emission by mask-wearers into the surrounding air.”

In a news feature a fortnight later, *Nature* quoted studies suggesting that face coverings might have the capacity to save lives, but the article outlined the difficulty of establishing definitive proof. The *BMJ* pointed out on 7 September:

“There are large gaps in our knowledge and without clear evidence on the use of cloth masks in the community we may be wearing false reassurance.”

PHE conducted a rapid review in June of 28 studies into face coverings for community usage. At the time it concluded:

“There is weak evidence”

in these studies

“that mask wearing in the community may contribute to reducing the spread of COVID-19”.

There is, however, stronger evidence that the

“beneficial effects of wearing masks may be increased when combined with other non-pharmaceutical interventions, such as hand washing and social distancing.”

SAGE has advised that using cloth masks as a precautionary measure could be at least partially effective in enclosed spaces where social distancing is not always possible.

This is the scientific context for these measures. The Government have mandated the use of face coverings in places where social distancing is difficult and where there is closely shared space. We are not increasing high levels of acceptance that face coverings are gaining among the public. We need to be clear that face coverings are not a panacea; they are not a substitute for the key measures. Face coverings alone will not stop the chain of virus transmission, but to do so we must continue to maintain good hygiene, including when putting on and taking off face coverings, and follow social distancing guidelines and safe self-isolation advice.

As the WHO pointed out this summer, due to the limited evidence of the efficacy of homemade masks,

“their use should always be accompanied by frequent hand hygiene and physical distancing.”

With this in mind, noble Lords may have seen the recommendations published by the BMA this weekend about extending the use of face coverings in more settings, including outdoors.

We know that people are responding positively to these regulations, as it is reflected in data published by the ONS. On 11 May the Government advised the public to wear face coverings in enclosed spaces, and on 5 June ONS data suggested that only 32% of people reported that they had worn a face covering outside of the house. Fast forward to now, and ONS figures published on 9 October show that 98% of people had reported wearing a face covering when they leave the house. YouGov polls from the start of October provide further support for these findings. Data collected for the DHSC on health behaviours also show that since new regulations came into force on 24 September, 84% had worn a face covering in a restaurant, café or pub on some occasion, a rise of 22%.

This instrument is already benefiting members of the public and workers alike. I am enormously grateful to noble Lords for their continued engagement on this challenging process in the scrutiny of these regulations. We will, of course, reflect on this in the debate to come. I beg to move.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** Just for the benefit of noble Lords, let me say that the noble Baroness, Lady Thornton, will not be speaking next; she will be winding up for the Opposition. The noble Lord, Lord Campbell-Savours, will be relieved that he is not winding up for the Opposition, and I call him next.

4.38 pm

**Lord Campbell-Savours (Lab) [V]:** My Lords, this is the 15th occasion since 9 March on which I have spoken on face masks, and I do not want to repeat much of what I have said in the past. We have made some gains over recent months, and I sense that the noble Lord, Lord Bethell, has certainly influenced events, and for that we are grateful—but there still remains a huge gap in mask policy. These regulations define the circumstances, regulatory requirements, enforceability, penalty and review arrangements, and I broadly support them, limited as they are.

The media criticism of inconsistency in wider virus policy application, which has dominated the national debate, is easy copy. The truth is that it is utterly impossible to avoid inconsistencies—we are in a crisis, and it is inevitable that make-do arrangements will breed inconsistencies. My criticism centres on the general approach to masking. It is quite clear to me, and I have read most of the material, that a more precautionary approach is required over the coming months. I can only repeat my view, held since March, that masks should be mandatory in all conditions of social interaction, apart from in the home. That includes offices, shops, and all public premises and spaces, including the streets, with exemptions for health requirements only. I need only point to the success of masking policies in south-east Asia to make my case.

Furthermore, I remain concerned about the issue of valves, which I raised on 18 September, and to which the noble Lord, Lord Bethell, responded positively. I shall be pressing this issue further, as people are simply not getting the message that masks with valves are suitable only in clinical settings where practitioner wearers are known to be virus-free. The Government have to address this issue at an early stage. Valved masks are still being sold to a wider public, unaware of the danger to others.

However, while concentrating my comments on masking policy, I need to raise the equally controversial and associated issue of herd immunity. I have opposed the herd as premature from the start. The experience of Sweden has been misinterpreted. The problem with the Swedish data is that commentators have sought to equate it with the United Kingdom data, which is a nonsense, as no account is being taken of statistics on population density and income. Population density is critical to the debate—we need only examine population and income stats from within the United Kingdom to

see that our worst-affected areas are in our high-population-density industrial and socially deprived heartlands. So I say ignore the Swedish data; the solution is to be found at home.

At this stage, we need to reject the herd and follow a policy of differential regional lockdown, as advocated by the northern mayors—and yes, it should probably be tiered, as was suggested by the Government in the Statement in the Commons half an hour ago. The policy should be reviewed at this year-end. I say that, as we need to take fully into account the legitimate arguments of those who want to move to the herd at an early stage. I believe that their demand is premature, but it should not be completely ruled out in the longer term. We need to give the policy of hot-spot lockdowns time to work.

To embark on the herd has major implications for vulnerable groups. If, in the end, supporters of the herd have their way—and that may well happen, as they are driven by concerns of public expenditure—we will need assurances that a national comprehensive support system for the elderly and vulnerable will be put in place. That needs careful planning. It would be a disaster if the herd were introduced, leaving the elderly exposed to the ravages of the virus in the absence of adequate community support arrangements.

This brings me to why I suggest a year-end review. This is a very fast-moving debate. Today's Statement in the Commons is a clear indicator of that, although the failure to address masking policy in that Statement is a mistake. In ideal circumstances, we need a bridging strategy between a rundown in government support and the introduction of a vaccine in the gap. Timing is critical. Government planners should be working on that now. In conditions of vaccine failure, the herd will be inevitable. Whatever the eventuality, we need careful planning. In my view, it is inconceivable that we would be driven into a herd strategy without the national mask programme that I advocate. Whether it is differential regional lockdown—which I refer to as DRL—or the herd, there is a clear case for mandatory masking in all social interactions, with the exemptions I already outlined in my contribution today.

4.44 pm

**Lord Greaves (LD):** My Lords, it must be hard work for the Minister to have to come here, make speeches and deal with noble Lords all the time. Trying to do this particular one twice must be a nightmare—fortunately, he was rescued from that.

As far as public consent is concerned, masks are one of the few successes of the Government's policies and strategies on Covid-19. There is a high degree of compliance with mask-wearing, which is to the credit of people in this country.

When we started again in September, I was very concerned—I was frightened—at the prospect of going on the Underground, remembering what it was like in July, so I brought my bicycle down to London and had a wonderful fortnight cycling in, during the day. My daughter told me that if I brought my bicycle to London, it would be stolen, so I took precautions against that. It was not stolen, but somebody had a go at it and tried to smash it up and I had to take it home

[LORD GREAVES]

to be repaired. I took courage into my hands and went on the Underground. I have to say that, at the moment, the Underground is a safe environment. I have been coming down on the west coast main line, as I did this morning, and I worry how long those trains will run for when it is only me in a whole carriage. At least the public transport I use is safe, and almost all the people I see on it are wearing masks and behaving sensibly. That is good.

The problems seem to be in supermarkets and similar retail premises. People go on social media and get all het up about people not wearing masks in those places. The answer of the operators of retail premises is that they cannot force people to wear masks. But what they can do, and sometimes do do, is refuse to serve people. If the rule was that you could not be served in such places unless you were wearing a mask, it would be much easier to enforce. They would simply say, "I am sorry, I am not serving you." It is not difficult to sort that out, so the Government ought to think about that and do it.

I am not someone who will march along the street behind the Great Barrington banner; I think that they are going overboard in what they are saying, though some parts are quite sensible and ought to be taken on board. Generally, there are too many people, on all sides, who are proclaimed as experts and believe that they are right about every aspect. Whether they are professor this, doctor that, or even professor-doctor something else, everybody in this debate, and everybody going on television, ought to have a great deal more modesty about what they are putting forward. The truth is that we do not know a huge amount about the virus and the illnesses that it causes, and we will not know everything for a long time, if ever. Therefore, instead of saying that this is necessary or this is essential, it would help if people had greater modesty and relied on evidence when we can get it.

The problem is that, increasingly, what is put forward as evidence, including the statistical stuff, varies according to where you go. A great deal of the evidence that we need is simply not there. I look at the PHE surveillance report every week. It is a mass of exciting graphs, many of which are put up on our television screens by various organisations. But the crucial evidence that is not known, which I think the Minister referred to in his speech, is how much of the primary transmission of this virus—the real source of it—comes from different elements out in the community.

We are told that it is almost all community transmission now—that while transmission within the health service has not been eliminated, it has been substantially reduced. We are told that care homes are being dealt with, so the two huge problem areas from before have been dealt with. But do we really know how much is coming from shopping, from hospitality, from sporting events and, if I dare say it, from schools—an area that we are not allowed to talk about—and so on? Also, how much of it is essentially among families? I think that family transmission is secondary and, as the Minister suggested, the virus is being brought into homes and then spread in that way. I do not think we know, and that is because the testing and tracing being done does not look backwards; it looks forwards.

Environmental health officers can do the job of finding out where the virus is coming from in the first place. There is a huge amount of evidence about this that the Government really need to look at seriously.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** Since the noble Lord, Lord Bowness, has withdrawn from the debate, I now call the noble Earl, Lord Clancarty.

4.51 pm

**The Earl of Clancarty (CB):** My Lords, in Greta Thunberg style, without being scientists in the relevant fields, many of us have asked the Government whether they have looked at particular scientific evidence, or what the scientific evidence is for the decisions they are taking or the decisions that they might take; we have asked these things about face masks. Unfortunately, although we know that the department is very busy and that the Minister, the noble Lord, Lord Bethell, is again very busy today, we often do not get answers to these questions, and when we do, they can be sketchy. Having said that, however, the Minister has given us much more scientific detail today about the arguments for and against the use of face masks. I would say that it is not an entirely fair appraisal of the scientific material, much of which is very convincing about the effectiveness of their use.

There are two things to consider here. One is that the public need to have confidence that the Government are doing the right thing, and therefore they have to show that they are thinking deeply about these matters. The second is that the public have the right to know what the scientific evidence is, and I would include local authorities in this principle of access. The legal challenges being mounted are surely a direct result of the Government's secrecy in these matters, which is regrettable, but if the attempts to resolve this crisis were being made primarily through the public sector locally, rather than through private companies, one strongly suspects that there would not be the same concerns.

I would like to ask the Minister about the latest position on the science of face masks, but he has given the answer already. This may seem like going over old ground, although the evidence could be accumulating and may be refined. This is important because while most people in my area of Hampshire are complying with the regulations, there remain a significant minority who do not. This cannot be explained away by exemptions. On my train to and from London, I have had to move seats or even carriages a few times to get away from people not wearing masks. While huge fines are now threatened for not wearing a mask on public transport, I am still not convinced that the Government have won, or have even tried to win, the hearts and minds of people for this measure. Has research been carried out on variations in compliance across the country?

However, most people are complying—or at least they do so in my area. As the noble Baroness, Lady Bowles of Berkhamsted, pointed out in an earlier debate, there is nevertheless a logical and common-sense precautionary aspect to face masks, and perhaps that is fortunate. But there is another reason for asking about the science and being convinced by it. If face

masks are significantly effective, as the relevant scientific authorities in other countries believe them to be, we should ask whether their use should be extended much further than it has been. I therefore welcome the extension to shops, pub staff and taxis set out in the SIs we are discussing. Surely the bottom line here is that the combination of social distancing and the wearing of face masks will preclude the spread of the disease in those circumstances where these measures are deployed. I ask the Minister: would it be true to say that where this combination is not deployed or not happening, that is where we see the spread of the disease? Can the use of face masks therefore be extended to both inside and outside environments? I agree very much with what the noble Lord, Lord Campbell-Savours, had to say about that.

Just looking at schools, at the end of September, just over 6% of schools reported being affected by Covid. What is the evidence of transmission within schools or outside the school gates? Should there be regulations about the wearing of masks within schools and what about school buses? Is there now a strong argument for children to wear masks from school to home or school to family car? At certain times of day, it is difficult to avoid large groups of schoolchildren, very few of them wearing masks and all shouting, as is normal, on their way home or to and from the railway station. Are the Government looking at this?

I know that some of these questions have been asked before, but now that schools have been open for a while, there ought to be data about transmission to which the public also have a right to access. Have the Government compared notes with other countries, including Germany, which has comparable statistics as regards Covid in schools?

The last time I participated in a debate on face masks, I asked a question about the effectiveness of visors as opposed to masks, as they are increasingly used as an alternative. I did not receive a reply the first time, so I ask the Government again: have they looked at this and what is their advice to the public?

4.56 pm

**Baroness Jones of Moulsecoomb (GP):** My Lords, I declare an interest as a vice-president of the Local Government Association. I support completely the idea of wearing face masks. It is an incredibly sensible option, particularly for most of us here. However, I point out to the Minister that my experience suggests that it is mostly men of a certain age and of a right-wing persuasion who find it most difficult to wear face masks. Then there are those who wear them but do not cover their noses. It makes their noses look huge and I feel that, from the point of view of attractiveness, we should encourage them to put the mask over their noses as well. Quite honestly, I think of this as a public duty. I hope that other people wearing them will protect me and I certainly hope to protect others by wearing mine. If the wearing of masks helps to reduce the spread of the virus, it is an important part of collective action and solidarity between people.

However, perhaps the Government have not always made this completely clear and I am very glad that we are not hearing any more of their August talk about

“returning to normal”, which actually means supporting London businesses but not supporting local businesses, which most of us have been doing. The regulations have added yet more complexity to the legal framework, with yet more piecemeal amendments. With the announcement today of a new coronavirus legal framework, would it not be a good idea to start consolidating the regulations as part of the exercise so that it is all made as simple and as clear as it possibly can be? In the past—and possibly still—the Government have muddled up and blurred the lines between guidance, advice and the law. This has resulted in a huge amount of confusion, especially for organisations such as the police.

I feel it is inherent in the regulations that the Government expect the virus to be around for some time. It is therefore time for an economic package that includes a universal basic income for everyone to support them through the next six months, to make sure that people can not only support the economy but feed their children and themselves and lead a reasonable life.

An issue that has exercised me throughout the coronavirus crisis is that the Government have been bypassing Parliament. I know there has been a debate in the other place today and that MPs are going to be able to speak on these new regulations tomorrow and then vote on them, but the vote will be yes or no. That is not a debate. A debate suggests that there is a back and forth, and a vote would then imply voting for amendments and alterations.

Adam Wagner, whom I follow on Twitter, is a human rights barrister and a visiting professor of law at Goldsmiths, University of London. He said yesterday:

“One of the things this crisis has brought home to me is how illiberal outcomes are inevitable when hugely important decisions are made by a small group in secret and without parliamentary scrutiny. Biases and personal preferences of those in the room are inevitably amplified”.

For me, that sums up how these regulations are consistently formed and then imposed on us. It is not just about not bypassing Parliament any more or allowing it a say in improving the regulations; it is about understanding that a small clique of people deciding things for the rest of us is a really unhealthy way of going about things, and is absolutely not democracy.

I support noble Lords who have said that local authorities need to be brought in. The Minister said in his opening remarks something about the Government continuing to work with local authorities. That is the sort of phrase that I say “ahem” to; I do not believe it for a moment, and I think local authorities would agree that it is not what has been happening. Many of us do not trust private companies to have the interests of the population at heart, but we understand that it is the job of local authorities to put our interests first. The Government have to give local authorities the power to test and trace, give local authorities the funding so that they can make that happen, and then give them anything else they need to get the job done properly. Let us face it, Serco and the Government have made the most awful mess of this so far; they have wasted billions and allowed thousands to die.

[BARONESS JONES OF MOULSECOOMB]

I did not hear the Minister respond to my noble friend Lady Bennett's questions in the last debate. I ask that he write to her with the answers so that we can all be clear exactly what the Government are doing.

5.03 pm

**Baroness Finlay of Llandaff (CB) [V]:** My Lords, I declare that I am on the BMA ethics committee. I want to consider what we know, what we are doing and where our duty in society lies.

Masks are increasingly reported to be protective. I thank the Minister for his brief summary, but I add to it that no evidence has emerged that they are harmful in Covid transmission. The coronavirus is tiny, 0.1 micrometres across, less than one-800th of a human hair in diameter, but it does not leave the body on its own; it relies on aerosols and droplets to spread, and it goes however far that mist takes it. Think of tobacco smoke spreading; once you get beyond two metres and are not downwind, you are less likely to inhale much of it, even though the aerosol lingers in the air for a long time. Do not forget that in indoor spaces that can be for many hours, which is why the BMA wants masks worn in offices even when alone.

This aerosol, often minute droplets of around double the width of the virus itself, is partly caught in the fibres of a mask. Masks made of double layers of tightly woven mixed fabrics, such as silk and fine cotton, seem to decrease aerosol transfer by up to about one-fifth. The standard mask for use in healthcare settings with aerosol-generating procedures is the N95 respirator mask, which is designed to protect the wearer by filtering out 95% of airborne particles that measure 0.3 micrometres or larger. A review of observational studies estimates that such surgical and comparable cloth masks are around 67% effective in protecting the wearer. That figure may be even higher for the G variant of the virus that seems to transmit faster, but we do not yet know that.

The other protective effect of a mask is that it can cut the viral count inhaled by up to 60%. Where masking reduces the dose of virus that a wearer might receive, it seems that the resulting infection is milder or even asymptomatic, whereas a large viral load results in a more aggressive inflammatory response. So wearing the suitable mask protects the wearer as well as protecting others if the wearer is excreting virus. In Hong Kong a new type of reusable fabric mask, CuMask+, will be issued to all citizens. This patented six-layer mask is washable 60 times and incorporates copper as a key filtering component, although there is some dispute over the extent of claims of efficacy.

What of mask deniers? I am afraid that they are still out there. The inconvenience of wearing a mask is tiny for most of us. Those who lipread for whatever reason need to see a person's mouth and a very small number of people cannot tolerate a mask, so exceptions are appropriate. For the rest of us, it is only a slightly increased effort to breathe through the mask and cope with fogged-up glasses—although proper eye protection is associated with less infection. However, we all have a duty to others—the ethical principles of justice and

that we do not cause harm. We have no idea if the person that we passed in the shop, the street or elsewhere is in a high-risk group and should be shielding.

Thin, disposable masks are not adequately protective, and there are now more masks than jellyfish in some seas. It is predicted that 75% of throwaway masks will end up in landfill or in oceans. The ecological effect will be long-lasting, as these masks last 450 years before degrading. What is the Government's policy to radically decrease mask litter? Why are we not providing advice on how to recycle masks—for example, by hot-ironing cloth ones?

I stress, as I have before and as Distance Aware aims to stress, that the most important measures are social distancing and hand washing. Is the word "space" used simply because it rhymes with "face"? Is there evidence that the public know that this means the two-metre rule? Will the Government make it crystal clear that the two-metre distancing rule is more important than anything else, and that masks can be an adjunct of that but no substitute for it? Other than fines, what is being done to empower those who deserve to be protected when confronted by someone who is simply too selfish to wear a mask properly and thinks it is funny to hang it around their chin or off one ear? I hope we are at the end of mixed messages and that social duty towards each other will define what we do.

5.08 pm

**Baroness Ritchie of Downpatrick (Non-Afl) [V]:** My Lords, it is a pleasure to follow the noble Baroness, Lady Finlay of Llandaff, who has considerable scientific knowledge about this issue. I thank the Minister for his explanation of the regulations.

I agree with the use of face masks, particularly in relation to these regulations with respect to taxis and the hospitality industry. I note from the learned journal *Nature* that science supports the use of masks, but it also says that it is difficult to assess how well they work or when to use them. I think we have all been quite clear that wearing face masks protects not only ourselves but everyone else within our space, using social distancing, hand washing and all the other requirements to keep safe.

In relation to all these debates, I take on board the points made by the noble Lord, Lord Campbell-Savours, who has referred to masks in many debates in your Lordships' House as far back as February, and to herd immunity. Will the Minister say whether the reason the Government, who seem to be followed by the devolved institutions, are not going for a strict lockdown, as back in March, is to build herd immunity? Is that the real reason for all of this?

That brings me to the regulations regarding face coverings. I note that they came into effect on 23 and 24 September without parliamentary scrutiny, that there were errors and that remakes were necessary to provide clarity. I further note that three correcting instruments had to be made within 24 hours, and that the Secondary Legislation Scrutiny Committee noted its surprise that the Government are not doing more to co-ordinate such changes in a more structured way. The committee also stated that it is not helpful to have the law scattered between so many instruments, so

I come to the point made by the noble Baroness, Lady Jones of Moulsecoomb, who talked about the probable need for consolidated regulations. There are too many separate amending regulations, and that is where inconsistency and confusion can arise. Will the Minister consider the use of more consolidated legislation, or is that not possible due to the changing nature of the virus? Where is the parliamentary scrutiny in advance of the introduction of such regulations? When will that happen? That point has been made on numerous occasions during various debates in this House, and I recall the regret Motion moved by the noble Baroness, Lady Thornton, to that effect on a Friday about three weeks ago.

Undoubtedly, Northern Ireland will follow suit on these regulations. It is as if a time lapse has taken place, which can cause inconsistency in application, understanding and adherence. In that regard, will the Minister indicate what process is under way to assess the effectiveness of such measures as they relate to society and communities? As a result of that assessment, could best practice be adopted across the UK through the medium of a committee of officials in the devolved Administrations and the Government, so that we have the maximum impact in reducing the rate of transmission and the number of cases, at the same time as protecting all our citizens and our economy?

What assessment has been carried out of the use of face masks? Are there background statistics showing that they are actually being used, and are fines being imposed when they are not? What is the rate of such fines and the rate of malpractice in that regard? If such analysis has been done, what learning has been captured? Could best practice be rolled out through all policy avenues in relation to Covid and these regulations?

5.14 pm

**Lord Loomba (CB) [V]:** My Lords, I would like to make two points about today's regulations. The first is regarding the wearing of face masks and the second concerns the amount of legislation being created to deal with the pandemic.

As a country, we were slow to adopt the wearing of face coverings, and there was a huge debate in the early days of the pandemic about the merits or demerits of their protective qualities. This was at a time when PPE was in short supply, and it was generally agreed that NHS and other front-line workers were left vulnerable without the correct PPE, which included wearing masks for complete protection. It is therefore a mystery as to why it did not make sense to endorse the wearing of face masks by the general public in the beginning, given that there was so much evidence of their protective benefits from their use by front-line workers. Perhaps the Minister would like to say why such an oversight took place.

My second point, which has also been noted by the Lords Secondary Legislation Scrutiny Committee, concerns the number of statutory instruments dealing with issues relating to the pandemic. For example, we had two original face covering regulations, which were subsequently amended by three further instruments. Today's instruments add a further three amendments to the original two, making six in total.

One of today's instruments includes taxis and private hire vehicles in the definition of public transport in order to make it compulsory for passengers to wear a face mask when using them. That it was not considered necessary to include this form of transport in the beginning means we need a further instrument to deal with the issue. Not only does that add to the legislative burden; it links to my first point about adopting the wearing of masks earlier in the pandemic: not having that regulation may have contributed to many more people being infected, as they were without face masks in a confined space. A second example is the provision that addresses the inadvertent omission from the original instrument of making it compulsory for bar staff to wear face masks.

While we are making fines for non-compliance stiffer, as here with the second regulation, we must make sure the law is accessible and easily understood by the public, or we are in danger of undermining the rule of law. I thoroughly endorse the committee's view that the Government must take a more structured and, indeed, streamlined approach to the legislation in order to facilitate understanding and compliance, as no doubt the need for more legislation is unlikely to go away in the current situation.

**The Deputy Speaker (Lord Palmer of Childs Hill) (LD):** I call the noble Baroness, Lady Uddin.

**Baroness Penn (Con):** The noble Baroness might be on mute, so she could try unmuting herself.

**The Deputy Speaker (Lord Palmer of Childs Hill) (LD):** I think we will go to the noble Baroness, Lady Wheatcroft.

5.19 pm

**Baroness Wheatcroft (Non-Aff) [V]:** My Lords, I spoke in the earlier statutory instrument debate so will keep my remarks brief on this one. The noble Lord, Lord Greaves, urged shopkeepers to refuse to serve customers who are not wearing masks, but I have every sympathy with those who serve in shops or work on public transport who see people not wearing masks but are highly reluctant to confront them. They face being told that the people concerned cannot wear a mask but have no evidence of that—they just do not want to wear masks.

The majority of people are playing by the rules, but not everybody. The Government's advice is that:

"No person needs to seek advice or request a letter from a medical professional about their reason for not wearing a face covering."

As long as that remains the case, it is difficult for anybody to challenge those who are not wearing face coverings. If the Government believe that it would help in reducing the rate of Covid if everybody who can do so wears a face covering, is it not worth considering making it obligatory—because we are in a time of emergency—so that those who do not want to wear a face covering cannot just decide that they will not?

Those who cannot wear face coverings surely should have no difficulty in getting a GP, or maybe even a pharmacist, to give them something indicating that

[BARONESS WHEATCROFT]

they are exempt. Then people who are behind the counter, manning the turnstiles or driving a bus would feel confident in challenging those who simply were not wearing a face covering, and insisting that they complied with the rules or would not be served or carried on public transport, et cetera. I would be grateful to hear the thoughts of the Minister on that point.

5.21 pm

**Lord Oates (LD):** My Lords, at the outset of the pandemic in Europe, medics from south-east Asia, who had the most experience of the virus and consequently the best understanding of it, made it crystal clear that the wearing of face masks, while no panacea, was one of a number of important measures in combating it and in making people less vulnerable to other seasonal viruses such as the flu. The noble Baroness, Lady Finlay of Llandaff, set out comprehensively how cloth masks in particular can be highly effective as part of a wider approach. She also made an important point about the reduced effectiveness of disposable masks and the ecological damage that they do. For some reason, at the outset of this pandemic we chose to ignore the advice from south-east Asia, preferring to reinvent the wheel because we somehow thought that we knew better.

At a time when the Government were closing businesses, restricting travel, preventing children and grandchildren seeing their parents and grandparents, and confining people to their homes—the greatest interference in British people’s civil liberties since World War II—for some reason they would not take the simple step of requiring, or even just requesting, that people protect themselves and others by enduring the minor inconvenience of wearing a face mask. It was not until 11 May, nearly two months after the lockdown, that the Government first advised the public to wear face coverings. It was not until 15 June that they were made mandatory on public transport, three months after the lockdown began, and it was not until four months later that they were required in shops, supermarkets and transport hubs—and even later in hospitality venues.

The Government preferred to spend their time focusing on grandiose claims about world-beating apps that never arrived, rather than on adopting and enforcing effective infection control, including masks, and, as the Minister said, handwashing and social distancing. They have only recently started focusing their public messaging on these three basics together—“Hands, Face, Space”—when those should have been there from the outset. It is impossible to know how many lives would have been saved if we had listened to advice from our colleagues in south-east Asia much earlier, but what is unforgivable is that today we still lag way behind in the measures we have taken and the means of enforcement.

The regulations we are discussing, which require face coverings to be worn in taxis and private vehicles, came into force only on 24 September. It is extraordinary that it was not a requirement from the outset. The Explanatory Memorandum states:

“Emerging data has demonstrated that taxi and private hire vehicle drivers as more likely to be vulnerable to Covid-19”.

I am very surprised that it has taken over six months to arrive at what seems a reasonably self-evident supposition, because of not only the disproportionate number of drivers from more susceptible groups, as referenced in the Explanatory Memorandum, but the confined space in which they operate. I understand that even under these regulations, the requirement is upon passengers and not drivers. This seems an unfathomable policy decision and I hope that the Minister will be able to explain it in his reply.

The second set of regulations, as we have heard, require face coverings in theatres, bars, restaurants and pubs, except when seated. These did not come into force until a day later—not until 24 September. Again, what was the Government’s rationale in applying such a basic public health measure so late in the day after we started to reopen the economy?

Finally, on enforcement, over the past weeks, the penalties for failure to wear a face covering that are displayed at London railway stations, such as the ones I have seen at Waterloo and Clapham Junction, have moved from £100 one week to £3,200 the next and £6,400 the week after that. Who thinks this sort of thing up? Do they not realise that, far from making the public think that the Government are getting a grip, it makes them think that the law is a joke—doubly so, because they can see that enforcement appears almost entirely absent? I know now, although only from reading the regulations, that the £6,400 figure is a maximum for repeated offences. But as far as I am aware, the public are not avid readers of statutory instruments, so they will not know that. They will regard the fine displayed as frankly absurd—as I did when I saw it. As enforcement seems to be most notable for its absence, it is hard to imagine anyone being challenged enough times for the maximum fine ever to be applied, so what is the point? In that context, can the Minister tell us how many fines of £100—the minimum—have actually been issued and what is the maximum fine that has so far been employed?

As the Minister stressed, face coverings are no panacea, and as my noble friend Lord Greaves said, we often do not have the evidence that we would like when making decisions. But if we are going to get ahead of this disease, we are going to have to act much faster. Sometimes we are going to have to use our common sense and act ahead of having all the evidence that we would want. We need to have an enforcement regime that is proportionate and effective, with a verifiable system of exemptions.

5.28 pm

**Baroness Thornton (Lab):** My Lords, the contributors to this debate have asked the Minister pretty much all the questions that need to be asked on this issue. Perhaps I may say to my noble friend Lord Campbell-Savours that I would not have minded if he had been here doing this job, because he is definitely the expert on face masks in the House.

I want to make two procedural points. First, as we move forward to discuss face masks, I cannot see any reason why we would not be discussing them before regulations are made. If there are to be any changes to the regulatory regime around face masks, I cannot see that emergency legislation needs to be used. The House

is perfectly capable now of discussing whatever needs to be changed, as the science evolves, prior to enactment rather than several weeks after. Secondly, I cannot resist teasing the Minister about the fact that the Secondary Legislation Scrutiny Committee has asked the Government if they can please take care about not publishing three amended statutory instruments to correct the mistakes that they made in the first one—and they did it within 24 hours. It said:

“The Committee has noticed a recent increase in the number of correcting instruments, with several Coronavirus instruments having to be revoked or amended immediately after laying ... We therefore remind all Departments to check all instruments thoroughly before laying them before Parliament”.

I think that probably counts as a B.

The noble Baroness, Lady Finlay, was correct to say that the need to wear masks was about protecting each other. The Prime Minister said last week, concerning the sharp rise in coronavirus cases across the UK, that the country had become blasé about following restrictions designed to bring the pandemic under control, but I think a lack of enforcement is partly to blame. The Prime Minister’s father, former MEP Stanley Johnson, has been pictured three times either not wearing a mask or with one tucked under his chin, in places where face coverings are required: a London shop, a Tube station and an airport.

Therefore, it is legitimate to ask the Government not specifically about Stanley Johnson’s conduct but about what assessment they have made of the levels of compliance and of people’s reasons for not following the rules. Perhaps it is because the rules are changing so quickly and are confusing, or because people are becoming blasé. As I have said, I travel in and out of London on Tubes and buses every day; as the Minister said, the wearing of masks is significantly better than it was a month ago. There is absolutely no question of that. However, there are still people refusing to wear them.

Business enforcement is an issue here. Shops and supermarkets are required by law to inform customers to wear a face covering—unless they have an exemption—which they do through signs or by telling them when they enter the premises. This is enforced by local authorities and businesses risk a fine if they fail to do so. However, there is concern that the Government may not be following through on their own advice. Four retailers—Sainsbury’s, Lidl, Morrisons and B&M, the homeware stores—were issued with warning notices by Barking and Dagenham Council in east London, after their staff were seen failing to enforce mask-wearing and social distancing by customers. After the enforcement notices were issued under anti-social behaviour legislation, stores were understood to have complained to the Department for Business, Energy and Industrial Strategy. It has been reported that a senior official at BEIS then telephoned the council and said that it

“did not have powers to enforce these guidelines using the Government’s Covid-19 emergency powers”

and that

“the action had caused a negative reaction from the operators”, according to a letter of complaint from the council to Alok Sharma, the Business Secretary.

This is rather important. Can the Minister confirm these reports? If so, does he share my concern that maybe his colleagues are undermining these regulations, and public health? Who will enforce these regulations, and how? As the Minister said, the British Medical Association has called for face masks to be mandatory in busy outdoor areas as well as indoors, and where there is a risk of coming within two metres of other people, including in offices. It is clear that most workplaces were never designed for people to work two metres apart. The Government need to revisit the science and enforcement of wearing face masks. It would be great to have that debate before enactment.

**The Deputy Speaker (Lord Palmer of Childs Hill) (LD):** Can we try the noble Baroness, Lady Uddin, again?

5.34 pm

**Baroness Uddin (Non-Aff) [V]:** My Lords, many of us in this House have consistently called on the Government to make mask-wearing mandatory. I am relieved that they have seen the error of their ways. When masks were gold dust, my wonderful mother started making them, beautifully crafted, for all our family. I have diligently worn them since April, even when I am cooking and baking. We are at a crossroads, with increasing numbers of people being admitted to hospital across the country. No doubt we will have to examine whether mandating masks would have prevented the rising infection rate.

I take this opportunity to acknowledge the decisive action of the Lord Speaker, and the Speaker in the other place, who instructed both Houses in protecting staff. I hope that guidance will also be extended to staff at hospitality venues, including restaurants. It makes no sense for staff not to wear masks while cooking and serving.

Masks are an expensive commodity, priced well beyond the means of those on paltry state benefits and low pay. Can the Government enshrine their commitment to public health and meet the needs of those most vulnerable by making them available free in health service institutions, schools, universities, community centres and places of worship, where people are still allowed to congregate in greater numbers with social distancing?

I went to venues, as I usually do every weekend, to see what was happening and if there were any improvements among young people attending organised events. I was pleased to see increased numbers of young people wearing masks—though still not enough—but social distancing remains a huge gap in public education. The Government must address this and I am sure we will discuss it in due course.

I have just come from a Zoom briefing by the Chinese Information and Advice Centre. Its members have seen an exponential rise in hate crimes against the Chinese communities. Under the outstanding leadership of Edmond Yeo, CIAC’s endeavours have also been outstanding, ensuring that it provides thousands of masks and food parcels to vulnerable families. I have worked with CIAC since April and throughout the summer. Its work is incredible and its commitment outstanding. This community has suffered a huge rise

[BARONESS UDDIN]

in hate crimes. Can the Minister take this back to his and other departments, and ensure that the Chinese communities are protected on the streets of our country?

5.37 pm

**Lord Bethell (Con):** My Lords, I endorse the words of the noble Baroness, Lady Uddin, in thanking the Lord Speaker and noting his words on masks in the House. Who would have believed in February that a Lord Speaker would be sending an email recommending wearing masks in the corridors of the House of Lords? We have indeed come a very long way. I thank the noble Baroness, Lady Finlay, and the noble Lord, Lord Campbell-Savours, for their insight on the wearing of masks. They have both clearly taken deep dives into the scientific evidence, as I have, and have thought to synthesise from the raw data an understanding of how masks and face coverings may or may not protect the wearer and the society around them. The upshot is that it is not always crystal clear, as they both acknowledged, but there is interesting advice there for everyone.

The noble Baroness, Lady Jones, had in some ways the most interesting insight—at least to me. Out of the science comes a very human and important public health observation, which coronavirus has struck us all with: my health is important not only to me but to those who share my space and my health service. If I have coronavirus, it is not just of interest to me but to anyone standing near me. A communicable disease is just that. The clue is in the name. It is shareable with our neighbours. That is why the wearing of masks and face coverings is not only about protecting ourselves, but about protecting our community, our neighbour and our health system.

I take from this debate a real sense of optimism that public attitudes in the UK have massively changed. I note, in response to the noble Baroness, Lady Thornton, the huge endorsement of the wearing of masks: according to recent ONS figures, 98% of people say that they have worn a mask in the last few weeks. The scientific evidence on masks would endorse that spirit. A simple hand-made or cloth mask is a public service rather than a source of self-protection and it is all the more poignant and important for that reason.

We have come a long way since February and March when there was a serious and understandable concern about cannibalisation. As I said in the previous debate, we have tens of millions of items of PPE from hundreds of suppliers covering months of health needs ahead, so cannibalisation is no longer a fear. The example of south-east Asia is important. I note and echo those who observe the role of face coverings and masks in countries that have much to teach us about public health concerns. However, I reiterate some of the practicalities and concerns about inappropriate—and overreliance on—face mask wearing. It can be a displacement activity. For some people, it can be a way of channelling concerns and can lead to unnecessary risk-taking, particularly for those who are seeking to avoid social distancing. For some, it can be a distraction from the important regimens of hygiene. As I said in my opening words, it is absolutely imperative that those wearing masks are conscious of and abide by

hygiene protocols—a badly treated face covering, reused over days, can become a vector for infection and a source of contagion.

These are the concerns of the CMO and why we have moved thoughtfully and not rushed into this. As the evidence base builds and public attitudes change, we are putting more and more store in this important area, particularly in those instances where social distancing is difficult and where masks can helpfully control or minimise contagion. There is also an important question of public trust. We do not want to be in a position where we highly recommend something that we cannot quite prove is effective. There are those who say, “Well if it doesn’t hurt, why not give it a go?” It can hurt, however, because if the public suspect that we are not relying on clear scientific evidence, that has an enormous impact on our trust figures.

The noble Baroness, Lady Finlay, mentioned the environment and asked about the measures we are taking to minimise the ecological impact. This is challenging. The best practice for masks is, frankly, to use them frequently. In south-east Asia, pupils bring three masks to school each day—one for the morning, once for lunchtime, one for the afternoon—and each one is thrown away after use. That is an enormous consumption of environmentally damaging disposable goods. I pay tribute to the Keep Britain Tidy campaign, which has done an enormous amount to try to think through the disposal of masks; work is being done to figure out ways of either reusing or recycling them.

I will answer some specific points. I absolutely, categorically and 100% reassure the noble Baroness, Lady Ritchie, that there is no herd immunity strategy. It is not the Government’s strategy and we have no plans to move in that direction. To the noble Earl, Lord Clancarty, I explain that masks are recommended for indoor areas in schools, particularly in places such as corridors where social distancing is impossible. It is up to headmasters to provide specific guidance but this is all explained in the guidelines. The noble Lords, Lord Greaves, and Lord Oates, and my noble friend Lady Wheatcroft spoke about shops. This is a challenging area but we are loath to put shopkeepers and shop workers in the firing line; it is not appropriate or fair to ask someone working behind a counter to police the wearing of masks. However, we are very serious about enforcement. In response to the noble Lord, Lord Oates, I pay tribute to Transport for London. Some 102,856 people were stopped between 4 July and 1 October. Of those, 1,753 were removed from public transport and 430 fixed penalty notices were issued.

The question from the noble Baroness, Lady Thornton, on Barking and Dagenham was very interesting. I do not know the full answer. I will seek it and write to her with whatever answer I can find. The noble Lord, Lord Greaves, asked where the transmission of disease comes from. He was right to say that there are different types of transmission in different categories. As we discussed in the earlier debate, households are where it all ends up. Household contagion is extremely high. Many households will originally be infected from the community, by their neighbours or in places where they socially congregate. The disease is introduced into communities from various distances. That is why

we often look at ways of restricting transport, whether within a lockdown area or internationally. Finally, in answer to the noble Earl, Lord Clancarty, visors are not enough to cover mouths and noses; that is why they are not a substitute for a face covering.

Looking to the future, I have said enough on our desire to bring a more regular scrutiny to these kinds of statutory instruments; I completely endorse the words of the noble Baroness, Lady Thornton, on this. I remind noble Lords that it is up to the usual channels to schedule the business of the House. On the Joint Committee on Statutory Instruments corrections, I take note of the noble Baroness's remarks. I have little to say in mitigation, other than to balance her well-meaning and frank remarks by paying testimony to the legal teams who do this work. I know that the noble Baroness would join me in thanking the legal teams who have the unenviable task of drafting these regulations, often late at night and at the weekend. I can tell noble Lords that this weekend was particularly tough for the legal team, who are doing their best under difficult circumstances. As I said, I pay tribute to their work. With that in mind, I beg to move.

*Motion agreed.*

**Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place and on Public Transport) (England) (Amendment) (No. 3) Regulations 2020**

*Motion to Approve*

5.47 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 23 September be approved.

*Relevant document: 28th Report from the Secondary Legislation Scrutiny Committee.*

*Motion agreed.*

**Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) (Amendment) (No. 3) Regulations 2020**

*Motion to Approve*

5.48 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 24 September be approved.

*Relevant document: 28th Report from the Secondary Legislation Scrutiny Committee*

*Motion agreed.*

5.48 pm

*Sitting suspended.*

**Apprenticeships (Alternative English Completion Conditions and Miscellaneous Provisions) (Amendment) (Coronavirus) Regulations 2020**

*Motion to Approve*

5.54 pm

*Moved by Baroness Berridge*

That the draft Regulations laid before the House on 10 September be approved.

*Relevant document: 27th Report from the Secondary Legislation Scrutiny Committee*

**The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con):** My Lords, apprenticeships have an important role to play in creating employment opportunities post pandemic and support employers to meet their skills needs to maintain their businesses. The Coronavirus Job Retention Scheme was launched in March to protect jobs and businesses from the worst of the pandemic, and it enabled workers who were still employed to be furloughed. The Government have made financial support available to employers and targeted relief at the hardest-hit sectors. To enable apprenticeships to continue during the pandemic, we introduced a number of measures and flexibilities to enable apprentices to undertake remote learning and complete their end-point assessment.

We all know that, sadly, young people starting their careers have been severely affected by this pandemic. As we build back stronger, we will need to ensure that apprenticeships play a key role in creating jobs and boosting the skills that employers need. To ensure this, the Government are already taking action. For example, our plan for jobs set out new payments for employers who hire a new apprentice between 1 August and the end of January next year. Where that apprentice is under 25, the employer will receive £2,000, and they will receive £1,500 where the apprentice is aged 25 or older. This is a strong encouragement for employers to create new apprenticeship opportunities in their businesses. Additionally, for young people seeking the skills to enter the labour market, we are tripling the number of traineeships we make available and rewarding employers for offering work placements. For those at risk of long-term unemployment, we are subsidising employers to create new short-term roles as part of the Kickstart Scheme.

However, the scale of the economic impact of the pandemic means that apprentices are not immune from redundancy. While employers are doing their best to protect and retain existing apprentices, sadly, many have cut their workforce and made the difficult decision to make them redundant. To help apprentices through this difficult time, we launched in August a new support service for redundant apprentices. This provides individuals who have been made redundant, or who are at risk of redundancy, with advice and guidance on the impact of redundancy on their apprenticeship. It also enables them to access wider support services, such as careers and financial advice and well-being support. More importantly, it helps

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them to find new apprenticeship opportunities with employers as part of our vacancy sharing service. We must remember that apprentices have valuable skills, often transferable to different industries and sectors.

It is wonderful and encouraging to see that more than 700 employers have come forward to support those apprentices who have been made redundant by providing them with the chance to apply for the range of opportunities available across all sectors and regions. We have received positive feedback from a number of employers who have shared their vacancies and successfully recruited redundant apprentices via this service.

We hope that any apprentice who is made redundant will be able to secure new employment and continue their apprenticeship. Sadly, we know that this will not always be possible. We now require training providers to produce a record of part-completion where an apprentice has to stop their apprenticeship as a result of redundancy. This sets out the knowledge, skills and behaviours that the apprentice has acquired prior to redundancy, helping the apprentice to secure future employment. It is important that, where individuals have made a commitment to their training and where the end goal is in sight, they are not prevented from completing their training due to redundancy. However, we want to go further by giving more apprentices who suffer redundancy the opportunity to complete their apprenticeship should they not find new employment immediately. That is the key reason why these regulations are being debated today.

There have been significant changes to apprenticeships. We have introduced higher and degree apprenticeships, which are of a longer duration. As a result of this, the average duration of an apprenticeship has increased: more apprentices are starting longer programmes. Apprentices on longer programmes who are made redundant do not always benefit from the current policy, where they can continue to be funded if they are six months or less from completion. We now propose to go further. We want those who have completed 75% or more of their apprenticeship to be funded as well. This could mean that an additional 8,000 apprentices can complete their programmes in the event of redundancy. I think we all recognise that apprenticeships are not just training programmes. The unique benefit of an apprenticeship is that it is a real job, and the training consists of a mixture of on-the-job and off-the-job training to achieve occupational competence.

To conclude, having taken steps to encourage employers to offer new apprenticeship opportunities, we are now taking further steps to extend support to existing apprentices seeking to complete their apprenticeship in the face of redundancy. We believe that these regulations strike the right balance between supporting these apprentices and protecting the quality of the apprenticeship experience they receive and the endorsement it provides to employers of their knowledge, skills and behaviours. I beg to move.

6 pm

**Lord Kirkhope of Harrogate (Con) [V]:** My Lords, in the 1960s, I became an apprentice. I began my articles to a solicitor in Newcastle upon Tyne to ensure that I would learn the profession which has served me so well throughout my adult life in a comprehensive

way. My articles of clerkship were a legal document signed by me, my principal and also my father, conveying responsibilities on all of us to ensure the success of my training. I might add that that training was not just good from a legal perspective but also, as an indirect benefit, allowed me to become an expert in the operation of a corded switchboard when the telephonist took her lunch breaks. I am afraid that I have lost that skill, because of the ongoing pursuit of technology. My father had signed a similar document himself some 30 years before, when he joined a large industrial firm on Tyneside as an engineering apprentice. The training he received set him up for his own successful career.

I was pleased that, after many years of falling into abeyance, apprenticeships came back into prominence in 1994 when the then Government introduced what were called modern apprenticeships, based on the frameworks of the sector skills councils. They were brought up to date in 2009 with the establishment of the National Apprenticeship Service, which co-ordinated apprenticeships in England and required certain elements to be applied, including both knowledge and competence with employment rights and responsibilities. Different levels were instituted, which put them on a par with other educational achievements or demonstrated that learning a skill or profession in this way was most definitely not a lesser means of career progression. Even so, while we in the UK had a general policy to enable as many young people as possible to pursue university training, our main European competitors, especially our German friends, were reinvigorating their apprentice schemes, to encourage more to pursue non-academic training in engineering and technical fields. This was, arguably, a sensible approach in equipping their economies for future challenges.

We lost much flexibility in further education and training at that time, but I am pleased that, late in the day, we have reverted to a more balanced approach. Nowadays, there are several ways in which apprenticeships are provided: through the government apprenticeship service, by an employer provider, and/or by a supporting provider. There are many stories of success for those who have participated in apprenticeship schemes but, as in so many other cases, the Covid virus is threatening training schemes as some businesses can either no longer offer to take on apprentices or are under financial pressures which force them to make staff, including apprentices, redundant. This is very tough for those who are well on with their training schemes, so these provisions are a welcome gesture to enable a trainee to complete his or her course.

It is particularly important to remember that these courses are made up of several elements, both on-site and off-site, and include theoretical learning. These provisions take away some of the time limits for those who have already passed through a substantial part of their training. Can my noble friend confirm how the different elements of an apprenticeship can be co-ordinated if the trainee has to complete the apprenticeship with an alternative employer? How will apprentices who meet the new criteria of 75% completion be helped to find a new employer who will offer the completion of the programme? If the economic conditions continue

to be problematic, it might well be much more difficult, whatever the extension of time might be, for the continuation and completion to be achieved.

I know there is a view that it is not possible to extend these provisions to those who have more than a quarter of their term left. This has been clearly expressed by the DfE, after consulting the Institute for Apprenticeships and Technical Education. It is therefore no doubt correct in most cases, but possibly still leaves too many out in the cold. Not all apprenticeship courses are the same. Can my noble friend offer any further comfort to those affected?

I appreciate the announcement of the new Kickstart programme, launched in September, which aims to help young people currently on universal credit to get a job. The placements are to be made through a jobcentre. That programme cannot be a replacement for any existing role, so in those circumstances can my noble friend explain whether if applicants for this scheme show the interest and aptitude to take on an apprenticeship they can and will be steered in the right direction?

I assume that the basic support and government incentive payments for employers who hire new apprentices between 1 August 2020 and 31 January 2021, to which my noble friend has already referred, will be available to those wishing to pursue this course. If an alternative employer is to take over an apprentice made redundant in the circumstances set out in this measure, will they benefit not only from the money payable in all cases but from the new incentive payment?

In general, I am sure that we all welcome these provisions. I wish they could go further, but I hope they will be kept under review. This country, with the major economic and trading challenges that lie ahead, needs more than ever the skills and the skill training that apprenticeships provide.

6.06 pm

**Baroness Meacher (CB):** My Lords, I applaud the many interventions that the Government have made to support young people to get jobs. I want to raise just one concern about these regulations. They seek to ameliorate the effects of the Covid-19 epidemic on young apprentices. This is certainly a laudable objective. Inevitably, many will be made redundant while undertaking their apprenticeships but, under the regulations, as others have mentioned, if they have completed 75% of their apprenticeship, they will be enabled to complete it without any specified time for doing so. The Minister explained that apprentices made redundant before achieving the 75% bar will receive a statement setting out the skills that they have obtained up to that point, but can it be justified to help those who have completed 75% of their apprenticeship to complete it but to provide no help for those who have done a little less than 75% to complete theirs? I understood from the Minister that they will get a document saying that they have achieved certain skills, but that is nothing like an ability to carry on with the work that they have started on that apprenticeship to gain a qualification and real opportunities to work.

Regulation 3, by amending Regulation 6 of the 2017 regulations, also applies the high 75% bar to apprentices who have more than six months of their practice period left to run and who need an alternative

English apprenticeship when their approved English apprenticeship is terminated early by reason of redundancy. Again, why in these cases does the provision apply only to those who have completed 75% of their apprenticeship? The same Covid impact applies equally to those made redundant at an earlier stage. I presume that this is driven by cost—though I may of course be wrong—but is saving money really the right priority when the Government have rightly suggested that helping young people to obtain work is a high priority? Indeed, the Minister mentioned that apprenticeships will play an important role in meeting that objective for young people.

6.09 pm

**Lord Vaizey of Didcot (Con):** My Lords, it is a great pleasure to follow the noble Baroness, Lady Meacher, who I saw introducing the noble Lord, Lord Field, last week. I thought I would mention it because the noble Lord, Lord Field, is a very old family friend of the Vaizeys. But I digress.

I too welcome these regulations, and having heard the noble Baroness and my noble friend Lord Kirkhope, I will not add to the complicated response the Minister has to make to some of these very wise, technical points. As far as I am concerned, while the regulations may not be perfect, they are welcome. When I read the debates in the other place, the main criticism seemed to be that they had not been brought in soon enough. I hope that if and when the pandemic passes, it will have focused the Government's mind on how to support apprentices in the future should they be made redundant, even when everything else is going well. Partly as employees, they suffer the risk of being made redundant depending on who they are working with.

As noble Lords can probably tell, I am currently serving my apprenticeship in this place, but I remember when I was in the other place visiting apprentices in my constituency of Wantage, where a huge number of science and technical companies were based. I remember meeting apprentices and thinking they had won the lottery. I met young men and women who had worked from the age of 16, earned a salary, and at the age of 20, were coming out with a qualification and no debt, having earned their living. Even more importantly, they were in demand for their specialist skills in certain technical areas. I thought then, as I think now, that apprenticeships are extremely important for our economy, yet bizarrely remain an unloved part of our education system as far as the establishment is concerned.

In the last year before Covid, we managed to achieve 800,000 apprenticeships in this country, but that is still well below the target set by the Government; I think the Government set themselves a target of 3 million apprenticeships by 2015. The apprenticeship levy has raised £4 billion, I think, to contribute to the funding of apprenticeships. I am afraid that I used to be an apprenticeship levy sceptic, because when I was in the other place, I met lots of employers who said the apprenticeship levy was far too inflexible and was ruining perfectly good schemes. But having educated myself when I was studying these regulations, I now understand that despite its teething problems, the apprenticeship levy is a good thing. It has weeded out some of the weaker programmes and forced numerous

[LORD VAIZEY OF DIDCOT]  
employers to focus on whether they want to have apprentices and what kind of apprenticeship programme they want in place.

I also commend the Government on the range of initiatives, building on the previous Labour Government and other Governments, such as the Institute for Apprenticeships and Technical Education, the apprenticeship delivery board and apprenticeship ambassadors. When I was a Minister at the DCMS, I worked with a man called David Mellor, who was absolutely passionate about apprenticeships. He had been, I think, a non-executive director at the Department for Education. I am sad he is not still there with his energy and passion to promote the importance of apprenticeships.

I want to make one fundamental point about why these regulations are so important and why we have to support apprenticeships. My noble friend Lord Kirkhope, for example, mentioned German apprenticeships and how the Germans have updated them and focused them on manufacturing. But, as I said, when I made my maiden speech, I want to concentrate on culture and technology. It may interest noble Lords—I am sure they know this already—to know that more and more tech companies and start-ups are also employing apprentices. If you go to Facebook, Google, Salesforce or Amazon, you will find apprenticeships. There is a consultancy called WhiteHat which specialises in these apprenticeships, and it tells me that digital and technology apprentices are the fastest growing cohort alongside healthcare.

When we consider that in this country we have 100,000 vacancies for data analysts and that last year business spent something like £6.5 billion trying to plug the skills gap in digital, we can see why apprentices are so sorely needed. So while I see great schemes like HS2 as a fantastic opportunity for apprentices, and while I welcome my noble friend Lord Kirkhope, talking about manufacturing apprentices, I hope that the Minister has spent less time at BAE Systems and more time at Facebook, because those are the forward-looking apprenticeships.

While we traditionally tend to think of Germany as the home of apprenticeships, a lot of people doing thinking in this area believe that Germany is slightly old-fashioned and inflexible. In the United States, where they are thinking very hard about apprenticeships and modernising them, they are looking to Britain as the role model for what an apprenticeship should look like as we approach the middle of the 21st century.

I hope that the Government remember that they set themselves a target of 3 million apprenticeships, and I hope that they will fulfil their own target of 2.3% of employees in every government department being apprentices, even if that is a slightly odd figure. While of course we look at manufacturing and technical companies for apprenticeships, we should remember that digital—and, indeed, my other passion, the arts—are just as good places in which to be an apprentice. Some noble Lords may have seen that terrible advert which brought together my two worlds: there is a picture of a ballerina, suggesting that she could, if only she knew it, retrain as a cyber specialist. It is far easier for a

ballerina to retrain as a cyber specialist, but I do not think you will ever be able to show me a cyber specialist who could retrain as a ballerina.

6.17 pm

**Lord Storey (LD) [V]:** I can imagine nothing worse than a young person who has managed to obtain an apprenticeship and is absolutely thrilled—the family are delighted—when, suddenly, along comes a terrible pandemic that completely destroys his or her opportunity. The noble Lord, Lord Kirkhope, is absolutely right that we need to realise how important a vocational education is and how important a role further education colleges play in vocational education, if we are to create the skills that we need. I am glad to say that government is now listening to this and, for the first time in a long time, action is being taken.

The people who will suffer most during this pandemic, other than those who sadly contract the illness, will be young people. The numbers of young people who do not have a job is increasing at an alarming rate. Of course we support this statutory instrument. As has been said, it will enable apprentices who, through no fault of their own have lost their apprenticeship, still to get that all-important piece of paper provided they have done 75% of the training. We know from the figures that the average duration of apprenticeships has increased from around 16 months in 2015-16 to around 20 months in 2018-19. A growing number of apprentices have completed most of their apprenticeship and, if they are made redundant, will still have more than six months or so before completion.

As we heard from the Government, and as we know, the Government have introduced the Kickstart programme, which offers subsidised six-month work placements for 16 to 24 year-olds. It is a very good programme, and I commend the Government on it. However, I have written to the Minister about eligibility for that scheme, which is for those in receipt of universal credit. Only a Jobcentre Plus can refer people to those opportunities.

My concern, which is shared by many youth organisations, is that 16 and 17 year-olds in particular, and to some extent those who have just turned 18, are unlikely to be on universal credit, even though they are NEETs, and do not engage directly with Jobcentre Plus. Kickstart would be a great opportunity for this age group, but they do not qualify. What is the solution? It is to remove the universal credit requirement for 16 and 17 year-olds and to enable local councils—which, by the way, have a statutory duty regarding NEETs—and other voluntary bodies to refer 16 and 17 year-olds to the programme.

It is also worth noting that the number of young people starting an apprenticeship has fallen to its lowest level in a decade, despite government cash incentives to encourage more businesses to take up the scheme. Of course, the decline reflects the hammering the job market has taken from the pandemic, with employers having to cancel or postpone apprenticeships since March.

In June, the Prime Minister promised an apprenticeship for every young person. This was followed by the introduction of a new payment of £2,000 to employers for each new apprentice they had under the age of 25.

But, as Verity Davidge, director of central policy at Make UK, which represents engineering and manufacturing companies, said, the incentive was a “drop in the ocean” compared with the costs involved in taking on an apprentice. She also said that only 45% of manufacturers planned to offer apprenticeships in the next 12 months. The figure is normally 75%.

Finally, when we emerge from this pandemic we will have to take bold financial measures to ensure the skill shortage can be speedily addressed. This must include greater flexibility to use the apprenticeship levy on wider costs.

6.21 pm

**Lord Bassam of Brighton (Lab) [V]:** My Lords, Labour very much welcomes these measures, but I must ask why it has taken the Government some six months since the start of the crisis to introduce them. We agree with the Minister that apprentices who are 75% of the way through their programme should be allowed to complete it, but for those who have already experienced redundancy or seen their employment end in the past six months, the support comes far too late. The Minister must surely accept that they do not deserve to miss out on the support that has been given.

I live in a part of the world where the hospitality industry is a major employer and quality apprenticeships are at a premium. Given all the problems the hospitality sector is being hit with, what sectoral support will be made available for apprentices in this industry, and for others in a similar position who have already been made redundant and now face an uphill struggle to find an alternative employer to finish an apprenticeship in sectors where new opportunities are scarce?

Local FE colleges tell me that apprenticeship starts are down by 50% on this time last year. They anticipate a tidal wave of redundancies among apprenticeships at the end of the current furlough scheme. Providers will need to know what support those apprentices will get if they are less than 75% through an apprenticeship. How will they be supported to find another job in sectors facing a dramatic contraction? This is particularly acute where areas come and go from special measures and where Covid containment ratchets up and down.

Which services will provide the advice and guidance and how many apprentices are they equipped to deal with? Will the Minister give us more detail on the signposting service, which, as I understand it, will act as a sort of triage system, directing redundant apprentices to local and national services? What will the service look like on the ground and how will the Minister ensure that provision is available right across the country? Can we have any confidence that the services involved in providing support will have sufficient resources to undertake this important role? Can we be certain that they can handle the number of former apprentices who will need their assistance?

In the past few months we have seen many announcements from the Government. For example, in July, the Chancellor of the Exchequer announced 30,000 new traineeships, but almost three months on the tender for procuring these has not even been issued. Last week, sadly, the Chancellor ignored calls to introduce a national retraining strategy.

However, if the Government will not listen to Labour on this, perhaps the Minister will listen to businesses. We support the creation of a national skills task force to redeploy skilled workers and provide retraining and upskilling opportunities for both young and older workers. Will the Minister consider this proposal, which businesses back? It includes skills-matching, which we know Ministers generally favour and which could support redundant apprentices and workers alike.

I am sure that the Minister will be aware, and have received a copy, of the letter on the formation of a skills task force. Its signatories include the chief executives and general secretaries of many different bodies including, among others, Make UK, the TUC, Cogent, UK Steel, the British Plastics Federation, the High Value Manufacturing Catapult and the Food and Drink Federation. It is difficult to imagine an issue that could bring together such a wide-ranging and diverse group of bodies, but they are united in their call for the Government to act decisively and quickly in setting up a task force to address the urgent skills crisis that we undoubtedly face. We support the call for a cross-party, pan-industry task force. We commit to working with the Government, unions and employer organisations to ensure that such a task force can assist the Government in making decisions more holistically and strategically. Will the Minister take that suggestion on board and set up a task force, as those industry bodies have proposed?

I have a number of specific questions for the Minister and I would appreciate a response to them, if not today then perhaps through the benefit of a letter. How many apprentices does the DfE expect to be made redundant as a result of the pandemic? How many have been made redundant so far this year? Will the Government reach their target of 3 million apprentices by the end of this year—a point to which the noble Lord, Lord Vaizey, helpfully drew our attention? Can the Minister confirm that apprentices who are made redundant before the 75% threshold is reached can get on to the Kickstart programme? It is worth observing that the DfE says that it has

“launched a support service to make sure that apprentices who have lost their jobs can get the help they need to access financial, legal, health and wellbeing support, as well as careers advice.”

I wonder whether the Minister can advise how many have used this support service so far during the pandemic.

Labour will support the statutory instrument today, but these measures alone will not be sufficient. I urge the Minister to be bolder and act now to help redundant apprentices and those in a state of limbo, so that they can use their much-needed skills to rebuild our economy—something that, I am sure, the good Minister and all noble Lords will want to achieve.

6.27 pm

**Baroness Berridge (Con):** My Lords, I thank noble Lords for their contributions to the debate. I am delighted that the valuable contribution that apprenticeships can make to individuals’ careers and businesses’ productivity was so clearly recognised.

In July, the Chancellor recognised the value of apprenticeships when setting out the Plan for Jobs. The payments we have introduced for employers hiring

[BARONESS BERRIDGE]

a new apprentice will help to promote many more apprenticeship starts before the end of January next year. Now, we are going further in supporting redundant apprentices. I welcome noble Lords' support for the steps that we will introduce to protect apprentices from further redundancies.

It was wonderful to hear about the family history of the noble Lord, Lord Kirkhope, in apprenticeships and to see that he has transferred his skills from his telephone days. It was also wonderful to hear him agree that the Government are correct to make this earn-while-you-learn approach a priority.

The apprenticeship levy for this year is £2.5 billion. In answer to a query raised by many noble Lords, if an apprentice is made redundant, they have a 12-week period in which to find new employment where their training is paid for anyway. Obviously, we hope that they will receive a new apprenticeship in that period.

We consulted on the 75% figure that many noble Lords mentioned. There is no precise science to it, but a balance had to be struck. The point of an apprenticeship is that you have occupational competency, so on balance, someone on, say, a three-year apprenticeship probably has the competences after 75% of it to go on and be employed in that sector. Anything less than that will affect employers' confidence in apprenticeships. The whole point of this provision is that once 75% of the apprenticeship is completed, it will complete without the need for an employer. The training carries on even if the apprentice cannot find a suitable employer to transfer to. It is about that balance—the training carries on but without that valuable part of being on the job. As I say, it is not a precise science, but it was felt that for the longer apprenticeships, 75% was the appropriate point from which the person could go on and gain employment, while the employer could be confident that the apprentice had the skills and knowledge that they should. As for whether it should happen at an earlier stage, it was not to do with cost but was rather—as the noble Baroness properly asked the Government—to do with this balance of ensuring that an apprentice is a competent employee in that sector and field.

I can confirm to the noble Baroness, Lady Meacher, and other noble Lords that if an apprentice has part completed and transfers to a new employer, that new employer is indeed entitled to the new payments, whether £2,000 or £1,500, depending on the apprentice's age. That creates the incentive for other employers to take on a part-completed apprentice. We are doing as much as we can to address the situation in which someone experiences, as the noble Lord, Lord Storey, said, the excitement of getting an apprenticeship and then finds that they lose it due to the pandemic.

As many noble Lords mentioned, this is the time when, thankfully, the Government, the Secretary of State for Education and the Prime Minister have been talking about FE and skills and want to level up the parity of esteem, so that an apprenticeship is seen as a valuable way to earn and learn. This year there will be an investment of £200 million in our FE colleges.

As I say, we consulted on apprenticeships with the employment ambassadors, the AOC, the AELP and the provider reference group.

It is wonderful to hear my first speech from my noble friend Lord Vaizey. Other help has been given to apprentices through remote training and the apprenticeship service, and this support is being brought in now because, as many noble Lords will be aware, there will be a transition from the furlough scheme into the new support for jobs. At this point, we expect that employers will make those decisions about any apprentices they have furloughed, so it is important that we introduce this support now.

I was pleased to hear my noble friend Lord Vaizey talk about the technical skills that apprentices can have and develop, and I assure him that that passion is shared in the department by the honourable Member Gillian Keegan, the Minister for this area. I believe she is the only Member of Parliament with a degree apprenticeship, so she is passionate about this area.

On the levy, we have been doing more to enable levy payers to transfer their levy down their supply chain. I am grateful that my noble friend, despite being a levy sceptic, has appreciated that it has been a success. But it is not perfect and we know that we need to do more to make it even more flexible for levy payments to be sent to small and medium-sized employers. It has been vital to the whole scheme that employers are there, developing the standards, so that when people complete their apprenticeship, they know that they have the necessary skills to be an employee in that sector.

Of course, the future is with tech apprenticeships, as the noble Lord outlined in relation to Facebook, but we are also looking at flexibilities in relation to culture, the other sector he mentioned. We recognise that in culture and media there is often not a traditional single employer for which someone will work; we are looking at flexibility so that an apprentice could have a number of employers, as is the nature of the sector. We are trying to develop this so that we can meet the needs of all the different sectors.

On the Whitehall apprenticeship scheme the noble Lord mentioned, I am pleased to note that I have a meeting tomorrow with a DfE data apprentice who is sorting out some data in the school sector for me. So, yes, we are looking at meeting the commitments we made, and the levy has enabled us to invest more in apprenticeships.

On the points made by the noble Lord, Lord Storey, about the Kickstart scheme, we are all working hard to try to ameliorate as many of the effects of the pandemic as we can on the career prospects of young people, whom we know are more affected during this pandemic. I have received his inquiry on the Kickstart Scheme. We must have some kind of criteria for entry to the scheme. I will write with further clarification but, as I understand it, only the DWP holds the necessary data on young people to know whether they will be vulnerable to being NEET and whether they are in employment. That is why that scheme is being run out of the DWP, with which we are working closely. As I say, I will refer any further details on that.

I can say to the noble Lord, Lord Bassam, only that the apprenticeship service is being used by hundreds of employers and redundant apprentices. It is aimed at

all sectors and has been made available hopefully in advance of the decisions that have been made on furlough. There have also been other announcements such as the free level three entitlement to qualification.

Skills are an enormous focus. The Government have launched a skills toolkit, and we now have a national productivity board so we can know at a national level what skills employers will need.

In supporting these regulations, we hope we can increase the number of apprentices who can complete their apprenticeships in the event of redundancy, recognising the sustained commitment that these individuals have made to their training over a period

of months or years. It will make a huge difference to those individuals and ensure that they can make a full contribution to our businesses and help the country to recover and thrive in future. I commend the regulations to the House.

*Motion agreed.*

*6.37 pm*

*Sitting suspended.*

*House adjourned at 7.15 pm.*