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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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

| Abbreviation | Party/Group |
|---------------------|-------------------------------|
| CB | Cross Bench |
| Con | Conservative |
| DUP | Democratic Unionist Party |
| GP | Green Party |
| Ind Lab | Independent Labour |
| 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

Friday 16 July 2021

The House met in a hybrid proceeding.

11 am

Prayers—read by the Lord Bishop of Chichester.

Arrangement of Business

Announcement

11.06 am

The Lord Speaker (Lord McFall of Alcluth): My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, others are participating remotely, but all Members will be treated equally. I ask all Members to respect social distancing and wear face coverings while in the Chamber, except when speaking. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

Elderly Social Care (Insurance) Bill [HL]

Second Reading

11.07 am

Moved by Lord Lilley

That the Bill be now read a second time.

Lord Lilley (Con): My Lords, after 37 years in Parliament, I am grateful to have secured a place in the ballot entitling me to bring in a Private Member's Bill. This Bill is about social care for the elderly, a subject that has preoccupied me for more than 25 years, since I was Secretary of State for Social Security.

I know from recent debates and committee reports of your Lordships' House that noble Lords are seized of the crisis in social care provision in this country, which has been growing over decades. Local authority budgets have been squeezed to the bone, demand is rising, as we are living longer, and costs are rising, not least because the national minimum wage raises the pitiful earnings that many dedicated staff in the social care sector have had up to now. Many care homes were teetering on the brink even before the pandemic and are now in an even more precarious situation. Every winter, beds in the NHS are blocked as places cannot be found for patients in the social care sector.

Successive Governments have backed off from tackling the issue. That is because there is a live rail running alongside the basic issue, which has given an electric shock to those who have touched it. That live rail is the understandable and natural concern of home owners and their heirs that the potentially catastrophic cost of social care will consume the value of the home that they hoped to bequeath or inherit.

In 2010, Labour's plan for a tax to finance social care was labelled a death tax. In 2017, Theresa May lost her majority when Labour retaliated by labelling her plan a dementia tax. In between, the Dilnot plan, legislated for by Cameron, was abandoned as too costly. All the solutions so far suggested have proved either unsaleable or unaffordable. At the last election,

Labour promised to set a cap of £100,000 on the maximum cost that anyone would incur while in residential social care. Today, we read in the *Daily Telegraph* that the Government could, as early as next week, adopt that policy, hoping, no doubt, for bipartisan support. However, it is not Labour's support that they need but that of home owners and the general public. The problem is that a £100,000 cap would be fine for the owner and the heirs of a £10 million mansion in Mayfair, even if they spent decades needing substantial care for dementia, but the owner of a modest, partly mortgaged home in Middlesbrough will see its value disappear entirely in two or three years. That is not a good proposal to go down well with red wall voters.

On the other hand, raising the value of assets shielded from means testing will still mean many home owners having to sell their homes to pay for longer periods in care. Both those options break the Prime Minister's promise, repeated in his first speech as Prime Minister,

"to protect you or your parents or grandparents from the fear of having to sell your home to pay for the costs of care".

Both are expensive. The only other option on the table would be to extend free social care to all, but that is the most expensive of all. Even if any of these options were affordable before the pandemic, they are certainly not now, when our debt is topping £2 trillion and we have an unprecedented deficit adding to it. Pre-empting billions of pounds desperately needed to bail out the existing care system in order to subsidise bequests from home owners to their middle-aged children would be a strange priority.

But there is a solution: insurance. Insurance against the risk of having to sell your home to pay for social care in old age was one of the first solutions to be considered by the Dilnot review, and again by the Economic Affairs Committee of this House. However, they and others rapidly abandoned the idea when the private insurance industry made it clear that it could not and would not provide policies to protect people from having to sell their homes. The inherent risk of needing social care is eminently insurable, and at reasonable cost, just as we ensure our homes against fire or burglary. However, there are two reasons why insurance companies will not touch it. Actuaries cannot measure the uncertainties about future government policy or about possible medical advances prolonging frail longevity. That makes this niche market wholly unattractive to private insurance companies. If they could overcome those problems, people cannot be persuaded to contribute to such policies during their working lives on top of paying for their pensions and paying off their mortgages.

There is an alternative to the private sector providing insurance, which has not even been considered, and that is for a state body to offer such insurance. Instead of people making contributions during their working lives, why not enable them to pay for such insurance after they retire by taking a charge on their homes? The state insurer would then be reimbursed when they die or sell their homes.

This Bill will set up a body owned and guaranteed by the state to offer such insurance policies. Everybody would be informed of the option by the DWP as they approach state pension age and for two years thereafter.

[LORD LILLEY]

To avoid adverse selection, people would have to take out the policy within a couple of years of the state pension age. The public insurer would publish a schedule of premiums, which would be larger for those with higher-value properties and smaller for those with smaller homes needing protection.

How much might those premiums be? The Dilnot commission on fairer funding calculated in 2011 that the average costs for such a premium would be comparatively modest—around £16,000 in today's money. The arithmetic is simple: only one in four people ever needs to go into a residential or nursing home; the average length of stay is 30 months—two and a half years; and the cost of social care is around £25,000, plus £10,000 for the cost of accommodation and food and basic living costs—the so-called hotel costs, which are normally paid out of state pension benefits and other income not covered by insurance. One in four times two and a half times £25,000 comes out at a premium of around £16,000.

I spelled this out in a pamphlet called *Solving the Social Care Dilemma? A Responsible Solution* and suggested that the actual premium payable by any individual should be set at a percentage of the value of the person's home—never their mortgage—at the time they take out the policy. People would be given the opportunity to take out a policy within a couple of years of reaching state pension age and would not have to pay any cash, since the premium would just be a charge on their home, and the premiums would be set at actuaries to meet the average costs.

Why has this proposal not been considered before? I suspect it is because those on the right find the very idea of setting up a state body to provide pensions—taking on a responsibility normally the duty of the private sector—anathema. Certainly, when I offered the proposal to a right-wing think tank, it turned it down with horror, expressing amazement that I, the author of the Government's privatisation policy, should be the advocate of this. But of course, having thought long and hard about privatisation, I realised that some things are suitable for the private sector and some are not. We should be open-minded about this.

What will the likely take-up be? I do not know. The important thing, however, is that everyone has the option to protect themselves and their homes against the need to sell them and use up the entire proceeds to pay for care in old age. Some may decide that they are quite content to take the risk that they will be in the happy three-quarters of the population who never go into residential care or need social care. But if they take that risk, they will not be able to complain if it turns out that they need to sell their house to pay for some or all of their social care in old age.

I have brought this Bill forward to promote and provoke debate. I am sure that, like all Private Members' Bills, it has flaws. I hope that Members may find and expose any flaws that it has; if they are remediable, I will address them. If they find fatal flaws, so much the better—we can put the idea to one side. On the other hand, if it garners some support, I hope that the Government will consider it before opting for proposals that, if we are to believe the *Daily Telegraph*, could

land them in exactly the same sort of problems as other Governments who have touched this live rail in the past. I beg to move.

11.18 am

Lord Davies of Brixton (Lab) [V]: My Lords, we must thank the noble Lord for providing the opportunity to debate this crucial issue—one very much of the moment, as evidenced by the front pages of today's *Times* and *Telegraph*. Unfortunately, I do not support the Bill because it misses the point. Put simply, I cannot support a system that depends on housing tenure and the geographical lottery of the housing market. The noble Lord said that everyone would have the option of adopting this plan, but those who do not own their house would not have that option. This Bill is a diversion. Instead, we need a comprehensive national care service, paid for by a fair taxation system. However, the proposal usefully illustrates one fundamental point: the solution cannot be left to the private sector.

I will use my remaining time to put this debate in context. We must keep on reminding people that in his first speech as Prime Minister in July 2019—two years ago—Mr Johnson stood outside No. 10 and said “we will fix the crisis in social care once and for all with a clear plan we have prepared.”

We are still waiting. This clear plan that has been prepared was not in the Tory election manifesto. Now we are told in the *Times*:

“Boris Johnson is backing proposals for a new tax to pay for reforms to Britain's social care system under plans that could be agreed within weeks.”

Note the words “could be agreed”; in other words, they have not yet worked it out. The report goes on to tell us:

“Intensive work is under way ... to finalise a deal”, with Downing Street wanting to make an announcement to coincide with the second anniversary of Johnson's “clear plan” promise. With key elements of policy clearly yet to be finalised, I confidently predict that, even if an announcement is made, it will be light on details and no more dependable than all the other vague promises made by this lightweight Prime Minister.

11.20 am

Lord Mackay of Clashfern (Con): My Lords, I have no personal financial interest in this Bill because I do not own any home in England, but I have a very strong interest in the proposal that my noble friend Lord Lilley has made.

I realise that, for many people, the need to leave their home and go into care is a very emotional difficulty. If they come to realise—and they quickly will—that the costs are likely to eliminate the value of their home, that will be an even more severe emotional blow. I do not suggest that these are all the people of the country, but they are people who are entitled to be considered, and that is what the Bill does. It considers these emotional stresses put upon people who very often have very modest homes, but homes which they have come to enjoy for quite a while and to love as an appropriate possession. The difficulty of dealing with that is obvious, but I think that my noble friend Lord Lilley, with his skill and experience, has proposed a workable solution. Of course, it does not solve the

whole problem facing the Government in connection with the care of the elderly. In view of my age, I regard myself as somewhat under the shadow of that difficulty. But it is sufficient for me to say that I have the strongest sympathy with the people who find that a difficulty.

In my opinion, my noble friend Lord Lilley has worked out a practical solution, and I believe that it is one which is as good as can be proposed. I do not suggest for a minute that there may not be other proposals that could improve on it but, so far as I am concerned, I have studied carefully the detail of it and have noted, for example, that my noble friend Lord Lilley has proposed to make a provision for changes in the future by government regulation, but he has required that these regulations should be approved by both Houses of Parliament before they come into force. I think it is right to have regard to the future, because things may change in ways that I cannot anticipate at the moment. Many things have happened in the last year or two which I did not anticipate for a minute. I must say that I think this is a good proposal, and I shall certainly support it.

11.24 am

Lord Best (CB) [V]: My Lords, I congratulate the noble Lord, Lord Lilley, on bringing forward this Bill and on seeking to address the long-running concern of home owners that care costs could necessitate the sale of their home and deprive their heirs and successors of their inheritance. I declare my interest as a vice-president and past president of the Local Government Association.

I have three points to share with your Lordships. First, drawing on the extensive work of the APPG on Housing and Care for Older People, I would emphasise that the best way to address rising care costs is to prevent or postpone the need for personal care and, in particular, the need to move into residential care. The APPG has spelt out the significance of ensuring that older people have a manageable, accessible home through adaptations to their existing accommodation or through rightsizing to somewhere more suitable. So, my first point is that the most positive way of tackling care costs comes from investing in better housing for later life.

Secondly, if a care insurance scheme is to be considered, this Bill's version seems to have some flaws. The voluntary nature of this scheme may mean a low take-up for multiple reasons, and it may be unworkable because of adverse selection—take-up mostly by those who feel fairly sure that they are going to need personal care, perhaps because they have underlying health problems, are overweight, are smokers, have early signs of dementia and so on. However, insurance could be a practical solution to meeting not the costs of care but the “hotel” costs, which, at around £25,000 per annum, are roughly half the total charges for living in a residential care home. But these costs are outside the scope of the scheme proposed by the noble Lord, Lord Lilley.

Thirdly, in supporting the excellent report from your Lordships' Economic Affairs Committee, chaired by the noble Lord, Lord Forsyth, I would both affirm the urgency of an immediate injection of additional funding for local authority adult care services and

underline the core recommendation for free personal care in the future in place of the current unfair, complex, underresourced arrangements. To illustrate just how long these same conclusions have had widespread support, I must quote from a Joseph Rowntree Foundation inquiry—incidentally with Sir Andrew Dilnot among its members—which reported exactly 25 years ago. This inquiry concluded that artificial

“distinctions between ‘health care’ and ‘social care’ ... should be rejected. Both should be free at the point of delivery”.

The inquiry spelt out how national insurance contributions could help fund this. So, a quarter of a century later, my third point is that the Bill proposed by the noble Lord, Lord Lilley, must not distract, postpone or undermine progress towards our Economic Affairs Committee's radical but affordable conclusions.

11.27 am

Baroness Chakrabarti (Lab) [V]: My Lords, I too am grateful to the noble Lord, Lord Lilley, for creating this opportunity for such an important debate this morning, but I am afraid that I cannot recommend a rather convoluted homemade attempt at a sticking plaster for the gaping wound that is our national care crisis.

The regressive conceptual contortions that some will go to to avoid the logic of paying for essential public goods by taxing the wealthiest corporations and individuals in our society are almost as ingenious as attempts to privatise such public goods—whether our health data or the desire to care for our vulnerable people—or indeed the highly successful attempts of the wealthiest 1% to avoid paying their fair share of tax.

Our National Health Service is probably the greatest communitarian experiment in world history, and it is so easy to be truly patriotic about it. Given the working people from all over the world who have contributed to it, it encapsulates a positive patriotism that is not remotely xenophobic, yet years of underfunding and its current limits have been cruelly exposed in recent times. Last year, many of our elderly were tipped out of hospitals, untested, into private care homes with inadequate PPE provision, social distancing and testing arrangements, constituting one of the biggest scandals of the Government's pandemic management—about which the future inquiry will no doubt have much to say.

But this fault-line between health and social care is a more permanent design flaw in a model that cares for the terminal cancer patient at public expense but puts caps, charges and all sorts of constraints on our provision for the patient of identical age and means who is suffering instead from dementia. Such anomalies are only increased with the ageing profile of our population. It is simply unacceptable to leave our older people, or indeed many much younger vulnerable people, isolated, destitute or at the mercy of profiteers who pay too many carers minimum wage on zero-hours contracts.

I look forward to seeing the details of the Government's plans suggested in the press today, but nothing short of a publicly funded national care service providing rewarding work and dignified care will fit the Bill.

11.30 am

Baroness Altmann (Con) [V]: My Lords, I am grateful to my noble friend Lord Lilley for introducing this Bill, and he is absolutely right that social care is in crisis and that successive Governments have ducked the difficult decisions. But the heart of this crisis, as others have said, is not the worries about selling homes. The origins of this issue are, first, the artificial distinction between what counts as NHS care and what is called social care, and, secondly, the demographics of our ageing population, which we have not prepared for. This is not really like home or motor insurance, so I find it difficult to relate to the figures that my noble friend used to illustrate his scheme.

The proportion of people needing care for their everyday living is potentially one in two of every couple, and that makes the cost of insurance so prohibitive. Private insurance cannot be an option when you have a 50% or even a 30% probability of needing to call on the insurance, and possibly needing to spend tens of thousands of pounds for insurance against something that you may or may not experience.

My noble friend is right that we need social care insurance and that it needs to be run by the state. However, we already have social care insurance, only we do not call it that. We are artificially assessing illnesses such as cancer as being worthy of NHS free care, while others, such as dementia, get no payment and are excluded. But the National Health Service is about care. That is why what we really need is to incorporate social care into the NHS, providing free care for all citizens who are not well enough to live without assistance, funded by a national social care insurance premium, which would take the NHS and social care together outside the so-called tax system, but with its own national contribution from everybody's income, so that everybody contributes.

I believe that if Beveridge were designing our welfare state now, he would include what we currently call elderly care needs in both the state pension system, where no provision is made for the cost of needing support in later life, and in the NHS. Life expectancy has increased; that is great news. Medical advances help keep people alive longer; that is great news. But at the moment, our system does not adequately support the rising numbers of elderly people who need care and are being refused.

11.33 am

Baroness Greengross (CB): I welcome the opportunity provided by this Bill to discuss funding adult social care, but I cannot support the Bill, which offers only a partial, voluntary solution to this challenge and offers nothing to renters. Instead we must develop a sustainable system for funding social care, one that commands enduring support from the whole of society and which gives young people confidence that it will be there to support them in future.

The Intergenerational Fairness Forum, which I chair, held a year-long inquiry to consider a sustainable means of funding social care which meets the test of intergenerational fairness: one in which all current generations share the cost burden, with the heaviest

burden falling on those best placed to contribute, so that the costs are not imposed unduly on future generations.

We recommended that a state-hypothecated, mandatory system of social care insurance should be established, overseen by a social care contributions agency. Under our system, the Government would be the insurer of last resort, protecting people against the risk of catastrophic care costs. This will be affordable because risks will be pooled at a population level. We proposed that mandatory social care insurance contributions should be set at the rate of 1%, to be deducted alongside income tax and NICs from the incomes of all working adults from the age of 40 until they stop working. This could rise to 2% for those aged 50 and over if additional resources were required to meet rising care costs. As contributions would be set at a percentage of income, it would be a progressive system.

Sadly, it will take years to accumulate enough resources through social care insurance contributions to pay for current care costs, so, at least for a transitional period, additional revenue-raising policies will be necessary to support public expenditure on adult social care. Our forum recommended a number of additional revenue-saving and revenue-raising measures, with the revenues raised to be ring-fenced for social care.

Even with a sustainable system for funding social care, the state will still be able to provide only a decent, basic level of care—akin to the role of the state pension in our pension system. A more sustainable system of funding social care will be a mixed system with an insurance element and a savings-based element and, for as long as individuals have to make a financial contribution towards the cost of their social care, it makes sense for the Government to incentivise personal saving for those costs.

The time to act is now because the problem is urgent, and a solution is long overdue.

11.37 am

Lord Hendy (Lab): My Lords, with the greatest respect to the noble Lord, Lord Lilley, this Bill fails to address the crisis properly. Cuts of nearly 40% in government support have driven local authorities to cut the cost of social care, although demand for it has, in contrast, increased. Demand now runs at 1.9 million requests per year, more than 5,000 per day. Cost-reduction has been achieved by outsourcing social care to private companies. Whereas 90% of social care was provided in-house 25 years ago, only 10% is today.

That is because outsourcing social care is cheaper. How is that achieved? Simple: the earnings of the workers are slashed. Twenty-five per cent of our 1.49 million care workers are on zero-hours contracts. Many are falsely declared to be self-employed, and some forced to work under personal service companies with no employment rights. The career progression and pensions that care workers had when in local authority employ have evaporated. The democratic input they had into the conditions of their working life is no more. Then, their unions bargained collectively to set terms and conditions across the sector. Employers knew that they would not be undercut by competitors. Workers knew they would enjoy NJC conditions.

Their voice is now silenced. Private employers do not bargain collectively. They compete for tenders on the basis of the lowest labour costs they think they can get away with. Terms are set unilaterally on a “take it or leave it” basis. That is why there is a 10% vacancy rate and a third of care workers leave the sector within 12 months of starting. That is not merely damaging for the standard of life and dignity of care workers; it is catastrophic for those receiving care. They never know who is going to attend them from one day to the next. Caring relationships become impossible.

Neither this Bill nor the Government will give us the national care service the country needs, but there is one step we could take which would improve the lot of carers and the cared-for: the restoration of collective bargaining across the sector. Professor Lydia Hayes wrote a book a few years ago called *8 Good Reasons Why Adult Social Care Needs Sectoral Collective Bargaining*. I commend it to the House.

11.39 am

Lord Flight (Con): My Lords, I, too, congratulate the noble Lord, Lord Lilley, on his Bill and on addressing territory that Governments should have addressed long before now. I agreed very much with my noble friend Lady Altmann’s speech.

The noble Lord, Lord Lilley, argued that social care provides two competing challenges to government. The first is the increased pressure on local social care budgets that comes with an ageing population, the increases in the national living wage and the risk of care homes closing. The second is resentment from homeowners and their relatives who risk having to sell their homes to pay for social care. He advises that both problems could cost billions to solve and that, where there is more placating of homeowners, less finance will be available to provide decent care for those in greatest need.

Under the Bill, a state-owned insurance company would be set up and guaranteed by the state. The cost of insurance would be calculated to be actuarially sufficient to pay for all the care. If they wished, people would be able to pay for the insurance via a charge on their homes, which would be realised when they died. That charge would typically be a modest fraction of the value of any home and nobody would be required to take out such insurance. Based on updated figures and the calculations from the Dilnot commission, the noble Lord, Lord Lilley, calculated that a theoretical premium would be approximately £16,000 and the average cost to social care, supported by local authorities, would be £25,000, as he said. I question whether the noble Lord’s insurance premium of £16,000 per annum will be sufficient.

The Bill does not address the point that there is a perceived unfairness, with those who have worked hard and saved having to pay their care costs while those who have spent all their incomes get their social care costs paid for. Those people should arguably get state-provided care, which would be of a more basic nature than the care that individuals purchase. The main objective of the noble Lord, Lord Lilley, is to weaken the political pressure from homeowners for the state to provide them with free social care, but his arrangements entail the state insurance body realising

its charge on a property on the death of the insured person or the sale of that property—the charge being the fraction, set aside at the time of the purchase of the policy, of the value of the property at the time of death, net of mortgage.

The terms of the Bill do not therefore fully avoid the much-disliked arrangement of the public sector taking value from a deceased citizen’s property, even though it would be much less under the noble Lord’s system. The insurance arrangement would operate such that the insured persons would be entitled to social care from their local authority, which would be reimbursed for the cost of the care provided. The weakness here is that there is no incentive for the local authority to keep the care costs as low as possible.

The proposals of the noble Lord, Lord Lilley, are complicated and do not—

Baroness Penn (Con): I must remind the noble Lord of the advisory Back-Bench time limit for this debate.

Lord Flight (Con): They do not include the cost of care homes. In my view, what is needed is a less complicated and more standardised approach.

11.43 am

Lord Wigley (PC) [V]: I thank the noble Lord, Lord Lilley, for introducing this Bill, which gives the House and the Government a basis on which to respond to the ideas that he has proposed over several years and which draw on his experience as Secretary of State for social services. The thinking that he has put to the House today and has outlined previously in publications and speeches must be taken seriously, as it addresses a subject that successive Governments have failed to resolve.

Four factors have made this increasingly pressing over subsequent decades: the higher level of home ownership today compared to in previous generations; the longer life expectation of those who own those homes and extended periods of dependency; the breakdown of the close extended family, which provides care for elderly relatives in the family; and the massive financial challenge facing young people seeking to buy their first home and increasingly resorting to the bank of mum and dad.

This insurance-based Bill offers one way forward. It may not be the only way and it may not address all circumstances, but that does not mean that it cannot have a role to play. It should not be swept aside because it does not deal with every challenge in this field. I support the points made by the noble Lord, Lord Best, and others, particularly on having free social care in the same way as we have free healthcare. There must be an integrated approach, but that does not mean that there is no role for this Bill’s approach.

We shall have an opportunity to consider the detailed issues that have arisen today. I ask the noble Lord, Lord Lilley, only one question relating to the Bill’s applicability. It is an England-only Bill. I have no problem with that; I would however ask whether there may be difficulties if similar legislation is not enacted by the devolved Governments, who have responsibility for social care and housing but not social security. What would be the position of a couple living in England who had taken advantage of the provisions of this legislation but then want to move to Scotland

[LORD WIGLEY]

or Wales because their children or grandchildren live there? Would they lose the provisions on which they had depended under this Bill?

Finally, from the viewpoint of local government, whose responsibilities seem to increase by the month and whose resources seem ever more squeezed, can legislative provisions to ensure that central government is obliged to fund these responsibilities ever be totally watertight? Having said that, I support the Second Reading of the Bill.

11.46 am

Baroness Bryan of Partick (Lab) [V]: My Lords, earlier this week, I was disappointed to hear a noble Lord asking a supplementary question refer to pensions as a burden. He further suggested that older people are unfairly benefiting at the expense of younger people. His words reflect a view that, when older people have ceased to be productive, they become a drain on resources.

The phrase “We are all living longer”—generally attached to a warning about how much this will cost the taxpayer—was never that accurate and is already out of date. Life expectancy is declining; so too is healthy life expectancy, which will inevitably result in a greater need for social care. Younger family members, some retired themselves, struggle to support older relatives in poor health and ensure that they are well cared for, whether in their own home or in residential care. This Bill does not address their main concerns about the falling standards of care resulting from cuts in funding.

The whole thinking behind this Bill is a hangover from the discredited creed that home ownership is a moral good. Its starting point is less about social care and more about the ability to pass on wealth. As such, it will fail to reach two groups: first, the increasing percentage of people who do not own their home and, secondly, the people wealthy enough not to worry. The Bill is aimed at those in between. They will be asked to gamble a substantial sum of money on eventually needing residential care—not even care in their own homes. I would argue that this is a gamble most would choose not to take. Polling shows that the majority of people want to see social care fully funded through taxation. I note from today’s *Times* that some Cabinet Members believe that this would require a wealth tax; that is very perceptive of them.

It seems likely that this Bill will disappear without trace. It is irrelevant to the serious debate on how we as a society provide all types of social care in many different settings at a standard we would hope to receive ourselves.

11.48 am

Lord Cormack (Con): Well, my Lords, this Bill may be many things but, in response to the noble Baroness who just spoke, irrelevant it is not.

I never thought that the apostle of privatisation would propose a measure of nationalisation to your Lordships’ House; he came clean on that, of course, but my belief is that my noble friend Lord Lilley—I am pleased to call him a noble friend—has done the House a great service. When she spoke, the noble Baroness, Lady Greengross, reminded us how urgent

this matter is. Incidentally, how good it is to see her among us in the Chamber. She has been assiduous on the screen but is much better in the flesh. She underlined the urgency.

If you want to underline the urgency still further, it is nothing less than a disgrace that the brilliant report produced by the committee of the noble Lord, Lord Forsyth, and presented to Parliament on 20 April last year, has yet to be debated in your Lordships’ House. I hope the acting Whip will take note of that and say that we want to deliver a collective rocket so that it can be debated in this House. It is right that it should be debated, alongside the ingenious set of proposals from my noble friend Lord Lilley.

The one thing we cannot escape is that this is an urgent crisis. We have to forsake some of our notions and shibboleths, because when my noble friend Lady Altmann said that this matter should be rolled in with the National Health Service, I believe she was absolutely right. Why have we not faced properly the problems of the health service? I rabbited on about this in the other place and have done so in your Lordships’ House. We have to face up to the fact that we cannot afford the National Health Service unless we have a special tax or charges on certain things for able-bodied working people, often earning high salaries, or a combination of the two. If we are to have a world-class health service, across the board—we have been reminded this year of how much we need it, and of the wonderful dedication of those in the NHS; how richly they deserve their GC—and world-class social care, it has to be paid for. I believe it has to be paid for by special tax or charges. I favour a combination of both.

My noble friend has performed a signal service by bringing this Bill before us. I hope it receives a Second Reading, so we can go into more detail in Committee.

11.52 am

Baroness Watkins of Tavistock (CB): My Lords, I declare my interests as outlined in the register, but particularly as a NED of a housing association that provides care in people’s homes and residential care.

The noble Lord, Lord Lilley, has, I am certain, brought the Bill for our consideration for highly principled reasons; namely to try to reassure older people who are home owners that if they are insured against care home costs through a Government-owned company, they will be protected against having to sell their homes in future. I cannot, however, support the Bill, because I believe that if enacted, it would protect a small minority of people who have been fortunate enough to purchase a relatively valuable home, and it would fail to address the real and urgent problem regarding social care funding. There are people who need assistance in their own homes, as well as those who need residential facilities in later life.

The Government have promised to bring a Bill on social care funding policy to Parliament before the end of this year. But, as others have reported, the papers today tell us it might be here on Tuesday. It is essential that this is achieved and that the suggestions in any Bill are properly debated in both Houses and achieve cross-party support. If this is effectively achieved,

there will be a long-term solution for the whole of the United Kingdom, enacted and supported by successive Governments, irrespective of which party is in power.

This was announced in the Conservative party manifesto, which was clear to voters, who demonstrated that they wanted a long-term policy that would be fair to older people today and to their families in the future through their resounding support for the manifesto, resulting in a majority of 80 in the other House. Failure to deliver on that promise would lose significant support for this Government, and therefore I believe that the Bill will be forthcoming.

I hope the Government's Bill will be based on some of the principles laid out in the Dilnot report, which received overwhelming support from the majority of health and social care organisations. We need, as the Bill from the noble Lord, Lord Lilley, implies, long-term funding strategies that may involve some kind of government-backed insurance solution. Others have spoken about the insecure employment of care workers. It is essential that care work is properly funded and that care workers themselves have good contracts in order to facilitate high-quality care.

In summary, I thank the noble Lord, Lord Lilley, for the work he has done to prepare this Bill and trust that it can be used to assist the Government in their own planning for their intended social care reforms. I ask the Minister to outline a more detailed timetable for when the Government's reforms are to be brought to Parliament, which would make the Bill before us today unnecessary. We need a strategy that will support not only home owners but renters with savings and those on low incomes, rather than a piecemeal approach, which I fear would be an unintended consequence of this Bill.

11.55 am

Lord Sikka (Lab): My Lords, I, too, would like to thank the noble Lord, Lord Lilley, for this debate, but I cannot support his Bill. The Bill does not really address the crisis in social care, which has been deepened by the Government. There has been a 38% real-terms cut in local authority funding since 2010; we have an expensive and unfair system of means testing and caps; and there is obsession with privatisation. The involvement of private equity and hedge funds has been disastrous. Some 11% of the income of private equity disappears into servicing contrived loans, leaving far less for front-line services. Also, the Care Quality Commission has been an ineffective regulator.

This Bill would create a divisive system to help a few rich people. Currently, around 50% of social care expenditure is on working-age adults, not the elderly. The Bill offers nothing to them. Its concentration on home owners also deepens social divisions. For example, only 20% of black African households own their home, so they would be abandoned by this Bill. Due to low incomes and high house prices, home ownership is declining, at 63% now compared to 71% in 2003. Many retirees are still paying their mortgages and do not have £16,000 just hanging around. The median household gross savings in the UK is around £11,000, and 25% of households have less than £1,800. Poor pensioners are already using equity release schemes to make ends meet, never mind finding an extra £16,000.

The only way forward is for us to have a free social care system funded by general taxation. This can be done without increasing the basic or the 40% marginal rate of income tax or national insurance contributions for the masses. For example, £14 billion a year can be raised by taxing capital gains in the same way as earned income, £10 billion can be raised by restricting tax relief on pension contributions to 20% for everybody, and a modest level of financial transaction tax and wealth tax can raise billions. Since 2010, HMRC has failed to collect around £350 billion of taxes due to avoidance, evasion and errors. A clamp-down on tax abuse, and investment in HMRC, can pay big dividends. There are resources, and they are available, to fund completely free, universal social care for everyone. The only barrier is the Government's ideology.

11.58 am

Baroness Verma (Con) [V]: My Lords, I thank my noble friend for bringing this Bill to your Lordships' House. It is an important Bill. I want to refer to my interest in the register as an adult social care provider for 21 years. Knowing the sector rather better than some of your Lordships, I would like to dismiss a few myths but also include some of the things that we should have addressed, not just today but many decades ago.

A crisis in social care is not a crisis of the last five or 10 years; it has been an ongoing crisis for a very long time. It is also important to note—and I address this directly to the noble Lord, Lord Hendy—that some of our providers are small businesses. Mine is a small business, and 75% of the people who work in my organisation have been with me for at least 15 years or more. So it is about the way we treat our care staff.

The fact we have been unable to professionalise and make people see it as a profession, by paying with a decent funding stream, is part of the problem. As I have raised on several occasions in your Lordships' House, if we are to make sure the NHS is not overwhelmed, a serious look at social care, which actually prevents many people going to the NHS, will be a necessary and honest discussion. We know we need to protect the NHS, but we need to protect the social care sector as well. We are all living longer, but whether we are living healthier and longer is a different argument. As we all know, burdens on the NHS increase as we live longer.

We have never had an honest debate about the NHS and social care, side by side, and we need to have one. They are two sides of the same coin. While we can discuss lots of alternatives, it is important that this debate, yet again, enables us to look at alternative solutions. Ultimately, it is the duty of us all to ensure that, at whatever age we need support, it is available and we are not discriminated against simply because our illness or need is not recognised for NHS cover. I hope that, when the Government bring forward their Bill, we have a strong and robust discussion on social care needs.

12.01 pm

Baroness Wheatcroft (CB): My Lords, the noble Lord, Lord Lilley, approaches this issue with decades of experience and genuine concern. I congratulate him

[BARONESS WHEATCROFT]

on at least attempting to provide a partial answer to the problem of funding social care. His insurance scheme has superficial attractions but, as others have spelt out, a more far-reaching solution is required. As the noble Lord, Lord Davies of Brixton, said earlier, in his first speech at Downing Street the Prime Minister promised us he had an “oven-ready” solution. He may at last have decided that a new tax is the answer, but that will not deal with the fundamental flaws in the system.

I wholeheartedly support the speeches, including those of my noble friend Lord Best and the noble Baroness, Lady Altmann, that advocated doing away with the distinction between health and social care. A report of the Joseph Rowntree Foundation 25 years ago was right then and is even more so today. Most people are in care homes because they are not in good health. The pandemic has highlighted the poor health of large sections of our society. We know that the poorer parts of society have lower life expectancy and can expect to live out their final years in less good health than those at the other end of the wealth spectrum. Such inequalities would only be exacerbated by the Bill. Only 63% of our population are home owners and that proportion is shrinking.

A healthier population would have less need of care homes. There would be fewer elderly people having to spend their last years in what, for many, is a totally sterile environment—although, as we have seen, not always as sterile as some might have wished. It would be much better if people could live independent lives for longer. Today, there is talk of doctors prescribing fresh fruit and vegetables. It is sad that there is a need for them to do that, but clearly people need an improved diet. Equally, good health in older age requires exercise of the body and the mind and, in some cases, GPs are already prescribing the arts to keep people in good health. Some care homes provide a comfortable, stimulating environment. I am sure those with which the noble Baroness, Lady Verma, is associated do just that but, as the noble Lord, Lord Sikka, pointed out, too many care homes are now run by private equity, where the debt burden is such that there is little funding to provide a decent quality of care for those who live there. We need a fundamental rethink of the system.

12.05 pm

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, I also commend the noble Lord, Lord Lilley, on his extensive work in this area, particularly in preparation for the Bill. However, like others, I cannot support it, however well-meaning it may be, as it is not the right way to deal with a major crisis in social care. It is in danger of letting the Government off from their job to tackle the issue, which they have promised to do in successive election manifestos. This growing crisis has been dodged by successive Governments and needs to be dealt with in a more fundamental way.

As others have said, the National Health Service was created to provide free healthcare when needed, funded through taxation by all of us. Those of us who need medical treatment, however much it costs—and it can run to many hundreds of thousands—are able

to get it free when we need it. But those of us who do not need it are both grateful for our good health and happy to cover the costs for those who need it. The same principle should apply to the provision of social care.

Thankfully, many of us will live to a ripe old age without the need for care services, either at home or in an institution. Others who require care should be able to access it for free, without the additional worry of how they will find the money to pay for it. That is why we need a national care service, on the same principle as the NHS, where those of us who are lucky to live without the requirements of care can help support those who do. I am pleased this has already been supported by my noble friends Lord Davies, Lord Sikka and Lord Hendy, and thankfully by the noble Baronesses, Lady Altmann and Lady Wheatcroft.

We can never predict which of us will be struck by dementia, physical incapacity or other conditions requiring care, just as we cannot foresee which of us will get cancer, cardiac arrest or Covid. As many have already said, care is best provided by our excellent local authorities, but they need proper funding. They can then work in collaboration with the good private care homes—they are not all good, but some are—and the voluntary sector. The reduction of local authority funding under the present Government has exacerbated the problem, as we wait and wait for the Government to fulfil their promise. It is now even more vital that we maintain our pressure on the Government to meet that promise, and I fear this Bill will be a distraction.

12.07 pm

Baroness Neville-Rolfe (Con): My Lords, the Bill deals, although at one remove, with one of the greatest and most welcome developments of the last two centuries. I refer of course to the extraordinary increase in average human lifespan that has occurred over this period. The separation of clean and foul water, advances in medicine and the development of vaccines, the discovery and invention of antibiotics and the recognition of the importance of safety in industrial processes, taken together with a realisation of the effects of smoking and diet on health and other factors, mean we have seen a rise in the average lifespan from well under 60 to around 80. This is a wonderful achievement but, like all advances, has thrown up problems. The greatest of these is the increased and increasing need of many elderly people for care, especially residential care, and its financing. The present arrangements are creaking.

As a society, we have taken a long time to grasp this nettle and, while Governments of every colour have dallied, the situation has deteriorated. Meanwhile, the financial position of local authorities, at least in England, has become much more challenging for various reasons, one of the most important of which was the cutbacks following the financial crisis of 2008. Some allowance has recently been made for local authorities to raise extra funds for social care, but the sector needs a significant injection of cash if standards are to be maintained, staff are to be rewarded properly and operators are to find it worthwhile to remain in the system.

What are the problems other than the need for money? One is uncertainty. None of us knows, early in life, how much care we will need over our lifetime. We might need none or we might need decades of care. Most of us will fall somewhere between these two extremes, but the financial difference between them is enormous, running into hundreds of thousands of pounds. Accordingly, another problem is fear—fear that we might be faced in old age with vast financial claims that will eliminate our lifetime savings.

All this seems to point to the need for an insurance-based solution, since in many areas of life that is how we cope with risk, with the advantages of pooling risk that it provides, but as my noble friend Lord Lilley has so eloquently explained, this is an area where private insurance cannot operate, mainly because of the fear that calculations will be upset by changes in government policy. My noble friend proposes to solve this dilemma in a typically brilliant way by harnessing the value of people's houses after death in the way he has outlined as a component of what amounts to a voluntary, but state-guaranteed, insurance system which will operate at minor cost to taxpayers. It has been welcomed today as a workable solution by my noble and learned friend Lord Mackay of Clashfern, and the noble Lord, Lord Wigley, in a powerful speech, said it could play a part. This Bill represents a responsible and timely way forward. We need to act now. There is no sign that the Government will be able to do so quickly, so we should enthusiastically support this Bill which would make a contribution, large or small, to one of the greatest problems of our time.

12.11 pm

Baroness Brinton (LD) [V]: My Lords, I declare my interest as a vice-president of the Local Government Association and a vice-chair of the All-Party Parliamentary Group on Adult Social Care.

I thank the noble Lord, Lord Lilley, for securing this early slot to present his Bill, although these Benches have serious issues about the principles and details of his proposals for creating an insurance scheme for elder social care. In March, I read the noble Lord's paper on his scheme, which was published by Civitas. It is right that policymakers on all sides of the political spectrum think through the series of complex problems our social care sector currently faces. I thank him for continuing that debate in your Lordships' House through the Bill, even if we do not believe that it is the solution.

The noble Lord referred to a live rail running alongside the funding reforms for elder social care. As many other noble Lords have said, these proposals miss the point. We need to devise a comprehensive elder social care system for everyone, whether home owners or not, and regardless of the value of their property if they are. We agree with many speakers today who have talked about having that universal social care system for everyone regardless of assets or income. I also echo the comments made by other noble Lords about the excellent report on this issue by the committee chaired by the noble Lord, Lord Forsyth, and the noble Lord, Lord Cormack, is right to say that this House needs to debate that report as soon as possible. It is a disgrace that we have not had the chance to do so. It is very overdue.

In 2011, Andrew Dilnot's report on the funding of elder social care was published and, for a while, all three major parties worked together to make it happen. Dilnot proposed a neat solution, using facts about average stay in a care home, percentage of people needing it and average costs. All three parties were on the point of agreeing it, when, I am sorry to say, the Conservatives walked away. Ten years on from the publication of the Dilnot report, it looks, if the leaks to the *Times* and the *Telegraph* are right, as if it is back on the agenda. I hope that is correct. It was a fair and equitable proposal that merited serious consideration.

We await the Government's long-overdue proposals. It is two years since the Prime Minister announced it as an absolute priority and well over 18 months since he stood at the door of No. 10. However, the devil will be in the detail. The current funding system for elder social care is a disgrace, and we must remove the fault line, as the noble Baroness, Lady Chakrabarti, called it, between health and social care at the source. The problem with this Bill is that it tries to create an insurance system which the insurance sector does not want to provide for, so the noble Lord proposes that the Government go into the insurance industry themselves, an industry where they have no experience or track record of success. That way disaster lies.

What we need is a system that sets a cap on costs that individuals have to pay, in the style of Dilnot, but underlying that there must be a mechanism for funding social care properly, on a par with health and, as we said in our manifesto in 2019, to be funded beyond that Dilnot cap through taxation. That means that those who do not own their own homes or have homes of low value will have access to the same social care as those who have houses of high value. It would also stop the current inevitable but wrong practice of private social care patients funding the publicly funded ones because local authorities are not given enough funding by central government to cover that public funding duty.

Our social care sector needs a much more fundamental review, and I hope that the Government will provide that root-and-branch review beyond funding. The noble Baroness, Lady Verma, is right: until there is parity of esteem with the health sector, it will always be treated like the Cinderella service it feels it is. This Government's callous discharging of patients with Covid into care homes last year in order to protect the NHS epitomises that, and I am glad they stopped that practice. Pay structures, career pathways and the treatment of staff are always compromised by the amount of funding coming into the social care system, which is why we are in this mess.

We also need to fund care support that is not based around care homes, which gives older adults the protection and support they need to keep them independent to avoid the need to go into care homes, which is vital with a rapidly ageing population. This Bill would not cover that critical part of the multidisciplinary services, including, for example, encouraging post-retirement, part-time working, whether paid or in the voluntary sector, to keep minds active, or including a healthcare system that considers prevention as a priority—for example, of fractures, rather than always just having to repair them, which often leaves people much less independent than they were before. It should also

[BARONESS BRINTON]

include investment in social activities in communities, which many local councils can no longer afford to do with their squeezed funding following government cuts.

We on these Benches do not support the Bill. I hope that proposals from the Government, whenever they finally appear, will present a root-and-branch reform of social care and not just the funding mechanism for home owners. Can the Minister say when they will be published and whether they will be the comprehensive reforms that all Members have highlighted in today's debate?

12.17 pm

Baroness Merron (Lab): My Lords, I pay tribute to the noble Lord, Lord Lilley, for his efforts through this Private Member's Bill to find a way forward to improve the provision of social care which is so desperately needed. There has been a theme throughout this debate which has heard many thoughtful contributions by noble Lords. It is a determination to see the right quality of social care at the point in people's lives when they are at their most vulnerable. This debate has made clear the need to meet both duty of care and duty of dignity.

I start by paying tribute to the extraordinary work and commitment of social care staff over the past year, in both the independent sector and the local authority sector. They have been at the front line of this pandemic, going beyond the call of duty and helping hundreds of thousands of people through an extremely difficult time.

However, as my noble friend Lord Davies of Brixton and the noble Baroness, Lady Wheatcroft, reminded the House, it is some two years since the Prime Minister stood at the steps of No. 10 Downing Street promising to fix this challenge, yet nothing has changed. We can remind ourselves that there were high hopes of a Bill in the Queen's Speech, but they were roundly dashed. Instead, today, as we read in the media, we have rumours that Downing Street is

"comfortable with some sort of tax"

to pay for social care. I wonder whether the Minister is in a position to flesh out details of this tax plan, which has clearly been some years in the making.

I should at this point acknowledge that while this Bill refers to the older members of our society, social care extends far beyond them. Half the budget for social care is for working-age adults with disabilities, who comprise a third of the users. Furthermore, there is a misconception, as has been pointed out several times today, that social care is all about care homes, when in fact there are more people getting care and support in their own homes, something we should aim and hope to expand, as advocated by the noble Lord, Lord Best.

Social care is as much a part of our infrastructure as are the transport, telecoms and energy systems we rely on. A neglect of the country's physical infrastructure results in the lights going off and trains grinding to a halt. Well, the same is true if there is a failure to invest in social care infrastructure. As the noble Baroness, Lady Watkins of Tavistock, identified, if we do not have a properly paid and trained care workforce, we see vacancy and turnover rates soaring, fewer people

getting the support they need and families—and, overwhelmingly, women—ending up taking the strain.

Covid-19 has brutally exposed existing failures, as described by my noble friend Lady Chakrabarti. Throughout the pandemic, we have seen that care is still not funded or treated as equally important as the NHS. We know that front-line care workers are chronically undervalued and underpaid, as my noble friend Lord Hendy set out. Families get too little support in return and an already fragile care market has been made even more susceptible to failure, with all the human consequences this brings.

Dealing with such a virulent and dangerous virus was always going to be difficult but, when the pandemic struck, our care system was more vulnerable than it should ever have been. We have a welfare state in the 2020s built on the life expectancy of the 1940s. One in four babies born today is set to live to 100 years old. As the noble Baroness, Lady Altmann, and other noble Lords set out, our health and care system has struggled to keep pace with these changes, with social care developing—as far as it has—in a piecemeal and fragmented way. As my noble friend Lord Foulkes of Cumnock said, we face a major and growing crisis in social care that cannot wait.

Fundamentally, as we have heard throughout this debate, social care services need to be fully joined up with, but not run by, the National Health Service. Noble Lords will be only too familiar with distressing tales of people having to battle their way around various services, repeatedly telling the same story. This is not good for them and is wasteful and inefficient. We need one care system built around the needs of users and families, with proper links to other services, including housing.

The Private Member's Bill before us seeks to address the very real problem of older people being forced to sell their home to pay for care. However, as the noble Baroness, Lady Greengross, and other noble Lords identified, regrettably the Bill falls short of a comprehensive approach—not least because it does not address the situation of those who do not own their own homes or have the requisite level of resources.

In addition, nearly a fifth of pensioners live in poverty and may not have the assets required to finance insurance. They need care just as much. The latest figures are that 8% of pensioners would not even be able to pay an unexpected bill, as expressed by my noble friend Lady Bryan of Partick. I am sure that the noble Lord, Lord Lilley, will bear this in mind, because it certainly begs the question of whether those in poverty would consider using their assets for insurance that they might not need.

The issue of eligibility thresholds and how they would be determined is also to be resolved. According to Age UK, 2 million people have had requests for support turned down in the last two years, while local authority budget cuts have led to eligibility thresholds being tightened, as my noble friend Lord Sikka highlighted.

Although we are unable to support the Bill, I am grateful to the noble Lord, Lord Lilley, for seeking to address a challenge that hitherto remains unaddressed, while impacting on so many of us. I am grateful to him for providing more than the Government have so far

managed to do. In the century of ageing, everyone should be able to look forward to getting older with confidence and without fear. I hope that the debate today will make its contribution.

12.25 pm

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, I congratulate my noble friend Lord Lilley on securing time for the Second Reading of this important Bill. I thank him for bringing forward this challenging legislation, which addresses the pressing issue of unpredictable and catastrophic adult social care costs. Nothing could be more salient. As he said, my noble friend Lord Lilley brings 37 years in Parliament and seven years in Cabinet to bear on this, and it shows. His Bill is a most thoughtful and intelligent proposal to address an electric issue that has confounded policymakers for a generation and now engages the best minds in government.

I very much note the mood of the Chamber and in particular the supportive comments by the noble Lord, Lord Wigley. I cannot promise that the Government will support the Bill. However, I assure my noble friend that we have carefully considered its points and that its insight has provoked a timely dialogue.

Clause 1(1) is on the measures for insurance to be delivered through a public not-for-profit company owned and guaranteed by government. As my noble friend Lady Neville-Rolfe rightly points out, social care should lend itself to risk pooling. Many of us are likely to need care at some point in our lives. Three out of four adults over the age of 65 will face care costs at some point. Half will face care costs of less than £22,000, but around one in seven will face costs of more than £100,000.

Despite this, as my noble friend Lord Lilley pointed out, affordable financial products to provide protection against unpredictable and catastrophic care costs are currently unavailable. A small insurance market grew momentarily in the 1990s, but noble Lords should note that insurers cited both supply-side and demand-side difficulties. The fact that there is currently no private market for insurance does not mean that there is no case for insurance. Singapore has a government-run insurance scheme, voluntary for people born before 1979. The Bill shines a valuable light on a classic but none the less long-standing and damaging market failure. It therefore provides a strong case for government intervention.

Clause 1(3) specifies that the purchase of the insurance should be voluntary and that

“home owners who choose not to purchase the insurance continue to be subject to existing regulations regarding the provision of social care.”

The current means-tested system is based on personal responsibility, with financial help focused on those with the least. It is appealing that the Bill builds on this principle, offering people the option to pool the risk of needing care but placing a responsibility on individuals to plan for care.

Clause 5, on timing, sets out that the insurance offer should be targeted specifically at those approaching state pension age. At this age, still relatively few people need care and it is unlikely that people can accurately predict whether they will eventually require care. Among those aged 55 to 64, only 5% receive formal or informal

care, compared with 13% of those aged 75 to 84 and 33% of those aged 85 or over. In response to the point from the noble Lord, Lord Best, this mitigates against the risk of only those who know they will need care choosing to buy insurance, driving up prices. This also allows the insurance to pool both longevity risks and the risk of needing care in the first place. This in turn should help keep premium costs down.

The measures in Clause 2(6) and 2(7) set out that the insurance premia should be “set at a fixed fraction of the value of the property, net of mortgage.” This means that someone with significant housing wealth would pay more for the insurance than someone with only modest wealth.

The Bill makes an important comment on the current system. Someone with a care journey of, say, two years in residential care, at cost of £700 per week, with an income of £9,200 a year and starting wealth of £50,000, could deplete up to 57% of their wealth, whereas someone with wealth of £250,000 would deplete only 23%. The Bill has the commendable feature of being both progressive and affordable—a challenging combination.

Clause 3(1) describes that the insured person would be entitled to pay for the premium through a charge on their home realised upon the death of the insured person or the sale of the property. The Bill picks up on an important point here. Even if the cost of the insurance policy were just a small fraction of the value of one’s home, not everyone would be able to afford to pay for it from their savings. After all, as my noble friend Lord Lilley described in clear detail, many people have only limited wealth other than what is tied up in their home. Nearly half of adults over the age of 65 have savings of less than £25,000 and 36% have savings of less than £12,500. Of course, people could draw on their pension pots, but this may be subject to income tax. Therefore, allowing people to pay for the insurance by releasing some of the value of their home prevents people having to sell their home to pay for the insurance. The attraction of this was well described by my noble and learned friend Lord Mackay, and I note the similarity with deferred payment agreements. All this illustrates the strength of the Bill and my noble friend’s proposals; his timing is also impeccable.

Some noble Lords made clear their objections and have emphasised the huge sense of challenge around social care. The noble Lord, Lord Davies, noted the vagaries of the property market and the spread of tenure. The noble Baronesses, Lady Merron, Lady Chakrabarti, Lady Bryan, and the noble Lord, Lord Foulkes, made passionate cases for a nationally funded public social care service. My noble friend Lady Altmann called for a national health and social care insurance premium. The noble Baroness, Lady Greengross, raised the huge challenges of intergenerational fairness. My noble friend Lady Wheatcroft, urged the importance of investment in healthy lives, diet and exercise to minimise social care costs. These are all important points.

The Government’s objectives for reform are to enable an affordable, high-quality and sustainable adult social care system that meets all people’s needs. Every person should receive the care they need, provided with the dignity that every person deserves. The noble Lord, Lord Hendy, was very emphatic in describing the

[LORD BETHELL]

importance of a social care workforce as critical to our ambitions for raising the quality and access to social care. He is right in this. I therefore reassure my noble friend Lady Verma and the noble Lord, Lord Hendy, that in his first few days in his new role, the Secretary of State for Health and Social Care wrote a letter addressed to social care staff with a promise to do all he could to support the sector in the future. I say to the noble Baroness, Lady Watkins, that the Prime Minister has been very clear that we need a long-term plan for social care. As she will know from today's papers, the details are emerging as we speak. With these things in mind, I once again thank my noble friend for his valuable contribution and express my gratitude to him for his Bill.

12.33 pm

Lord Lilley (Con): My Lords, I am grateful to all noble Lords who have contributed to this debate—those who disagree with the Bill, those who agree with it, and those who feel that it merits further debate. Two central criticisms were made. First, a number of noble Lords said that it does not address the main issue. With respect, that is precisely what it does. It says that the main issue is the underfunding of the existing social care system for those who do not have the means to pay for themselves, but we must not pre-empt the money needed to bring about proper funding of that by diverting much of it to subsidising those who wish to leave their homes to their heirs and beneficiaries. I hope people realise that resources are finite. If we spend money on those who can afford to contribute to their own care, we have less to spend on those who cannot.

Secondly, there were those who, as a matter of principle, believe in universal state provision. I respect that point of view, but they should recognise that no Labour Government since 1948 has introduced that, and that if it were possible to have done so before the pandemic, it is much less possible now that we have £2 trillion of debt and a massive deficit. They should also recognise that that is not what Labour offered at the last election; it offered the £100,000 cap on contributions. Setting a cap, which was also endorsed by the Liberal Party, brings me to my final point. They are saying that we should give the greatest benefit to those in Mayfair and the least to those in Middlesbrough. If that is their idea of fairness, priorities and a comprehensive solution, it is not mine. I beg to move.

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

Organ Tourism and Cadavers on Display Bill [HL] *Second Reading*

12.36 pm

Moved by Lord Hunt of Kings Heath

That the Bill be now read a second time.

Lord Hunt of Kings Heath (Lab) [V]: My Lords, it is a great pleasure to speak to my Bill and I thank all noble Lords who are taking part. My interest in tackling the issue of forced organ harvesting in China came about after I was a sponsor of the opt-out organ

donation Act, which is now in UK legislation. I took the view that, if we are to ask the UK public to have full confidence in our opt-out system, it was essential that its ethical basis was assured and overseen with rigorous inspection and regulation.

When I first heard about forced organ harvesting in China from the noble Lord, Lord Alton, I was horrified. Organ donation is a precious act of saving a life but forced organ harvesting is commercialised murder and, without doubt, among the worst of crimes. I have spoken against forced organ harvesting many times in the House and I am pleased to say that a great number of my fellow Peers have shown support on this issue.

In January this year, after significant pressure from across the House, my amendment to the Medicines and Medical Devices Bill ensured that the Act was the first piece of UK legislation to fight against forced organ harvesting by ensuring that no medicines in the UK could include human tissues from its victims. This small but significant step in legislative change is only the beginning of the work that we must do here in the UK to prevent complicity in this horrific crime; my hope is that it acts as a precedent for further action, both in the UK and around the world.

The Bill before us today serves to prevent UK citizens from complicity in forced organ harvesting by amending the Human Tissue Act to ensure that UK citizens cannot travel to countries such as China for organ transplantation and to put a stop to the dreadful travelling circus of body exhibitions, which sources deceased bodies from China. I come from Birmingham where, in 2018, an exhibition called “Real Bodies” by Imagine Exhibitions visited the National Exhibition Centre. It consisted of real corpses and body parts that had gone through a process of plastination whereby silicone plastic is injected into the body tissue to create real-life manikins, or plastinated bodies. The exhibit advertised that it

“uses real human specimens that have been respectfully preserved to explore the complex inner workings of the human form in a refreshing and thought-provoking style”.

Dig deeper, however, and it becomes clear that those deceased human bodies and body parts are “unclaimed bodies”, with no identity documents or consent, sourced from Dalian Hoffen Biotech in Dalian, China.

The commercial exploitation of body parts in all its forms is surely unethical and unsavoury. When it is combined with mass killing by an authoritarian state, we cannot stand by and do nothing. In 2019 the China Tribunal, led by Sir Geoffrey Nice, stated:

“The Tribunal’s members are certain—unanimously, and sure beyond reasonable doubt—that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims ... Falun Gong practitioners have been one—and probably the main—source of organ supply ... In regard to the Uyghurs the Tribunal had evidence of medical testing on a scale that could allow them, amongst other uses, to become an ‘organ bank’.”

We are now hearing further testimonies during the course of the Uyghur Tribunal of the potential forced organ harvesting of Uyghurs, including from Sayragul Sauytbay, who testified during the June hearings that she discovered medical files detailing Uyghur detainees’ blood types and results of liver tests while she was working at a Uyghur camp. Ethan Gutmann, senior research fellow at the Victims of Communism Memorial

Foundation, spoke about his recent December 2020 report, including his witness interviews, the human organ “fast lanes” in the Urumqi and Kashgar airports and the construction of vast crematoriums throughout Xinjiang.

China has always denied the claims, brushing them off as rumours, and the World Health Organization has continuously backed this up. The UK Foreign, Commonwealth and Development Office has stated that the WHO shares its view that China was implementing an ethical, voluntary organ transplant system in accordance with international standards, although it has concerns about overall transparency. However, it was revealed by the UK Government in 2019 that the WHO’s assessment is based on China’s own self-assessment. The WHO has not carried out its own assessment of China’s organ transplant system—it does not have an independent expert compliance assessment mechanism in place to carry one out.

Over the years, evidence of forced organ harvesting has continued to build and whistleblowers have stepped forward. The body of evidence is becoming vast, including detailed statistical analysis of transplantations and donations, numerous recorded undercover telephone conversations, legal and policy statements and the practice of the Government and the party, advertisements, admissions of university and military personnel and a large number of very brave personal testimonies.

Last month, 12 United Nations special procedures experts raised the issue of forced organ harvesting with the Chinese Government in response to credible information that Falun Gong practitioners, Uighurs, Tibetans, Muslims and Christians are being killed for their organs in China. In the correspondence, UN human rights experts called on China to

“promptly respond to the allegations of ‘organ harvesting’ and to allow independent monitoring by international human rights mechanisms.”

Their full correspondence to China will be made public shortly.

I have always believed that the UK Government could be a powerful advocate for changing these practices, but also that we should put our own house in order and deal with current gaps in human tissue legislation. Currently, human tissue legislation covers organ transplantation within the UK but does not cover British citizens travelling abroad for transplants, and British taxpayers’ money will pay for antirejection medication regardless of where the organ was sourced or whether it was forcibly harvested from prisoners of conscience. According to NHS Blood and Transplant, between 2010 and July 2020 there were

“29 cases on the UK Transplant Registry of patients being followed up in the UK after receiving a transplant in ... China.”

The Human Tissue Act 2004 has strict consent and documentation requirements for human tissue sourced within the UK, but it does not restrict imported human tissue in this way; it is merely advisory.

My Bill aims to amend the Human Tissue Act in five ways. First, it would prohibit a UK citizen from travelling outside the UK and receiving any controlled material for the purpose of organ transplantation when the organ donor or the organ donor’s next of kin had not provided free, informed and specific consent. Secondly, it would prohibit a UK citizen from travelling

outside the UK and receiving any controlled material for the purpose of organ transplantation when a living donor or third party receives a financial gain or comparable advantage, or, if from a deceased donor, a third party receives financial gain or comparable advantage.

Thirdly, it would provide for the offences in Section 32 of the Human Tissue Act 2004 to be prohibited even if the offence did not take place in the UK, if the person had a close connection to our country. Fourthly, it would provide for regulations for patient-identifiable records and an annual report on instances of UK citizens receiving transplant procedures outside the UK by NHS Blood and Transplant. Lastly, it would provide for imported bodies on display to have the same consent requirements as those sourced from the UK.

We must take this action internationally and in the UK in order to do all we can to prevent this abhorrent practice. My Bill takes us a step forward. I hope the Minister, who has proved himself to be incredibly helpful in this area, will be sympathetic and say how the Government intend to help to take this forward. I beg to move.

12.46 pm

Lord Ribeiro (Con) [V]: My Lords, I thank the noble Lord, Lord Hunt, for introducing this Bill. It is a pleasure to follow him. The Bill serves two purposes: first, to prevent a trade in organs, be it for transplantation or display in public exhibitions, and, secondly, to provide dignity and protection for prisoners in detention camps in China and elsewhere, where Uighurs and Falun Gong practitioners are exploited by the state.

The Human Tissue Act 2004, which was referred to earlier and which underpins this debate, followed the discovery of more than 2,000 pathological pots of body parts, removed between 1988 and 1995 from some 850 infants. This was the organ retention scandal at Alder Hey Hospital, which arose from a lack of consultation with the mothers affected by the disaster. Consent remains at the very heart of this Bill, and in the case of cadavers on display, evidence of consent is not always apparent, particularly if the body parts are the result of judicial execution by the Chinese state, as evidenced by Sir Geoffrey Nice in his report.

As president of the Royal College of Surgeons from 2005 to 2008, I continued a programme of repatriation of human remains held at the college’s Hunterian Museum, started by a former president, Sir Peter Morris, an Australian and a member of the working group on human remains commissioned by the Department for Culture, Media and Sport in 2001. He concluded that meaningful research on the remains could be done in Australia with the collaboration and permission of the original peoples. Remains of Tasmanian Aboriginal origin were repatriated in 2002, setting a trend for other museums and universities in the UK. In 2007, during my presidency, a smoking ceremony was performed for the spirits of the ancestors by representatives of the indigenous peoples. The Royal College of Surgeons has repatriated remains to Australia, New Zealand and Hawaii, and will continue to do so if legal evidence is produced by claimants.

[LORD RIBEIRO]

The Human Tissue Act 2004 made it clear that written consent was required while the person was alive before donated bodies or body parts could be displayed. That principle needs to be applied to the authorities in China to demonstrate that consent has been obtained before body parts are removed. In the debate on the Medicines and Medical Devices Bill on 12 January, my noble friend Lady Penn said that the Government would undertake to strengthen the Human Tissue Authority's code of practice on public displays of imported tissue, and that consent standards would be clear, firm and enforceable. Six months on, can she say what progress has been made in this respect?

12.49 pm

Baroness Finlay of Llandaff (CB): My Lords, it is a pleasure to follow the noble Lord, Lord Ribeiro, and I congratulate the noble Lord, Lord Hunt, on all the work he has done in this area and on the Bill. I declare that I chair the UK advisory panel of the Commonwealth "Tribute to Life" project, which is creating a memorandum of understanding to promote and support the highest standards of ethical transplantation across all Commonwealth nations.

The "Real Bodies" exhibition reminded me of the two mass murderers Burke and Hare, who killed between 1827 and 1828 in Edinburgh, supplying victims' bodies to Edinburgh University for anatomy dissection. One night, they killed an old woman and her grandson. When Hare's horse refused to pull the heavy load of two corpses uphill in a herring barrel, in anger he shot the horse dead. Burke was convicted and hanged; people paid good money to watch his execution, after which he was publicly dissected. Hare, though, escaped to England. Why the association? Both involved a supply of bodies for purported anatomical education, for profit and with no known consent.

The plastinated bodies exhibition had commercial gain, no evidence of consent to these people's bodies being used and no evidence they died naturally. Indeed, emails reveal some were supplied for plastination in China after key organs had been removed, suggesting their bodies are the remains from a despicable trade in genocide, organ harvesting and commercial transplantation in China. These bodies on display included a woman in advanced pregnancy. Did she give fully informed consent when dying in pregnancy? The evidence of proper consent processes should be open to international scrutiny. It is not.

China appears to have been killing persecuted religious minorities, particularly Uighurs and Falun Gong practitioners, then harvesting and selling their organs on an industrial scale. At least 29 people have gone from the UK to China to avail themselves of organ transplants. They will have been told the organs came from people who died in accidents et cetera, not that someone was killed to order because there was a reasonable blood group match.

We cannot legislate directly against China's despicable organ trade, but we can close the loophole in the Human Tissue Act 2004 that makes us complicit. We require careful consent for anatomical donation, through the Anatomy Act, and the use of tissues in this country, through the Human Tissue Act, for any practice. UK

ethical standards around transplantation are exemplary. This Bill stops double standards, it supports ethical transplantation and it sends a message worldwide. I hope that the Government will support it.

12.53 pm

Baroness Northover (LD): My Lords, I too commend the noble Lord, Lord Hunt of Kings Heath, for his pursuit of these issues. He has introduced his Bill brilliantly, as ever, cogently and comprehensively. It is a real privilege to follow him and such leading medical practitioners as the noble Lord, Lord Ribeiro, and the noble Baroness, Lady Finlay.

I had long been appalled by the body exhibitions, which just seemed macabre, but as with many it never occurred to me that the bodies might not have been willingly donated for that purpose, as for medical science. It is appalling to think that these were likely to have been the bodies of Chinese prisoners, and absolutely sickening that money was made from them and that visitors to exhibitions unwittingly colluded. This Bill would put an end to that in the UK, as it has been ended elsewhere.

The Bill also addresses organ harvesting. In this case, often desperate people may travel abroad to undergo organ transplants without thinking or knowing of where these organs are sourced. I recall with shock one current Minister who, clearly out of lack of knowledge, praised China for the number and speed of its organ transplants. Given her strong personal faith, had she known then that praise would never have been expressed. We now know so much more: that beyond reasonable doubt, organs have been forcibly extracted from prisoners and others in China, killing the victim in the process. The harvested organs are sold for transplantation.

The China Tribunal, chaired by Sir Geoffrey Nice, released its full report in March 2020 and the judgment concluded that forced organ harvesting had been committed for years throughout China on a significant scale, and that Falun Gong practitioners were probably the main source of organ supply. It also concluded that, in relation to the Uighurs, there was evidence of medical testing on a scale that could allow them, among other uses, to become an "organ bank". It concluded:

"Commission of Crimes Against Humanity against the Falun Gong and Uyghurs has been proved beyond reasonable doubt".

As the noble Lord, Lord Hunt, mentioned, UN human rights experts have called on China to respond to the allegations of organ harvesting and to allow independent monitoring by international human rights mechanisms. That has not happened. Sir Geoffrey Nice is now chairing the Uighur tribunal and we await its conclusions with huge concern. In June this year, during the first set of hearings, further evidence of forced organ harvesting from Uighur victims has already been heard. This is a horrific crime and the treatment of the Uighurs has been classed by the US, for example, as genocide. The Bill takes actions to make sure that we are not complicit in these crimes.

I noted the very welcome support of the noble Baroness, Lady Penn, for action in this regard during the passage of the medical devices Bill. Things were moved forward, and I thank her and the Government

for that. We are all therefore agreed, and I urge the Government to accept the Bill, work with the noble Lord, Lord Hunt, on any changes needed to make it as effective as possible and make sure it goes on to the statute book with immediate effect. We surely owe that to the victims of such appalling exploitation.

12.56 pm

Lord Moynihan (Con): My Lords, I congratulate the noble Lord, Lord Hunt, on the Bill, which is rightly commanding significant support in the House. The reason I take an interest in this issue, like the noble Lord, Lord Ribeiro, is the long-term support I have for the outstanding work undertaken by the Royal College of Surgeons. My grandfather, the first Lord Moynihan to sit on these Benches, was president of the Royal College of Surgeons, and I declare that I had the privilege to chair the fundraising committee for the Hunterian Museum, which houses the collection underpinned—as the noble Lord, Lord Ribeiro, said—by the repatriation policy that he admirably pursued.

The legislation before us achieves the right balance between authorisation of such collections and their use, closing some of the key loopholes. Yet the illegal or at least unethical use of cadavers without permission is still, as has been pointed out, a global problem. That said, major medical advances from which we all potentially benefit simply would not have been made, and could not be achieved, without the donation of cadavers.

The haptic feedback in medical training is essential, and however advanced holograms become for replacing cadavers it is important for the surgeon to understand and master the complex array of sensations that travel from the blade to the brain in advanced surgery. Yes, it is likely in coming decades that modern computer simulations will include haptic feedback, but it is only at that point that I can see immersive technologies replacing training on cadavers. A great deal of work is being undertaken in this pioneering field by the Royal College of Surgeons but, as one of the leading experts in the field, Shafi Ahmed, has said, we must not lose sight of the fact that:

“Two-thirds of the population, five billion people out of seven billion, do not have access to safe and affordable surgery.”

So, as set out in the Bill, strict standards must be in place, especially to cover the loopholes.

In 2004, as the House knows, we moved from second-person consent to the first-person consent which is necessary today. Yet Britain imports from America, for example, where rules are looser and second-person consent is permitted, in the use of unclaimed corpses from prisons and elsewhere, in many states. Supply is constrained and the demand for cadavers has increased in the UK, as the numbers training to be doctors increases. In 2005, medical schools in the UK asked for 600 cadavers; in 2017, it was 1,300. What is essential, as the noble Lord’s Bill confirms, is clear provenance in the UK—and ultimately worldwide—covering the procurement, handling and disposition of cadavers. This needs to be built into global regulatory frameworks.

It should no longer be the case that bodies which are willed to be used to educate medical students, to provide materials for patients or to promote research on human disease should subsequently be sold on to non-profit or, worse still, for-profit organisations without

the knowledge and detailed informed consent of the donors. They were once living human beings and we should have legislative-backed respect extending at every stage from procurement to use, until final disposition takes place.

1 pm

The Lord Bishop of St Albans: My Lords, I too support this Bill and welcome the very excellent speech by the noble Lord, Lord Hunt of Kings Heath, and this important priority to equalise the law so that, whether a body or an organ comes from someone in this country or some other part of this world, they will be given the same protections and treated with the same dignity.

Noble Lords have already spelled out with great and horrifying clarity some of the allegations of organ harvesting by the Chinese authorities targeting minorities. I have risen to speak today because I have been raising again and again in this House the issue of the Uighurs, and this absolutely touches on what is happening to this incredibly persecuted group of people. It is terrifying to see what is unfolding before our very eyes. In June 2021, a group of independent UN experts said that they had received information that detainees from ethnic and religious groups such as the Uighurs, Tibetans, Falun Gong and Chinese Christians were being subjected to examination without their consent, with the express intention to facilitate organ allocation.

We know that, back in 1984, harvesting organs from political prisoners was permitted in Chinese law. We know that the subsequent crackdown against the Falun Gong in 1999 meant that many of its members are likely to have been subject to forced organ harvesting. It is rumoured that, in the 1990s, prisoners of conscience of Uighur origin were the largest source of organs, before being surpassed by Falun Gong. Now, however, the Uighurs are again in the sightlines of the Chinese Communist Party, and the accounts of harvesting organs are rising. Expert estimations of the number of Uighurs killed in Xinjiang for their organs range from 20,000 to 25,000 per year. There are also stories of vast lanes to streamline the distribution of these organs, and of crematoria to dispose of the victims’ bodies and to deny the deceased a proper Islamic burial.

I had previously refrained from using the term “genocide” to describe the awful repression of the Uighur minority, but, following the House of Commons debate in April and its Motion, when it was labelled as such, it seems to me that we now have to name it and not mess around any more. A genocide is being perpetrated against Uighur minorities. I am not blind to the difficulties that our own Government have in trying to save these lives, but we must become far more robust in terms of the representations and, if necessary, the actions that we are willing to take against China. I have found Her Majesty’s Government’s response to the situation in Xinjiang disappointing over recent months. The current law allows British citizens to receive organs from unknown and possibly non-consenting sources without consequences. If that happens, British citizens are acting as accessories to genocide.

I will make one final, brief point. I am glad that this Bill extends to the treatment of the bodies of those who have been executed, but it is also for those who

[THE LORD BISHOP OF ST ALBANS]

have died peacefully. It remains unacceptable that they should be displayed without appropriate consent. Christianity has always held that our bodies have been created by God and are temples of the Holy Spirit, and as such that we must reverence them and treat them with dignity, both in life and in death. For centuries, the Christian tradition has taught that burying the dead is one of the seven acts of corporal mercy. It is rooted in the belief that the body is sacred. This is so fundamental to us as we look to the future. I hope that Her Majesty's Government will bring this Private Member's Bill into law as soon as possible.

1.04 pm

Lord Sheikh (Con) [V]: My Lords, we must change the United Kingdom's connection with unethical and unacceptable organ transplantation and harvesting. Successful organ transplants are an outstanding achievement. Such medical procedures, carried out with proper safeguards, save lives. I wholeheartedly support the practice. I am the president of the Conservative Muslim Forum, which has over 1,500 members. We are holding a meeting in September to explain the organ donation system in the country and how organ transplantation harvesting through force and financial coercion and without proper consent being obtained is totally unacceptable. This Bill, from the noble Lord, Lord Hunt, intends to discourage Britain's involvement in these practices. We must all give it our utmost support.

We appreciate that there are people who are in vulnerable situations and who are targeted or exploited for the value of their human tissue. In certain parts of the world, this practice is more common than in others. United Nations human rights experts are extremely alarmed by reports of organ harvesting in China. A tribunal chaired by Sir Geoffrey Nice QC found that in China, the practice of organ harvesting from prisoners of conscience has gone on for several years. The Uighurs and Falun Gong practitioners have been particularly subjected to these inhumane practices.

I have spoken on this issue in your Lordships' House previously and I had hoped that it had stopped. The practice of purchasing human organs places a price on somebody's body or on their value as a human being. This is a violating of humanity, and ethically and morally wrong. Furthermore, this Bill will provide accountability. Patient-identifiable records should be initiated so that we can identify UK citizens travelling for these procedures. The system is shrouded in secrecy. This Bill will introduce suitable and effective regulations to identify the culprits who engage in these practices. Although the United Kingdom's involvement may be small, this extensive trade is worth millions of dollars. Gangs and traffickers operate all over the world, exploiting people in underdeveloped countries to obtain organs for profit and without any proper aftercare.

I agree with the proposal set out in the Bill that appropriate consent should be made mandatory for cadavers that are imported and displayed in the country. The physical and financial coercion involved in sustaining this practice is inhumane and should be stopped. Through this Bill we can prevent the practice growing and close existing gaps in our legislation.

1.08 pm

Lord Mackenzie of Framwellgate (Non-Aff) [V]: My Lords, I also commend the noble Lord, Lord Hunt, for his work in bringing this before the House. For many years in this House we have debated, called to account, criticised, and been horrified by, the revelations based on substantial evidence that a so-called civilised country, a member of the United Nations Security Council, governed by the Chinese Communist Party, which was born 100 years ago this year, was committing genocide and discriminating against its own citizens because they were different in their beliefs or their religion. We have watched with mounting despair as minorities such as Falun Gong and Uighur Muslims were arrested, gang raped, sterilised, and used as organ banks on an industrial scale, with the world looking on. It is also clear that we are complicit in this denial of basic human rights in providing a ready market for the high demand for organs forcibly taken, in many cases from living prisoners.

At last, I am delighted that this House can put its money where its mouth is and is taking legislative action by means of this Bill to make it illegal to be complicit in such organ harvesting and transplant trafficking. The Chinese communist Government have continually denied involvement in such shocking atrocities, not seen since the Holocaust, and we have a moral duty—and also, hopefully, a legal duty—to do something about it. We are not alone in this humanitarian crusade and are following Spain, Italy, Taiwan, Israel, Belgium, Norway, and South Korea, who have already taken legislative action to prevent organ tourism by their citizens to China.

We cannot stand idly by while fellow human beings are dehumanised in such ways. The Bill enables us to metaphorically not cross over to the other side of the road but, like the good Samaritan, do what we do best in this country and apply our long-held values to help our fellow human beings enjoy the human rights we take for granted. The Bill provides us with the legislative means to achieve this. I support it and commend it to the House.

1.10 pm

Lord Alton of Liverpool (CB) [V]: My Lords, I declare my role as vice-chair of the all-party parliamentary groups on Uighurs and Hong Kong and as a patron of the Coalition for Genocide Response. The noble Lord, Lord Hunt of Kings Heath, has fearlessly shone a light on a practice that, even for the Chinese Communist Party, which is responsible for the deaths of tens of millions of its own people, plumbs new depths of depravity. His admirable Bill deserves our wholehearted support, and I fully endorse and agree with all the preceding speeches in the debate today.

The China Tribunal said that it was "certain—unanimously, and sure beyond reasonable doubt—that in China forced organ harvesting from prisoners of conscience has been practised for a substantial period of time involving a very substantial number of victims."

Dr Enver Tohti, a Uighur doctor, described to me how he had been required to remove organs and ordered to "cut deep and work fast"

on a victim who was still alive. The theft of organs has been described as an almost perfect crime, because no one survives.

However, the crime does not end there: there is a further twist to this infamy. Anonymous, plastinated corpses taken from Chinese prisons have been paraded in a carnival of horrors at money-making exhibitions—a final sneering insult to these victims. In 2018, after one such exhibition, I wrote to the *Times*, along with Professor Jo Martin, President of the Royal College of Pathologists, and 55 others, saying:

“We believe that the legislation requires reform”.

The Bill of the noble Lord, Lord Hunt, now seeks to do precisely that, and he is to be commended warmly for bringing it before your Lordships’ House.

However, we should go further still. The plastinated cadavers indicate that many are young people. The Minister should establish whether it is possible to extract DNA from these corpses to discover something of their origins and ethnic identity. The law did not require the coroner to determine how the corpses exhibited in Birmingham had died. It should.

What of the World Health Organization? Will the Minister tell us why the Government resisted my freedom of information request to publish their correspondence with the WHO on organ harvesting? They should press it hard to lead an international campaign for legislation like this to be enacted elsewhere, combating and ending these criminal practices.

On 22 July it will be 22 years since the start of the persecution of Falun Gong. Jiang Zemin established the 610 Office to eradicate—his word—Falun Gong, practised at the time by 70 million Chinese people. In undercover phone calls recorded during investigations, Chinese doctors said that Jiang Zemin gave direct instructions to harvest organs from Falun Gong. Last week, the Chinese Communist Party said that it wanted Falun Gong outlawed in Hong Kong.

The Bill of the noble Lord, Lord Hunt, would demonstrate to the persecuted and cruelly treated—to the 1 million incarcerated Uighurs, Tibetan Buddhists, imprisoned Christians, lawyers, journalists and political dissidents, who are subjected to abductions, disappearances, torture, ethnic cleansing, execution and, as the House of Commons determined in April, genocide in Xinjiang—that we have not forgotten them and will not be intimidated or silenced into submission. The Bill deserves a Second Reading and has my full support.

1.14 pm

Lord McColl of Dulwich (Con) [V]: My Lords, I also thank the noble Lord, Lord Hunt, for presenting this valuable Bill. Of all the different operations that I used to do, kidney transplantation was the most exciting. When the vein and artery were connected to the donor kidney, it would spring to life. As a contribution to good Anglo-French relations, I pay tribute to France: the French kidneys were the best of all because they would start functioning immediately by peeing on the operating table. The reason for this was said to be French wine being a good diuretic. As there was always a shortage of kidneys, there was a European system for sharing in order to have the best match for each patient. Unfortunately, this shortage led to abuses of all kinds. On many occasions, live donors were paid to give their kidneys, for a relative or a stranger. It later transpired that genuine consent was often not obtained.

Later, the horror of the Chinese practice of forcibly taking kidneys from prisoners came to light. The numbers involved have shocked the world, but is the world going to repeat its failure to take action against the Nazi atrocities, which also included horrific medical experiments on prisoners? Instead of an effective response to China, the West continues to allow it to buy up our industries, enabling the Chinese Government’s plan to dominate and control the world. When will the world wake up and take effective action?

On medical devices, it is worth saying that the medical profession has a history of reluctance to put foreign materials into bodies. The surgeon who pioneered the use of metal plates and screws to fix fractures was threatened with removal from the medical register. Another example was an eye surgeon, Harold Ridley, who was carrying out a standard operation for cataracts in 1949, simply removing the cataract and sewing up the eye. A medical student who was watching the operation suggested that perhaps the cataract should be replaced with an artificial lens. What the surgeon said at the time was not recorded, but he kept the suggestion in his mind and, the following week, he noticed a piece of plastic from a smashed windscreen in a pilot’s eye—but there had been no reaction to it. So began artificial lens implantation. In spite of great opposition, it was finally accepted 25 years later. New inventions are often opposed. Careful evaluation is essential to allow and promote good new developments as well as to stop harmful ones.

1.18 pm

Baroness Brinton (LD) [V]: My Lords, I join in congratulating the noble Lord, Lord Hunt of Kings Heath, on presenting this excellent Bill, which will give the United Kingdom confidence that no one having a transplant with an organ from abroad will have received an organ donated without consent, and which will prevent the display of cadavers where that consent has also not been obtained. The noble Lord’s role in taking the opt-out organ donation Bill through Parliament was much welcomed at the time, and the change in legislation has worked, with public opinion very much supporting opt-out. Transplants are a wonderful medical advance, when the organs have been donated with the consent of the individual. They are a real gift of life to those who knew that they had run out of treatments.

This Bill tackles a very specific problem that has emerged in recent years and is a very helpful clarification of the law in two areas. First, I suspect that members of the public who visited the Imagine Exhibitions tour would have been horrified to discover that the plastinated cadavers on display came from China and were the bodies of those executed by Chinese authorities—and, possibly worse, that some of their organs had been harvested. The noble Lord, Lord Hunt, along with other noble Lords, is right to say that the treatment of the Uighur Muslims by the Chinese authorities, as reported to the United Nations by the expert China Tribunal, chaired by Sir Geoffrey Nice, is extremely worrying.

The Chinese may, as with their treatment of the Falun Gong, deny their involvement in the use of people’s organs or bodies without their explicit consent.

[BARONESS BRINTON]

They say that forced organ transplanting stopped in 2015. We may choose, as we do, to listen to the evidence to the contrary presented to the United Nations. The noble Baroness, Lady Northover, made an important point about the lack of Chinese explanation about evidence presented to the United Nations; their silence on this does not confirm their innocence.

We on these Benches note that the NHS Blood and Transplant organisation has reported that between 2010 and July 2020

“there are 29 cases on the UK Transplant Registry of patients being followed up in the UK after receiving a transplant in the People’s Republic of China”.

We know that UK citizens are going to China to receive transplants. I wonder how many of them know exactly where those organs came from.

It is vital that the UK, whether its citizens or its NHS in treating people after transplants, is protected from the possible lack of consent from individuals into the use of their bodies for organ transplant or bodies on display. We are now behind the curve compared to many other countries that have legislated already against these practices, and that needs to be remedied as a matter of urgency. The noble Lord, Lord Ribeiro, with his expertise through his role in the Royal College of Surgeons, and the chairing role of the noble Baroness, Lady Finlay, on ethics, both spoke with authority on the medical practice of transplants and true consent. The experience of the noble Lord, Lord McColl, as a kidney transplant surgeon, of various nefarious practices in gaining consents for transplant, was very helpful. His last comments at the end about the development of plastic lenses for cataracts just shows how slowly and carefully this country has taken the progression of transplantation.

Along with the noble Baroness, Lady Finlay, my thoughts turn to Burke and Hare, and their appalling supply of bodies for profit. Our own shameful history in this area means that we must ensure that standards of consent are of the highest calibre, which is why we need absolute clarity on consent for any practice involving organ transplants and cadaver display. The noble Baroness is right to say that this Bill prevents double standards. The right reverend Prelate the Bishop of St Albans confirms the view of all speakers in this debate so far that we in the UK must be robust in ensuring that we have those right standards in our country and that we continue to push for an examination of the treatment of persecuted minorities in China. I hope that the Government, who are now taking very seriously the issue of China’s treatment of Uighur Muslims, will smooth the rapid progress of this small but vital Bill through Parliament and into legislation as soon as possible.

1.22 pm

Baroness Thornton (Lab): The noble Baroness, Lady Brinton, made a very important point about our history in this country and how we have had to resolve these issues over many years. I very much welcome the comments of the noble Lords, Lord Ribeiro and Lord Moynihan, on that matter.

I start by congratulating my noble friend Lord Hunt on bringing this Private Member’s Bill before the House today and on all the work that he and other

noble Lords have done. This issue has truly been a good example of the House of Lords working as one to solve what we think is a serious problem and a gap in the law. I am honoured to deal with this from the Front Bench on behalf of the Labour Party today.

I intend to speak mostly about the section of the Bill which addresses cadavers on display. My own personal view, which the people involved in this issue will know, is that exhibitions such as “Real Bodies” should be banned completely, as they are in France. Over 10 years ago, a French judge ruled to shut down a Paris exhibition of real human bodies from China, saying that exhibiting dead bodies for profit is a

“violation of the respect owed to them”.

I hate to repeat what I said in the House in 2019, when my noble friend Lord Hunt, brought an Oral Question, in February. But I said then that there was a

“much more fundamental ethical issue at play here. Leaving aside the need for cadavers and human tissue for scientific and medical training purposes”

and research, which I completely and utterly understand but which we regulate in this country through the Human Tissue Authority,

“it seems likely that all the exhibitions which use plasticised cadavers and fetuses for supposedly educational purposes could use modern materials and production to create the same exhibits. That begs the question: why use cadavers and human body parts at all? If the answer is that people want to see such things and will pay to do so, I remind noble Lords that people used to flock in their thousands to see public executions until 1868.”

There is an echo of what the noble Baroness, Lady Finlay, said about this issue. I went on to say

“Does the HTA exist to regulate what, in this case, is akin to ghoulish curiosity and its manifestations? What is the ethical position and who should be examining it?”—[*Official Report*, 27/2/19; cols. 228-9.]

Those were the questions that I asked in 2019.

A series of “Body Worlds” anatomical exhibitions has toured many countries worldwide, sometimes raising controversies about the sourcing and display of actual human corpses and body parts. Gunther von Hagens, the inventor and initiator, maintains that all human specimens were obtained with the full knowledge and consent of the donors before they died, but this has never been independently verified. In 2004, von Hagens returned seven corpses to China because they showed evidence of being executed prisoners. In 2002, two Russian doctors from the University of Novosibirsk were charged with illegally supplying von Hagens with 56 bodies, including convicts, homeless people and mentally ill people, without any consent from their relatives. Gunther von Hagens said that none of the body parts were used in the “Body Worlds” exhibitions, but I have to say that that raises doubts and scepticism, unsurprisingly.

Consent is not regulated worldwide according to the same ethical standards, which indeed raises concerns. Paperwork is separated from the bodies, which can be used for displays or sold in pieces to medical schools. No one will know for sure, because each plastinated corpse is made anonymous to protect its privacy. Hans-Martin Sass, a philosophy professor with a speciality in ethics, was hired by the California Science Center to investigate “Body Worlds” before the show’s US debut

in 2004. He matched 200 donation forms to death certificates, but he could not match the paperwork to specific bodies that von Hagens has on display.

There is a gap in the law in the world, but there is also a gap in the law for the Human Tissue Authority. Like many noble Lords, I welcome the fact that the noble Baroness, Lady Penn, said that the Government would look to strengthen the HTA, which does not have the powers to deal with imported human material. We have to address this—and from these Benches we support this Bill wholeheartedly and hope the Government will do the same and that we will see it rapidly on the statute book.

1.28 pm

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, I thank all noble Lords who have taken part in this very important and wide-ranging debate. I am sure noble Lords will join me in congratulating the noble Lord, Lord Hunt, in once again being successful in the ballot with this Bill—I believe for the third time. I believe that my noble friend Lord Lilley, in the previous debate, had to wait 37 years to get one successful ballot.

My Lords, the unethical harvesting and sale of organs is a terrible crime which disproportionately affects some of the world's poorest and most vulnerable people. The noble Baroness, Lady Finlay, gave a macabre history of this crime, and the noble Baroness, Lady Northover, rehearsed some of the powerful statistics, while my noble friend Lord Moynihan gave some of the clinical context. All that is to say that I want to make it clear that the Government stand adamantly opposed to any commercial trade in organs and any non-consensual harvesting of organs anywhere in the world. We have signalled our position on this on the world stage and towards having safeguards in place, to which I shall come, to prevent it from happening.

We absolutely support the Declaration of Istanbul on Organ Trafficking and Transplant Tourism, which encourages all countries to criminalise organ trafficking and to draw up legal and professional frameworks to promote ethical organ transplantation. We are also a signatory to the Council of Europe Convention against Trafficking in Human Organs, which likewise calls on countries to establish organ trafficking as a criminal offence.

I reassure the right reverend Prelate the Bishop of St Albans that our commitment to tackling organ trafficking is absolutely and clearly established in UK law. Under the Human Tissue Act, it is a criminal offence to give a reward in exchange for an organ, or to seek somebody who would be willing to sell organs. The Act also makes it an offence to receive a reward for supplying or offering to supply an organ. It is an offence to initiate, negotiate or even advertise any of these arrangements, and those guilty of these crimes may receive a prison sentence, a fine or both. Crucially, these provisions also serve to curtail transplant tourism. If any part of an overseas illicit transaction takes place in England, Wales or Northern Ireland, it will constitute an offence.

These arrangements and the Act are supported by regulations on importation. Any organs, tissues or cells being imported must have proof of traceability from donor to the recipient. The Quality and Safety of Organs Intended for Transplantation Regulations 2012 provide that it should be a licence condition for procurement or retrieval of an organ to ensure that consent requirements have been met. The Modern Slavery Act 2015 further supports these provisions by making it an offence to arrange for someone to travel with a view to their being exploited, with “exploitation” including their being encouraged, required or expected to do things prohibited by the Human Tissue Act, which includes the supply of organs for reward. The Act specifically covers the activities of UK nationals regardless of where they travel or the arrangements that take place.

I completely agree with the noble Lord, Lord Alton, that the evidence, scale and severity of the human rights violations perpetrated in Xinjiang against the Uighur Muslims is far-reaching and paints a truly harrowing picture. The UK Government have led international efforts to hold China to account for its human rights violations in Xinjiang. We led the first two statements on Xinjiang at the UN and have utilised our diplomatic networks to raise the issue on the international agenda. We have backed up international action by domestic measures. On 22 March, under the UK's global human rights sanctions regime, the UK imposed asset freezes and travel bans on four senior Chinese government officials and an asset freeze on one entity. On 12 January, the Foreign Secretary announced measures to help ensure that British businesses are not complicit in human rights violations or abuses in Xinjiang. We will continue to work with partners across the world to build the international caucus of those willing to speak out against China's human rights violations.

I shall now focus on some specific areas of concern with the measures in the Bill. First, the Bill's provision prohibiting travel outside the UK to receive a transplant without free, specific or informed donor consent raises some questions about the status of deemed consent provisions abroad. If this is intended to include deceased donors, the wording of the Bill suggests that a UK resident may be prohibited from receiving a donation in another country that has deemed consent provisions, as deemed consent may not amount to the specific consent of the donor or their next of kin. Secondly, we are concerned that the inclusion of a new explicitly extra-territorial provision may be counterproductive. Thirdly, we are concerned about how the Bill is to be applied in practice, which is always a test for legislation. For example, these proposals would apply in respect of acts and omissions which take place outside the UK and are done by persons with a close connection to the UK.

I emphasise that it is becoming ever more uncommon for UK residents to seek a transplant overseas. Since the days my noble friend Lord McColl talked about of operating theatre friendliness with French kidneys, we have taken massive steps to increase the supply of ethically retrieved organs in the last few years.

[LORD BETHELL]

We are aware of a total of 566 cases of UK residents travelling abroad for organ transplants in the last 20 years. Only 179 of these cases date from 2009 onwards, after the introduction of the UK living kidney sharing scheme. We expect the introduction of deemed consent in England—which the noble Lord, Lord Hunt, sponsored and which has already led to 296 people donating 714 additional organs for transplant—to greatly support this downward trend. Although we believe that most of these cases represent legitimate donations, I think we can do more to make sure that any desperate UK patients who may be contemplating purchasing an organ overseas are fully aware of the law, the serious medical risks involved and the terrible consequences that organ trafficking has on the lives of others.

I want to be helpful. Therefore, I commit to this House today to step up efforts with the Human Tissue Authority and NHS Blood and Transplant to promote more awareness of this issue through their websites, social media and their connections with professional societies, transplant centres and clinical communities so that everyone plays their part. I also plan to convene a round-table event with the Human Tissue Authority, NHS Blood and Transplant and members of the stakeholder forum to discuss what further action is needed and how the Government can help.

We will also consider what further steps we can take to increase interagency working between NHSBT, the FCDO and the Home Office to improve understanding of, and facilitate legitimate travel into the UK by a donor from outside the UK donating to a UK resident. I pay tribute to my noble friend Lord Ahmad's engagements on this issue with the WHO. I am also very keen that we use excellent initiatives such as the Tribute to Life project, which will launch in Birmingham next year, to share knowledge and expertise and increase ethical organ donation for the benefit of all Commonwealth citizens, regardless of transplant infrastructure. I pay tribute to the noble Baroness, Lady Finlay, for her involvement in this important initiative, which the Government wholeheartedly support.

Following the points of the noble Baroness, Lady Thornton, I turn to Clause 2, which seeks to prevent the public display of imported bodies and body parts without proof of the donor's consent. As my noble friend Lord Ribeiro stated, six months ago, during the passage of the Medicines and Medical Devices Act, my noble friend Lady Penn committed in this House to take forward and ensure that robust assurances on consent were fully received, considered, assessed and recorded before any display licences could be issued.

To meet this commitment, we asked the Human Tissue Authority to strengthen and revise its code of practice. I am pleased to say that the new code, which was laid before Parliament on 10 June, is absolutely clear: the same consent expectations should apply for imported bodies and body parts as apply for such material sourced domestically. To respond to the noble Baroness, Lady Thornton, who summed up very clearly on this, I say that because of this change, for an exhibition such as "Real Bodies" to receive a licence, it would need proof of the donor's specific consent to be

displayed publicly after death. If it failed to provide such proof, it would be denied a licence by the Human Tissue Authority for not meeting its standards.

I again thank noble Lords who have spoken today for their impassioned concern towards the ethical donation of bodies and organs. The Government agree wholeheartedly that this is an important issue, but it is one that our laws already address, although we can do a lot more to increase awareness of the dangers involved. Therefore, I advise that the Government have expressed their reservations and oppose the Bill.

1.39 pm

Lord Hunt of Kings Heath (Lab) [V]: I am very pleased to be able to respond to this debate. I thank all noble Lords for taking part and the Minister for his very careful response. We heard from the noble Lords, Lord Ribeiro and Lord Moynihan, how important the ethical basis of organ transplant and use of research in this country is. It sets the context for the debate. The noble Baronesses, Lady Finlay, Lady Brinton and Lady Northover, and the noble Lord, Lord Alton, spoke graphically about the appalling nature of the "Real Bodies" exhibition; the noble Lord, Lord Alton, who has been such a champion of human rights, expressed disappointment about the WHO's record, which I very much share.

The noble Lord, Lord Sheikh, talked about the vulnerable people who have been targeted globally to provide organs, and I so agree with him. I echo the remarks of the right reverend Prelate the Bishop of St Albans about the appalling tragedy of the Uighurs, and I applaud the role of the Church. The noble Lord, Lord Mackenzie, supported the Bill. The noble Lord, Lord McColl, talked about the balance between the ethical basis of transplants and research in general and the need to encourage innovation, which I agree with.

The noble Baroness, Lady Brinton, brought us back to the point that we need more organ transplants in the UK. The presumed consent measures, as the Minister said, have led to increased donations already but we need to do more. But we must have a system where people are absolutely convinced that consent has been given and where there is integrity in its operations.

My noble friend Lady Thornton, in a powerful speech, spoke about the strength of the case and her scepticism about consent being given in the "Real Bodies" exhibition. I think she is absolutely right on this.

The Minister has always been sympathetic, and I very much applaud him for that. He has expressed some concerns about the details of my Bill, which I will of course reflect on. He argued that there are many provisions already in place, and certainly in relation to exhibitions, the new code published very recently by the HTA states that specific consent is needed when it comes to obtaining a licence. He has also said that he will step up efforts, through round tables and discussions with the relevant agencies, to ensure that the country is doing all it can to prevent these dreadful things happening. I thank him for all of that. I think, though, that there is a strong argument

for saying that, at the end of the day, we need explicit legislation. I certainly wish to continue with this Bill and to explore some of the Minister's detailed comments, perhaps in Committee.

For the moment, I thank all noble Lords who have taken part in what has been a fantastically interesting and important debate. I commend the Bill to the House.

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

Education (Environment and Sustainable Citizenship) Bill [HL]

Second Reading

1.44 pm

Moved by Lord Knight of Weymouth

That the Bill be now read a second time.

Lord Knight of Weymouth (Lab): My Lords, before I start, I remind your Lordships of my education interests as in the register, in particular my work with Purpose Inc. on a campaign called Future ProofEd.

I have to be honest; I think that this a no-brainer. For the DfE, it is an easy win; I hope noble Lords will agree. Teachers agree: some 89% of UK teachers agree that climate change education should be compulsory in schools, while 78% think that individual action on climate and sustainability should also be taught. Young people agree: less than a third are aware of the sustainable development goals, but more than 70% are interested in learning more about the environment and more than half would like to be involved in climate and environmental action projects. Organisations such as the RSPB, the RSPCA, the head teacher unions and the National Education Union all support the Bill. They also agree.

I thank all noble Lords who have put their name down to speak in this debate; I look forward to their contributions. In particular, I thank Peers for the Planet, of which I am a member, Ann Finlayson, from Sustainability and Environmental Education, and Jamie Agombar, from Teach the Future, for their help with this Bill. They agree that there is a problem with our curriculum that needs fixing if we are to fix the planet.

Like many noble Lords, I sat in the Royal Gallery, in January last year, and listened in awe to David Attenborough. He is the inspiration behind this. We all have a part to play. If I can use my place in your Lordships' House and my experience in education to make this change, I feel I will have answered some of that call to action.

Let me explain what the Bill seeks to do. First, it adds to the general requirements of a broad and balanced curriculum so that it

“instils an ethos and ability to care for oneself, others and the natural environment, for present and future generations.”

Secondly, it makes provision for “sustainable citizenship education” for the secondary curriculum, and for the Secretary of State to provide the necessary guidance. Thirdly, it updates the definition of the citizenship subject in key stages 1 to 4 to include

“programmes of study that encourage learning to protect and restore the natural environment for present and future generations, including but not limited to climate change considerations.”

What is not to like?

Some may say that the curriculum is full and there is no room for this. When I was Schools Minister, I, too, got fed up with every societal problem seemingly being solved by making everyone have to learn about it in the curriculum. That is why I am proposing changing citizenship, rather than imposing a new subject. This is no more than what good schools are already doing; this Bill sets an ambition for all to do the same.

It is also possible to argue that the Bill should go further. I am taking over as chair of the board of E-ACT—a trust of 28 academies whose status means that they do not have to abide by the national curriculum. But as the Secretary of State has said, the national curriculum represents what is expected to be taught in schools and what Ofsted should inspect against.

On occasion, I have been asked why this should be a priority in the climate change talks at COP in November. I gently remind those voices that, if we as a nation are to have authority and leadership in Glasgow, we should be delivering what we signed up to in 2015 at the Paris COP. Article 12 of that agreement commits us to move in this direction in education.

Yesterday, I heard evidence from the DfE to your Lordships' Environment and Climate Change Committee saying that the Government want to profile England as a trail-blazer on climate education. At present, the trail-blazer is the host of the G20, Italy, where my friend Lorenzo Fioramonti, when Education Minister, introduced an hour a week of sustainable citizenship education for all school-age children. I should also say that the Climate Change Committee, the Dasgupta review and Parliament's Climate Assembly UK all believe that we must do better on climate and sustainability education.

Why is there such unanimity on this? I say to the Minister that it is not because of the potential impact of schools' capital; the education estate is important but not significant in its own terms. The reason is that, if we are to be successful as a result of Glasgow and give our schoolchildren a sustainable future, two-thirds of the action that needs to be taken must be as a result of behaviour change by the general public. The obvious place to start this is in schools, where we have a demographic that is highly motivated by this issue, that wants to act on it, that will carry on striking if we do not offer something more constructive and that can influence parents, grandparents and whole communities—not just on waste and recycling but on transport, food, energy and carbon capture too. So to the climate change policy experts listening, I say this: education is the most powerful behaviour change in your arsenal.

But what of those focused more on education, such as the Minister and her colleagues working among the lush, verdant greenery of Sanctuary Buildings? They may say that the necessary knowledge is already covered in the science and geography curricula and further change is not necessary. Before the Minister uses these familiar lines in her wind-up, I ask her to reflect on a few things.

[LORD KNIGHT OF WEYMOUTH]

First, I ask her to listen to the lived experience of young people. Last week, I was browsing emails on my phone at home in the kitchen, as you do, waiting for the kettle to boil. An email came through including a testimony from a 17 year-old from Harlow called Jodie. She said:

“I had little to no teaching on anything related to climate change outside of a few lessons in geography. Even the topic in chemistry was left by my strongly climate-denying chemistry teacher to teach ourselves.”

Jodie is not alone. There are countless examples of young people lambasting the inadequacy of the curriculum in preparing them for their future. Too many acquire a smattering of knowledge with little connection to the societal, environmental and economic implications of that knowledge. Knowledge without skills and agency is not only inadequate, it can be destructive.

Why destructive? That is my second point: look at the evidence of growing climate anxiety. Our children have had as tough a time as anyone in the pandemic. They also see their opportunities withering as the economic crisis plays out, and now they are living through a mental health crisis; according to NHS Digital, one in six five to 16 year-olds has a probable mental health disorder. The last thing they need is talk of a climate crisis with nothing to support them in doing something about it.

Today, our thoughts are with those bereaved and affected by flash flooding in Germany. Children also see people dying because of the heat in America, drought in Mexico and desertification in Africa. They see flash floods, the loss of species and the impact of fishing on our seas and our planet. They are not blind to the planetary car crash they are living through.

Last month, I was asked to judge an international school art competition. The winning picture was an extraordinary image from a primary pupil in Romania. It showed a planet in an hourglass being distorted as it passed through from rich, colourful beauty to becoming a grey, lifeless place.

Now has to be the time to show children that they can do something with their knowledge of climate change. It is time for a curriculum that teaches the skills and mindset to make change work for them. We can use this Bill to empower a generation, and evidence shows the very positive effects on mental health and learning as a result.

The final point I want to make to the Minister is one that I know she is mindful of from her assiduous work on the skills Bill currently in your Lordships' House; that is, we have a responsibility to equip people with the skills, knowledge and mindset to thrive as we transition from a carbon to a zero-carbon economy, especially as part of whatever the levelling-up agenda turns out to be. A big part of that challenge is to retrofit adults with skills for green jobs, for transition jobs and for when every job is a green job—to skill people not just in building wind turbines or changing our boilers but shifting all workers to zero-carbon working practices.

Retrofitting skills, as we have to do with adults, is expensive and difficult, so why not get it right first time? Yes, encourage knowledge and skills in STEM for the green economy in schools, but also remember

that those currently in school will be the workforce for this great transition to a zero-carbon world. They need the mindset of adaptability, creativity and resilience—all lacking in our curriculum that is so tightly focused on silos of knowledge.

Of course, we must be mindful of those starting school this September. That child will leave school in 2035 and enter a largely zero-carbon economy. She will never know the excesses of our unsustainable economy. For her to have a viable future, she needs hope, not fear. She needs confidence in her actions, not just knowledge. She needs a future-facing curriculum, not one rooted in the industrial past. Please, let us urgently get this right for her and make sure that our schools properly reflect the future we want for our children. I beg to move.

1.55 pm

Baroness Fookes (Con) [V]: My Lords, I am delighted to be the first to congratulate the noble Lord, Lord Knight of Weymouth, not only on introducing a very sensible Bill but on the excellent and informative way he delivered his response to the crying needs of the environment. I will not rehearse his major points in my short contribution, save to say that I thoroughly endorse all of them and hope the Government will listen to what he put forward so forcefully and well.

I have a further point to make about the curriculum and pupils. As a former teacher, I have noticed that if you can get children truly interested in a particular topic it has a knock-on effect on the way they tackle other subjects. We already know how many young people are keenly interested in the environment, so I suggest this as a good way of making higher standards—through sheer enthusiasm.

The noble Lord mentioned many groups that are in favour of the Bill. I pick out one that is of special interest to me, the RSPCA. I acknowledge my non-financial interest, as declared in the register, in this long-standing and very able animal welfare organisation. It rightly sees education as a major way of improving the lot of animals because, often, ill treatment comes not from malice and sheer evil but from lack of knowledge about the needs of animals. Therefore, it has embarked on various school courses, but we cannot expect a charity to do everything. Work about the welfare of animals could be neatly incorporated into the suggestions made. Looking at the terms of the Bill, “instils an ethos and ability to care for oneself, others and the natural environment, for present and future generations”,

I suggest “others” could be animals. It has the added value that, for children in particular, one starts from something with which they are familiar and can then go on to develop a much wider understanding of all the issues involved in the environment. I hope this can be incorporated within the general idea of sustainable environmental ability. In a very short time, I hope I have made the case for including animal welfare in this excellent Bill.

1.58 pm

Lord Blunkett (Lab) [V]: I draw attention to my declaration in relation to being the honorary chair of the Association for Citizenship Teaching. Like the

noble Baroness, Lady Fookes, I congratulate my noble friend on a powerful, excellent and, I think, irrefutable speech. Some 21 years ago, I introduced the order for a new element of the curriculum to teach citizenship and encourage active citizenship. That came in in 2002 and, while it has been extremely successful in some schools, it has hardly been taught in others. The evidence we have is that, well taught and presented, citizenship teaching has a major beneficial impact on other elements of the curriculum and outcome measures in terms of qualifications gained. The NFER has shown this unequivocally.

The powerful speech by my noble friend illustrated that while geography and science will touch on issues of climate and a sustainable future, bringing them together in the citizenship curriculum will translate that into how people understand their role in terms of both their self-responsibility and their responsibility to others. It will also enable elements they are learning in other parts of the curriculum to be brought together in active citizenship to make a positive contribution.

I appeal to the Minister in terms of her party interest. I loved the idea of adult retrofitting that my noble friend mentioned; I shall hold that for the future. When we educate well and we teach about how to bring about change and to cope with rapid change, we protect ourselves from the exploitation, by those who wish us ill, of young people whose commitment is unequivocal and whose desire to change the world for the better is expressed in demonstrations and other activity. I am talking, of course, about avoiding anarcho-syndicalists being able to take over and exploit Extinction Rebellion, and about other challenges.

We have here the opportunity of inculcating this into the existing citizenship curriculum, refreshing and renewing it, so that we can ensure that young people know precisely what contribution they can make and how to make it in a very constructive way. I wish the Bill well and I can see no reason why we would not approve it.

2.01 pm

The Earl of Devon (CB) [V]: My Lords, it is a pleasure to follow the authoritative noble Lord, Lord Blunkett, and to add my support to the excellent Bill. I am not an expert in education and defer to those who are, but I am a passionate environmental land manager and believe that access to and understanding of our natural landscape is key to a sustainable future.

Noble Lords will recall the report commissioned by the Treasury from Professor Sir Partha Dasgupta on the economics of biodiversity. He concluded that the solution to our economic and biodiversity crises is to understand that our economies are “embedded in nature, not external to it”.

In his analysis, he highlighted the need for systemic change to combat our rampant assault on biodiversity, with focus on education and the need to change our understanding of economic success. He exhorted us to convert our affection for nature into a learned appreciation of it via mandatory nature studies.

“We should all in part be naturalists”, he said. Interventions to enable people to understand and connect to nature would not only improve our health and well-being but empower citizens to make

informed choices and demand the change that is needed. He says, in conclusion, that establishing the natural world in education policy is therefore essential. His report effectively recommends that this Bill become law.

This demand for education about nature and our dependence on it is echoed loudly in the *National Food Strategy*, commissioned by the Government from Henry Dimbleby, which was published just this week. He concludes that by the age of 14, all pupils should be able to understand the “source, seasonality and characteristics” of their food—ie, should learn the rhythms of nature and the crucial interplay between the environment and our diet.

The UK Climate Assembly said effectively the same thing: that it is necessary to make climate change and nature education compulsory in all schools. The government responded to the Dasgupta review but, disappointingly, dedicated barely a page to the recommendation of compulsory nature education. That response was repeated by the noble Lord, Lord Benyon, in reply to the recent debate on *Fixing the Failures in Food*. He explained that the Department for Education had recently established a sustainability and climate change unit to develop and drive a strategy; that the department is engaging with young people, leaders, teachers and sector representatives to help shape a departmental sustainability strategy; and that it is exploring proposals for a nature-focused award scheme.

It is no response to a review and report as urgent and authoritative as that of Professor Dasgupta to simply promise further consultation and strategy development. The time for engagement is over. Everybody agrees—the Climate Assembly, the Dasgupta review and the *National Food Strategy*: consultation is done, a strategy has been recommended and the Government cannot kick the can any further as we have reached the end of the road for the environment.

This legislative action is what is required to embed the environment and sustainable citizenship at the heart of our national curriculum. For the sake of future generations and our environment, I implore the Government and the whole House to support this simple but essential Bill with enthusiasm.

2.04 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, it is a pleasure to follow the noble Earl, Lord Devon, and his powerful contribution. I must begin by thanking the noble Lord, Lord Knight of Weymouth, for all his work on this Bill and his powerful, persuasive introduction to it today.

I possibly had the best introduction I could have had to this, unexpectedly doing two sessions of Learn with the Lords this morning. As I was speaking to those young people, I said what I often do: “On behalf of my generation, I am sorry to your generation for the mess we have made of things.” One of the reasons for that is that we have had an education system that has failed to explain to people—and a whole academic system that failed to understand—the nature of the world and the physical limits of this one fragile planet. But we now have the knowledge, and we have to make sure it is available to everyone. One of the pupils from

[BARONESS BENNETT OF MANOR CASTLE]

Birchensale Middle School in Worcester asked me a very good question: “How can you Lords represent me?” Of course, the answer is we cannot. None of us knows what it is like to be a 14 year-old today. Think about what that 14 year-old’s life experience is like. We have to equip those young people with the knowledge and skills to work together with all the generations to build a society that works, functions and is truly sustainable.

I particularly commend the Bill’s focus on care. It encourages a notion of care—for oneself, for others and for the planet. That is such a contrast to the way our education system is being directed now, which is towards competition towards exams. The Bill is a step in the direction of something different. I speak in lots of schools, colleges and universities and attended, in pre-Covid times, lots of climate strikes. Lots of young people have managed to educate themselves; lots of teachers manage to squeeze in space for speakers like me to have debates to get students engaged and involved. But that is in gaps between the essential cramming for exam preparation. This has to be central.

Lots of good work is being done by the RSPB reaching 200,000 pupils a year, by Oxfam reaching 900,000 pupils, and by Reboot the Future reaching 15,000 teachers a year. These are good schemes, but they cannot be enough. We need legislation; we need a national change in approach to understand that we can live within the physical limits of this one fragile planet. We have to. That requires a co-operative understanding of the nature of our world.

2.08 pm

Baroness Blackstone (Ind Lab): My Lords, recent research has shown that 39% of nine to 18 year-olds thought they had learned little, hardly anything or nothing about the environment at school, and 71% said they would like to learn more. There is both a large gap in what young people have learned and a huge appetite to learn more. They also want to know what they themselves need to do to help protect the planet and thrive in a biodiverse and sustainable world.

In a year in which the UK hosts COP 26, we need to demonstrate our commitment to education and climate change and at least match what our co-host, Italy, is doing on sustainable citizenship provision. Our claim to want to be a global leader will be an empty one if the Government fail to take action. I congratulate my noble friend Lord Knight of Weymouth on his timeliness in introducing the Bill and his passion in doing so.

I hope when the Minister replies she will not say that the curriculum already covers environmental issues adequately, because it is simply not true. Current provision is piecemeal, with the issue covered in science subjects and geography, but not embedded in the curriculum as it should be—a point made by Ofsted, which has found it is often just an add-on.

In 2019 the UN General Assembly adopted a resolution on scaling up education for sustainable development, and UNESCO has now set a new target to make environment education a core curriculum component in all countries by 2025. Can the Minister tell the House how the Government are responding to UNESCO on this target?

My noble friend Lord Knight mentioned the views of teachers. Is the Minister aware of them? More than two-thirds of them think there should be more teaching on climate change in our schools, and nearly 90% say it should be compulsory—yet three-quarters of the teachers surveyed say they do not have adequate training in this area. There is not just a need to change initial teacher training; in-service programmes are urgently required for existing teachers. What discussions are taking place with providers on laying out these courses?

We have an admirable goal to reach net zero by 2050, but we risk not achieving it if we do not ensure that our population both understand the threat and know what actions are needed to reach this goal. It requires encouraging the right mindset about caring for the natural environment in the interests of present and future generations. It means instilling acceptance that behavioural change is necessary.

To give just one example, the Committee on Climate Change found that 62% of the reduction in energy consumption needed to meet our targets requires behavioural change. In this context it is not surprising that the committee said that reform of the Government’s education and skills framework should be a priority in 2021.

Starting to engage people when they are young, ready to learn and not set in their ways must be the right approach, so I strongly commend the Bill’s proposals on both the secondary curriculum and updating the teaching of citizenship, which, as my noble friend Lord Blunkett said, is so important.

2.11 pm

Lord Randall of Uxbridge (Con) [V]: My Lords, I am pleased to welcome this Bill and its very worthy aims, so passionately introduced by the noble Lord, Lord Knight of Weymouth. I declare my environmental and conservation interests as in the register, particularly as a council member of the RSPB and chair of the Essex Climate Action Commission. I am also a member of Peers for the Planet and have had the pleasure of working on these issues with Jamie Agombar, mentioned by the noble Lord, Lord Knight, in his opening speech.

It is my greatest fortune to have had an engagement with nature since my earliest days. I want as many people as possible to have that wonderful experience. Of course, now there is a real need to be aware of what my generation has done—and, indeed, left undone.

I have had the great opportunity over recent years to visit a good number of schools, and I can honestly say that the enthusiasm for learning about climate change and the nature crisis is extremely high. Whether that is reflected in all schools I cannot say—although we have heard some interesting statistics—but, to judge by those I have been in contact with, there is nothing but a very strong appetite. I think that is pretty universal.

Only last Friday I was part of a panel involved in a “Dragons’ Den”-style event for the Vanguard Learning Trust, a group of both primary and secondary schools in the London Borough of Hillingdon. Each school had held its own competition to find a project to represent the school, with the aim of reducing the school’s carbon footprint and improving its environmental profile. A generous donation from ACS International

School Hillingdon enabled the schools to bid for extra funding to upgrade their projects. I pay tribute in particular to the trust's principal, Martina Lecky, for coming forward with such an innovative idea that really engaged the pupils. I was really impressed by all the projects and look forward to seeing them progress, particularly the beehives at Ruislip High School.

I have a few questions about the Bill. The first, as just enunciated by the noble Baroness, Lady Blackstone, is how we ensure that teachers have adequate training and access to reliable resources to teach the subject to the level it deserves. I would love to see how schools can benefit from modern technology to engage with young people around the world, some at the very front line of climate change.

Finally, unless I have misunderstood the measures, they would be confined to secondary schools. I believe that primary school pupils are also immensely interested in and engaged in the climate issue and—just as importantly, in my opinion—in the crisis facing our natural world. As far as I can see, it is never too early to engage our young people in what will probably—almost certainly—be the biggest challenge that new generations face, because of our failures. I therefore commend the noble Lord, Lord Knight of Weymouth, on bringing the Bill forward and wish it well.

2.15 pm

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, it is a pleasure to follow the noble Lord, Lord Randall. I congratulate and commend the noble Lord, Lord Knight, on this far-sighted legislation, which seeks to amend parts of the Education Act 2002 but most importantly seeks to ensure that climate change and sustainable citizenship become part of the school curriculum in maintained schools in England. I hope that the devolved Administrations follow suit and try to implement similar legislation and accommodate the interests and zeal of young people to protect our planet.

We all learned about climate change and its impacts on our environment in geography and science, but in many ways they were disconnected and we did not take the action required. This legislation seeks to place sustainability at the heart of our education system in response to the long-term systemic challenges of climate change and biodiversity loss.

Young people today are very focused on the impact of the actions of humanity upon where they live, their environment, their landscape and marine life. They are very conscious of biodiversity and nature and want to protect our planet. I was talking to a young guy who has just completed his A-levels and is on his way to university. He said to me, "Our generation will have to be the one that reduces the damage of climate change to ensure that future generations are free to live as comfortably as we and the generations before us have, and the only way we can do this is by instilling in them a sense of the urgency of the climate emergency, as well as effective skills and ideas with which to combat it." Having talked to him, his analysis, albeit he is a young guy in the first flush of youth, was that the education system has to be a more connected and has to make statutory provision for educating people on climate change and sustainability.

Undoubtedly, the epitome of this is Greta Thunberg, who was been very much at the forefront of protecting the environment, biodiversity and our precious planet. To do that, we need a strengthened Environment Bill, but we want the educational outcomes for our young people to have meaning and purpose. They want their actions to have positive outcomes for the environment, and that requires legislation. They have protested for the protection of our environment. Let us support them and support this meaningful legislation.

2.18 pm

Lord Whitty (Lab) [V]: My Lords, I thank my noble friend Lord Knight for this much-needed Bill. Most of us have met children—often quite young children, through to teenagers—who are evangelical about caring for our environment, climate change and restoring nature. To us adults, it is heartening and shaming that they are so knowledgeable, so committed and, in many cases, so scared, but their knowledge, concern and enthusiasm is random. It is not the result of any coherent strategy from the education authorities. It reflects the commitment of particular teachers, school cultures and parents. It is no thanks to the curriculum gurus or the Department for Education that kids are so aware. As my noble friend Lady Blackstone and the noble Baroness, Lady Richie, have just said, bits and bobs of climate change will be attached to nature study at primary level and to science and geography at secondary level, but it is not at all coherent.

The failure of leadership from the top in the education establishment was brought home to me this week. I am a member of your Lordships' Select Committee on the Environment and Climate Change. We asked all Whitehall departments for their preparations for COP 26 and beyond. DfE's submission was instructive—and utterly depressing. It started with a bang, declaring that the aim was to profile England as a trailblazer for climate education, but then it immediately said, just four months off Glasgow, that it is currently exploring what a climate change policy and programme could look like.

There then follow two pages about reducing carbon emissions on the education estate, which is quite necessary, and a page on skills for the green economy, which are also much needed. But it then goes on to say: "we will explore"—not even "we are exploring"—

"how we can best prepare this generation for the world in which they will live."

It goes on to say that the department is "planning to recruit an environmental analyst/scientist".

Children who are currently in primary school will be only in their 30s by 2050, by which time we are supposed to have reached net zero and halted the global temperature rise to below 2 degrees, or else, if we have not all changed our behaviour, we will be facing existential catastrophe.

A sense of urgency and of strategy is required in the curriculum as part of tackling the problem. Scientists understood global warming in the 1950s. World leaders formally acknowledged it in Rio, in 1990. The Kyoto agreement was in 1997 and Paris was five years ago, and yet in July 2021, the Department for Education is still just

"planning to recruit an environmental analyst/scientist".

[LORD WHITTY]

That is not good enough. We need a massive shift to deliver a curriculum on climate and the natural world. We are not getting it from the DfE, nor from our universities and education gurus, but it should be central to behaviour and sustainable citizenship. Our grandchildren need this Bill.

2.21 pm

Lord Hannan of Kingsclere (Con): My Lords, I refer to my interests in the register, specifically as a professor at the University of Buckingham.

Like so many people who have spoken, I congratulate the noble Lord, Lord Knight of Weymouth, on the passionate and no-nonsense way in which he introduced this important topic. I particularly thank him for identifying where the cuts would come and where it would be slotted in—it would be part of the existing citizenship teaching. One of the things I have noticed in the short time that I have been in this House is that people are very bad at what we might loosely call fiscal neutrality. It is much easier to ask for things than to identify where the commensurate space is going to be freed up. That is particularly obvious when we talk about financial matters. I hear voices from all sides saying, “Will the Minister spend more on this or that?” Almost never do I hear anyone saying, “And we would have to raise this tax or cut that in order to cover it.”

That is true of curricular questions too. We all have our own ideas about what we would like to see taught in all schools. I agreed very much with what my noble friend Lady Fookes said about a love of nature starting in the local and being rooted in the specific. I see my five year-old and his friends doing nature walks and learning different birdsongs and how to recognise different leaves and wildflowers. I wish I had done that at their age and I wish every child had a chance to do it, but I do not immediately say that it has to be shoehorned into every curriculum, because there are always balancing interests.

We can all think of things that we would like all kids to learn. Maybe these days they should be doing more coding or more basic behavioural psychology, learning to identify false heuristics or those moments when their intuition leads them astray. There are lots of things that would lead them to better life outcomes. But what are we going to cut? Are we going to say, “Let’s not do modern languages because we have such good software these days that does simultaneous interpretation”? Are we going to say, “We don’t really need all the geography that we used to have because you can swipe and find everything out; we don’t need to know what an oxbow lake is these days, because you can find out”? I do not know, but the more that this debate goes on, the more I realise there is a case for humility and modesty on the part of legislators and Governments. We do not have the power, nor does any Secretary of State, to thrust a hand into every classroom and decree exactly what should be taught and learned.

I finish with a plea to the Minister, and to your Lordships more widely, that we should not be too prescriptive. The national curriculum should be kept terse, taut and spare, and we should give maximum discretion and flexibility to teachers and heads, who are in turn answerable to local parents.

2.25 pm

Baroness Benjamin (LD): My Lords, I congratulate and support the noble Lord, Lord Knight, on his crucially important Bill and declare an interest as a member of the Peers for the Planet group and vice-president of the RHS.

This Bill puts sustainability at the heart of our education system in response to the long-term, systemic challenges of climate change and biodiversity loss. Over the last few years, young people have shown that they are hungry to learn and to act to protect their future and better prepare themselves to thrive in an ever-changing world. Evidence shows that engaging children and young people through school has a wider impact on community-level behaviour change. Behaviour change by the public is crucial to achieving emissions reduction, and childhood lasts a lifetime.

Teach the Future has been fighting and advocating for comprehensive education on the climate crisis and sustainability for all students, not just through the sciences and geography. Students need to be taught about the climate emergency and the ecological crisis—how they are caused, what we can do to mitigate them and what our future lives and jobs are going to look like due to them. Currently, the national curriculum makes narrow provision for factual knowledge on climate science and geography. There have been calls to create a GCSE in natural history, but this Bill goes further than that: it updates the curriculum to reflect the cross-cutting nature of climate change and to better support the learning approaches needed to build a resilient, well-informed and compassionate society ready to tackle these global challenges and be part of the solution.

By shifting the focus away from just citizenship to include sustainability, we can revitalise the subject and transform it into one that focuses on what young people care about and are keen to be involved in. It needs to become key content in all subject areas. Educators need to be trained in how to teach these difficult topics in a way that empowers students, and there needs to be the funding and resources to do this. The recent Green Jobs Taskforce report recommended that, as part of an integrated curriculum,

“government, employers and education providers should promote the effective teaching of climate change and the knowledge and skills ... required for green jobs.”

Will the Government respond to this and action it as a priority?

I am an optimist and I believe we can invent our way out of the climate crisis we are facing. This Bill responds directly to the concerns of young people and addresses their future prosperity and well-being. We have a responsibility to act, to listen to them and, most of all, to press the reset button to change the world.

2.28 pm

Lord McConnell of Glenscorrodale (Lab): My Lords, I draw attention to my entry in the Lords register, but that does not include the fact that I was a mathematics teacher and therefore have some passion for this subject and the potential for education and learning to transform the lives of those children who pass through the system.

Twenty years ago, I was the Education Minister in the new Scottish Government. At that time, there was an explosion of eco-schools. The impact of those eco-schools on children of all ages, who were enjoying the adventure of learning more about nature and the environment, and on their families, inspired me to believe that it was possible to transform attitudes, as well as legislation, in relation to environmental issues. That led, ultimately, to very ambitious targets for recycling and renewable energy in Scotland, for more eco-schools and for sustainable education in the curriculum. I always believed, through that, that children could not only set themselves up for a better future but have a big impact on the attitudes and behaviour of the adults in their lives if sustainable education was embedded deep into the curriculum.

Today in Scotland, Learning for Sustainability is an entitlement within the Curriculum for Excellence. There is much policy on this and many elements of guidance. The Scottish curriculum operates in a slightly different way from the curriculum south of the border and there is, perhaps, more policy than measurement of the impact of this. It will be interesting to see, in years to come, whether this entitlement has a real impact on the outcomes for children going through the Scottish system.

Because of that experience, I strongly support my noble friend Lord Knight's Bill and the way that he has introduced it. The tone he set, combining urgency with thoughtfulness on the way this can be implemented, was really important. It is not just about climate but about nature and the environment as a whole, and not just about the environment but about citizenship as a whole. That key proposal in the Bill is very welcome and could be transformative; I hope the Government will support it.

The Government have been lukewarm on the sustainable development goals since being such an active participant in their creation and agreement back in 2015. There have been odd examples in the UK—for instance, the "World's Largest Lesson" being taught in UK schools to encourage people to learn more about the sustainable development goals and their potential to change our society—but they are only odd examples; that could have been much more widespread. Legislation may well be required, and good, careful, thoughtful legislation, as is proposed today, is always best. But I would be tempted to go further. There is a case for making this subject compulsory in primary schools, and indeed in all schools; those that are not currently forced to teach the national curriculum should perhaps be considered too. I look forward to the debates on this Bill, because not only is it an important measure as it stands but it may be necessary to go further.

2.31 pm

Lord Walney (Non-Aff): My Lords, I add my congratulations and strong support to the noble Lord, Lord Knight. He was a brilliant Schools Minister, and he nailed the case in the introduction to his Bill. I naturally share the scepticism that he expressed, and on which the noble Lord, Lord Hannan, expanded, about the dangers of loading the curriculum with ever more worthy subjects—each worthy in their own right.

However, this is so transcendently important an issue that we must give it a greater focus within the education system and, frankly, across our public discourse than it has at the moment.

My emphasis might be different from that of the noble Lord, Lord McConnell, on the question of how wide this should be and whether it should encompass wider issues of sustainability. I have had my kids coming home from Scottish schools up in arms about invasive species, wanting to tell the whole world, and the political world, about the danger of particular plants overtaking other plants in the garden, which is worthy. However, even if one takes a minority view, or if there is only an outside chance of catastrophic damage from climate change—the climate chaos and disaster that may come within our lifetimes, potentially within the decade—we have to put greater focus on it than at present.

The level of change needed in this country and across the world is greater than any Government are currently prepared to sign up to. The reason underlying that, in my view, is that the public are not ready to accept that level of change, and they cannot be ready to do so unless they can understand to a greater degree what is at risk. That has to be embedded within the school curriculum. I would suggest going further and making a special case for an outside body of experts—I am not sure exactly what it would be—responsible for setting the guidance for what the curriculum ought to say. I am not sure that this can be left to the Government of the day, who may not be prepared to take as holistic a view of the science as is necessary. This process should start in schools, but we should also use it as a platform for wider debate in society about what we need to know, and what the public need to know, and how we go about addressing it, in this Chamber, the other place and right across society; it is so fundamentally important. I very much welcome this contribution to the debate and will strongly support its process through this House.

2.34 pm

Baroness Young of Old Scone (Lab) [V]: My Lords, I welcome this Bill and I thank the noble Lord, Lord Knight, for introducing it and for his clear and very compelling case in doing so. All citizens of the future need to understand about the twin challenges of biodiversity decline and climate change if they are to be responsible citizens. Younger people, to a large extent, understand the importance of these two issues but not all of them do, so this change to the curriculum needs to be universal.

Ofsted reports have shown that education for sustainability is often an add-on or end-of-year activity, rather than being embedded for all children throughout the year. This means that many children are denied the right to develop sustainable citizenship knowledge, skills and mindsets. That will have a real impact on individuals' life chances, on communities, businesses and the economy, and on global Britain's place in the world, so it is fundamental. I challenge the noble Lord, Lord Hannan, because we are talking about threading these issues through the entire knowledge, skills and attitudes base that children work with in their school careers. This is

[BARONESS YOUNG OF OLD SCONE]

an existential threat that we are facing, not just an add-on or another thing to be levered into the curriculum.

As a Private Member's Bill, the scope covered by it necessarily has to be focused, but I hope that the Minister will also respond on another way that our educational system needs to rise to the environmental challenge. Efforts to combat climate change and biodiversity decline will need to be heroic in their scale over the next decades. We will need a ready supply of new skills, and some old skills. I declare an interest as a patron of the Chartered Institute of Ecology and Environmental Management. I was its first chartered environmentalist and my registration number, of which I am very proud, is 001.

The Government are introducing a huge range of policy and legislative measures, right across departments, to deliver the objectives of the Climate Change Act and their 25-year environment plan. I will give one simple example of how that impacts on the need for skills. Policies on things such as biodiversity net gain, local nature recovery strategies and whatever planning system changes we will see when the Government eventually launch them will need ecologists, environmental data specialists and environmental mappers and modellers—probably more environmental lawyers, heaven help us.

Likewise, if we are to avoid the sort of catastrophe we have just seen in Belgium and Germany, climate change mitigation and adaptation will need green energy technologists and installers, experts in sustainable flood risk management, and skills in inventing and manufacturing electric vehicles, to name but a few. We in this country do not yet have a sustainability skills strategy, as called for by the Institute for Government this week. I hope that the Minister can tell us when we will get a skills strategy that will cope with the challenges.

I say “hope”; I share the outrage of the noble Lord, Lord Whitty, at the Department for Education's submission to the Select Committee on Environment and Climate Change, which we reviewed this week. It was pathetic. It was almost laughable, if it were not so serious, that the Department for Education is only just beginning to look at a systematic response over the next nine months. I hope that the Bill of the noble Lord, Lord Knight, will also help to correct that staggering lack of momentum on the part of that department.

2.38 pm

Lord Bourne of Aberystwyth (Con) [V]: My Lords, I draw the attention of the House to my interests as set out in the register, particularly my membership of Peers for the Planet. It is a great pleasure to follow the noble Baroness, Lady Young of Old Scone—aka 001. I know that she has done great work on biodiversity through, for example, the Woodland Trust.

I congratulate the noble Lord, Lord Knight of Weymouth, on securing this slot and on promoting his Education (Environment and Sustainable Citizenship) Bill. Its principal object is, in my opinion, laudable and totally unexceptional. It would ensure that climate

change and sustainable citizenship were a part of the national curriculum to be taught in maintained schools in England—“Hear, hear” to that.

We have lived through, and are living through, an extraordinary period. It has focused our minds on what is essential like never before. It has shown us the importance of forward planning, locally, nationally and globally, in relation to the pandemic but, at the same time, we all know there is another daunting challenge: that of climate change. It is an existential challenge that has been there all our lives but certainly has not diminished of late.

The 2015 Paris climate change conference referenced by the noble Lord, Lord Knight, was a key moment—a grasping of the challenge. I was there; I recall it. But much more needs to be done, as the noble Lord said. There was reference there to the importance of education in schools, and we need to grasp that. We have a great opportunity here. Individual Governments coming together at this year's COP in Glasgow presents opportunities, and I hope that our Government and others, businesses, faith institutions and other organisations respond with imagination and vision.

This measure introduced by the noble Lord, Lord Knight, is important both in what it seeks to do in action terms, in schools and for our schoolchildren, as well as symbolically. It is a simple measure but would make a real difference now and for the future. It will show future generations that we did at last seize this opportunity to ensure that clear strategic thinking and policy is taught in schools on the overwhelming challenge of our age.

I am very afraid that the response of the Department for Education, which is looking at bringing forward a natural history GCSE in response to the crisis, does not nearly meet the challenge of the age. This needs to be compulsory and present a breadth of vision. It needs to be practical and capture the nation's imagination, particularly that of schoolchildren and teachers. So far, that is missing—we need a lion and we have been offered a mouse.

Along with the noble Lord, Lord Knight, I agree that this is a no-brainer. It has the support of the Committee on Climate Change, Climate Assembly UK, children, teachers and the public. It is high time that the Government stopped dithering and did something. It is indeed a no-brainer.

2.41 pm

Baroness D'Souza (CB) [V]: My Lords, our education system teaches science and geography without a link to social and community responsibility and action. How does this help to further citizenship in our 14 to 18 year-olds? The division between these subjects, concepts and approaches in no way empowers or inspires young people, and there is an urgent gap that needs to be filled in the short term if we are to nurture the next generation to take on responsibility for protecting the environment.

The young are intensely aware of the threats we and past generations have allowed to become real, if only because they are liable to suffer the catastrophic effects of our negligence. But we do not as yet know what skills are needed in the immediate future to bolster the

worldwide movement to quite literally save our planet. Knowledge, skills and attitudes are the structures upon which change will come about. In recent years there has been a marked surge in requests for classroom resources and programmes that bring together climate action with citizenship skills, as reported by the Our Shared World coalition.

Young Citizens, of which I am president, strives to meet some of this demand by providing a range of resources. For example, the most recent mock G7 pack challenged 14 to 18 year-olds to take part in a mock summit debating the issue of ocean action. Over 400 schools took part, reaching over 35,000 pupils. This was warmly welcomed by those teachers involved, as are Young Citizens climate change lessons. These form part of the Young Citizens resources and are among the top 10 downloaded programmes nationally. There can be no doubt that there is a wide audience for guidance and resources in the general field of environmental protection and young citizenship.

But despite further valiant efforts from the NGO sector to provide these resources, teachers continue to struggle to deliver the topic of climate action and sustainability effectively, and this arises because there is no clear statutory requirement or framework. I therefore warmly congratulate the noble Lord, Lord Knight of Weymouth, for seizing the opportunity to close the gap by amending Sections 78(1) and 80(1) of the Education Act 2002 and insisting on sustainable citizenship education to become a mandatory part of the curriculum in all schools.

The fact that we are debating this today in the last of the Private Member's Bill slots is of course welcome, but it perhaps suggests that the clear message of the Bill and the need for urgent implementation has not as yet elicited full government support. I fervently hope that the Bill proposed by the noble Lord, Lord Knight, will proceed to Committee and well beyond.

2.44 pm

Lord Browne of Ladyton (Lab): My Lords, I, too, congratulate and pay tribute to my noble friend Lord Knight of Weymouth.

I welcome this Bill. Noble Lords have made a convincing case for it. I do not intend to go over that ground again, except to repeat the point made by my noble friend Lord Blunkett that substantial research shows that environment and sustainable citizenship education has many diverse benefits for students, and that they perform better all round with it.

I expect that the Minister will agree but will, graciously and on behalf of the Government, decline to take advantage of this Bill as all is fine. I also expect that her response will echo the Lords' Library briefing, which reports that, in 2019, when Labour argued that climate change should be a core element of the school curriculum, the Government countered that climate change is already included in several places. That may be true, but is it sufficient? I can think of no better way to test that than, once again—I make no apology for this—to draw your Lordships' attention to Gavin Williamson's own words in the form of his written evidence to the Lords Environment and Climate Change Committee, of which I am a member.

The evidence was published on Wednesday and was given in response to a short questionnaire deigned to elicit information about what the department is doing in preparation for COP 26. When asked how the department sees its role in the preparations for COP 26, the answer revealed this:

“The COP26 President Designate, Alok Sharma has written to the Education Secretary setting out DfE's role”, including

“profiling England as a trail blazer on climate education”.

In response, apparently the department is

“currently exploring what a climate policy and programme package could look like.”

That is it.

In the answer to question 3, we are told that the department

“is currently preparing a Sustainability and Climate Change Strategy. We aim to launch the strategy for public consultation to coincide with COP26. The DfE sustainability strategy is likely”—“likely” is underlined—

to centre on four strategic aims”,

one of which is “Citizens connected to nature”.

When asked what the department considers

“to be the biggest challenges related to climate change mitigation and adaptation that fall within its remit”,

the answer covered 60% of the whole submission in 15 paragraphs under three headings. Fourteen of them are about the education estate, the department's capital and school rebuilding programme, carbon reduction and how the department will deliver net zero, as well as the Green Jobs Taskforce and the skills challenge. One paragraph, of one sentence, refers to the department's core function and is headed “Preparing a generation that will have to live and work in a world affected by climate change”. It reads:

“Through the development of our Sustainability and Climate Change Strategy we will explore how we can best prepare this generation for the world in which they will live.”

The curriculum gets no mention. There is nothing about what is currently being taught to our children.

I regret that it appears that we do not have a strategy for this and that the best we can hope for is that the department may develop a broader strategy that may be ready for consultation coinciding with COP 26. If ever there was evidence that this Bill is necessary, it is the Secretary of State's own evidence to our Select Committee.

2.48 pm

Lord Addington (LD): My Lords, when I first saw the title of this Bill, I shuddered because I thought it was going to say, “Let's take something out of the curriculum and stick this in for the worthy cause.” Of course, the noble Lord, Lord Knight, dealt with that in his opening remarks; I congratulate him on the elegant way in which he did it because, as many other people have gone through this, they have said that that is what normally happens. I have actually tried to pour cold water on numerous good causes that people have tried to stick into the national curriculum at various times. The noble Lord has found a way round this.

One thing I would say to the Minister is, “Accept it because it is a very good way out. If you're going to do it some other way, it's going to get very difficult.” Where could you not put the environment in? You can

[LORD ADDINGTON]
in history. You can look at when we started using coal and our transition and the way we reorganised our cities. Look at geography and the sciences. All of them would take more space if we accepted—and there seems to be general acceptance—that this is an important subject, and if we accepted the fact that it is an important subject because we have to change our behaviour. If you do not get people knowing why they have to change their behaviour, you get resistance to it. Making sure that your children know of somebody who has the eternal school project—let us put it like that; it is a great way of discovering something—is a way of knowing that you have to make that change. In getting into the school system, not only do you get the next generation; you also get the current one.

I hope the Minister will tell us that they have a plan that expands things without doing this. I rather doubt it; I think the noble Lord and the Minister are dealing with the same problem—of where this fits in. If there is another space we have not found, that is great, but it should be there. I say to the Minister that, looking back over what we have done in Parliament—I think I have been here longer than most—the biggest speech saying that we should take this subject seriously was made by Lady Thatcher, when she was still Prime Minister. We are tenants of the planet; we do not own it. We must take action and pass it on.

This is just one of those little ways you can fulfil that aim: making sure that everyone knows why we have to change the way we operate and live today. It is one way of making sure that that knowledge is embedded in society, so that we accept the change and get on with it.

2.50 pm

Baroness Fox of Buckley (Non-Afl): My Lords, I have a number of concerns about this Bill. I always worry about using the school curriculum for political ends. We are increasingly seeing the challenge of educating children being subordinated to the imperatives of social engineering and political expediencies.

As a former teacher and someone who works with many educators through my role at the Academy of Ideas, I was glad to hear the noble Lord, Lord Knight, and many other voices recognise how frustrating it is when the answer to unresolved social and political issues of the day is always: sort them out in schools—the curriculum can be used to change attitudes and behaviour. It turns the curriculum into a battleground for different messages and causes.

This Bill is about the environment, but it could just as easily be about decolonisation, gender identity or Islamophobia—think of any number of fashionable causes—and there is always a sense of urgency that teachers should sort it out. No matter how you look at it, it distracts from the crucial role of handing over the wondrous wealth of knowledge from millennia to new generations. It becomes further squeezed. It is not as though there is not more to pass on; if there is more time in the curriculum, I would say that, to make good citizens, we should use it to introduce students to the wonders of more literature, novels and history—all the cultural capital they will need to equip them to approach political issues as independent thinkers.

This brings me to the thorny issue of impartiality. This Bill—the noble Lord, Lord Knight, has made his motivation clear—promotes a particular view of the relationship between humans and the environment. For example, it urges that pupils must learn to protect and restore. It has a particular eco-outlook that may well clash with other priorities, such as building, industrialisation and development. It also narrowly defines what makes a good citizen; surely, these matters should be open to query and contestation.

Two decades ago, I set up Debating Matters, a sixth-form debating competition that prioritises substance over style. While I am not now involved, the competition thrives. It aims to show teenagers that there are always two sides to every issue; that they must read around and research all sides of the argument and learn to think for themselves. I worry that this Bill is just one side of the argument.

No doubt, the effects of climate change present serious challenges to society, and I am all for urging pupils to study subjects that could help manage and mitigate those problems—we need more engineers, marine biologists, flood technologists and so on—but the skills advocated here seem to be about creating green activists and agents of behaviour change. In the Library briefing, the noble Lord, Lord Knight, is quoted as calling pupils

“significant influencers on their parents and grandparents.”

Is it not cynical for politicians to use children to avoid persuading adult citizens of the merits or demerits of net-zero policies? This sounds anti-democratic to me. Indeed, the noble Lord goes on to say:

“Many children are leaving school not connecting that knowledge with the action they can take. This must change if schools are to reflect the future we want.”

Who is the “we” there? Is there a state-endorsed future I do not know about? I am not sure I would agree with that of the noble Lord, Lord Knight. What action does the noble Lord want people to take? Extinction Rebellion? An army of Greta Thunbergs?

I think all those issues should be debated in schools, I just do not think they should be enshrined in legislation as self-evident simplistic truths, ennobled here by almost everyone as no-brainers.

2.54 pm

Baroness Blower (Lab) [V]: My Lords, I declare my membership of Peers for the Planet. I will take a somewhat different approach from the noble Baroness whom I follow.

The global union federation of education, Education International, proudly proclaims:

“Education is a human and civil right and a public good”.

As such, it is essential that education has the role, right and responsibility to help children and young people ensure and secure their own future. We and they are now facing a climate and biodiversity crisis, alongside the ongoing challenge of the Covid-19 pandemic, but we are not yet confronting these issues in all our classrooms with all our children—although some teachers are teaching these topics and doing so very well. This is the main reason the National Education Union has long campaigned for a curriculum that can address these issues and fully engage learners at all key stages.

Globally, teachers discuss the need to address education about the climate and the environmental crisis through their unions, in negotiations with their employers, in Italy and elsewhere, and they are beginning to make the curriculum changes needed. As we have heard, nearly 90% of teachers in the UK agree that the climate crisis should be a compulsory part of the curriculum, but as many as three-quarters of them do not feel well equipped enough for such teaching, so it needs to be part of initial teacher education too, as referenced by my noble friend Lady Blackstone.

A very great deal about the Bill is positive, and much has already been covered by other noble Lords. However, I wish to particularly commend my noble friend Lord Knight for the following phrasing, highlighted by the noble Baroness, Lady Bennett:

“instils an ethos and ability to care for oneself, others and the natural environment, for present and future generations.”

This should be at the heart of pedagogical practice. In the face of the crises that we are all confronting, the Bill will ensure that we take a key step in engendering hope, for our current and future generations, that they can and will rise to the huge global climate challenge, equipped with the knowledge, skills and agency necessary. This is a good Bill, and I wish it well for its future stages.

2.57 pm

Baroness Gardner of Parkes (Con) [V]: My Lords, while the intention behind the Bill is admirable, it is unnecessary. My 15 year-old granddaughter and her friends are already well versed in climate change and the need to create a sustainable future because they are already taught this at school across the curriculum, as part of key stages 1 to 4. I gather that this is common in most schools.

The Minister for the Department for Education in the other House, Nick Gibb, highlighted much of this in response to a Question last year. I quote the key aspect, aimed at secondary school children:

“In Key Stage 3 science (11-14 year olds), pupils are taught about ecosystems, including how changes in the environment affect different species and the importance of maintaining biodiversity. They are also taught about the production of carbon dioxide by human activity and the effect this has on the climate. This is expanded on in Key Stage 4 science (14-16 year olds), where pupils will consider the evidence for anthropogenic causes of climate change. As part of Key Stage 3 geography, pupils will look at the causes, consequences of and responses to extreme weather conditions and natural weather hazards.”

He went on to say that, in 2017, the Department for Education

“introduced a new environmental science A level. This will enable pupils to study topics that will support their understanding of climate change and how it can be tackled.”

The sad truth is that it is in fact the older generation who need to be educated and coerced into changing our behaviour so that our legacy to the next generation and beyond is a sustainable and climate change-friendly approach.

My granddaughter’s generation and I would much prefer legislation that bans the likes of 4x4 cars in the city, where there is no need for these gas-guzzling vehicles—they are driven more as badges of honour—or more enforcement against idling cars and lorries. I truly think that will be more effective at changing the future.

3 pm

Lord Griffiths of Burry Port (Lab): My Lords, I am most grateful for the introduction of these themes by my noble friend Lord Knight. I am astonished that they were capable of being read in the way that the noble Baroness, Lady Fox, interpreted them—astonishing to me and, I guess, to most of us. I want to talk about the way curriculums are made and education policy is set. It turns out that one reform after another comes from this and the other place and is then expected to be implemented where education is done.

To move towards my core point, I will cite the curriculum process that is happening in Wales at the moment. We were disappointed by some of the initial turns that the Government in Wales took after devolution, but a lot of learning took place from that. From 2015, a process began that will achieve most of the objectives that have been stated in the speeches here.

First, it has been pitched at not only formal education in maintained schools but pupil referral units, nursery settings and the provision of education other than at school. Everybody with a stake in the education of children in Wales has become a partner in the discussions. The proposed curriculum requirements that are now emerging, and will be implemented in this, next and subsequent years, are aimed at all learners from three to 16. That picks up a point that other noble Lords have made. It has been trialled in 10 pioneer schools across the principality, which included schools in rural and urban settings, those that are bilingual, English-medium and Welsh-medium, primary, secondary and special schools, those with a religious character and of a range of sizes. Therefore, insights have been gained.

The important thing—perhaps the noble Lord, Lord Hannan, will be pleased by this—is the involvement of stakeholders and participants in the profession of teachers. Teachers have a say in forming policy relating to the job they do. So there is a wonderful balance between the Government setting the core principles that have to be achieved and an amazing amount of flexibility—including all points of a given question that the noble Baroness, Lady Fox, is worried about—which can be discussed based on perceived priorities across the land, in these different settings.

When my friend the Bishop of Liverpool was inducted, he told me that in his first year he went around all the schools in his diocese. He asked the sixth-formers to tell him which important things they wanted to be better represented in their educational experience. Again and again, 95% said they wanted to better understand what lies behind the current debate in our newspapers and daily experience about climate change and the planet. If children can speak with that degree of unanimity, Parliament ought to too.

3.03 pm

Lord Bhatia (Non-Aff) [V]: My Lords, I agree with the noble Lord, Lord Knight, and support him in introducing this Bill. The Bill will amend Section 78 of the 2002 Education Act to include a general provision for education on the environment and sustainable citizenship. It will require maintained and nursery schools to follow a curriculum that

[LORD BHATIA]

“instils an ethos and ability to care for oneself, others and the natural environment, for ... future generations”.

The Bill stipulates that the Secretary of State's guidance must ensure that pupils learn about the impact of human behaviour on the natural environment and the impact of the natural environment on human beings. I ask the Minister whether sufficient financial support, resources and qualified teachers will be made available at all stages of schooling.

The Deputy Speaker (Lord Brougham and Vaux)

(Con): The noble Baroness, Lady Massey, has withdrawn so I call the noble Lord, Lord Austin of Dudley.

3.05 pm

Lord Austin of Dudley (Non-Aff): My Lords, I thank the noble Lord, Lord Knight, not just for introducing this important Bill but for a lifetime devoted to one of the most important causes of all: giving young people the best possible start in life and the education and skills they need to fulfil their potential and achieve their ambitions.

As we have heard, without much faster progress there will be no chance of achieving our net zero goals, and if we are to make changes in energy consumption and transport, the best place to start is in schools. These proposals should also help to equip young people for the hundreds of thousands of good, well-paid jobs that will be available in low-carbon industries.

The loss of traditional industries, the closure of pits and potteries, factories and foundries, the decline of shipbuilding and seaside resorts, jobs lost to recessions, technological change and competition from low-wage economies abroad have all seen the regions fall further and further behind. As a result, productivity in London is 30% higher than in the rest of the UK apart from the south-east. There are great businesses and signs of improvement in the regions, but over the past few decades they have clearly struggled to attract new jobs in growing industries such as financial services, professional services and the computer revolution, to replace the jobs they have lost. Over the next few decades there will be huge growth in and millions of well-paid jobs in high-tech industries such as advanced manufacturing, low-carbon, construction digital media and so on. It is vital that we do not make the same mistakes again.

Change could happen 10 times faster than and at 300 times the scale of the Industrial Revolution, and technologies that have yet to be developed will create jobs not yet imagined as the pace of change gets faster. However, there will also be many fewer jobs for people with limited skills or no qualifications, so the only way the Midlands and the north will weather this storm and attract new industries, which is what the levelling-up agenda is actually about, is by having the skills they need, and the only way young people will prosper is by learning how to master new skills and adapt to constant change. That is why these changes are so important.

I think we should view this timely and important Bill as an opportunity to help the former industrial towns and cities, the great cities of our country on which its wealth was based in previous centuries, develop the skills needed to attract investment in

low-carbon technologies, green industries and sustainable development. Let us use this Bill to resolve that we will make this industrial revolution different from the major economic changes of the past few decades and ensure that it brings new industries, new jobs and greater prosperity to the parts of our country that have been left behind and let down for far too long, so that we can build not just a greener country in the future but a fairer one too.

The Deputy Speaker (Lord Brougham and Vaux)

(Con): The noble Lord, Lord Lucas, has withdrawn so I call the noble Baroness, Lady Bakewell of Hardington Mandeville.

3.08 pm

Baroness Bakewell of Hardington Mandeville (LD):

My Lords, I congratulate the noble Lord, Lord Knight, on his excellent introduction to this important Bill and fully support him in his endeavours to get the Education Act 2002 amended. Ensuring that our secondary school pupils receive an informed message on climate change and the environment is vital. Young people are interested in what is going on around them and engaged in the issues of the day.

However, this does not start at secondary school. All children are curious and develop a love and respect for their surroundings—the animals, insects and plants that inhabit their area—from a very young age. One of their first experiences of engaging with nature will often be pond dipping, a marvellously simple and inexpensive way to bring a sense of wonder to a small child while also engaging with water, always a great favourite. The noble Lord, Lord Randall of Uxbridge, referred to the importance of educating young children in this way.

Clause 1, paragraph (2) (c) contains the phrase, “instils an ethos and ability to care for oneself, others and the natural environment”.

This is the essence of the Bill and it essentially starts at pre-school, to be carried on into later life. A respect for living creatures, their environment and what it takes to ensure their survival should be a given for all children. Those living in rural areas or with easy access to green spaces have an advantage. For those living in high-density urban areas, more imagination and effort is needed, but the class outing is often a marvellous opportunity to experience nature in its natural environment at first hand.

In previous years, if a farmer had piglets, he could take them into the local school for the children to see. Sadly, health and safety risk assessments have made this a thing of the past. For children and young people to experience the world around them and learn to appreciate the environment and all that it contains, there will need to be an element of risk.

Speaking time is short, and all speakers have covered a wide range of aspects with which I mostly agree, but I want to flag up those children and young people at special schools. I declare an interest as my husband is the chair of governors of a special school. These students will not be the high-fliers that we often see championing the environment. They are nevertheless interested in their surroundings and looking to find their niche in life. Even in urban areas, there will be

allotments provided by the local council. Allocating an allotment to a special school can open up a whole area of engaging with biodiversity, the means of looking after and nurturing both plants and animals and growing and eating your own food. Planting a sweetcorn seed, watching it grow, watering and weeding it and then harvesting it, taking it back to school, where it is put on the barbecue, and then eating it with butter brings to life for these young people the journey that is taken by the food that they eat.

The national curriculum is flexible when applied to special schools. Nevertheless, I hope that the Minister agrees that all children should have the chance to engage with studies of the natural environment and the impact that it has on each one of us and how we can benefit from looking after it.

3.11 pm

Baroness Wilcox of Newport (Lab): My Lords, before beginning my focused comments, I was going to pick up on the points made by the noble Lord, Lord Hannan, but my noble friend Lord Griffiths has explained beautifully how the Welsh Labour Government's curriculum introduction in September will have that light touch. Educators have been at the core of that change and one of the stated goals in the four areas of learning is for young people to show their commitment to the sustainability of the planet. This very important aspect is therefore firmly embedded in the future learning for children in Wales.

My noble friend Lord Knight has brought this important and visionary Bill to the Chamber. As a former Schools and Learning Minister, he is well known for looking ahead and finding inventive solutions to long-standing problems. This is indeed a problem that needs solving and we are running out of time. In the climate emergency—emergency is the key word—we must look at every means of protecting our natural environment and reversing the harm done, by making the changes that we need to see. We do not have the luxury of taking it slowly.

Education and information are a key plank of tackling the emergency. We need to trust future generations and to do right by them, which means equipping them with everything that they need for the challenges that we have all played a part in creating. We have every reason to be optimistic about young people's engagement and passion for the planet, as the school climate strikes have shown. Young people are taking to the streets to send a clear message to the Government that climate change will be a fundamental and defining feature of their adult lives, and that we must take the action needed to tackle it.

This is about providing young people with the knowledge and tools that they need. It is not the first time in your Lordships' House that I have mentioned my former career. I spent over 30 years in the classroom. I cannot begin to emphasise to your Lordships the keen interest that my former students took in discussions and debates about their future world. I learned as much from them as they did from me and it is our responsibilities as adults and leaders to enrich and equip our young people with the best knowledge and understanding of what lies ahead for them in their adult lives. We must provide a focus on the knowledge

and skills in a world increasingly shaped by climate change, with a view to better equipping young people for the green technology jobs of the future and ensure that the ecological crisis is an educational priority.

The Bill updates the general requirements of the national curriculum, and citizens' requirements, to actively support the learning approaches, foundational values and mindset needed to build a sense of agency, compassion and resilience, and a willingness to engage with local and global issues.

Many noble Lords have mentioned COP. I understand that the Government produced a schools' pack for COP that was launched by the Prime Minister. Clearly, the Government see the benefit of this, so how are they going to embed it for the longer term? Let us not miss that opportunity to show global leadership in the area. As has been mentioned, our co-host, Italy, has already introduced sustainable citizenship provision. I would argue that a significant start in embedding it would be to enact this Bill.

Education was a key recommendation of Climate Assembly UK. The assembly said that there is a need for information and education for everyone—individuals, businesses, Government and others—about climate change and the steps needed to tackle it. It is essential to buy into the changes that are needed, and the essential part is education.

During my tenure as leader of Newport City Council, we advanced change in our waste recycling habits through a major educational programme in our schools, which resulted in Newport being one of the top performing councils for recycling, not just in Wales but in the whole of the UK. Our young people drove that change, and we give them every credit for their active citizenship and directly improving their natural environment.

The Bill also forms a key plank of any wider national skills strategy. It complements the Government's Skills and Post-16 Education Bill, which is currently going through your Lordship's House, by developing the social capital needed to deliver the wider policy goals of levelling up.

Our young people's future depends on new and innovative ways of working. My job at the beginning of my career bore little resemblance to my ways of working 30 years later. We need to constantly adapt to change. In the words of the futurist author HG Wells:

"Adapt or perish, now as ever, is Nature's inexorable imperative."

I commend my noble friend's Bill to the House.

3.17 pm

The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con): My Lords, I offer my congratulations, too, to the noble Lord, Lord Knight, on securing a Second Reading for his Education (Environment and Sustainable Citizenship) Bill and for securing so many Back-Bench speakers to speak last thing on a Friday.

It is a pleasure to address your Lordships as I am, as I have mentioned before, the Department for Education's COP 26 Minister. I will be slightly unusual here and offer noble Lords a meeting to address the points made by the noble Lords, Lord Whitty and

[BARONESS BERRIDGE]

Lord Browne, with regard to the response to that. We are working at pace to make sure that what is delivered in COP is significant and displays the best of education.

To speak to the point from the noble Baroness, Lady Bakewell, I have specifically mentioned that we must profile how important this is for young people with special needs and disabilities. We have an opportunity to profile to the world the inclusion of those young people in education, which, unfortunately, is not the case in many countries around the world. I heard that message loud and clear. I met with the Climate Change Committee on 10 June with the noble Lord, Lord Deben, and that was a positive meeting.

While I agree with the sentiments of the Bill, I must express my reservations on its contents. I am, unfortunately, going to disappoint noble Lords in that we believe that the national curriculum already provides pupils with the knowledge they need to help address climate change now and in the future. The subjects of citizenship, science and geography all include content on the environment. Pupils learn about what improves and harms it and how economic choices affect environmental sustainability. I have to agree with the noble Baroness, Lady Gardner, that many young people already have a substantial body of knowledge around this.

Pupils are taught about weather patterns, climate zones and greenhouse gases, but noble Lords should also know that pupils are taught about how humans impact on the natural environment. This includes: the danger we pose to animal habitats—dealing with the point by the noble Baroness, Lady Fookes; the production of carbon dioxide by human activity and the effect that has on the climate; and how human and physical processes can work together to change landscapes, environments and the climate. The geography GCSE covers changing weather and climate, including the causes, consequences of, and responses to, extreme weather conditions and natural weather hazards. It is good news that between 2010 and 2020—partly because of the EBacc—there has been a 15% increase in the take-up of GCSE geography. To ensure that pupils have access to a higher level of study, as one noble Lord mentioned, the department has introduced an environmental science A-level.

I understand that the noble Lord is working with the Association for Citizenship Teaching to develop model lessons on climate change and sustainable citizenship that explore issues of environmental responsibility, alongside shaping and making the law. I applaud him for this excellent work. He has answered the queries made by my noble friend Lord Randall and the noble Baroness, Lady D'Souza. To address the initiative that the noble Lord, Lord McConnell, mentioned, I say that more than 20,000 of England's schools take part in Eco Schools programmes.

Schools have the autonomy to go into as much depth on these subjects as they see fit. As my noble friend Lord Hannan mentioned, they are given considerable freedom in how they teach these subjects. Pupils can also study environmental texts in English or calculate emissions from different types of vehicles in mathematics, so there is the flexibility that the noble Baroness, Lady Young of Old Scone, mentioned.

I will mention one or two examples. The pupils at All Saints Catholic High School in Sheffield embed environmental sustainability messages in the textiles they develop in design and technology. Last year, during lockdown, the year 7 pupils at the Thomas Keble School in Stroud were asked to research and put into practice simple ideas to improve sustainability and the environment. These ideas ranged from water collectors to wildflower patches and improving water use in the home. The lessons were so successful that the school has decided to embed them in its citizenship teaching in future years. I disagree with the noble Baroness, Lady Bennett: it is not squeezed out. The curriculum is not as narrow as the noble Baroness, Lady Benjamin, mentioned. These are examples of what schools are doing.

Unfortunately, we know that teachers have been under incredible pressure to keep children learning during lockdown. Making any changes to the curriculum would only increase their workload. I am sure noble Lords agree that our priority is to provide stability at this time. Noble Lords will be aware that we have introduced RHSE into the curriculum. We have had feedback from teachers about needing more resources to help them teach that appropriately. There is also a short consultation about 2022 exams out at the moment. Unfortunately, I have to disagree with noble Lords: for the sake of our workforce, now is not the time to add anything to the curriculum.

Having discussed the content of the curriculum, I will talk about what the department is doing in other areas. We have established a sustainability and climate change unit. As the Minister responsible for school capital and the school estate, I point out to the noble Lords, Lord Browne and Lord Knight, that new schools are designed to be net zero by the end of this year. This is so important, because primary and secondary schools account for 25% of the UK's total public sector building emissions. One of the first things I was told when I became a Minister in the department is that we are one of the country's leading construction clients. It is such an important part of us meeting that 2050 target, and we take it incredibly seriously.

As part of this, the sustainability and climate change unit is exploring proposals to complement the curriculum through starting an environmental youth achievement award scheme to involve young people in efforts to understand, measure the environmental impact of and enhance the school estate. This will encourage contact and connectedness with the natural environment among young people.

We are also developing events for Youth and Empowerment Day at COP 26 in November, which we hope will give opportunities to young people and experts to exchange views and ideas and share best practice. As a country, this is an opportunity to showcase our strengths.

On the points made by the noble Lords, Lord Blunkett and Lord Browne, it is pleasing to note that there was an increase of 4,000 pupils in the uptake of GCSE citizenship between 2018 and 2020. The number of specialist teachers has remained stable at around 4,000. I hope that answers the point from the noble Lord, Lord Bhatia.

On the specific question from the noble Baroness, Lady Blackstone, we are working closely with UNESCO on sustainability and education in preparation for COP.

There were questions from the noble Baronesses, Lady Blackstone, Lady Benjamin and Lady Young of Old Scone, and the noble Lords, Lord Whitty and Lord Austin of Dudley, about the skills and post-16 work we are doing at the moment and the workforce we will need in future. The Institute for Apprenticeships and Technical Education has embedded environmental and sustainability aims in its processes to develop and update the employer-led occupational standards. Noble Lords might want to look at the *Green Jobs Taskforce* report published only a few days ago.

I do not believe that amending the curriculum is the right way to encourage pupils to learn about a sustainable environment. We trust our schools to instil that ethos and ability to care for others and the environment, and we have to trust our young people to learn from this and translate it into responsible citizenship.

3.25 pm

Lord Knight of Weymouth (Lab): My Lords, I am most grateful to speakers on all sides of the House and all sides of the debate for their contributions. I thoroughly enjoyed the debate, and I hope that everybody else did, too. I counted 23 speakers in favour, so there is quite a lot to cover, but I shall try to be brief about it.

There were a number of great contributions around the importance of the connection to nature and biodiversity, from the noble Baroness, Lady Fookes, the noble Earl, Lord Devon, and the noble Lord, Lord Randall; and the noble Lord, Lord Hannan, mentioned it too, in connection with his child. The noble Baroness, Lady Benjamin, mentioned the natural history GCSE, and there was also the noble Lord, Lord Bourne. I enjoyed, and was very grateful for, the contributions on citizenship from the noble Lord, Lord Blunkett, and the noble Baronesses, Lady Blackstone and Lady Young.

Noble Lords talked about the ethos of care, which is so important in what I am trying to achieve—that was from the noble Baronesses, Lady Bennett and Lady Blower. In part, that is in response to what the noble Baroness, Lady Fox, was talking about: if we can instil that ethos of care, we will get more debate, but it will be done in a more generous way than some of the debates that see such division. I welcome the noble Baroness's contribution, as this Chamber should not be an echo chamber; it is really important that we hear diverse opinions. I thank her for her contribution in that spirit.

There was a discussion of behaviour change from the noble Lord, Lord Walney, and, again, from the noble Baroness, Lady Bennett, and on skills and jobs from the noble Baroness, Lady Young, and the noble Lord, Lord Austin. We heard about the importance of leadership from the noble Baroness, Lady Blackstone, and the noble Lord, Lord Bourne, in respect of our international commitments. I was interested by the contribution of the noble Baroness, Lady Ritchie, in respect of the devolved Governments and what we can learn from each other, and I was delighted to hear

from the noble Lord, Lord McConnell, about what is already going on in Scotland and from my noble friend Lord Griffiths about what is going on in Wales. I remember, in my time as a Minister, I was more likely to be sent to Australia to learn what was going on than to be sent to Scotland or Wales. It is a shame we do not do a little bit more of that.

There were comments around the need for teacher support from the noble Baroness, Lady Blackstone, which I take very seriously. I was delighted to hear from the noble Lord, Lord McConnell, about the world's largest lesson, as well as from the noble Baroness, Lady D'Souza, the Minister, the noble Baroness, Lady Blower, and the noble Lord, Lord Bhatia. I would say to the noble Lord, Lord Randall, and I think the noble Lord, Lord McConnell, who were under the impression that this might apply only to secondary education, that that was answered by the noble Baronesses, Lady Wilcox and Lady Bakewell. They reminded us that the general requirements in the first part of the Bill apply to all maintained schools, both primary and secondary.

The noble Lords, Lord Whitty and Lord Browne, and the noble Baroness, Lady Young, mentioned evidence to your Lordships' Environment and Climate Change Committee—I welcome the Minister's invitation to meet them to discuss that. I think, as the noble Lord, Lord Browne, said, that the phrase at the end of that,

“we will be carrying out a formal assessment ... over the next 9 months.”

is not good enough and I hope that, as a result of that meeting, a sense of urgency can be inserted into the department around what we do about this. I hope also that the questions raised by the noble Lord, Lord Hannan, and the noble Baroness, Lady Fox, around the space in the curriculum were in part answered by my opening but also by the noble Lord, Lord Addington.

I say to the Minister that I fear that, as things stand, it is too little, too late. I have also seen the letter from the chair of the Business, Energy and Industrial Strategy Select Committee to the Secretary of State, sent this week, where he says,

“to the best of my knowledge the last large-scale review of the National Curriculum took place between 2011-2014, and the geography and science curricula ... have not been updated since 2013 and 2015 respectively. Knowledge of climate change and its impacts have grown substantially in the time since these updates”.

I think that Darren Jones is right to remind the Secretary of State of those things. We need to look at this urgently. Geography is an optional subject and the curriculum does not teach anything about what we do about this. That is at the core of the argument: it is all very well to learn about it, but we need young people, through schools, to learn action.

The noble Baroness, Lady Fox, rightly raised the question of what I mean by “we”. I would say that, by “we”, I mean the Church, I mean the Royal Family, I mean all the major parties in this country and I mean what we as a nation have signed up to in terms of climate change. That is “we”; that is us, and a few voices off should not distract us from the need to

[LORD KNIGHT OF WEYMOUTH]
insert within our curriculum the knowledge, the skills
and the mindset for our young people to be able to do
something about it. I beg to move.

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

House adjourned at 3.31 pm.

