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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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

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
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

House of Lords

Monday 25 October 2021

2.30 pm

Prayers—read by the Lord Bishop of Bristol.

Climate Change Risk: National Audit Office Guidance

Question

2.36 pm

Tabled by ***Lord Browne of Ladyton***

To ask Her Majesty's Government what steps they have taken to ensure government departments and other public bodies have regard to the latest National Audit Office guidance *Climate change risk: A good practice guide for Audit and Risk Assurance Committees*, published on 5 August.

Lord Whitty (Lab): My Lords, on behalf of my noble friend Lord Browne of Ladyton and with his permission, I beg leave to ask the Question standing in his name on the Order Paper.

Viscount Younger of Leckie (Con): My Lords, the National Audit Office is the primary distribution channel for this guidance, publishing directly on its website to maintain its independence from the Government. The NAO presented its findings to officials at the heads of risk network event on 7 September and will present the guidance at the government internal audit agencies event for audit and risk assurance committee members on 4 November. The Government Finance Function promoted the guidance through news articles on its digital platform, OneFinance.

Lord Whitty (Lab): My Lords, I thank the Minister for that, but this NAO report examined the audit and risk committees of public organisations and found that over half of them do not have a climate or sustainability risk policy. Does he agree that it is an urgent issue that this gap in public governance is at odds with the Government's net-zero strategy? Also, the NAO reported in early August. How many audit and risk committees have adopted such policies since then?

Viscount Younger of Leckie (Con): I am aware of the noble Lord's question to the extent that the Government are very conscious of the importance of climate change risk and governance. In April 2021, the Government's internal audit agency published its cross-government insight on sustainability, which offered recommendations on governance structures having accountability for climate change risks. The Treasury publishes the *Orange Book* and the *Managing Public Money* guidance on risk management for central government. Further support is offered by the risk management centre. I will write to the noble Lord regarding his specific question on the take-up.

The Lord Bishop of Bristol: My Lords, following the recent Dasgupta review, then Government committed to incorporating nature into the national accounts and improving guidance for embedding environmental concerns into policy-making processes. Can the Government provide an update on the timescale for this work?

Viscount Younger of Leckie (Con): The right reverend Prelate will know that Defra leads on environmental matters and on the greening government commitments, or GGCs, the UK Government's ambitions to improve the environmental performance of its own estate and operations. We expect the greening government commitments to be published in the very near future.

The Lord Speaker (Lord McFall of Alcluith): The noble Lord, Lord Berkeley, is not present, so I call the noble Baroness, Lady Kramer.

Baroness Kramer (LD): My Lords, many Members here sit on boards and know, as I do, that however good the risk assessment process, change is driven only where a named senior executive is responsible. How many government departments and other public bodies have a named senior executive responsible for action on climate change and climate change risk?

Viscount Younger of Leckie (Con): The noble Baroness is right. I assure her that *Managing Public Money* and the *Orange Book* require the board of each central government organisation actively to recognise risks and direct the response to these risks, but it is for each accounting officer, supported by the board, to decide how. The board and the accounting officer should be supported by an audit and risk assurance committee to provide proactive support in advising. Regarding the question asked by the noble Baroness on the numbers involved, I will write to her.

Lord Tunnicliffe (Lab): My Lords, I have been privileged to head a couple of nationalised industries and I have always believed that all public bodies have a general duty to enhance the general good. Surely there is no greater general good than the achievement of net zero. Does the Minister believe that the NAO guidance recognises this and, if so, where in the guidance is the cross-government co-operation sufficiently mandated?

Viscount Younger of Leckie (Con): Notwithstanding the NAO guidance, the Government continue to publish their own guidance on climate change risk, including digital articles and blogs and cross-government insights, as well as updates to existing guidance. The Government remain alert to climate change risks when publishing new or updating existing guidance. I assure the noble Lord that the Treasury requires all departments to adhere to the *Green Book* guidance when providing a business case.

Baroness Jones of Moulsecoomb (GP): The Treasury is one of the two government departments that is excluded from climate change commitments. I wonder if that is part of the problem with it understanding the whole issue of the climate emergency. When I talk to people who sit at the other end of the building, from

[Baroness Jones of Moulsecoomb]
all sides they say that the Treasury is the biggest block to putting in climate change measures that will help to preserve people's health and the planet's health. I am wondering whether the Treasury is unable to calculate the cost of inaction, because that is the big problem. If it does not understand that inaction will cost more than taking the right actions, it is unable to do its job properly. I would like to offer the Treasury some Green Party help. We have superb economists who can explain it very simply to the Treasury so that it can understand that doing nothing is the worst possible option.

Viscount Younger of Leckie (Con): I am always happy to listen to the noble Baroness. Regarding the Government's actions, she will know that it is completely the opposite of doing nothing. We have an enormous agenda. The Government have stated their ambition that we should be the first generation to leave the environment in a better state than we found it. I referred earlier to the GGCs. She asked about the role of the Treasury. We are mobilising £26 billion of government investment directly from the Treasury into the green industrial revolution. We have worked closely with the other departments to develop the net-zero strategy, with which she will be familiar, and our own net-zero review, published alongside this, highlights the factors to be taken into account.

Men's Health Strategy

Question

2.43 pm

Asked by ***Lord Farmer***

To ask Her Majesty's Government what plans they have to introduce a men's health strategy.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): Average male life expectancy is below female life expectancy in the UK, although women spend a greater proportion of their lives in ill health and disability. We are committed to taking action on the range of specific conditions that affect men particularly, including heart disease, liver disease and cancer. Tackling mental health, including suicide, and smoking—both of which are more prevalent in men—are also an important focus.

Lord Farmer (Con): I thank my noble friend for that fairly comprehensive reply and I take this opportunity to welcome him to the Front Bench and give him every wish for good health during his tenure. The latest ONS estimates show that male life expectancy is falling. What analysis have the Government made of the social determinants of health that contribute to this decline, particularly many men's lack of close relationships? How will they address the fact that, although loneliness is putting significant pressure on GPs, men are less likely than women to come forward?

Lord Kamall (Con): I thank my noble friend for his warm welcome and hope that this continues for some time. To answer his question, the Government regularly consider the social determinants of health, especially how they contribute to our life and healthy life expectancy. We have seen growth in life expectancy slow in line with many countries, which is a challenge that has been exacerbated by the Covid-19 pandemic. We have not yet made a specific assessment of how social determinants drive male life expectancy. On the point about men's loneliness, since the beginning of the pandemic we have invested £34 million in organisations supporting people who experience loneliness, including men.

Lord Hunt of Kings Heath (Lab): My Lords, I am not sure from the first Answer whether the Minister was actually saying that there would be a strategy with resources and led by someone senior in the NHS. He will probably know that the All-Party Group on Issues Affecting Men and Boys has looked into some of the poor health outcomes for men. There is an acceptance in the NHS that this is almost a biological norm. This is a real problem that needs to be reversed and I hope that the Minister will agree that we need a firm strategy.

Lord Kamall (Con): I thank the noble Lord for the advice that he has given me to date on many issues relating to this portfolio. In terms of a specific men's health strategy, it was quite clear that we needed a women's health strategy because for many years women's health had not been given the consideration that it needed, including on a whole range of issues such as clinical trials and data, for example. On male life expectancy, the issues that men face are quite disparate, so we target particular issues such as systemic heart disease, cancers, particularly prostate cancer, the fact that more men than women die from suicide, alcohol-related deaths, drug-poisoning, smoking and obesity. We look at those and target them specifically, rather than putting them into an overall men's strategy.

Lord Scriven (LD): My Lords, we should not look at men as one homogenous blob. There is more than a nine-year life expectancy difference between men in the top income bracket and those in the bottom 10, which is more than the life expectancy difference between men and women in those brackets. What will the Government do to ensure equity and fairness to tackle this deep-rooted health inequality for some men?

Lord Kamall (Con): The Government have launched the Office for Health Improvement and Disparities and part of its remit is to make sure that we look at inequalities within the health system, particularly gender inequalities or those to do with income strata, and at how people in different income brackets are affected differently. That is why the word "disparity" is in the name of the office.

Baroness Greengross (CB): I declare my interest as co-chair of the APPG for Bladder and Bowel Continence Care. Will the Government consider making it a statutory requirement that in men's public toilets there are appropriate bins for the disposal of stoma and other continence products, as well as personal care products? Currently, toilets used by women are usually provided with suitable means for the disposal of sanitary dressings, but why are there not similar requirements for male toilets?

Lord Kamall (Con): I thank the noble Baroness for raising this important topic. I have to admit that I was not aware of this before it was raised. In looking into it further, I know that the noble Baroness was in contact with the previous Parliamentary Under-Secretary of State for Innovation on the issue. As the matter rests with the Department for Levelling Up, Housing and Communities, my predecessor, my noble friend Lord Bethell, had followed up with a letter in May this year, outlining the steps that the department is taking regarding toilet facilities, including looking at certain building regulations. The Department for Levelling Up, Housing and Communities has also launched a call for evidence on the provision of male and female toilets. As soon as we have more information, I will write and update the noble Baroness.

Baroness Thornton (Lab): My Lords, suicide is the biggest killer of men under 50 in the UK. This figure, and the high rate among young men in particular, has not changed for decades. Research by the Samaritans shows that affluent middle-aged men seem particularly vulnerable—stigma and unwillingness to ask for support obviously play a part. What specific measures and investment are the Government building into their mental health strategy to address this serious matter?

Lord Kamall (Con): I thank the noble Baroness for raising this very important issue. We know that men are not a homogenous group, as the noble Lord, Lord Scriven, previously said, but some men are less likely than women to seek help or to talk about suicidal feelings. Others can be reluctant to engage with health and other support services. One of the things we have to do is tackle the stigma associated with this; that has been a key priority for years. That is why we funded the Time to Change campaign to 2020-21; it has played a key role. In addition, we have looked at resources on Every Mind Matters, the mental health hub on the NHS website. We have also issued guidance to local authorities and looked at how we can target the high-risk groups such as men.

Baroness Uddin (Non-Afl): My Lords, I have closely witnessed the state of mental health provision for men recently, with a hugely significant presence of black and Asian men, particularly Muslims, for whom levels of services decry humanity and are far-fetched from the paper strategy. Given that men's well-being is integral to our society's well-being, many families and women remain vulnerable as a result. Will the Minister accept that we need not just strategy papers? Will he do everything he can to address this mental health pandemic, about which we have known for many decades?

Lord Kamall (Con): The noble Baroness raises a very important point on how there might be a macho approach to seeking help in certain communities, and how we address those concerns on a community-by-community level. It is really important that we do that. It is part of the remit of the Office for Health Improvement and Disparities to look at how we target certain communities to make sure we address inequalities.

Education: Music and the Arts

Question

2.51 pm

Asked by ***Lord McNicol of West Kilbride***

To ask Her Majesty's Government what plans they have to ensure music and the arts are prioritised in schools and other educational settings in England.

Lord McNicol of West Kilbride (Lab): My Lords, we have seen a 50% reduction—Oh, sorry! I beg leave to ask the Question in my name.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, it is an exciting and important subject. The Government have committed to high-quality music and arts education from an early age. All state-funded schools and early-years providers are required to teach a broad and balanced curriculum, including the arts and music, which promotes pupils' cultural development. The department funds a range of related programmes, including music hubs. We recently published the *Model Music Curriculum* to support teachers and will publish a refreshed national plan for music education next year.

Lord McNicol of West Kilbride (Lab): My Lords, let us try again. I thank the noble Baroness for her Answer. We have seen a 50% reduction in arts subjects at universities over recent years. With numbers of pupils studying drama and music falling by a fifth since 2010, our education system faces a creative crisis. Even more worryingly, we have seen a 31% decline in the number of young people taking music A-levels in England since 2014. Considering that the creative industries contribute over £11 billion a year to the UK economy, what plans do Her Majesty's Government have to ensure that the number of pupils studying drama and music does not drop any further? Could I also briefly ask about the arts pupil premium in the spending review?

Baroness Barran (Con): The noble Lord is right that the number of students doing A-level arts subjects has dropped, but there are some really encouraging signs in the data. The number of students doing art and design GCSE, which could be a precursor to a pick-up in A-levels, has increased by 18% over the past two years while the cohort has grown by 7%. The number doing vocational and technical qualifications in music has risen by 90% between 2017 and 2020.

Lord Lingfield (Con): Does my noble friend agree that it is vital for young musicians to be able to play in orchestras and ensembles? Does she regret, as I do, that only 12% of state schools now have orchestras, as opposed to 85% of independent schools? I remind the House of my registered interest as chairman of the English Schools' Orchestra.

Baroness Barran (Con): My noble friend is right to raise the important role of orchestras in schools, but the Government's focus has been to ensure that there is a consistent cultural offer, a range of arts and musical subjects and opportunities for children to play a musical instrument at school whether it be in an orchestra or in some other form, maybe a band.

Baroness Bull (CB): My Lords, we heard again this weekend that the Government are considering further limiting the study of creative arts degrees because of their lower salary outcomes. Does the Minister agree that salary data is not the only way to assess value, even economic value, as it ignores differences in local labour markets and degrees that lead to low earnings but deliver high social and cultural value? With almost half of creative businesses reporting workforce skills gaps, is it not reasonable to assume that creative graduates will provide tangible fiscal value through labour in this high-growth sector, not to mention their contribution of future skills and creativity to the broader innovation economy?

Baroness Barran (Con): The noble Baroness is right that we need to look at qualifications more broadly than simply the financial and earnings potential of those careers. However, I am sure she will also agree with me that we need to meet a significant skills shortage in STEM and related subjects. I hope she will be pleased that the Government are bringing forward a T-level in craft and design which has been developed with employers.

Baroness McIntosh of Hudnall (Lab): My Lords, I remind the House of my interests in the register. There are many ways of learning, but over the past decade education policy has privileged one kind—the ability to acquire knowledge by rote and reproduce it under time pressure—over all others. Your Lordships' House's Select Committee on Youth Unemployment, of which I am a member, has had evidence from many employers that shows that this is not enough and that they are looking for people who can also think critically and independently, communicate clearly and work well with other people. Does the noble Baroness agree that these are precisely the attributes that arts-led education encourages?

Baroness Barran (Con): The noble Baroness is right that arts-led education encourages those traits, but not only arts-led education encourages critical thinking. I think that she does the teaching profession a disservice; perhaps she would like to join me on a visit to a school to see how little is being done by rote.

Lord Storey (LD): My Lords, the Minister will know from her time at DCMS the importance of creative and arts subjects and their importance to the British economy. Is she concerned that there has been a 24% drop in all six creative subjects over the past five years? How does she view the EBacc's responsibility for the demise of all our creative subjects?

Baroness Barran (Con): The Government do not accept that the EBacc has contributed to a decline in the adoption of creative subjects. The percentage of children doing an arts subject to GCSE has remained broadly stable over the last 10 years. The EBacc mandatory curriculum is intentionally focused to give space for other subjects.

Lord Bird (CB): Does the Minister agree that the creative minds of the future will need a synthesis of the arts and the sciences because that is the way the world is going? This division between arts and science will disappear in 50 or 100 years. That is where we need to go. We need to take the example of, for instance, the Bauhaus 100 years ago or even Professor JD Bernal, who was talking about this in the 1930s.

Baroness Barran (Con): The creative industries are a great example, as a number of noble Lords have recognised today, of that fusion of artistic and other technical and scientific disciplines. That is why the Government are committed to having a range of arts subjects as a core part of the curriculum from early years to GCSEs.

Lord Vaizey of Didcot (Con): My Lords, I declare my interest as a trustee of the brilliant charity Music Masters and welcome my noble friend to her new portfolio, which I know she will attack with the vigour she showed when she was in the culture department. I was thrilled to hear that on the 10th anniversary of music education hubs next year there will be a refreshed national plan for music education. Can she assure us that the budget of £75 million a year will at least be maintained and that we will continue to support the In Harmony scheme as part of the national plan?

Baroness Barran (Con): My noble friend will understand that I cannot announce the national plan before it has been published, but I hope that he will be delighted when he sees the plan in its detail, with its focus on disadvantaged children.

Baroness Prashar (CB): My Lords, arts help to transcend differences and divisions—they help to unite—but the increased focus on STEM subjects and the greater value put on the English baccalaureate have led to a narrowing of the curriculum and disproportionately affected arts education, particularly in disadvantaged areas. There was a manifesto commitment to a secondary school arts premium, which was confirmed in the 2020 Budget. When will the £90 million arts premium materialise?

Baroness Barran (Con): The noble Baroness will understand that I cannot prejudge the announcements from the Chancellor on Wednesday. When my noble friend Lady Berridge was in this role, she was clear that choices had to be made as a result of the pandemic—hence the delay.

Lord Watson of Invergowrie (Lab): My Lords, the Minister needs to go back to her officials at the DfE if the figures she has been given suggest that the number of pupils sitting GCSEs and A-levels in arts subjects has not dropped in the last decade, because that is very definitely not the case; it is not what schools report. The English baccalaureate is definitely to blame, because it has narrowed the curriculum and does not include creative subjects.

The 2019 Tory manifesto said that

"we will offer an 'arts premium' to secondary schools"

to allow them to offer

"enriching activities for all pupils."

It has not happened, and Covid cannot be blamed because last year the Chancellor said in his Budget that a £90 million arts premium would be introduced.

That has not happened either. While I know the Minister cannot predict what will happen on Wednesday, if the spending review were to announce spending on an arts premium, should we believe it this time?

Baroness Barran (Con): I apologise to the noble Lord if I was not clear. I hoped I had acknowledged that A-level numbers have dropped but that GCSE figures have been broadly stable with around 45% of children in state-funded schools, both academies and maintained schools, doing an arts subject.

I cannot add to my earlier answer on the arts premium, but I remind the noble Lord that we committed £79 million during 2021-22 for music education hubs and during the pandemic emphasised the importance of continuing with a culturally rich curriculum.

The Lord Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

Rural Poverty
Question

3.03 pm

Asked by ***The Lord Bishop of St Albans***

To ask Her Majesty's Government, further to the report by the Rural Services Network *Towards the UK Shared Prosperity Fund*, published in June, what plans they have accurately to reflect in-work rural poverty in future funding allocation mechanisms.

The Minister of State, Home Office and Department for Levelling Up, Housing & Communities (Lord Greenhalgh) (Con): The UK shared prosperity fund will help us to level up and create opportunity across the United Kingdom in the places most in need and for people who face labour market barriers. The Government are working closely with local areas, including rural communities, to assess how the UK shared prosperity fund can best target places in need.

The Lord Bishop of St Albans: I thank the Minister for his reply. Recent research by CPRE suggested that just 40% of young people living in rural areas expected to remain there in the next five years. They cited affordable housing, connectivity, rural transport and rural employment as the factors driving them out. If Her Majesty's Government are to deliver on the levelling-up agenda between urban, rural and suburban, is it not time for them to deliver on the rural strategy promised in the response to the Select Committee report *Time for a Strategy for the Rural Economy*?

Lord Greenhalgh (Con): My Lords, the Government are committed to addressing the issues that the right reverend Prelate raises. For instance, the levelling-up fund of some £4.8 billion will focus specifically on the issues around transport connectivity, regeneration and ensuring that we see economic recovery, whereas the shared prosperity fund will deal with the issues around unemployment, skills, productivity and other labour market barriers.

Baroness Blake of Leeds (Lab): My Lords, we hear on a daily basis about the impact of the rising cost of living but not so often about the very real problem of rural poverty. Levels of poverty in rural communities are worsened by the high cost of living that people in these areas are often faced with. Last year the *Guardian* reported that people in isolated rural areas spent an average of £71 a week on food compared with £61 a week in cities, and I am sure those figures have worsened. Could the Minister please inform us what assessment the Government have made of the impact of the increasing cost of living on people in rural towns, villages and hamlets, especially with the added increase in the cost of fuel?

Lord Greenhalgh (Con): My Lords, we recognise the impact of the escalating cost of living, but we have set out a very clear plan around how to tackle that in both rural and urban areas. More details around how the money will be spent will be given in the forthcoming spending review announcement later this week.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, the report referred to by the right reverend Prelate does not accurately reflect the impact on young people of living in a rural area. While in full-time education they have their friends around them, but at the weekends and in school holidays the picture is different. Those living in low-income families may not have access to a car, and there is no bus service that goes anywhere near them. Why are young people not a major consideration in the Government's levelling-up agenda?

Lord Greenhalgh (Con): I do not recognise that young people are being missed out of the levelling-up agenda. We have to recognise that, in terms of capital investment in infrastructure including transport, this is the largest commitment that we have seen for a considerable period of time. Specifically, the levelling-up fund will look at improving transport connectivity as part of the way that the fund has been designed.

Baroness McIntosh of Pickering (Con): Will my noble friend join me in congratulating the North Yorkshire Rural Commission on its excellent work? Will he and the Government address the issue of those aspects of rural poverty for those in work on zero-hours contracts who are struggling to make ends meet and have to rely on food banks to eat and on benefits to heat their homes?

Lord Greenhalgh (Con): I thank my noble friend for her insight into the local challenges faced by rural areas. That is very helpful as we consider our approach to targeting the upcoming UK shared prosperity fund. That fund will help to level up and create opportunity right across the United Kingdom in places most in need and for people who face labour market barriers. We will set out more detail, as I have mentioned before, in the upcoming spending review.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I refer the House to my interests as set out in the register. First, has the Minister actually read the report referred to in the Question? Secondly, addressing in-work

[Lord Kennedy of Southwark]
poverty is a subject that should concern us all. Taking that point, does the Minister accept that more rural locations have had their needs obscured and been disadvantaged by recent funding rounds, and would benefit from a fairer distribution of national funds?

Lord Greenhalgh (Con): I have to declare to the noble Lord that we have a phenomenal army of policy officials who have dissected the guts out of that report. I am happy to acknowledge that I have read a summary from my officials rather than the report itself.

I would point out that of the two funds that we have been talking about, the UK shared prosperity fund, which has been piloted through the community renewal fund, targets rural areas in design—to the extent that 29% of those have a higher index of local resilience and are therefore being focused on and being captured, compared with a lower percentage of 22% for urban areas—so we are seeing a great focus on dealing with rural poverty, while of course the levelling-up fund is designed with the different outcomes in mind.

Lord Holmes of Richmond (Con): My Lords, what are the Government planning to do to increase the extent and pace of the rollout of broadband and 5G to rural areas, and in terms of its reliability and capacity once the service is in? Does my noble friend agree that connectivity is critical for rural areas' economic, social, psychological and community well-being?

Lord Greenhalgh (Con): I thank my noble friend for raising the important issue of digital connectivity. The Government have made it a priority to address nationwide gigabit connectivity as soon as possible. We are working with the industry to target a minimum of 85% gigabit-capable coverage by 2025 and to get to as close to 100% as possible. The Government's £5 billion Project Gigabit is supporting the rollout of gigabit-capable broadband in hard-to-reach uncommercial areas. Obviously, more details may be outlined in the spending review.

Construction (Retentions Abolition) Bill [HL]

First Reading

3.11 pm

A Bill to make provision for the abolition within construction contracts of the practice of allowing the paying party to withhold as security against the risk of contractual non-performance by the other party sums which would otherwise be due, and for connected purposes.

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

Procedure and Privileges

Motion to Agree

3.11 pm

Moved by ***The Senior Deputy Speaker***

That the Report from the Select Committee *Virtual participation in Grand Committee; Divisions: pass-readers; Leave of Absence* (3rd Report, HL Paper 81) be agreed to.

The Senior Deputy Speaker (Lord Gardiner of Kimble): My Lords, I shall listen very carefully to the forthcoming debate. I am happy to answer questions on all matters related to virtual participation in Grand Committee but I will focus my opening remarks on pass-reader voting and leave of absence, and address the amendments tabled by the noble Lords, Lord Taylor of Holbeach, Lord Rooker, Lord Cormack and Lord Forsyth of Drumlean, which all relate to these matters.

On voting, noble Lords will be aware of the background. In June last year we introduced a remote voting system, which we know as PeerHub, as part of our response to the pandemic. We continue to use that system, although since September, as we have returned to conducting proceedings predominantly here in this Chamber, noble Lords have been required to confirm when using the remote voting system that they are in a place of work on the Parliamentary Estate.

The logical next step, as we return even more closely to normality, is to reintroduce a system which requires noble Lords to cast their votes in person in or near the Chamber, as they did up to and until March 2020, but instead of clerks recording Members' names the system recommended by the Procedure and Privileges Committee, which the House endorsed in July, is to use pass readers. That will require physical presence, as noble Lords will have to present a valid pass to the readers, but it also allows us some flexibility in where the pass readers are located. This means we will not be confined to the Lobbies, particularly while Covid remains a major public health concern.

Your Lordships' committee has recommended what we believe to be a workable solution. As noble Lords may have seen, there are four pass readers in each Division Lobby, allowing those who wish to return to the Lobbies to vote to do so. But there are also two readers in Prince's Chamber, giving those noble Lords who have continuing concerns the option of voting without entering the Chamber or the Lobbies.

The amendment of the noble Lord, Lord Taylor of Holbeach, raises some particularly important points, starting with the location of the pass readers. As I have outlined, we have sought to reconcile some noble Lords' desire to return to the Lobbies with others' desire to maintain some degree of social distancing; hence our recommendation to install two pass readers in Prince's Chamber. This has unavoidable procedural consequences. The roll of a Teller is to tell the votes—to count them. That will not be possible if noble Lords vote in different locations, with some in the Lobbies and others in Prince's Chamber, so if we accept different locations as our starting point the role of Teller will cease. That is the logic of the proposal we have brought forward.

3.15 pm

If, however, we take as our starting point the proposition of the noble Lord, Lord Taylor of Holbeach, that Tellers should be retained, other consequences will follow. First, there can be no pass readers in Prince's Chamber. To preserve the role of Tellers, all noble Lords, other than the handful of Members with long-term disabilities who are eligible to vote remotely, will have to go through the Lobbies. Not only that, but for up to three minutes until Tellers are in place, noble

Lords will have to wait in crowded Division Lobbies. Only when the Tellers have arrived and started to count the votes will it be possible to unlock the doors leading out of the Lobbies.

The noble Lord's amendment refers to congestion. I submit that what the committee has proposed—allowing noble Lords to vote in different locations around the Chamber as soon as a Division is called, then immediately to disperse—is the best way to avoid congestion. I emphasise that our proposals for conducting Divisions are not set in stone. We have not at this stage proposed amendments to the Standing Orders governing the conduct of Divisions. Instead, to preserve as much flexibility as possible, we have proposed that initially we rely on guidance. That guidance can be revisited and updated with a minimal delay.

Secondly, as the report makes clear, we are committed to conducting a full review of the pass-reader voting system

"no later than January 2022".

I assure the House that all noble Lords, once they have had some experience of pass-reader voting, will have an opportunity to offer their reflections and influence the final shape of Divisions. I can also undertake that the results of that review will be set out in a report which the House will have an opportunity to consider, and that we will defer bringing forward amendments to Standing Orders relating to Divisions until this review has taken place.

I turn to the amendment in the name of the noble Lord, Lord Rooker. I hope that what I have said about the planned review will also reassure him. I note his regret that pass readers have been positioned outside the Lobbies, and of course the location of pass readers, along with the data on the actual use made of each pass reader, will be important elements within that review. I am grateful to the noble Lord for his amendment, and I hope he too will accept my confirmation as to the rigour of the review.

The amendment tabled by the noble Lord, Lord Cormack, would, at some point in the future when all Covid restrictions have been lifted, restore the arrangements for Divisions to how they operated before the pandemic. This means that we would have to remove pass readers not just from Prince's Chamber but from the Lobbies. Instead of pass readers, which record Members' names quickly and accurately, we would revert to having two clerks in each Lobby recording Members' names on tablet devices. I have huge respect for the skills of the clerks, but this would be slower, less accurate and a less reliable system. I understand the noble Lord's sentiments and I hope he will consider that the best time for the House to consider these matters will be after the review, when we can assess how the pass-reader system has worked for your Lordships.

I turn to the amendment tabled by the noble Lord, Lord Forsyth of Drumlean. The committee's proposed amendment to Standing Order 21 on leave of absence would reflect a principle which the House agreed as long ago as 2016 should be incorporated in the *Guide to the Code of Conduct*. This principle is that, if a noble Lord seeks to take a leave of absence to avoid either an investigation into their conduct or a potential sanction, or if, having taken leave of absence they refuse to co-operate with an investigation, then that leave of absence could be either refused or terminated. While the principle itself is well established, the process for putting it into effect has yet to be reflected in the Standing Order on leave of absence. That is what we have sought to do in our report to achieve internal consistency between the rules in the code and those in the Standing Orders.

The noble Lord seeks to replace "shall" with "may". I must emphasise the sensitivity of the issues that can arise in such cases. These are active and often acutely sensitive investigations that proceed in strict confidence. Both complainants and noble Lords who are subject to complaints have a right to privacy, and the idea that ongoing investigations should be publicly debated would, I believe, be highly inappropriate.

I also underline that the proposed new Standing Order states that the House will only terminate or refuse a leave of absence where this is "necessary" to enable the codes on conduct to be enforced. This is already a high bar, and I do not think that changing "shall" to "may" makes it any higher.

This is not a draconian new restriction. Such an application would only be made in the unlikely event that a noble Lord refused to co-operate in an investigation, which they are required to do under the code, and used the leave of absence scheme as cover. In fact, no such case has arisen since 2016, and I hope that it never does.

As I have said, I am looking forward to the debate, and I shall listen with very considerable care. With respect to Divisions and pass readers, the committee's proposals have merits. This has involved a very considerable amount of work, but I am also conscious of the contributions that noble Lords will bring to these matters in the forthcoming debate. I clearly want to ensure that we can achieve as much consensus as possible in what we perhaps all would agree are imperfect circumstances.

Having had the privilege of chairing the Procedure and Privileges Committee, I say to all noble Lords that every Member is seeking to do the best for the House. The committee reflects a divergence of views, but we have all worked in the common interest of the best interests of the House. I emphasise that because I sometimes get an impression that there is a consideration that committees spin in their own orbits without taking into account the feelings of the House. My view is that, from my experience, all Members have worked extremely effectively and diligently and are reflecting those.

I admit that I suspect there will be diverging views across the House. I seek an acceptable compromise that is practical in the circumstances I have outlined, that keeps us all—by "us" I mean not only noble Lords but everyone who works in the House of Lords—as safe as possible and, of course, primarily, enables noble Lords to fulfil their responsibilities. I beg to move.

Amendment to the Motion

Moved by ***Lord Taylor of Holbeach***

At the end insert "with the exception of the recommendations relating to the conduct of divisions which should be reconsidered by the Committee because this House regrets that the proposals would (1) remove tellers from the process of divisions, (2) end any oversight of the process by Members of the House, and (3) lead to congestion through the voting lobbies and in Prince's Chamber; considers that the Report takes insufficient account of the importance of securing tellers for votes and having votes counted in the lobbies; regrets that the process of making changes to the established processes of conducting divisions has been rushed; and believes that the implications of no longer requiring (a) the Lord on the Woolsack to repeat the Question and take the voices after three minutes, and (b) the appointment of tellers, need further consideration".

Lord Taylor of Holbeach (Con): My Lords, it is well known that I am a consensualist too. It is no pleasure at all to speak against a report of a committee chaired by the Senior Deputy Speaker, my noble friend Lord Gardiner of Kimble. It is no secret that he is one of my closest friends in this House. But my purpose is simple: to seek the withdrawal of the section on Divisions and pass readers so that it can be reconsidered by his committee, following consultation with all corners of the House.

I do not need to tell noble Lords that last week was a difficult one for Parliament, but that was no excuse for the rush we are now part of. This report was considered by the committee on Tuesday, printed on Wednesday, available on Thursday and posted online in the parliamentary notices on Friday—and here we are, on Monday, considering it. It is to be implemented next Monday. Why the rush?

Members of the committee have had no time to explain. Indeed, the chairman of the committee has only now had an opportunity to explain to noble Lords the purpose of his committee's report. There has been no time to sell or to explain. The number of amendments and the time that is likely to be given to this debate indicate that I am not alone in my anxiety.

Three members of the committee expressed their concern to me on Thursday afternoon, fairly soon after picking up the report. I hope that others who feel as I do will speak fearlessly and cover some of the items.

I have a particular concern about the last five recommendations that the committee makes, which are about the conduct of Divisions within this House, because they exclude Members of the House from acting as Tellers and, with that, the responsibility for and supervision of a Division. To my mind, returning to normal, which is, after all, the subtext of what we are trying to achieve today, includes, and does not exclude, telling.

I point to my interests as a former Whip in this House, particularly as Government Chief Whip; there are a number in that category present today. Noble Lords will know that I do not speak in a partisan way. Usual channels need to be open and able to see beyond the sectional interest of government and opposition. This is the way in which the daily exercise of our duty here is made both tolerable and tolerant, particularly when we have to deal with difficult and divisive issues. This is the tradition which is carried on in all four corners of this House. In usual channels, the dialogue and common desire to serve the House applies to them all.

I understand quite readily the problem with introducing pass readers. If, as we have been told by my noble friend the Senior Deputy Speaker today, some have to be outside the voting Lobbies, it makes telling pretty well impossible, hence the amendment in the name of the noble Lord, Lord Rooker. However, noble Lords will know that, rather than introduce Lobby voting without Tellers, we have a tried-and-tested PeerHub system. The report makes it clear that, at least for the time being, PeerHub is to be kept functioning for those wishing to vote at home and to be used as a back-up. Like many noble Lords, I participated in a trial vote this morning—I am sure that a number of noble Lords here did so. What is the problem we are trying to solve if we cannot use the Lobbies properly? If it ain't bust, don't fix it.

The noble Lord, Lord Rooker, wants to be assured that pass readers in the Peers' Lobby are a temporary measure. I too would like that assurance from the Senior Deputy Speaker. When Lobby voting returns as our sole method of voting in Divisions, can I be reassured that Tellers will return and that Divisions will be timed and organised as before? Lobby pass readers there may be, and I have activated mine, but getting back to normal will be the rule.

I spoke in our debate of 20 May about getting back to normal, to recreate the spirit of this place. I am very much of the view that the Tellers' presence in the Lobby assists the authority of the ballot and the sense of collective involvement of Peers in the democratic process.

I hope that my noble friend the Senior Deputy Speaker will reassure us that, rather than proceed today and implement next Monday, he and his committee will consider, consult and consider again, and report back when they are sure they have the mood of the House. I fear they may not have it at the present time. Above all, he should give himself, his committee and the House time, which this House has been denied so far. I beg to move.

3.30 pm

Lord Rooker (Lab): My Lords, I have two quick, minor points. First, I am not looking for crowded Lobbies. Like many other Peers, I have gone through health problems that have left me vulnerable and shielding in the recent past, so I do not think we have to have crowded Lobbies. I am also not looking to take two minutes off the time of a Division. We have not come down to debating that, surely. What does it matter if we have to take a little bit longer? Furthermore, I have no criticism of any of the officials who have worked on these schemes.

I have been a Member of your Lordships' House for 20 years, but I have never found out who runs this place. I feel continually bounced. It is as though they

have been to the Barnes Wallis bouncing school to get things through your Lordships' House. This is a classic example. Take Question Time: look at today. We were bounced into the system. There were seven and a half minutes when nobody could participate. Seven and a half minutes was the time for a Question before Covid, so we are wasting the time for scrutiny. Today was a classic example: I could not have planned it better when I saw the Order Paper today.

Voting should be a serious matter in a legislature. It is not an administrative convenience, or something where you tick the box, it is absolutely serious, both for us and the other place. Having served in the other place for nearly three decades, I have always defended the system of voting, going through the Lobbies, and I still do so on the Peers in Schools programme. I say to people, there is a big advantage, probably more so for Government Back-Benchers than for Opposition Back-Benchers, in that the Ministers cannot escape. That is quite a serious issue, believe you me. It is less important here, but it is the case that we have Ministers here who cannot wait to get out of the Chamber, and having discourse and conversation with Ministers is crucial. There are no civil servants present, no praetorian guard; it is a better system, it works, and my experience is that I am prepared to defend it.

If I had seen my noble friend's amendment, I probably would not have put mine down, but I just thought this is going too far, too fast. I am not seeking to turn the clock back or seeking crowded Lobbies, but we do not have to rush this today. There is a better way of doing it, so I support the noble Lord.

Lord Cormack (Con): My Lords, I agree with a very great deal—almost all—of what both my noble friend Lord Taylor of Holbeach and the noble Lord, Lord Rooker, said. There is a real seething feeling within your Lordships' House that we are being confronted with decisions in which we have had absolutely no opportunity to participate. We should have had this debate before the committee deliberated, then it could have listened to what had been said and come up with a report that would have reflected much of that—or one hopes it would have. Because I believe that we are on that slippery slope that was referred to on Friday, perhaps inaccurately, when it comes to conducting the affairs of your Lordships' House.

Suddenly, as we go back to normal, the clerks appear without any wigs or official garb. That might reflect the view of the House, but it does not because we have had no opportunity to comment on it. It is wrong that there have been significant changes in the way we conduct our business and the way our business is conducted by those erudite officials who sit at the Table; it is important that we have an opportunity to comment. Frankly, there is no such opportunity. Although the committees are there—I pay due respect to them—they are not elected as Select Committees in the other place are. I believe it is very important that we do not continue to put the cart before the horse.

On the matter we are discussing today, a portion of my noble friend Lord Gardiner's speech disturbed me. He spoke about voting being "more accurate" if it was electronic rather than being counted by clerks. This House has survived a few centuries without having electronic counting. The noble Lord, Lord Rooker, and my noble friend Lord Taylor of Holbeach were right in talking about the advantages of being able to vote, to nobble Ministers and all the rest of it.

I completely accept that we are still living in very strange and potentially dangerous times. That is why my amendment says that we go back to where we were when the Covid crisis is completely under control or over. I am not proposing that we go into the Lobbies next Monday or the Monday of any early forthcoming week. However, I am saying that it is a tried and tested system that has worked well and enabled the House to be collegiate—it has enabled us to talk to each other and to Ministers and shadow Ministers in the Lobbies as we have cast our votes.

I really believe it would be wrong for us to be stampeded by any committee or Senior Deputy Speaker this afternoon. This House has a right to have its say; its say must not be interpreted as a rubber stamp on proposals we have not had a chance to contribute to. I therefore beg my noble friend Lord Gardiner to take this away and talk to his committee and, if the sense of the House during the debate is roughly in line with what my noble friend Lord Taylor of Holbeach, the noble Lord, Lord Rooker, and I are saying, to think again and come back with a system that can work. It is a temporary system; I have nothing in principle against using the readers, but where they are positioned and how long they are to be used are important. I do not want change by stealth or sloth to take over the running of your Lordships' House. I beg to move.

Lord Grocott (Lab): My Lords, I will start in what is probably a pretty unusual way, by questioning the procedures of the Procedure Committee. I realise that the committee comprises the great and the good, and that by opposing them in this way I may be jeopardising my future career prospects, but I think they have not served the House as well as they might in how this policy has been developed.

As far as I can find from the third report of the Procedure Committee in this Session, the authority for all that has been done derives from its first report. It sat in July, when we were sitting remotely, and its first report said:

> "The House of Lords Commission agreed on 15 June that a pass-reader system for voting should be developed … We anticipate putting proposals to the House in the autumn to take decisions over implementing any new system."

I suggest to the House that what we are facing today is miles beyond taking decisions about implementing a new system to the House. As far as I can see, in all but name, the system has been virtually implemented already. The readers have been positioned in the Division Lobbies and elsewhere. The noble Lord, Lord Taylor, spelt out very accurately the speed with which we will have reached this decision, if we do make it today, which I clearly hope we do not. This is a bit of a behaviour pattern with the Procedure Committee. I could cite one or two other examples, but time is short so I will leave that for another occasion.

Not only have these readers been established but this appears from the current report to be not a temporary arrangement but to have all the trappings of a permanent arrangement. The wording almost

[Lord Grocott]
gives it away. Paragraph 4 of the report which we are asked to approve today—I hope we will not approve it in its present form—says that:

"In July the House agreed the recommendation of this Committee that PeerHub should remain in use following the resumption of physical sittings in September 2021, as an interim solution pending the rollout of a new voting system involving pass-readers."

If PeerHub is an interim solution, according to my understanding of the term, by definition, what replaces it will be a permanent solution. That is what we have been presented with, as is reinforced by another part of the report. Paragraph 7 talks about resilience and says of the pass-reading system that:

"The Lords and Commons systems will … be interchangeable, so that if either House temporarily has to sit in the other House's Chamber, it will be possible to conduct divisions in the other House's division lobbies without significant disruption."

Could someone give me a timescale for when it is expected that the other House will sit in here or we will sit in the other House? I am not ready to call it a day yet, but I doubt that this will happen in my lifetime. We are therefore establishing a system which is not interim and, by definition of the wording in the report itself, is something which will be with us for a very long time.

Like my noble friend Lord Rooker and the noble Lord, Lord Taylor, I think Divisions in their previous, pre-pandemic form played a very important role in this House. As far as I can see, there are only two occasions on a normal sitting day when the House comes together. The first is with a Division. Quite often people sit here while the wind-ups take place—there is a small element of drama involved—and it is an occasion during the day when the collegiate operation of the House is demonstrated and when the House is generally relatively full.

The other occasion—I am so glad my noble friend Lord Rooker mentioned this—which is a collegiate part of the day, normally well attended and listened to, is Question Time. This has been eviscerated, basically. It is a spectator sport for 90% of the House. If we continue with it in its present form, it should happen in a small committee room somewhere. The only people who can participate are the named people on the list—the full quota is filled up, and none of us are allowed to intervene in the 10 minutes allocated. What is the point of being in Parliament if you are just a spectator? What is the point of being a Member? You might as well sit in the Public Gallery—you are not a participant; you are just part of the audience. The sooner that gets changed, the better.

3.45 pm

I also have to say that we again come back to the procedures of the Procedure Committee. This is digging my own grave, I know, but the Procedure Committee adopted a completely bizarre mechanism to bounce the House—I use my noble friend Lord Rooker's phrase—into adopting the new system. As the House will recall, every Member was asked by email to vote on whether there should be speakers' lists in place. Of course, when someone is just replying to an email, you go bang bang bang, if there are only two options—as there were. That is a very flawed system but, most of all, it is flawed because it means that, contrary to the normal rules of debate, if not common sense, the vote took place before the debate. In all the debates I have been to in local government, the other House or here, you tend to have the debate before you have the vote. What happened in this case with the Procedure Committee was that the House was bounced into it. It is very difficult to argue against. When the Procedure Committee can proudly announce, "Seven hundred people have participated in this survey that we have done", how can you say no to it? I am absolutely confident of this: if the Procedure Committee had done what it should have done—what it has always done in the past, in my experience, when there is a division of opinion on the committee—and simply brought the matter to the House for the House to decide, I very much doubt that those here on the day, listening to the debate would have voted for these ridiculous speakers' lists. I do not make many predictions in politics or anything else with any colossal confidence, but I predict with a high level of confidence that when this comes back to the House—and I should like the Senior Deputy Speaker to tell us that this will be very soon indeed—the decision will be reversed.

I hope that in future the Procedure Committee will continue with traditional methods, which is not to make irrevocable decisions before the House has had a chance to consider them, and that decisions will be made by votes not by email. I hope that those two conditions will be observed, and, above all, that either the House decides to support all three amendments—I should happily vote for all three—or, perhaps most sensibly, the Senior Deputy Speaker will tell us before very long that a mistake has been made and that this should be reconsidered.

Lord Forsyth of Drumlean (Con): My Lords, I am very happy to jump into the grave of the noble Lord, Lord Grocott, on this matter. As my noble friend said, it is quite extraordinary. I tabled an amendment; I really had to struggle to do so and to read the papers because we were having the debate in this timescale. It is not the first time that this has happened, and one gets the impression that there is a bureaucracy running this place that thinks that the Members of this House are a necessary inconvenience. It is not just on centrally important matters such as voting. On a range of matters—dress, the Bishops' Bar, catering services and so on—which we are not encouraged to discuss because it leads to a certain amount of mockery outside, one gets the impression that decisions are being taken by people who perhaps do not have a feel for this House and what it stands for.

As someone who has been in both the House of Commons and here, I say that the issue of Divisions and Tellers is fundamental. It means that the supervision of the vote is done on a bipartisan basis. As the noble Lord, Lord Rooker, pointed out, in the old days in the House of Commons, when there was always a 10 o'clock vote, if you got the runaround from officials in the Minister's department you said, "I will see your Minister at the 10 o'clock vote", and suddenly they were available. Perhaps in a less threatening way, the opportunity to discuss issues with colleagues, knowing that they will be there, is central.

Of course, we are now in this ghastly Covid period. I understand why we do not want people crowding through the Lobbies, but we have the PeerHub system, which works perfectly well. The proposals coming from my noble friend are that we should keep the PeerHub system working and keep the video system working for 10 or so Members, and that we should have this other system working as well. Why? The answer is: because it is not a temporary system at all but a permanent one.

I have been reading the minutes of some of these committees. They make for fascinating reading. For example, I discovered that the House of Lords Commission has responsibility for the strategic and political direction of this House. I discovered that the House of Lords Commission is considering putting its own position on a statutory basis. Good luck with that; I do not think that it will get many votes.

The noble Lord, Lord Grocott, was critical of the Procedure and Privileges Committee, but here is an extract from agenda item 10 in the minutes of the House of Lords Services Committee, dated 21 October and entitled "Pass-reader Voting Enabling Works":

"The Lords Commission has asked for a pass-reader voting solution to be developed in line with the Commons' development of an improved system. This technical solution is also needed for a Commons Business Continuity Planning Scenario in which the Commons Chamber became inoperable and relevant approval was given to relocate to the Lords Chamber. The technical details for the pass-reader voting stations are currently being finalised and cabling was installed in the Division Lobbies in the Conference recess."

Then this sentence is the important bit:

"The Procedure and Privileges Committee will give final sign off."

In other words, it is a fait accompli, not just for us but for that committee.

This simply is not good enough. These are vital things. The use of Tellers enables Divisions to be negatived. It means that, if anyone wants to create a Division, they can, but they need at least two people to support them. So, it will be possible for an individual to call Division after Division after Division—and, apparently, according to the committee, this will save time. That is what seems to be happening in this House, under the cover of Covid. I will just say that the officials and those responsible for our committees have done a magnificent job in keeping the House going during Covid, but it should not be used as a cloak behind which to dismantle our established and cherished procedures, and the facilities that enable us to operate as a collegiate House.

So I hope that my noble friend will withdraw this report and go back to the drawing board. I also hope that we will look at the governance of this House and the way in which policy is determined to ensure that, in future, there is more involvement with the Members of this House, not committees and outsiders. I see that the Lords Commission has now taken away our Writing Room to provide extra staff accommodation. Expensive staff are being hired while, at the same time, we are told that we can no longer continue to support our traditional dress on state occasions. This really is not good enough. We should of course look for economies, but we should also look to maintain the long-established traditions of this place. The funny little ways in which we do things are part of our constitution and should not be interfered with by minorities.

Baroness McIntosh of Hudnall (Lab): My Lords, I wonder whether I might be allowed to speak. I am sticking my head above the parapet a bit here, as a member of the Procedure Committee. I do not anticipate that many other members of the committee, apart from the Senior Deputy Speaker, will particularly want to participate in this debate because it is a recipe for getting, as it were, a sharp slap. However, there are a couple of things about which I want to remind the House and which the Senior Deputy Speaker himself put forward in his opening remarks.

First, this proposition will be subject to review quite soon—soon enough for many of the issues that have been raised today to be taken into account. It seems unfair—I hesitate to say that, but I am feeling it slightly in that way—to accuse members of the committee and of the House administration and others of, in effect, acting in bad faith. That is the tone of some of the remarks that have been made this afternoon. I cannot see what possible benefit there is to either the committee or the people who support it in putting forward a proposal of this kind in relation to the voting which serves only their interests. What interests do they have apart from their wish to serve the House? With great respect to both my noble friends Lord Grocott and Lord Rooker, I feel it is quite wrong to suggest that all the decisions that have been taken by the Procedure Committee and then brought before the House have been a form of bouncing the House into taking decisions.

In particular, notwithstanding the fact that in respect of the matter of Questions I entirely agree—100%—with the analysis that my noble friend Lord Grocott put before your Lordships, what happened could hardly be described as bouncing. Every single Member of the House was invited to share their view. In my view the view that the House took through that entirely democratic method was somewhat misguided—but, none the less, that was the view it took and that was the decision that was implemented.

I just want Members today here in the Chamber to listen to what the Senior Deputy Speaker has said and what he will say before getting—frankly—carried away with a sense of righteous indignation and taking a misguided decision.

Lord Kennedy of Southwark (Lab Co-op): My Lords, as another member of the Procedure and Privileges Committee, I believe that the PeerHub system has worked very well. I am very grateful to all the officials who have been involved in its development and I thank them very much for that. The pass-reader system, as referred to in the report from the noble Lord, is the next logical step in returning the House to its procedure before the pandemic. That process must be part of the review, as we have heard here already, and we will take those steps carefully. I want the House to go back to having a system of Tellers in place. In that sense, I am in agreement with the comments that have been made by a number of Members here.

[Lord Kennedy of Southwark]

I am also supportive of the remarks made by the Senior Deputy Speaker. We are fortunate in that the Senior Deputy Speaker is respected by all sides of the House; I am sure that he will listen very carefully to today's debate and take the action necessary.

On the comments made by my noble friend Lord Rooker about Questions—although Questions are not addressed today—I think that the whole House now wants to go back to the old system of Questions. I certainly do. But it is fair to note that we did get a vote, like it or not—but I want us to go back as soon as possible to the old system.

I am not sure I will ever be part of the great and the good in this House; I have been here for only 11 years and I do not know who runs this place. It certainly has nothing to do with me, but I make my views heard if I can, and I am very happy to do that. As part of the usual channels, I take my responsibilities very seriously as Opposition Chief Whip, to ensure that the House can express its views whether the Government like it or not, and I will continue to do that.

I should also say that the members of the committee work very hard on this and they are trying to get it right. Maybe there are things we need to go back and look at again, and we can do that, but the committee members here work hard and are trying to ensure that the House gets back to its old ways as soon as it can, as well as carefully and safely.

Baroness Butler-Sloss (CB): I want to make a short point. I do not personally feel "bounced", but putting in this new system is in danger of being rushed. I walked through a Lobby coming here today and I am concerned about it not working properly, because we know that no technology is perfect. If no one checks on who is voting, the danger we may find is that some people lose their votes.

4 pm

Lord Naseby (Con): My Lords, I recall, when I was Chairman of Ways and Means and Deputy Speaker in the other place, a number of colleagues seeing me early in my appointment with some suggestions for changing the Maastricht treaty. Thankfully, the advice I was given was to take my time over it. I say to my noble friend on the Front Bench that two days is totally inadequate for any form of consultation. I hope he bears that in mind so that, in future, unless there is an emergency, there is a minimum of a full working month.

Lord Addington (LD): My Lords, I will just make a short intervention. When I heard about this, I raised the exact point on which the noble Lord, Lord Forsyth, finished. I was a Whip for a long time and, if you do not have Tellers, two people must be prepared to second you or you could have one person calling repeated Divisions in the House. Monitoring that Division may be a Motion about which we could argue, but the idea that one person can divide the House again and again, without having at least two people to back them up, is one that somebody will eventually use. We have all seen that pressure. Of all the issues in front of us, that concerns me most. We must try to address this or at least get some guarantee of some control. We must think twice about this.

Lord Howell of Guildford (Con): My Lords, something has clearly gone wrong here, despite all the excellent work of the Procedure and Privileges Committee and the staff in the last year or so during these dramatic and difficult circumstances. This is a time to think more carefully. The outward, visible sign of a rather sudden change is the sweeping away of the Pugin furniture in the Prince's Chamber, which is, after all, an iconic space in the Palace of Westminster. It is not to be treated like a furniture store, where you can just push things aside, but that is of less importance.

Of more importance is what my noble friends Lord Taylor and Lord Forsyth, and the noble Lord, Lord Rooker, are rightly saying. Question Time has clearly been gutted, as was demonstrated vividly today by the wasted space and time. This is not the kind of scrutiny that your Lordships' House or the other place should be applying—indeed, it is not scrutiny at all. The scrutiny of this House has really passed to the committees for the moment, because the Chamber cannot organise the right kind of questioning and pressing that people expect and we should be performing.

This is supposed to be a collegiate place. I have been here for longer than some—25 years—and its collegiate quality is precious, particularly now, in an age when everything is becoming extreme, with divisiveness, bitterness, casual cutting comments and no feeling of understanding and compromise. At this time, the collegiate spirit here is vital and anything we do to undermine it will cost us dearly and be greatly regretted. These are divisive times, so let us do our best to counter them and give an example to those outside the Chamber and to the nation that we can work together.

Lord Goodlad (Con): My Lords, I hope that any reservations expressed about the report are not taken as an aspersion on the good faith of the committee—quite the reverse—and I hope the noble Baroness, Lady McIntosh of Hudnall, accepts them as such. I find myself very much on all fours with what my noble friend Lord Cormack said, not for the first time and probably not for the last. I hanker for the halcyon days, the many decades when we went through the Division Lobbies, squaring, taking people by the elbow, having our own elbows taken. Those days will return.

On a serious note, and here I echo what was briefly alluded to by the noble Lord, Lord Rooker, a number of noble Lords will have received letters since the start of the pandemic from the Department of Health saying that they are thought to be clinically extremely vulnerable and at highest risk of becoming very unwell if they catch Covid-19. They are advised to avoid large numbers of people in enclosed spaces. That clearly rules out the Division Lobbies and queueing up in the Prince's Chamber with some noble Lords who do not wear face masks, or even if they did. I therefore find myself in agreement with those who have said that we ought to postpone doing any of this until Covid is well behind us and stick to the well-tried PeerHub system.

Baroness Buscombe (Con): My Lords, I would like to make a short point that I hope will be helpful to the House. The noble Lord, Lord Rooker, referred to the question that many of us have asked over many years—I have been here nearly 24 years—which is: who is running this place? Some of that is answered to some degree in a report published on 27 January called *House of Lords External Management Review*. This report followed a review by individuals who are not Members of this House who spoke to Members of your Lordships' House and others beyond.

I urge all noble Lords to read this report. It has sat on a shelf, but I think the commission has collectively chosen to cherry pick its recommendations and move ahead with them without any consultation with the House. I have felt really unhappy since I read the report. Some aspects of it are good but an awful lot of it simply does not understand this place. I love this House, but it is being diminished, without noble Lords being given the opportunity to reflect and consider.

Change is not always bad; sometimes change is good. But some of the changes proposed in this report I believe destroy what noble Lords have talked about today about this being a collegiate place. The noble Lord, Lord Rooker, talked about the collective spirit. The noble Lord, Lord Grocott, is always upbeat about the possibilities of what this House can do and achieve. But sometimes I just do not want to be here anymore. I cannot believe that I am actually saying that in your Lordships' House. It is a sad thing.

My noble friend the Senior Deputy Speaker, along with officials, is doing a really difficult and challenging job, particularly in this climate. Whatever the outcome of today, I beg him to consider letting us have in the very near future—but not too quickly; I want all noble Lords to have the opportunity to read and digest this report, which I believe contains recommendations that are being carried out without any reference to us—a proper debate on the report's recommendations, so that we think about possible changes and take note of some changes that have already been made. I gather we have already employed a chief operating officer. We also need to take note that this report says that it finds the commission itself wanting in a number of ways. Why are those ways not being fixed before the commission makes decisions as a result of the report? It is all a bit back to front.

I urge noble Lords to support my suggestion that we have a debate in the near future so that we can move forward together and all continue to feel that this, as Garter said to me when I came to this House all those years ago, is our second home. I should be able to treat it as such, feel that I am part of it and that we are all working together.

Lord Stoneham of Droxford (LD): My Lords, I, too, am a member of the committee, but one of those who has thought for some while that we were rushing too quickly away from the virtual voting system, particularly when the virus is not under control. Therefore, I am pleased that people are saying today that we should continue with that system until we have a proper system to replace it. In that sense, I agree with the noble Lord, Lord Taylor. When we started this debate, I thought that trying to do this before Christmas was slightly mad, in that the situation was not under control. As has happened, we have annoyed the House in doing so, as we have appeared to rush it and put in another interim system, when one thing that people do not like is a whole series of partial changes. The Senior Deputy Speaker has proposed the solution of taking this back so that we can have a fuller consultation and take our time. In the circumstances of where we are with the virus, that will be a very good thing.

Baroness Noakes (Con): My Lords, I remind the House that one precious feature of your Lordships' House is that we are self-regulating. During the Covid pandemic, we had to do a lot of things where that went a little bit to the side lines. Now that we are operating nearly normally, we must look again at the extent to which we are a self-regulating House. We cannot be a self-regulating House if a report is produced at the back end of a week, we are notified on a Friday that a Motion will be on the Order Paper for Monday and an important change to our procedures is just pushed through that quickly. An element of being a self-regulating House is that we have a proper debate, not only in this Chamber but also in all those informal exchanges among colleagues across the House that we are accustomed to. We must find that essence of our House again. I hope that we do not divide today, although I would be inclined to support any amendment against this Motion. I hope that the Senior Deputy Speaker takes these proposals away and brings them back in a way that demonstrates that we are a self-regulating House in charge of our own destiny.

Viscount Stansgate (Lab): My Lords, I am a new Member of the House. The noble Baroness, Lady Buscombe, said that she had been here for 24 years; I am not sure that I have yet been here for 24 days. Nevertheless, even as a new Member, I hope that your Lordships will forgive me an opinion. My noble friend Lord Grocott said that it was career-ending to speak in this debate. Heaven knows what it might do for my chances.

Procedure matters. I am aware that it is not germane to some of the amendments on the Order Paper, but the way in which speakers' lists have been introduced and retained robs the House of an element of spontaneity that many Members on all sides of the House would like to recapture.

Also, I have often met newly-elected Members of another place who say, "What a waste of time going through the Division Lobby is. What can't I just take my swipe card, sit in my office and save myself the trouble?" These are the remarks of new Members. Those of your Lordships who have been in another place, if you look back that far, perhaps shared that view. However, Divisions matter because you meet people. I strongly endorse the remarks of my noble friend Lord Rooker that the ability to meet together on all sides of the House—as the noble Baroness said, to confer across the House—is important and worth keeping and should not be compromised.

I am sure that the Senior Deputy Speaker and his Committee have done a good job. I am so new that I have not been here to see what they have done. However, today I detect a nervousness that changes might be

[Viscount Stansgate]
made without Members having the ability to discuss them fully. I am not here to cause a Division, even if in the future one person may be able to do so, but I hope that the House does not mind my saying that, in the interests of collegiate progress, we should perhaps have a bit more time to get a more settled view. I thank your Lordships for allowing me the temerity of expressing a view.

4.15 pm

Baroness Greengross (CB): My Lords, while the pandemic has been a difficult time for all of us, one of the few benefits has been the move to embrace, or at least to consider embracing, some of the technologies that we have. This House should be proud of the way it adapted to the crisis in 2020 and continued to conduct its important business online, including holding remote Divisions through the PeerHub. I think that I am biased because I have been unwell, so it has been beneficial for me to have access to the technology, but it is sad that so many people have spoken against it without considering how some use of technology could be important and benefit us all. I have huge respect for the noble Lord, Lord Cormack, but we have a different view on this. I believe firmly that we should consider embracing certain aspects of technology, because returning totally to pre-pandemic ways of working would be to miss an important opportunity.

Lord Mancroft (Con): My Lords, we are ostensibly debating the report of the Procedure and Privileges Committee. Three subjects are on the front page of that report. I do not think that any noble Lord has touched on the first one:

"Virtual participation in Grand Committee".

I suspect that that is because nobody would object to it; it a simple proposal and I think that the House will probably agree to it. That is one of the difficulties: we have three subjects to discuss, one of which I think everybody agrees with and the other two rather less so.

The second subject before us, "Divisions: pass-readers", is, as the noble Lord, Lord Addington, well explained to the House, about slightly more than pass readers. The issue around the role of Tellers and Divisions is in many ways more important than the pass readers themselves. I think that moving from having a clerk ticking us off as we go through the Lobbies to being able to use our passes electronically is probably a perfectly reasonable modernisation, but that is not the same as abolishing Tellers, removing the call for voices at three minutes and the other things that go with it, which are hugely important parts of the process that are disguised within that subject. That creates a difficulty for the House.

The final subject in the report is "Leave of Absence", which is the subject of the amendment moved by my noble friend Lord Forsyth. That gives me huge concern. I am a member of the Procedure and Privileges Committee and it gave me concern at the time. By this recommendation we are delegating a further power to the Commissioner for Standards and the Conduct Committee, a power which this House previously had. It is a small power. We have never really used it because it has never needed to be used, but nevertheless it makes me unhappy that we should give a further power away by saying that we will agree to any request made by the commissioner or the Conduct Committee in relation to a leave of absence, not that we may agree. I am in favour of "may". We probably would accept that advice and agree to that request, but this House should retain the ability to say no if it wishes to. I personally do not know the commissioner. I am sure that he or she is an excellent person in many ways, but I do not know who he or she is and he or she is not a Member of this House. I do not think that we should give somebody like that a power that for very good reasons has been retained by this House until now.

That is my view on the three issues. However, during the course of the debate we have moved on from the three issues that make up the subject matter of this report. We have revealed that, whether we like it or not, there is now a crisis of confidence in the governance of this House by its Members. We are unhappy. As the noble Lord, Lord Rooker, said, we are going too far, too fast. That is what it is about and that has caused our confidence to be cracked in an unfortunate way.

I take the point of the noble Baroness Lady McIntosh, but I do not think that anybody is being bounced; I think everybody is agreeing that they are mildly unhappy. We collectively agree that things are not absolutely right. Nobody is being blamed; neither the Conduct Committee nor officials, nor anybody else, but we do have a new Lord Speaker, a new Senior Deputy Speaker and a new Clerk of the Parliaments. I suspect that all noble Lords will join me in wishing them well, but we need them to start well and what we have seen today is not a good start.

I hope, therefore, that my noble friend the Senior Deputy Speaker will take the advice offered from all sides of the House to take away this rather muddled report, quietly go through it again and bring it back in rather better form.

Earl Attlee (Con): My Lords, I have been both an Opposition Whip and a Government Whip on and off for about 17 years, since 1997. I am extremely supportive of my noble friend Lord Taylor's amendment to the Motion; I believe that the proposals in the report are a recipe for disaster and unintended consequences. I sincerely hope that my noble friend the Senior Deputy Speaker will come to the Dispatch Box right now and tell us that he will withdraw his Motion.

Lord Polak (Con): My Lords, before he does, could I just have my say? It is an honour to be a Member of this House and I am one of the newer Members, but I have been here a little longer than 24 days. My point is—my noble friend Lord Taylor was right—that the rush is doing nothing for our reputation. The general public are watching us from the outside, and I repeat: this is doing nothing for our reputation as a House.

I hope that the Senior Deputy Speaker will end this now and take the message, which is clear from all of us, to revise the report. This is such an important place to be, and I do hope he will now get it right.

The Senior Deputy Speaker (Lord Gardiner of Kimble): My Lords, I promised I would listen very—

Noble Lords: Order!

Lord Kerr of Kinlochard (CB): I strongly agree with what the noble Lord, Lord Grocott, said—and thus terminally end his expectations of advancement.

As a very young man, I worked in the Moscow embassy trying to find out what was going on in the Politburo of the Central Committee of the Soviet Union. It was difficult, but it is as hard to find out in advance what is going to happen in the Procedure and Privileges Committee of this House. If it is necessary to take immediate decisions—in this case, it is clear that it is not—it ought to be possible to publish the agenda in some way so that those who would like to influence the committee could have a chance to do so.

Baroness Rawlings (Con): My Lords, I support the amendments tabled by my noble friends Lord Cormack, Lord Taylor and Lord Forsyth, and by the noble Lord, Lord Rooker. I wish to say just a few words urging the Senior Deputy Speaker to withdraw his Motion on behalf of a totally different subject than anybody has mentioned today, but which is in the report: heritage. It is a totally different angle, and it is a serious side of this debate.

English Heritage objected to the voting in the Royal Gallery. Perhaps it should object as well to the Prince's Chamber, which is just as important as the Royal Gallery. I see that the preparations for this new voting chamber have already been erected as an ugly pair of gallows looking like they are ready to hang your Lordships, rather than vote. Forgive me.

Poor Pugin, who dedicated a major part of his life to the Palace of Westminster, with all the details and craftsmanship, would be horrified by the suggestions and the way they have been so thoughtlessly done. Even last week, I am afraid, a chrome lavatory bin with plastic bags hanging out of it appeared by the clerk's desk in this Chamber, and only recently Pugin door handles have disappeared from the doors because they were being replaced as fire doors.

Voting terminals in the Division Lobbies are surely sufficient. Social distancing has already been abandoned in the Chamber, the Cholmondeley Room, the shop and other parts. Either we are back or not. Most importantly, as my noble friend Lady Noakes said very clearly, this is a self-regulating House. It is being seriously challenged by bureaucracy in the form of the Commission.

I recommend masks, as in an operating theatre the surgeons and nurses always wear masks, as the noble Lord, Lord Winston, knows. If they can wear them, we can wear them.

Lord Winston (Lab): The better to know who is making the mistakes.

Baroness Rawlings (Con): I support the noble Lords' amendments and urge my noble friend Lord Gardiner of Kimble, the Senior Deputy Speaker, who I know appreciates the aesthetic and beauty of this Palace of Westminster, to withdraw his Motion.

The Senior Deputy Speaker (Lord Gardiner of Kimble): My Lords, I think it would be helpful to the House if I replied, because I said I would listen with particular care, and I have. On matters such as this, we need to try to proceed with some form of consensus, knowing that pleasing everyone is not a human condition, in my view. We should try to find a consensus that commands the approval of the broad sense and mood of the House.

I have heard and noted the significant concerns, which go beyond this report. Perhaps I should not say that some of the comments made by way of questions I myself have asked. As far as I am concerned, I am the servant of this House. My task as a non-affiliated Peer is to work with everyone, knowing that I will not please everyone. My duty is to the House and to ensure that the House flourishes.

I say to the noble Baroness, Lady Buscombe—we have known each other a very long time—that it is essential that we are proud of coming here. We know that we have a duty to fulfil and that our responsibilities are considerable. As we move forward, I will very much look to see how we can work to ensure that this House is perhaps a little more contented—after this afternoon, perhaps I should say "very much more contented".

I will say one or two things before I get to the main point. The noble Lord, Lord Grocott, made some serious remarks but with moments of jocularity; he questioned the part about the two Houses and said this seemed strange. I am advised that there are of course contingency plans—I am sure the noble Lord would have known this from his time in the other place—for both Houses in case one Chamber is unusable because of flood or fire. These are obviously important matters that we need to reflect on and consider.

I would like to say something to the noble Lord, Lord Cormack, about accuracy. I made my very clear remarks about the clerks and my respect for them, remembering that we now average about 400 in a Division. Because I was a Whip, I remember full well looking at my flock, as I do, and finding that a Peer who did not come had been recorded in place of a Peer who did vote but did not appear on the Division list. This was because they had the same name, but one had "of" somewhere. I have laboured this point, but the point about the accuracy of presenting this card is the point that the noble and learned Baroness, Lady Butler-Sloss, made, and is important.

Whatever I say from here on, it is important that we continue to test and trial these pass readers. Some 500 noble Lords have already registered. Noble Lords have referred to being "bounced" and said that this is too soon, but one of the ways in which I can best take this forward is if we start to have these tests and trials so that, among other things, they can demystify and change some of the points of concern.

I have taken on board a lot of what has been said today. I accept that further time needs to be taken now to reflect on the views expressed. I should say, and I am going to say it, that I expect members of the committee to express their views in the committee rather than in the Chamber. I think that is more helpful—

Noble Lords: Oh!

4.30 pm

Lord Gardiner of Kimble: My Lords, if there are concerns, surely they should be raised first in the committee so that the committee can know of them in coming forward to the House. The point that I am making, which I think is entirely respectable, is that the work of the committee means that we have to hear from your Lordships. That is why it is not just about the usual channels; there are Back-Benchers on that committee to bring forward concerns and ideas when we come forward with proposals for the House.

I have decided to reflect on these matters. I certainly hope that the noble Lord, Lord Taylor, will be willing to withdraw his amendment and that other noble Lords will not move theirs. I will then seek to withdraw the Motion to agree the report and refer these matters back to the Procedure and Privileges Committee for further consideration and consultation.

The other point that I should make is that there are two Motions in my name to amend Standing Orders. I do not think any noble Lord has expressed concern regarding the proposed amendment to allow virtual participation in Grand Committee by eligible Members with long-term disabilities. This is now time-critical, and I am grateful to the noble Lord, Lord Mancroft, for raising it, because I understand that this provision may well be needed this week. My hope, therefore, is that the House will agree that the circumstances for this particular change are exceptional and will allow me to move the amendment to Standing Order 24A when we get to it. As the amendment to Standing Order 21 on leave of absence is not time-critical, I propose not to move that Motion, assuming that the noble Lord, Lord Forsyth, does not move his amendment to the committee's report.

This debate has been useful and illuminating. I have taken points made about Questions, for instance, which have been very helpful. Perhaps this will not please the usual channels but we may be able to find ways to discuss some of these matters and debate them without rancour, to see how best we can make this House flourish. How do we make sure that the nation sees the value of this House? That has been the purpose of the work of the committee. On reflection, I think the time would have been better spent by me meeting people and explaining the purposes of what we have brought forward.

To conclude, the committee and the House are dealing with an imperfect set of circumstances. We are trying to return to normal as best we can while we continue to have Covid with us. How do we best keep everyone safe but retain the vibrancy of the House? That is no easy task.

Sometimes, if I may say so, some are rather too keen to find fault rather than finding how to make the best of what is sometimes quite a difficult set of cards. I say to noble Lords that we need to deal with this matter in good faith and without rancour, while understanding, if I may say so, that all the members of the committee are doing their best for your Lordships. Obviously, we now need to do some work with your Lordships and within the committee and to bring back further proposals. That is my reflection on this debate for today.

Lord Taylor of Holbeach (Con): Before the noble Lord sits down, perhaps I might ask for a point of information. First, does he no longer intend for us to change our system of voting on 1 November? Secondly, can we have some reassurance that he has taken on board the comments made about the Lobbies, telling and timings of Divisions for the future, when it is considered by the House that it is sensible for us to use the Lobbies in full?

Lord Gardiner of Kimble: My Lords, of course, by withdrawing this part of the report, the House will continue as it is. We have no sanction to bring to the House for that decision, so I can absolutely confirm to the noble Lord that how we vote now is how we will continue to, until the House chooses to change the current arrangements.

As to the further detail, obviously I think it is very important that, in the consultations and consideration that now need to take place, we have a broad reflection on this matter. It would be unwise, at this moment, to start to rule anything in or out. Today's debate has shown me that we need to look at this matter and come back to the House, having picked up all the points that have been made today, as well as some further reflections. My door is always proverbially open, and I am very interested in hearing—indeed, I am going to speak at the ACP on Wednesday—and working with other noble Lords from other groups so that we can come to a reasonable consensus and find ourselves in a less difficult place.

Lord Cormack (Con): My Lords, will the noble Lord just consider one thing, which I put forward as a constructive idea: having, at least once a quarter, a session for two or three hours in the Moses Room that he would preside over and to which all Members would be able to come? He could bring us up to speed on things that were under discussion. Members would genuinely feel that they were being consulted, which is terribly important.

Lord Gardiner of Kimble: My Lords, I am interested in that concept because, obviously, I need to think about ways to ensure that we do not have a similar debate to today's. This is not because I do not welcome the fact that noble Lords have expressed themselves strongly—they should. To all noble Lords concerned about progress, I say: the very essence of this place is that we are brave and say things that we believe in. That is very important. I will take that back. I will need to ensure that I have the facility of whatever room it is. I welcome noble Lords coming to see not only me but, on other occasions, others so that we can work together constructively and feel that we are doing things for, rather than to, the House, which is probably the impression that I have gained from today.

Lord Taylor of Holbeach (Con): My Lords, I can think of no finer phrase to sum up the noble Lord's intentions. In light of him agreeing to take the report back for more consultation and consideration, which is all that I asked for at the beginning of my speech, I am very happy to withdraw my amendment, and I thank the noble Lord for the way in which he has dealt with the issues.

Lord Taylor of Holbeach's amendment to the Motion withdrawn.

Amendment to the Motion

Tabled by ***Lord Rooker***

At the end insert, "but regrets that pass readers have been positioned outside the division lobbies, and believes this should be reviewed in three months".

Lord Rooker's amendment to the Motion not moved.

Amendment to the Motion

Tabled by ***Lord Cormack***

At the end insert, "but that when all the COVID-19 restrictions have been lifted the arrangements for conducting divisions will return to the way they operated before the pandemic".

Lord Cormack's amendment to the Motion not moved.

Amendment to the Motion

Tabled by ***Lord Forsyth of Drumlean***

At the end insert, "but considers that the word 'shall' in proposed new Standing Order 21(7A) should be replaced with 'may'".

Lord Forsyth of Drumlean's amendment to the Motion not moved.

Lord Gardiner of Kimble: My Lords, as signalled, I withdraw my Motion that the third report of the Procedure and Privileges Committee be agreed to.

Motion withdrawn.

Standing Orders (Public Business)

Motion to Agree

4.39 pm

Tabled by ***The Senior Deputy Speaker***

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

Standing Order 21 (*Leave of Absence*)

After paragraph (7) insert the following new paragraph:

"(7A) The House shall refuse or end leave of absence on the application of the Commissioner for Standards or the Conduct Committee, where this is necessary either to enable the Commissioner to conduct an investigation under the Code of Conduct, or to enable the Conduct Committee to impose or recommend the imposition of a sanction on a member of the House."

Motion not moved.

Standing Orders (Public Business)

Motion to Agree

4.40 pm

Moved by ***The Senior Deputy Speaker***

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

Standing Order 24A (*Arrangements for virtual participation by disabled members*)

In paragraph (1), at the end insert: "or in Grand Committee".

Motion agreed.

Draft Online Safety Bill Committee

Motion to Agree

4.40 pm

Moved by ***The Senior Deputy Speaker***

To move, further to the resolution of the House of 22 July, that the Committee should also have power to meet outside Westminster.

Motion agreed.

Critical Benchmarks Bill (References and Administrators Liability) Bill [HL]

Order of Commitment Discharged

4.41 pm

Moved by ***Viscount Younger of Leckie***

That the order of commitment of 13 October committing the bill to a Grand Committee be discharged and the bill be committed to a Committee of the Whole House.

Viscount Younger of Leckie (Con): My Lords, on behalf of my noble friend Lord Agnew I beg to move the Motion standing in his name on the Order Paper.

Motion agreed.

Skills and Post-16 Education Bill [HL]

Third Reading

4.42 pm

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, before the Third Reading of this Bill I would like to make a short statement about our engagement with the devolved Administrations. Officials and Ministers have worked closely and collaboratively with their counterparts in the devolved Administrations throughout the passage of the Bill. We are continuing to discuss the requirements for legislative consent from the Welsh Government for this Bill and are grateful for their continued engagement on this issue. I beg to move that this Bill be read a third time.

Lord Blunkett (Lab): My Lords, it is not my intention to delay the House, given the length of the previous debate on procedure, but I want to make three points. First, in the debate in this House on the Skills and Post-16 Education Bill we have had some exemplary

[Lord Blunkett]
and extremely profound contributions from Members. I want to appeal to the Minister, who is new to her post, to take back to her ministerial team and the Cabinet, as this Bill moves to the House of Commons, the genuine feelings of this House and—as has just been displayed in terms of the procedure issues—to think, reflect and not necessarily to move at the speed to which the Government are currently committed on certain aspects of government policy in relation to defunding qualifications.

I know from previous experience in my dealings with the Minister that she does listen and does care. I say to the officials who do not often get addressed in this House, or for that matter in the other House, that getting something done well is better than getting it done quickly—particularly when those who have put through legislation are rarely around to see the consequences of their own mistakes. Sometimes it would be good if those officials working on Bill committees were able—I have put this forward on many occasions in the past, so this is not a knock at them—to take forward the legislation on which they have worked. It would be an exemplar way of using their talent and ensuring that other people simply did not pick up the pieces of something that has been done before.

4.45 pm

Secondly, announcements were made this weekend by the Chancellor of the Exchequer—or rather, they were briefed to the media—about funding. It would be helpful if the Minister could tell us anything about the supposed additional—and I do mean additional—funding in terms not just of T-levels but of the skills agenda as a whole. How much of this is money that has not already been earmarked for this area in previous Budgets and announcements? It would be really helpful to know that, so that we could have some transparency. The BBC in particular seems now to take such briefings lock, stock and barrel—it was not just on this issue but in respect of a number of press releases, announcements and briefings over the weekend—and I say this as a supporter of the BBC. It may be that the reductions in funding for news and current affairs, and for the research that needs to be done, have affected it, but it does not help in terms of transparency or knowing what is going on in what is effectively a Budget but which as an Autumn Statement allows the Government simply to wipe out any previous protocols regarding budgetary matters.

I cannot put my third point to the Minister too strongly. The letter that she kindly circulated referred to the defunding of students on particular courses arising from the procedures of implementation of T-levels—which I still support, as I do the thrust of this Bill. The letter states that students who are most likely to be taking qualifications that will not be funded in the future will have the most to gain from these changes, because they are currently more likely to be taking qualifications that do not deliver the skills that employers need. Now in some cases that might well be true, but many of us have simply wasted our breath if it has not been understood by Ministers and officials that many BTEC national diplomas, upgraded recently, are just what employers need for the future. T-levels must stand on their own quality and their relevance in the sectors of the economy to which they will be applied, and so must BTEC national diplomas, but a little time to carry through these changes would not come amiss.

I hope not only that the amendment moved from my own Front Bench by my noble friend Lord Watson will be accepted in the other House but that there will be some reflection on the excellent debate on the evening of 12 October, which had two elements: the first was excellent propositions and the second was a case study in how not to do politics that schools, colleges and universities might use in the future. Those who were in favour of moderate changes to the propositions managed to filibuster the amendment moved by the noble Lord, Lord Willetts, to the point where it was not carried. Sometimes we get the politics wrong and the speeches and the intentions right.

Lord Storey (LD): My Lords, I will be brief. First, we are probably facing a renaissance in further education and vocational education, and maybe the starting point is this Bill.

Secondly, I want to thank the Minister—if I could catch her eye—and her predecessor for the thorough and courteous way in which they have handled this Bill. It has been an exemplar of how to take a Bill through this House. Listening is always so important.

At the end of the day, two things matter. One is that the funding is there; the other is that we need to see a cultural change in how society views further and vocational education because if that does not happen, then all our hard work will be for nothing.

I end by thanking my own colleagues, who do not happen to be here, for the support they have given me—particularly when I was away in the Bahamas during Report, but I will keep that quiet. I also thank the Minister's staff again for the thorough way they have dealt with any requests for information. I hope that the amended Bill—it has been amended by two former Secretaries of State, by Labour and by my Lib Dem Benches—will be agreed by the Commons.

Lord Aberdare (CB): My Lords, briefly, it has been a great pleasure for me to participate from the Cross Benches in these debates, along with so many much more distinguished experts and a wisdom of former Education Ministers, if that is the correct collective term. This is a very important Bill and I very much echo what the noble Lords, Lord Blunkett and Lord Storey, have said. I hope that the Government will listen to the issues raised in our debates and think about them carefully as the Bill progresses. I add my thanks to the Minister, to her predecessor and to the Bill team, not least to the current Minister for going beyond her normal duties to help me with my maths abilities, which clearly need some improvement. I very much hope that this will be the Bill that delivers the skills and post-16 education system we need, unlike so many of its unfortunate predecessors.

Lord Watson of Invergowrie (Lab): My Lords, I have prepared a few words that I intended to say on the Motion that the Bill Do Now Pass. I thought that

the Minister would have moved that but we seem to have got there anyway, by whatever route. I am sure noble Lords will not be too unhappy about that, although perhaps the clerk may be.

As noble Lords have demonstrated over four days in Committee and two on Report, the Bill as drafted was not fit for purpose and required considerable improvement. In addition the Minister herself has introduced three concessions, not the least of which concerns net-zero emissions targets, which of course we welcome. Noble Lords have supported eight amendments; what was most remarkable was the extent to which they were the product of effective cross-party planning and execution. Of course, as noble Lords know, no win in your Lordships' House can be achieved without some cross-party co-operation. But we believe that the number of noble Lords from the government Benches who made clear their dissatisfaction with various parts of the Bill, as the noble Lord, Lord Aberdare, has just suggested, ought to give the Minister and her Government pause for thought.

With three of their defeats involving amendments in the names of former Conservative Secretaries of State for Education, the Government need to accept that with regard to the Bill they do not possess a monopoly of wisdom on matters as diverse as universal credit conditionality and the withdrawal of BTECs. My noble friend Lady Sherlock has a unique ability: she can explain universal credit in an understandable manner. I have never found anyone else who can achieve that feat.

It would be unkind to press the Minister any further on the mystical missing amendments on the lifelong loan entitlement, because I suspect that in her private moments, she asks herself the same questions as noble Lords: do they really exist? Will they ever appear? We have been promised them so often that on these Benches the suspense is now killing us. We also await details of sharia student finance for both higher education and further education to be announced as part of the spending review, as well as an announcement on fees, which the noble Baroness, Lady Berridge, the then Minister, promised in Committee.

However, I would like to record my admiration for the Minister's ability to pick up the baton on the Bill after it was, I think I can say, thrust at her midway through its consideration in your Lordships' House. I should say that the change of Minister caught us on these Benches by surprise, because we thought that the noble Baroness, Lady Berridge, had coped admirably up until then—although it would appear that was not the view shared by the Leader of the House and the Chief Whip. On my behalf and that of my noble friends Lady Sherlock and Lady Wilcox, I say for the record that we want to thank the noble Baroness, Lady Berridge, for her work on the Bill and for her openness and willingness to engage with us. I also say on our joint behalf that that is not to suggest that the Minister—the noble Baroness, Lady Barran—is any less so in that regard.

I also add my thanks to the Bill team for the briefings it facilitated and its willingness to discuss with us, openly and in detail, aspects of the Bill that were unclear or about which we had concerns. It certainly helped to put us more in tune with the thinking on the Bill, even if we were not always convinced by the arguments.

I thank all noble Lords who have been involved with the Bill at various stages. Of course, the Public Bill Office has, as ever, been extremely helpful. All Ministers, including the noble Baronesses, Lady Barran, Lady Berridge, Lady Chisholm and Lady Penn, have been most helpful and always pleasant to deal with. Given that my team has also contained two noble Baronesses and a female legislative and political adviser, I have clearly been the token male in all this.

I thank my colleagues, my noble friends Lady Sherlock and Lady Wilcox, for their support and advice, particularly last week, when the change of date for the second day of Report made it impossible for me to participate. They achieved five wins out of five on that occasion, which perhaps suggests that I should have absented myself more often.

As noble Lords are aware, Ministers have a vast array of officials behind them at times like this, and rightly so, but, as the Opposition, we have just one person: Rhian Copple, the legislative and political adviser for our team. She has been an endless source of ideas and support in so many ways, not least in drafting amendments and negotiating with the Public Bill Office, representatives of other parties and Cross-Benchers. We all owe her a huge debt of gratitude.

I wish the Skills and Post-16 Education Bill good luck in another place. It will need it.

4.56 pm

Motion

Moved by ***Baroness Barran***

That the Bill do now pass.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, I am delighted that the Skills and Post-16 Education Bill is finalising its passage through this House. As the noble Lord, Lord Blunkett, articulated, our debate has been thoughtful and powerful and, above all, has demonstrated our clear shared commitment to a high-quality skills system. I can reassure the noble Lord and your Lordships that I have discussed and will continue to discuss our debates in detail with my ministerial colleagues. This is a real priority for my right honourable friend the Secretary of State and for the Minister for Skills, and I thank them both for attending today's debate.

This Bill provides key legislation that will enable a transformation of the country's skills landscape. It will help to provide the skills that employers need today, as well as those of the future, and support our path to net zero. It will also contribute to building a system where all people, regardless of their background or circumstance, have the opportunity to undertake high-quality training that enables them to meet their full potential and get the skills they need for employment. These outcomes will benefit us all by boosting productivity and fortifying the economy.

[Baroness Barran]

It has been a genuine privilege to work on this Bill, if only briefly. Its passage has been an exemplary demonstration of the important role that this House plays in the legislative process. I express my particular thanks to Members on the Front Benches, including the noble Lords, Lord Watson and Lord Storey, and the noble Baronesses, Lady Sherlock, Lady Wilcox and Lady Garden.

Of course, as your Lordships have pointed out, we have also benefited from the insight of many former Education Ministers and Secretaries of States in this House, whom I would like to thank. They include the noble Lord, Lord Blunkett, my noble friends Lady Morgan of Cotes, Lord Willetts, Lord Baker and Lord Johnson, and my noble and learned friend Lord Clarke. I also thank the many other noble Lords who took part in the debates. The Government have listened to the important points made and will carefully consider the amendments that have been agreed by the House.

5 pm

I also believe the Bill has been made better thanks to the important issues raised during its passage. I pay particular tribute to the noble Lord, Lord Storey, for his sustained campaign for the criminalisation of essay mills, the noble Lord, Lord Touhig, for his work on helping to ensure that religious sixth-form colleges can become academies, and the noble Baroness, Lady Hayman, and her fellow Peers for the Planet for raising the important issue of net zero, which the Government have now incorporated into the Bill.

I also emphasise my gratitude to my noble friend Lady Chisholm, who has provided great support in bringing this Bill through the House. Of course, the Bill would not be where it is without the tireless endeavours of my predecessor, my noble friend Lady Berridge, and the support of my noble friend Lady Penn. I also thank the Lord Speaker and all the parliamentary staff involved. My final thanks go to the supporting officials at the Department for Education for their hard work throughout this process. I invite your Lordships to imagine for a second what the words "reshuffle" and "new Minister" sound like to an official who has worked very successfully with a Minister through a Bill; they have handled those two realities with incredible professionalism, patience and skill. I send them my heartfelt thanks.

This Bill, as we have heard, represents an important step towards building a skills system that will boost productivity, support levelling up and create new opportunities for people across the country. The noble Lord, Lord Blunkett, asked about the balance between politics and implementation. I know how strongly my right honourable friend the Secretary of State feels about the importance of good implementation as well as good politics. I hope many of your Lordships will agree with me that this Bill will make a significant and positive difference to people's lives. I am proud to have worked on it and once again thank all noble Lords for their contributions to its passage through this House.

5.02 pm

Bill passed and sent to the Commons.

Police, Crime, Sentencing and Courts Bill

Committee (2nd Day)

5.02 pm

Relevant documents: 1st, 2nd, 4th and 6th Reports from the Joint Committee on Human Rights

Clause 7: Duties to collaborate and plan to prevent and reduce serious violence

Amendment 22

Moved by ***Baroness Brinton***

22: Clause 7, page 8, line 16, at end insert—

"(1A) In exercising the duty under subsection (1), no information may be shared by a specified authority, or an individual within a specified organisation, which breaches doctor/patient confidentiality as set out in the General Medical Council Ethical Guidance on confidentiality."

Baroness Brinton (LD) [V]: My Lords, I beg to move Amendment 22 and will speak to Amendments 48, 54, 61, 64, 68 and 71, which all cover doctor-patient confidentiality in Clauses 7 to 17 in Part 2, Chapter 1 of the Bill.

I particularly thank the General Medical Council, the British Medical Association, the British Psychological Society and the British Association for Counselling and Psychotherapy for their briefings. I also thank the noble Lords, Lord Patel and Lord Ribeiro, who have added their names to these amendments. Their knowledge of and expertise in the regulatory and practical reality of doctor-patient confidentiality is especially welcome. Bluntly, the requirement for a specified authority to hand over data to police and other bodies, as set out in the Bill, is in conflict with the requirement of doctors and those working with patient data to maintain doctor-patient confidentiality.

It is particularly disappointing that the issues I will raise, which I also raised at Second Reading, were covered in the GMC response to the government consultation on a public health response to serious violence in 2019. Unfortunately, not one of the serious issues the GMC raised has been dealt with since then, which makes me wonder if this is deliberate. I hope the Minister will be able to demonstrate that that is not the case.

Our amendments seek to protect a patient's data as confidential to them and the healthcare professionals who look after them. Amendment 22 adds to Clause 7 to make it clear that, regardless of any other data from other public bodies, patient medical data is protected by rules of confidentiality. Amendment 48 adds the same provisions to Clause 8, Amendments 61 and 64 add these to Clause 15 and Amendment 68 adds them to Clause 16. Amendment 54 deletes CCGs and health boards in Wales from the list of specified authorities, thus removing entirely the duty on them to be part of the regulations in this Bill. Finally, Amendment 71 reiterates these exclusions from the powers that Clause 17 gives the Secretary of State on the direction of CCGs and health boards in Wales.

It is quite extraordinary that this Bill proposes that any Home Secretary can, at will, demand that doctors and other healthcare professionals must breach patient confidentiality, over and above their responsibilities of confidentiality to their patients and their commitments to their regulatory body. Part 2, Chapter 1 of the Bill, on functions relating to serious violence, would introduce a new legal duty for the relevant agencies

"to collaborate, where possible through existing partnership structures, to prevent and reduce serious violence".

If enacted in its current form, the Bill, particularly Clause 16(5), may mean that health services are no longer confidential. I hope this is unintended.

The Bill explicitly sets aside the common law duty of confidentiality owed to all patients by all regulated health professionals. This will undoubtedly raise questions and concerns in the minds of doctors, who understand their responsibilities around patient confidentiality as a fundamental, ethical duty which is crucial to upholding the trust that lies at the heart of doctor-patient relationships.

Elsewhere, in countries where healthcare services are not seen as confidential, and where there is a resulting lack of trust in healthcare professionals appropriately protecting as well as sharing information, there are real consequences for the health of individuals, communities and wider society. The public health implications of individuals and communities not interacting with healthcare services and professionals are particularly urgent and concerning in the context of the ongoing global Covid-19 pandemic. Unfortunately, as drafted the Bill carries these risks.

This is not just a concern for doctors. If you stopped anyone in the street and asked them if the personal medical information they discuss with their doctor at their GP surgery or at a hospital could be passed on to any other public body, including the police, they would be astonished. The one thing they know, they say, is that doctors—which is shorthand for healthcare service professionals and their staff—absolutely have to keep their personal medical data confidential. The problem is that it is not clear in the Bill whether sensitive health information is properly protected from inappropriate disclosure to policing bodies. This is worrying on two levels. First, the data is still subject to the requirements of data protection law. Also, any decision to disclose personal medical data must take account of the common law duty of confidentiality owed to patients by their health professionals, however that information is held.

Healthcare professionals, including doctors, also have to respond to the ethical standards set by their regulatory body. As drafted, policing authorities can request patient information, including identifiable information, which clinical commissioning groups and health boards in Wales must provide to them. Whatever the merits of this requirement, CCGs and Welsh health boards can share identifiable patient information only if that information has, in turn, been actively shared with them by the health professional who holds that patient data.

Professional standards, as regulated by the General Medical Council and the Nursing and Midwifery Council, among others, mean that doctors and other healthcare professionals are able to release confidential patient information, in this case to a CCG or health board, where one of the following conditions is met: the patient gives their consent; the doctor judges that it is in the best interests of the patient to do so; the law requires them to disclose, which would not be the case here; or they judge that the common-law test for disclosure without consent would be met. The GMC guidance to doctors, *Confidentiality: Good Practice in Handling Patient Information*, is very helpful in setting out where these boundaries lie, but makes it clear that it must be the decision of the individual doctor because, rightly, the natural assumption must be that personal patient data must be kept confidential.

The Minister may argue that the organisational duty to share information with a police authority or individual police officer would not impose a duty on an individual health professional to make a disclosure to the CCG or to health boards in Wales. That is a fallacy. I have a word of warning for the Government: imposing the duty on CCGs and health boards will not make it easier for identifiable patient information to be readily obtained by a policing body. That is because all staff in CCGs, health boards and GP surgeries, as part of their admin, and hospital staff who are not regulated but are part of a healthcare team are also subject to confidentiality duties as part of their employment contracts. They access patient records as part of their role and, in so doing, they will have to comply with the Data Protection Act and those contractual obligations about ethical confidentiality. This means that even if the common-law duty to protect confidentiality is not part of their contract, because they are not regulated, the relevant staff member, at whatever level in the organisation, would still have a duty to comply with the request from a policing body. If the Bill were to pass unamended and, say, CCGs and health boards decided to abide by the law under the Bill, could they put pressure on staff to release those records that they have accessed by virtue of their role that breaches GDPR?

I have some questions for the Minister, to better understand how the Bill will not destroy the confidentiality of patient data. Will its provisions mean that authorities such as CCGs and health boards in Wales—and integrated care boards, following the passage of the Health and Care Bill next year—will no longer owe a common-law duty of confidentiality to their patients, clients and service users? Will this mean that health services are no longer confidential services? If a duty to provide identifiable information to policing bodies is introduced, what provisions will be made for possible recourse for a patient or service user who finds out that their confidential information was shared with the police and considers that they suffered some unfair or unjustifiable detriment as a result? Will this be dependent on them being able to make a claim that GDPR obligations had not been met by the data controller? Most importantly, what independent safeguards, such as court orders or use of the court, are available to stop or limit the sharing or use of personal information?

Will the Government remove provisions that state that disclosures of information to the police would not breach that duty of confidentiality owed by doctors and others to patients, clients and service users? Will the Government instead work with the professional regulation, with the profession, with patient groups

[Baroness Brinton]
and others to create statutory guidance to support any new duty to collaborate? If the Government seek to retain provisions which require specified persons to share information, would anonymised information be sufficient? Will the Government commit to amending the Bill to provide that policing bodies can only request anonymous information?

I appreciate that the Minister might not have all the information in front of her to answer these questions, so will she write to me with the answers and have a meeting with me and the noble Lords, Lord Patel and Lord Ribeiro, who have added their names to these amendments? I know that the noble Lord, Lord Ribeiro, apologises for not being able to be in his place this afternoon. I beg to move.

5.15 pm

Lord Patel (CB): My Lords, I support the amendments in this group in the name of the noble Baroness, Lady Brinton, to which I have added my name. The provisions in the Bill relating to serious violence introduce a new legal duty of disclosure that seriously threatens the doctor-patient relationship, especially in relation to patient confidentiality.

The Bill explicitly sets aside the common-law duty of confidentiality that I as a doctor owe to my patients. Doctors regard patient confidentiality as a fundamental ethical duty, upholding the trust that lies at the heart of the doctor-patient relationship. The Bill's proposals that relate to disclosure of patient information threaten the common-law provision of confidentiality, the requirements of data protection laws and doctors' ethical standards.

The General Medical Council, in guidance on professional standards, makes it clear to all doctors when and in what circumstances a doctor can release confidential patient information without a patient's consent. This, in my view, covers the requirement for disclosure in situations of serious violence. The police having the ability to gain identifiable—I stress "identifiable"—patient information from health bodies without setting out clear reasons, which should be limited by statute, is fundamentally wrong. The Bill does not provide clear statutory arrangements that have the confidence of the medical profession, as highlighted by its regulator—the GMC—the BMA and some other health professionals, and, importantly, the data protection guardians. These bodies have raised serious concerns.

The noble Baroness, Lady Brinton, spoke eloquently and in detail on all the issues in moving her amendment, so I do not need to enlarge on that, but I support her comments. The Minister needs to set out more clearly the Government's intention, scope and implementation of the powers in the Bill relating to access to patient data. The noble Baroness, Lady Brinton, asked some key questions that also cover some of my concerns. The issues are important. Might the Minister agree to meet the GMC, the BMA and representatives of other health professionals? I look forward to her response.

Lord Carlile of Berriew (CB): My Lords, I apologise for not having taken part in the Second Reading debate, when I was unavoidably abroad for professional reasons, or in the first Committee day, when unfortunately I was recovering from coronavirus—an experience I would not recommend to any of your Lordships given my experience of it. I rise to speak having very much enjoyed the speech by my noble friend Lord Patel, because I thought he introduced an element of balance that had not quite reached the debate in the earlier moments, eloquent as the introduction from the noble Baroness, Lady Brinton, was.

I will cite two pieces of my own experience as evidence. I spent 10 years as a lay member of the General Medical Council and, during those 10 years, sat successively on the health committee and the conduct committee. The health committee is a form of conduct committee, but with an obvious emphasis, as its name indicates. We spent a great deal of our time discussing whether doctors can be fully relied upon at all times, and in particular at critical moments, to understand the limits of the duty of confidentiality. Because it is not an absolute duty; there is a balance between the private rights of the patient and the general duty of the doctor not to disclose information, and the public duty of the doctor to disclose information if there is, for example, serious danger of violence to the public. I fear that more work will be needed on the amendments being proposed at the moment if that balance is to be sustained.

My second piece of evidence relates to an inquiry I conducted in 2012 for the then Secretary of State for Education, which related to something called the Edlington case. The brief story was that two small and neglected boys, who were fractionally over the age of criminal responsibility, nearly killed another child in a wood. Fortunately, that child and their companion survived—one of them only just. In my inquiry, I looked at the sharing of information by a host of organisations—schools, general practitioners, social workers and so on. It was a clear conclusion of my report that, if key information had been shared, the child who nearly died would not have been assaulted, the two very unfortunate little brothers who committed the assault would not have spent the succeeding years of their lives in a custodial institution and the schools would have been able to create a situation in which the dreadful problems for everybody concerned did not arise. One of the key issues in that case was that the general practitioners did not fully understand the balance between their duty to the public and the rights of their patient—and near-disaster ensued.

To noble Lords moving these amendments and to the Minister, who I know listens to these debates extremely carefully, I say that this is not the time for people to take up closed positions on these matters. There is a lot of work to be done. I think my noble friend Lord Patel probably agrees with this, but I speak with great trepidation, because right in front of me are two of the most distinguished doctors in the whole country. We must ensure that, where it is necessary as a public duty, they and others need to be consulted to ensure that the balance is right and is therefore not the subject of the controversy we have been hearing about already this afternoon.

Baroness Chakrabarti (Lab): My Lords, I do not disagree with the noble Lord, Lord Carlile, but I none the less think that the noble Baroness, Lady Brinton, and her colleagues are on to something. There is no

question but that the noble Lord, Lord Carlile, is right that, under common law, doctor-patient confidentiality is not and has never been absolute. The question is when it is trumped by other considerations, and who decides.

It is always dangerous to suspect what the Minister will say in her eventual reply, but I suspect that she will say reassuring things, and her colleagues will have given her reassuring things to say, about the intention. I am sure that the intention is not for the wholesale trumping of doctor-patient confidentiality. There is no public interest in that and the Government would not want people to take that as the case, because it would be completely counterproductive not just to the effective functioning of public health but to law and order. To give an obvious example, if everyone involved in knife crime feels that there will be no confidentiality whatever in the emergency room or elsewhere, one runs the danger of people not going to get the vital help and emergency care that they need. I know that the Minister will understand that.

Going back to the detail—as this is Committee—when should there be a trumping and who decides? That is a worthwhile, detailed conversation to be explored between organisations such as the General Medical Council and the Minister and her team. Because, while it may not be the Government's intention to trump common-law principles of ethics and confidentiality en masse, we have to remember of course that statute displaces the common law. If the statute is unclear and people think or perceive that the common law has been trumped and that the decision has been taken completely out of the hands of an individual practitioner on the advice of ethical bodies or ultimately taken out of the hands of a judge and that the principles of confidentially have been totally trumped, we have a problem—and that means the Government have a problem as well.

So I hope that, when the Minister eventually replies to this debate, she will not reject these concerns out of hand and will take on board the possibility of a bit more detailed discussion about when the duties to collaborate and so on should trump confidentiality, when not and, crucially, who is to decide. For my part, I would favour practitioners, properly advised, perhaps by more and further guidance from their professional bodies, and, if necessary in individual cases, by the order of a judge, possibly sought on an ex parte basis, as opposed to anything too wholesale or administrative. That is just my suggestion. I am sure that the Minister and her team will be able to come back with something that meets the concerns of the noble Baroness, Lady Brinton, and her colleagues before the next scrutiny stage of the Bill.

Baroness Fox of Buckley (Non-Afl): My Lords, I am very minded to support this series of amendments. As the noble Baroness, Lady Brinton, and the noble Lord, Lord Patel, explained, doctor-patient confidentiality is far more than a common-law obligation. It is an ethical duty in a relationship of trust. Will the Minister consider whether the public understand what this aspect of the Bill compromises of that confidentiality?

Our doctors know a lot about us: the most intimate physical details, sometimes our psychological weaknesses, sometimes our darkest fears about life and death matters. While it has been a long time since we offered uncritical deference to our doctors, as patients and at our most vulnerable we are not equal partners and we need to trust that relationship, despite the power imbalance. So it is understandable that the General Medical Council and the British Medical Association are rightly worried that the Bill will smash the principle of confidentiality to bits.

The issue of confidentiality and trust will appear later in Committee in some other amendments that I shall speak to later, but my main question here is: why is this part of the Bill necessary? I genuinely do not understand. People involved in medical practice understand that, while confidentiality is an important legal and ethical duty, it is not an absolute. As the noble Lord, Lord Carlile, explained, it may be that some doctors get the balance wrong, but doctors are already expected to share confidential information if it is in the public interest, and that includes serious crime. However, this is presently understood as the exception, not the rule. At the moment, doctors need to consider the specific circumstances of what to share to satisfy the intended purpose and when to share it, and they have to weigh up the benefits and harms of disclosure.

Doctors are asked and trusted to exercise their professional judgment and to strike a balance between individual and community rights. I, for one, want to continue to trust medical personnel to make such judgments in good faith. Is the Minister saying that the Government do not trust them on this? It feels like an attack on professional discretion that will undermine doctors in the eyes of the public. At the moment, with the medical profession being under so much pressure and scrutiny—anger over no face-to-face GP appointments, tragic backlogs in hospital treatments—there is already tension between the public and the medical profession. If it comes out that when you go to the doctor, the sacred bond of confidentiality could in fact be expected to be broken, that will be very damaging for no good purpose.

5.30 pm

Baroness Jones of Moulsecoomb (GP): My Lords, I have made no secret of the fact that I think that this is an appalling Bill. When I started looking at the amendments, I had to struggle not to sign up to all of them, because they all made sense, but I had to let my noble friend Lady Bennett of Manor Castle sign some, and she signed Amendment 48. She apologises for not being in her place today.

The noble Baroness, Lady Brinton, and the noble Lord, Lord Patel, laid out why all the amendments in this group are so important. Bringing together all the local authorities and other bodies to reduce serious violence is an excellent initiative, but it cannot come at the expense of breaching key safeguards for sensitive personal information, especially medical information. The amendments are about striking the right balance so that authorities can work together without being under a duty to breach doctor-patient confidentiality. Without this, we risk ever greater government intrusion into our personal and private lives in the vague name of keeping us safe—something this Tory Government seem to be very keen to do by quite repressive measures. By supporting the amendments, we can ensure that the Government do not overstep the mark.

Lord Hope of Craighead (CB): My Lords, I support the principle behind the amendments but will make two short points to elaborate on what has already been said. First, I support what the noble Lord, Lord Carlile, said about balance. This has been referred to as a common-law duty, but the common law does not strike hard edges in such matters; it leaves room for balance to take account of particular circumstances.

At one stage in my career, when I was a senior judge in Scotland, I needed to know the state of health of one of my judges, who I knew was terminally ill with cancer. I was able to persuade his doctor, his skilled adviser, to let me know the truth when the judge himself was not prepared to do that. I felt that was the right thing to do; he thought it was the right thing to do; and it was an illustration of balance. The information remained entirely confidential between ourselves, but I had to take a decision as to the extent to which I could trust that judge to continue to sit in open court. The advice I received was very welcome: I was able to allow him to sit in certain conditions, in the light of the information I was given. I give that as an illustration of the way in which balance can operate in practical situations.

The other point to which I want to draw attention is the difference between Amendments 22 and 48. On the one hand, Amendment 22 states simply that

"no information may be shared … which breaches"

the duty set out in the General Medical Council ethical guidance on confidentiality. That is a simple formula that merely requires looking at the way the guidance is expressed; no doubt, with the balances that are built into the guidance. On the other hand, Amendment 48 says that regulations

"must not require the release of personal health information if a doctor regards that release as a breach"

of the duty of confidentiality.

I rather wonder whether that would be the right way to go: to leave it up to the decision of a doctor without further consideration. With great respect to the medical profession, that may be taking a little bit of a risk, because there are situations where a doctor may feel under pressure and that would not be the right thing to do. I think the amendment would be strengthened by taking out the reference to the doctor and just laying it down as a matter of proper structure that the regulations should not require the duty of confidentiality, as set out in the guidance, to be breached, leaving individual doctors' decisions out of it.

Lord Kakkar (CB): My Lords, I support the principles of the amendments and declare my interest as a registered medical practitioner.

The debate in Committee has been most interesting in this regard, because it raises a delicate and deeply sensitive issue for any practising clinician—any practising healthcare professional—with the suggestion that something that is considered absolutely sacrosanct, the duty of confidentiality, may be in some way undermined.

That is, of course, not to neglect or fail to understand the fact that there are clear circumstances provided in the context of well-recognised and frequently applied professional guidance in which confidentiality may indeed be breached. But there is a suggestion that the way the Bill is drafted, there may be a deeply undermining impact on a very important principle, one that is so well recognised that it is protected in both data protection legislation and, as we have heard, common law. I wonder whether the Minister can explain why it is so important to achieve what are important objectives in the Bill that we need to undermine the common-law effect of such an important principle—confidentiality of medical information—and why they need to be promoted in the way proposed in the Bill. Have Her Majesty's Government considered other ways to achieve their important objectives without creating this deep anxiety and uncertainty, because the full implications are clearly not well understood by the regulator or by professionals more generally, and which, we must therefore all feel, has the potential to be attended by consequences that could be deeply unhelpful to the nature and solidity of the doctor-patient relationship?

Baroness Hamwee (LD): My Lords, I am well aware that we have some of the most senior lawyers in the country in the Committee today, and very senior doctors who have grappled with these issues, so perhaps I should put my point as a question. If the legislation provides for something that a doctor "regards", is not the concept of reasonableness implied in that proposition, so the doctor must be reasonable in what he regards?

Lord Patel (CB): My Lords, I am sorry to intervene again, but it may help the debate if I address some of the issues raised. I should have mentioned in my speech—but I deliberately did not—my personal experiences when I was approached on four occasions by the police to give some information about patients. I refused, because I followed the guidance of the General Medical Council, and at no time did that threaten or harm the health of the patient nor anyone else—relatives or any members of the public. On one occasion, I voluntarily informed the police about a patient who had approached me for completely different reasons, but I had noticed that harm was being done to her and, on subsequent occasions, it became quite clear that it was becoming a serious issue. Therefore, I disclosed information to the police; again, following the GMC guidelines.

The common law may have soft edges, but if a doctor follows the common law and the guidance the GMC issues, it works. On what happens when a doctor refuses to give information, despite the fact that the patient is being harmed or that the patient may cause harm to other people, then the doctor will be wrong in his or her duty, and therefore can be overridden. That is the only point I would make.

Lord Carlile of Berriew (CB): My Lords, I hesitate to be disorderly, but I was asked a direct question by the noble Baroness opposite. I think in fact it has been pretty fully answered by my noble friend Lord Patel, but the noble Baroness phrased her question in the language of judicial review, and I would just point out to her that in the real world the possibility of the judicial review of a single medical practitioner in these circumstances is not realistic in the slightest, so it would not happen. If I may say so, it is a good question but the wrong good question.

Lord Paddick (LD): My Lords, I thought there was no such thing as disorderly interventions in Committee. Everyone is free to speak as many times as they wish at any point in the debate, so I am very pleased that the noble Lord used that opportunity.

In this group we return to the issue, which I raised last Wednesday, of what the new legal duty is really about—a police-led enforcement approach to preventing and tackling serious violence rather than a public health approach. Many and various specified authorities come under this new legal duty, and there are various reasons why these authorities should not be forced to divulge personal information to the police, of which the pre-eminent, and perhaps most readily understood example, is patient confidentiality.

In addition to the excellent points made by my noble friend Lady Brinton and the noble Lords, Lord Patel and Lord Kakkar, I should also mention the joint briefing that noble Lords will have received from mental health professionals represented by the British Psychological Society, the representative body for psychology and psychologists, and the British Association for Counselling and Psychotherapy. They believe that the Bill as drafted allows the police to override the duty of medical confidentiality, eroding trust and confidence in clinical psychologists, counsellors and psychotherapists with the associated threat to public health, as we have heard from the noble Lord, Lord Patel, who also believes that it will undermine the relationship between him as a doctor and his patients.

Like medical doctors, these health professionals are able to share confidential information on public-interest grounds already, on a case-by-case basis, if that is necessary for the prevention, detection or prosecution of serious crime or where there is an imminent risk of serious harm to an individual. There is already a system in place, as the noble Baroness, Lady Fox of Buckley, has said. As the noble Lord, Lord Kakkar, has said, we support what the amendments seek to achieve, which is to prevent the Bill undermining patient confidentiality.

Whether we are talking about doctors in general practice or psychiatrists, psychologists or counsellors, there are already well-established, well-understood policies and procedures, practices and protocols to deal with the balance between patient confidentiality and the police being able to access confidential information in the exceptional circumstances where it is necessary for public safety. Perhaps the duty of confidentiality for those in other fields is less well established and accepted, and we will come to those in another group, but, at least when it comes to patients' and clients' health and well-being, surely there can be little argument that the existing provisions are adequate, work well and should not be overridden.

Having said that, I listened carefully to the noble Lord, Lord Carlile of Berriew, who pointed out that there is a balance to be achieved and that in the past medical practitioners have got that balance wrong where they perhaps should have passed information to the police. Surely, however, that is an argument for enhancing or reviewing the current system rather than arguably going much too far in the other direction and making it a legal duty that doctors breach medical confidentiality.

We on these Benches say that what the Bill tries to do in terms of compelling health professionals, in this case, to divulge information to the police goes too far. What needs to be done is simply going back and looking at any examples that the Government can give, as the noble Lord, Lord Carlile, has done, where current practice does not work effectively.

5.45 pm

Lord Rosser (Lab): I thank the noble Baroness, Lady Brinton, for raising the issue of medical confidentiality. She said the amendments provide that in exercising the serious violence duty, an authority or individual could not share or be required to share any information that would breach doctor-patient confidentiality as set out in the General Medical Council ethical guidance on confidentiality. One of the amendments would also remove clinical commissioning groups and local health boards from the list of authorities that are subject to the serious violence duty under Part 2 on the prevention, investigation and prosecution of crime.

As has been said, Clause 9 gives the Secretary of State the power to authorise by regulations the disclosure of information by or to a prescribed person, a specified authority or local policing body, an education authority, a prison authority and a youth custody authority. While the Bill states in Clause 9 that such regulations

"must provide that they do not authorise a disclosure of information that … would contravene the data protection legislation",

that does not relate to a breach of any obligation of confidence owed by the person making the disclosure in respect of which the requirement is only that the regulations "may" provide that such a disclosure does not result in a breach.

Clause 15 on the disclosure of information provides for the disclosure of information but states:

"A disclosure of information authorised by this section does not breach … any obligation of confidence owed by the person making the disclosure".

Yet, as has been said on more than one occasion today, it is the common-law duty of confidentiality that helps to uphold the trust of patients in health services, which can be extremely hard to gain and extremely easy to lose.

Clause 16, on the supply of information to local policing bodies, states:

"A local policing body may … request any person listed … to supply it with such information as may be specified in the request",

but

"a person who is requested to supply information … must comply with the request"

and:

"A disclosure of information … does not breach … any obligation of confidence owed by the person making the disclosure".

That sounds more like a demand than a request. The only caveat is that compliance with the request for information does not require a disclosure of information that would contravene the data protection legislation, although even then

[LORD ROSSER]

"in determining whether a disclosure would do so, the duty imposed by that subsection is to be taken into account".

The subsection in question is the one that the person so requested to supply information must comply with the request.

Could the Minister give a couple of examples of what that means in practical terms? What do the words

"in determining whether a disclosure would do so, the duty imposed by that subsection is to be taken into account"

actually mean in hard, practical terms?

Maybe I am wrong, but Clause 16 appears to legally require clinical commissioning groups and local health boards to provide confidential health information to the police, and Clauses 9 and 15 would grant CCGs and LHPs permission to share confidential health information with a wider list of recipients such as councils and educational authorities, as well as the police. Perhaps the Minister will put our minds at rest on this, but on the face of it this appears to introduce a mandatory blanket obligation for clinical commissioning groups and local health boards to share confidential health information with the police, replacing, as has been said, the existing system, which allows healthcare professionals to disclose confidential information on public interest grounds on a case-by-case basis if it is necessary for the prevention, detection or prosecution of serious crime or where there is an imminent risk of serious harm to an individual.

I hope the Minister, speaking on behalf of the Government, can address in her response the concerns that have been raised, and say what safeguards would prevent confidential medical information being inappropriately made available under the Bill, beyond the existing criteria, guidance and procedures for such disclosure in relation to public interest grounds. If the Government are saying—I am not entirely clear whether they are or not—that the present arrangements are not properly working or are no longer appropriate in today's world, perhaps there is a need for further discussions by the Government on this aspect of the Bill to make sure that we get any change in the law right and maintain what has been referred to in today's debate as "the right balance".

We need to know far more about the real reasons for the change the Government are proposing, what its implications are and how it will be interpreted and applied under the terms of the Bill. I, too, hope the Minister will agree to further discussions on this issue in view of the concerns that have been raised and which are certainly worthy of a full and detailed response with examples.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I thank all noble Lords who have spoken in this debate; it has been incredibly informative. On the last point made by the noble Lord, Lord Rosser, about further discussions, and as requested by the noble Baroness, Lady Brinton, I am very happy to convene a meeting. On that note, officials have met the GMC to discuss the data-sharing clauses. They have agreed to support the drafting of the statutory guidance and officials have also offered to meet the BMA, but a date has not been fixed. I would like to schedule the meeting that the noble Lord and the noble Baroness request, and it would be great if they would join it.

On the first point made by the noble Lord, Lord Paddick, about a police-led approach, in the serious violence duty draft guidance it is writ really quite large that this is not led by one agency or another but is a shared endeavour towards a public health approach. There are two pages on that, and I think the noble Lord might find that really helpful. At this point, I also thank the noble Lord, Lord Carlile, for both giving the benefit of his experience and bringing balance to the debate; "balance" seems to be a word quite often used in this debate.

Information sharing between relevant agencies is absolutely essential to the discharge of the serious violence duty. The issue before us is how such information sharing, particularly when it relates to personal data of identifiable persons, is properly regulated, and the scope of any restrictions on data sharing. I recognise that there are concerns, particularly in respect of patient information, and that we need to examine them carefully, but I am also concerned that at least some of these amendments seek to significantly weaken the provisions in Chapter 1 of Part 2. Amendment 54 is a case in point. It would have the effect of removing specified health authorities—clinical commissioning groups or CCGs in England and local health boards in Wales—from Schedule 1 and consequently remove the requirement for such authorities to participate in the preparation and development of local serious violence strategies.

I know that noble Lords would agree that the health sector has a very important contribution to make to local partnership working to prevent and reduce serious violence. The provision of local health data will be necessary to take a comprehensive view of the levels of violence being brought to the attention of services in a local area. Local health services may also be involved in the implementation of local strategies, for example where health-related support services are to be commissioned for those at risk of or involved in serious violence. I therefore do not think that it is appropriate to remove specified health authorities from this part of the Bill.

On the point made by the noble Lords, Lord Paddick and Lord Rosser, I would like to be clear that the information-sharing provisions under the serious violence duty do not place any mandatory requirements directly on GPs, doctors or other practitioners to disclose information that they hold. The power to disclose information in Clause 15 applies to information held by CCGs in England and local health boards in Wales, as they are specified authorities. Local policing bodies can request information under Clause 16 from CCGs in England and local health boards in Wales only when it relates to them, their functions, or functions they have contracted out, and only where that information is for the purposes of enabling or assisting the local policing body to exercise its functions under Clause 13 of the Bill. I think that was the point that the noble Lord, Lord Patel, referred to, unless I am wrong.

Confidential patient information can already be lawfully disclosed in the public interest where that information can be used to prevent, detect or prosecute

a serious crime. However, such decisions about whether disclosures of confidential patient data are justified must always be made on a case-by-case basis, in line with data protection legislation, which is also the case for the serious violence duty provisions.

On the common-law duty of confidentiality, the point made by the noble Lord, Lord Carlile, about balance was really pertinently made. So many crimes that we can all think of, particularly against children—he mentioned a case that involved children—could have been avoided had practitioners shared relevant information. Existing statutory guidance on the Care Act 2014 already signals specific circumstances where the common-law duty of confidentiality and data protection legislation would not be contravened by the sharing of personal data—for example, where there is an overriding public interest.

Confidentiality can be overridden if there is a necessity—namely, abuse or neglect. Ordinarily, consent should be obtained but, where this is not possible, practitioners must consider whether there is an overriding public interest that would justify information sharing—namely, risk of serious harm. Again, that point was made by the noble Lord, Lord Patel. Confidential patient information can already be lawfully disclosed in the public interest where that information can be used to prevent, detect or prosecute a serious crime. However, such decisions about whether disclosures of confidential patient data are justified must always be made on that case-by-case basis.

I hope that I have provided some reassurance on this matter. As I indicated at the start, I know that there are particular sensitivities about sharing patient information, but, having heard the concerns, I will reflect carefully on this debate and convene the meeting that noble Lords requested ahead of Report. I hope that, with that, the noble Baroness, Lady Brinton, will be content to withdraw her amendment.

Baroness Chakrabarti (Lab): Before—

The Deputy Chairman of Committees (Baroness McIntosh of Hudnall) (Lab): May I remind the Committee that the noble Baroness, Lady Brinton, is participating remotely? I apologise if I interrupted somebody who wanted to speak.

Baroness Chakrabarti (Lab): Forgive me, but before the Minister sits down, can I ask her to reflect and, if she wants to come back, to address the issue of who decides? I am very grateful for her assurance about intention and that there is no attempt to go further than classical practice has gone, which is a public interest exception to general patient confidentiality. But if, for example, under the new provisions, there were to be a dispute between, say, the police and the relevant health authority and/or the relevant health authority and the individual practitioner, who would decide? That is of course crucial in relation to patient-doctor trust.

Baroness Williams of Trafford (Con): The decision may be challenged, but the person who decides would be the person who holds the data.

6 pm

Lord Paddick (LD): My Lords, I am very grateful to the Minister for her explanations and for the promise of further meetings. It might help those further meetings if I raise the issues I have now. I am concerned at her saying that approaches cannot be made directly to medical practitioners but only through these other bodies. If the result was the same—that confidential medical information about individuals was divulged—that is not much of a reassurance. I am grateful for the information that officials met with the GMC and that it agreed to help with statutory guidance. Perhaps the Minister can meet with the GMC and it can help with amending the Bill.

The Minister said that the issue with some of the amendments is that they weaken the duties in the Bill. That is the whole purpose of the amendments. Regarding the draft guidance and its emphasis on a public health approach, that is not what is on the face of the Bill. The perception of all those I have spoken to—we will come to this issue when considering further groups—is that this is all about providing information to the police. To be fair, the Minister said so in her response. The belief among many authorities is that this is all about providing information to the police and is not a two-way process.

The Minister talked about the Care Act and said that there is already a duty to pass over confidential medical information if there is an overriding public interest. Where in the Bill does it say that there must be an overriding public interest before information is passed over?

Baroness Williams of Trafford (Con): The detection and prevention of serious violence would be the relevant part, which also reads across to the Care Act 2014. There would have to be a public interest assessment and as I said, there is no mandation. But the body or doctor in question would, as the noble Lord, Lord Carlile, said, have to balance the importance of the prevention, detection, and reduction of serious violence with the disclosure of that information.

Baroness Brinton (LD) [V]: My Lords, I thank all noble Lords who have spoken on these amendments, especially those who are doctors—the noble Lords, Lord Patel and Lord Kakkar—and those who are lawyers. The noble Lord, Lord Carlile, and the noble and learned Lord, Lord Hope, rightly pointed out the balance of decision-making that every doctor must strike. I too made that point in referring to the excellent GMC guidance on confidentiality and good practice in handling patient information. I apologise if my point was not clear. It is not that doctors do not have to navigate the boundaries of confidentiality, because they do and I am quite sure there are times when they can be improved, as I said. As my noble friend Lord Paddick and others have said, this Bill contains powers that appear to override these responsibilities, demanding that CCGs and health boards in Wales pass on personal medical information; however, the doctor who logged that data is unable to take part in any decision about it being passed on.

The noble Lord, Lord Rosser, explained the concerns of those of us who have signed these amendments about these duties, which clearly override a doctor's

[Baroness Brinton]
choice in making such a decision. The noble Lord, Lord Patel, said that circumstances are vital, since under this Bill he, as a doctor, would not necessarily be consulted by the CCG in question before it passed on any sensitive data to the policing body. I am grateful to the noble and learned Lord, Lord Hope, for Amendment 48, the wording of which I will look at before any amendment is brought back.

The noble Baroness, Lady Chakrabarti, and others talked about where the boundaries lie. We have heard repeatedly about the boundaries, but I want to pick up on my noble friend Lord Paddick's question to the Minister. He asked her to point out to us exactly where in the Bill it sets the parameters for the GMC guidance and everything else we have discussed. I cannot find it, and nor can the GMC, the BMA and others who have briefed us. That is why we have tabled these amendments. We want this to be made clear. In a perfect world the data would be pseudonymised or anonymised, but we recognise that for some of these clauses that is inappropriate. Therefore, the doctor who has taken that medical information must be involved in any decisions.

I thank the Minister for the offer of a meeting and absolutely appreciate that this will happen. We understand that information will need to be shared between bodies—that is not the object of our amendment. We agree that the major issue is whether that information is identifiable and whether the doctor who made the original decision to record it is part of any decision about its being passed on. I completely understand the Minister's concerns about Amendment 54. However, the question of the balance of the information being passed on—in this case, personal, confidential and identifiable medical data—clearly must be worked out more explicitly to give the registration bodies, doctors and nurses confidence that their use of the data will not be abused by others who may not have the full information required to address those difficult boundary issues. The doctor must have a say in any data being passed on.

I look forward to getting answers to my many questions in due course, so that we can all gauge who is making the decisions about the data being passed on and what level of information can remain confidential. I thank the Minister for her answers. I expect to return to this issue on Report and look forward to action in the meantime, such as meetings at which we can find those answers. For now, I beg leave to withdraw my amendment.

Amendment 22 withdrawn.

Amendments 23 to 25 not moved.

Amendment 26

Moved by ***Lord Young of Cookham***

26: Clause 7, page 8, line 25, at end insert—

"(3A) Specified authorities which are housing authorities must have particular regard to their housing duties when performing their duties under this section."

Lord Young of Cookham (Con): My Lords, this amendment is grouped with a number of other amendments giving priority for housing for those at risk. As I said at Second Reading, I very much welcome this Bill, particularly Part 2. I gave notice then that I would be tabling some housing-related amendments to make the Bill even better. I am grateful to Stella Creasy in another place, who has championed the cause of young people at risk and whose office has given me some very helping briefings.

The noble Baroness, Lady Blake, and I are job-sharing on this group. She will speak to Amendment 51, the principal amendment. In a nutshell, it seeks to specify in law what the Government say is happening anyway and should indeed be happening if best practice is to become universal in this highly sensitive area of gang violence, child exploitation and abuse.

Basically, the amendment would put children at risk in the same category for priority housing as families fleeing domestic violence—a measure introduced in the Bill as a result of pressure from, among others, my noble friend Lady Bertin. It would ensure that, instead of being forced to gather extensive evidence and demonstrate unique vulnerability—not easy if your life is under threat—such people were given priority for urgent moves. This would be automatic.

The noble Baroness, Lady Blake, will develop the case. I will confine my brief remarks to the other amendments in this group. Part 2 of the Bill outlines duties to collaborate to prevent serious violence. These amendments would ensure that housing authorities and registered social landlords were included in this new duty, and that there is timely information sharing between the police and housing authorities for the purpose of preventing serious violence. Any effective multiagency response must include housing; including housing in the Bill will support a comprehensive public health approach to tackling and preventing serious youth violence. Education, prison and youth custody authorities are listed in this part of the Bill but housing is not, despite the Explanatory Notes on this section of the Bill saying this on page 13:

"The Strategy explained that the Government's approach was not solely focused on law enforcement, but depended on partnerships across a number of sectors such as education, health, social services, housing, youth services and victim services."

These amendments complement those tabled by the noble Lord, Lord Paddick, and others involving the NHS and children's social care, which we will come to in a moment.

Amendments 26, 29, 31, 38 to 40 and 44 would amend Clauses 7, 8 and 9. They would require the strategy for a local government area, as well as the related powers to collaborate and identify kinds of violence, to include housing authorities so that they are fully consulted as the strategy is drawn up and the actions they need to take are specified. The Minister may argue that, although the Bill specifies who must be involved in the plan—education, prison and youth custody authorities—it does not preclude others from being involved. However, as far as I can see, the Bill does not say that; it implies exclusivity to the three nominated authorities. Without Amendment 38, for example, housing authorities would not have to carry out their role in any plan to reduce violence.

Of the last amendments, Amendment 62 would require housing authorities to disclose relevant

information, which they are not required to do at the moment. This is necessary. One serious review case study said that there was

"little evidence of the Housing Service being closely tied into the operational work of the Safeguarding Partnership. As a consequence information that was only known to the Housing Service took time to percolate to the other partners, while the implications of the housing stress under which Child C's family was placed were not discussed in a multi-agency forum."

Much of the violence that young people are at risk from is location-based, such as a gang on a particular estate. Housing providers may have an insight into this in a way that others do not. Without Amendment 62, that risk would persist; Amendments 66, 69 and 70 cover the same points.

These amendments would ensure that government policy is effectively delivered by ensuring that housing authorities are included in the Bill as key partners in protecting young people against gang violence. I beg to move.

Baroness Blake of Leeds (Lab): My Lords, I support the amendments in the name of the noble Lord, Lord Young, to which I have added my name. I too pay tribute to Stella Creasy in the other place for her commitment and great foresight, as well as for the support of her team.

As we have heard, the purpose of this chapter is to prevent and reduce serious violence by requiring public authorities to co-operate and develop strategies for tackling this issue. The Government tell us that their aim is to build a public health approach to the reduction of serious violence. That aim is welcome only if we can put in place the right tools to achieve it. What we will keep coming back to throughout today's debates is that a public health approach works only when it is genuinely focused on prevention and early intervention, and is properly invested in. If not, we will continue simply to treat the symptoms of serious violence, not its causes.

6.15 pm

My noble friend Lord Rosser spoke in the last sitting on the need for an early help strategy to identify children who are at risk. These amendments speak to that same need to identify and react to risks before they escalate and before irreparable harm is caused. As the noble Lord, Lord Young, explained so eloquently, this group of amendments would embed housing and the provision of safe accommodation in this part of the Bill; I pay tribute to his generosity in his approach to these amendments, which are supported by a wide and impressive range of organisations, including Shelter, Crisis, Barnardo's and the St Giles Trust.

As the noble Lord, Lord Young, mentioned, I will focus my remarks on Amendment 51. This proposed new clause would amend Section 189(1) of the Housing Act 1996 to add

"a person at risk of serious violence"

to the list of people who have a priority need for housing. The Domestic Abuse Act 2021 provided a fundamental step forward in recognising victims fleeing abuse as a priority need for rehousing. This amendment would build on that learning and best practice to provide the same support for families fleeing serious violence from outside their home, namely gang violence. At the moment, families who urgently need to relocate to move a child or young family member out of harm's way—that is, away from a risk of serious violence or threat to their life—are finding too often that they cannot access support because they are not recognised as a priority need under Section 189(1).

I think that the Committee will be distressed but, sadly, not surprised by the harrowing details of cases where risk has not been recognised early enough. A serious case review into a 14 year-old boy known as Chris—not his real name—who was shot in a children's playground in Newham in 2017, found that there were

"clear gaps in risk assessments and risk management",

including the failure to update the housing manager on the urgent need to relocate Chris out of the area. His mother spoke of how she struggled to get help for housing away from the area where Chris was at risk:

"The most important one for me was housing, to get us out of the area. To be out of the clutches of the gangs so he could continue being a child."

An offer of accommodation made to his mother was withdrawn shortly before Chris was killed.

When this issue was raised with Ministers in the Commons, the answer given was that this change is not necessary as local councils already have discretion to grant priority need to any person deemed vulnerable. However, in practice, we are being told by organisations working on the ground that this is not translating into support for those who are facing violence. They are falling through the gap. Freedom of information requests have shown that, when asked, only one in four councils has a policy governing how it should determine whether someone at risk of serious violence should be granted priority need. The guidance that authorities are directed to covers only domestic abuse and no other forms of violence.

Similarly, only one in four councils, when asked, could give details of how many applications for priority need they have had in the past three years from people at risk of violence other than domestic abuse. This does not mean that they have had no applications but that they are not being monitored as part of identifying and tackling violence in their local area.

The Government have dedicated a chapter of the Bill to tackling serious violence. This amendment would specifically recognise violence as a reason to relocate a person or household at risk. I do not believe there is any disagreement on the desired outcome—that we want a young person to be moved out of harm's way before violence escalates or lives are lost—so I wonder why the Government would not prioritise that as part of their action on serious violence. I look forward to the Minister's response.

Lord Carlile of Berriew (CB): My Lords, I support the amendments introduced so ably by the noble Lord, Lord Young, and the noble Baroness, Lady Blake. This has been an example of how good this House is at certain things, with two noble Lords with huge experience in the policy area under consideration—and I understand, in the noble Baroness's case, a deep understanding of the housing situation in one of our major metropolitan cities, Leeds. We should listen to them with great care; I am sure the Minister will.

[Lord Carlile of Berriew]

Other examples can be given of evidence showing that housing really needs to be included right at the core of all these considerations. A recent initiative by a very experienced retired criminal Queen's Counsel, Bruce Houlder QC, focused on knife crime. The work that Mr Houlder—a very good friend of mine—is now doing, to some acclaim, demonstrates, among other things, that knife crime becomes a cultural issue in certain housing areas. It requires attention in a Bill such as this.

I want to add something about the Edlington case, which I mentioned earlier. One of the issues that arose in that case, which I included in my report to the Secretary of State, was that housing was not included in the consultative group trying to resolve the florid problems of the two children who became serious offenders. Had it been included, they would have been moved and would not have been allowed to stay in the housing where they were. It was absolutely fundamental as a mistake, and we are now nearly 10 years on.

I hope that the Minister responding to this debate will take on board what has been said and ensure that further consideration is given to these amendments.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I rise to speak briefly to this group of important amendments, and declare my interest as a vice-president of the LGA.

The noble Lord, Lord Young of Cookham, and the noble Baroness, Lady Blake of Leeds, set out the reasons for these amendments, and I fully support them. Those responsible for providing housing have changed over the years, from the time when it was solely the purview of local authorities to now, when it is a mix of elected councils that hold housing stock themselves through to housing associations and registered social landlords providing a mix of accommodation for couples, families and, less frequently, single people living alone.

Whatever their circumstances, tenants all deserve to feel safe in their home and free from violent attack. Women and young people are often the target of violence, sometimes with catastrophic consequences. Some of this will be domestic violence; in other cases it will be gang related. Whatever the cause or outcome, it is essential that the housing providers have a robust strategy in place—first, to prevent violence in the first place and, secondly, to deal with the aftermath once it has occurred.

Housing provider co-operation with the police is essential in dealing with violent abuse. Relying on GDPR protection to avoid releasing information is unhelpful at best and, at the other end of the spectrum, borders on ignoring the violent act itself. Of course, this release of information on behalf of the housing providers does not extend to medical professionals, the subject of the previous group of amendments.

Violence is abhorrent and prevents people enjoying the safety they should feel in their home, whether that is a bedsit or a three-bedroom family home. Local authorities will receive complaints about the behaviour of their tenants from neighbours. This might be about noise or anti-social behaviour. In more serious cases, the complaints will be about violence suffered by children and women, and sometimes men, living in a nearby home. It is difficult for local authority housing departments and RSLs to take action on what might be a malicious complaint, but I believe that where a robust serious violence reduction strategy is in place, officers will have the confidence to act before the violence ends in a tragedy, as in the case study the noble Baroness, Lady Blake of Leeds, mentioned.

I have only one caveat: the Government should ensure that local authorities, whose budgets have been slashed over recent years, have sufficient funding to be able to produce and implement a violence reduction strategy and not be expected to fund additional work on their already overstretched budgets.

Society is becoming immune to the level of violence experienced by some communities. This has to be reversed. A serious violence reduction strategy for each community living in social housing, whoever the provider may be, is a step in the right direction towards raising the profile of the damage that such violence causes and beginning to tackle its reduction. I fully support this group of amendments.

Lord Bach (Lab): My Lords, I support these amendments absolutely; they are practical and in the real world. From my experience as a police and crime commissioner over five years, it is quite clear that serious violence has a huge amount to do with place and a lot to do with housing in those places. If we are to have the partnership that is presumably behind the Government's proposals on serious violence, it is absolutely essential that housing and those who control it have a vital role; without them, all sorts of disasters will occur.

When I was a police and crime commissioner, I would hear from police officers or citizens day by day about the problems in areas where they lived and the mismatch, sometimes, between those responsible for housing and their ability to talk to the police and get things done, on either side, as quickly as possible. These are very important amendments, and I hope that the Government will listen carefully to them.

Lord Paddick (LD): My Lords, we support these amendments. It is not just victims of domestic violence who need help and support from housing authorities in escaping serious violence. Young people groomed and exploited by criminal gangs also need and deserve to be urgently rehoused in certain circumstances, as the noble Lord, Lord Young of Cookham, so clearly set out.

Again, this needs to be a truly multiagency approach to reducing serious violence and not a police-led enforcement approach. The police need to provide information to housing authorities where they believe that someone is being coerced into criminal activity and is threatened with serious violence if they do not comply, and that taking that person out of that scenario by rehousing them can reduce the risk of serious violence.

I repeat that option 2 of the Government's consultation on the serious violence duty is the best option and the one preferred by the greatest proportion of respondents to the Government's own consultation—that of enhancing existing crime and disorder partnerships. These are

the existing and well-established mechanism, where local authorities and police forces work together to prevent and tackle crime and disorder and where the local police chief and the local authority chief executive are equal partners in doing whatever each partner and others can do to reduce crime and disorder.

6.30 pm

As I said to an almost empty Chamber last Wednesday evening, the overwhelming response of the non-governmental organisations that I have met, which have concerns about this part of the Bill, is that the Bill is actually about forcing agencies to support a police-led enforcement approach to serious violence, not a public health approach or even a true multiagency approach to preventing and tackling serious violence. I listened very carefully when the Minister said that the Government's intention is for it to be a public health approach—but we are debating this Bill, and that is not what is in it. We have to address the perception that the Bill is creating: that it is about a police-led enforcement approach.

In a previous group, we discussed the fact that many of the young people involved in county-lines drug dealing had been groomed into criminality and were victims of child criminal exploitation, with adults as much preying on their emotional needs as alleviating their poverty. Once trapped in such criminal enterprises, if they are robbed by a rival drug dealer of either drugs or the cash proceeds of drug dealing, for example, the young person's family can then be targeted and blackmailed into paying back the drug supplier, with threats of violence against the other family members if the sums are not repaid. The only escape from such a situation is often the parent taking out a loan that they cannot afford, potentially from a loan shark, to pay back the drug dealer—or, otherwise, to flee from the area. It is in exactly this sort of scenario that the police need to work with social housing agencies to provide a route out of the cycle of debt and further violence.

As in the case of child criminal exploitation, the flow of information needs to be from the police to other authorities to enable a non-enforcement solution to a problem of serious violence and not, as is the concern—as I have said—of representatives of those non-governmental organisations that I have consulted, to have the provisions in this part of the Bill be about forcing others to provide information to assist the police in their enforcement role.

We support all the amendments in this group, particularly Amendment 51, so powerfully proposed by the noble Baroness, Lady Blake of Leeds, which adds

"a person at risk of serious violence"

to the list of those who have a priority need for accommodation under the Housing Act 1989, if the provision would reduce or prevent the risk of that person becoming a victim of serious violence. My noble friend Lady Bakewell of Hardington Mandeville quite rightly raised the issue of funding for local authorities to enable them to fulfil this vital duty.

Baroness Williams of Trafford (Con): My Lords, I am most grateful to my noble friend Lord Young of Cookham for setting out the case for these amendments. I fully agree with him that local authorities and housing associations are able to make a significant contribution to local efforts to prevent and reduce serious violence.

In light of the fact that local authorities have responsibility for delivering services such as housing and community safety in local areas, we expect that such services will be a crucial part of the contribution that they make to the partnership arrangements, as they participate in the preparation and implementation of the serious violence strategy. We believe that they are therefore well placed to provide that strategic overview of, and information about, housing issues in the local area.

The statutory guidance for the serious violence duty, which has been published in draft and to which we have referred a few times this evening, highlights such duties and emphasises their relevance, as part of the work to meet the requirements of the serious violence duty. We do not think that it is necessary to explicitly state in the Bill that local authorities must have due regard to their housing duties as they fulfil the requirements of this duty because there will be a requirement for them to have due regard to the statutory guidance in any case.

Furthermore, current legislation already provides for those in most need to be prioritised for social housing, and statutory guidance makes it clear that local authorities should consider giving priority to those who require urgent rehousing as a result of domestic abuse and other types of violence. We will continue to work with the relevant sectors to ensure that the statutory guidance is clear on this point, ahead of a public consultation following Royal Assent and prior to the serious violence duty provisions coming into effect.

But, of course, we must do all that we can to identify and provide support to the individuals who are most at risk of involvement in serious violence, including those occupying social housing or who may be at risk of homelessness. But including registered providers of social housing within the provisions for the serious violence duty will not be necessary to achieve this.

As part of the work to prevent and reduce serious violence, specified authorities in a local area will be required to work together to identify the kinds and causes of serious violence and, in doing so, establish the groups of individuals who are most at risk in a local area.

Legislation already sets out that, when a local housing authority makes such a request, a private registered provider of social housing or a registered social landlord shall co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's allocation scheme. This includes properties provided to those in priority need, including those with urgent housing needs, as a result of violence or threats of violence. Statutory guidance on allocations issues earlier this year, to which local authorities may pay due regard, makes this clear. It is also worth noting that the *Tenancy Standard*, issued by the Regulator of Social Housing, contains specific provision to ensure that private registered providers of social housing co-operate with local authorities' strategic housing function.

[Baroness Williams of Trafford]

Those who are at risk of violence should already receive support, if they need social housing and/or homelessness assistance, but local authorities must be able to respond to their strategic housing function and individual needs on a case-by-case basis. There is a risk that these amendments would inadvertently undermine the work of specified authorities to establish the most prevalent crime types and cohorts most at risk by mandating that a particular group falls under this category.

Furthermore, we must make sure that the duties placed on registered providers and local housing authorities are proportionate, bearing in mind both their size—there are, after all, 1,400 private registered providers of social housing in England, some of which are very small, and 165 local authorities that are social landlords—and the extent of their direct levers to deal with serious violence. They may therefore have limited direct capabilities, if any, to help to identify or prevent serious violence in the area. This is particularly true of small communities with reduced capacity and resources. The duties would therefore impose a material and unresourced burden.

We must also bear in mind the risk that social tenants may be inadvertently stigmatised as at risk of serious violence. Stigma was a key theme to emerge from the social housing Green Paper consultation exercise, and we must therefore be particularly careful not to further this perception and feeling.

I turn to Amendment 51. It is vital that all victims of serious violence who need to leave their home in order to escape violence are supported to access safe and secure alternative accommodation. It may be helpful for noble Lords if I explain how the existing provisions in homelessness legislation apply in relation to victims of violence.

A household is considered to be homeless if it would not be reasonable for them to continue to occupy their accommodation. Section 177 of the Housing Act is clear that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic abuse or other violence against that person or another member of their household. This means that victims of violence or of threats of violence that are likely to be carried out, who need to move because it is not safe for them to remain where they are currently living, are able to access support from council homelessness services. Furthermore, if a housing authority has a reason to believe that a person is homeless, eligible for assistance and has a priority need, Section 188(1) of the Housing Act requires the housing authority to provide interim accommodation while it carries out further investigations.

If homelessness is not successfully prevented or relieved, a housing authority will owe the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Households containing dependent children have priority need, as in the examples raised by the noble Baroness, Lady Blake of Leeds, relating to gang-related violence, which was mentioned also by the noble Baroness, Lady Bakewell, and the noble Lord, Lord Paddick.

In addition, a person might be assessed as having priority need if they are considered significantly more vulnerable than an ordinary person would be if they became homeless as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence that are likely to be carried out. Homelessness legislation therefore already makes provision for victims of serious violence to receive support to access alternative accommodation.

Many local housing authorities already work with the police and other partners to reduce the risk of serious violence, including through the provision of alternative accommodation. Where this works well, it is clear that it is very important that services such as youth offending teams, educational authorities and the National Probation Service work together locally to provide support for the household and the victim of violence. Housing alone without that support is clearly not a sustainable option. The new serious violence duty will facilitate this and is intended to generate better partnership working locally to further protect this cohort.

The draft guidance is clear that local authorities are responsible for the delivery of a range of vital services for people and businesses in a local area, including but not limited to children's and adult's social care, schools, housing and planning, youth services and community safety, so they will have an essential role to play in partnership arrangements. The inclusion of this detail in the guidance for the new duty, alongside the existing homelessness legislation and guidance, is the most effective way of supporting victims of serious and gang-related violence to relocate and start afresh.

While it is so important that those at risk of serious violence who are homeless or are at risk of homelessness are supported to find an accommodation solution that meets their needs and reflects their individual circumstances, we do not think it is right to extend automatic priority need to other victims of serious violence that is not domestic abuse. While the violence or threat of violence may be present in their community, it does not usually take place in the home itself.

We think that the current legislative framework and accompanying statutory homelessness code of guidance, combined with the statutory guidance on social housing allocations, strikes the right balance as it considers the vulnerability of the applicant on a case-by-case basis and is the most appropriate means of determining priority for accommodation secured by the local authority. This approach ensures sufficient provision for homeless victims of serious violence who are vulnerable as a result of that violence, while also ensuring that finite resources, including temporary accommodation, are prioritised effectively and accommodation is there for those most in need.

The second part of Amendment 51 seeks to place a duty on the Secretary of State to

"issue a code of practice"

covering Section 177 of the Housing Act. I say to my noble friend at this point that the statutory homelessness code of guidance already provides such guidance for housing authorities when a person at risk of violence or the threat of violence approaches a local authority in housing need. The statutory guidance on social

housing allocations also makes it clear that local housing authorities should consider giving preference to such persons.

6.45 pm

While I understand that there is particular concern for victims of gang-related violence, chapter 23 of this guidance clearly states:

"Housing authorities should work with police, offender managers and specialist services to coordinate activity to minimise risk and prevent homelessness"

for young people who become involved in gang-related activity, either as victims or perpetrators. The passage of the serious violence duty will bring additional guidance to which local authorities will have a statutory duty to have due regard. The guidance accompanying the duty will complement existing homelessness legislation and guidance for this cohort.

Therefore, for ensuring that the statutory guidance on the serious violence duty will work in tandem with the homelessness code of guidance, I think there is already sufficient guidance in place for housing authorities to protect this cohort and adapt their service delivery models as necessary. I do not want to duplicate by adding another code of practice, which may lead to confusion. So I hope that, in the light of the assurances I have given in relation to the guidance and the relevant existing legislation on the matter, my noble friend will be happy to withdraw his amendment.

Lord Paddick (LD): My Lords, can I ask the Minister to clarify something? I think the noble Baroness said that this additional duty was not necessary, as it was with domestic violence, because the violence does not happen in the home. In the example I gave, where a drug dealer owed money harasses and threatens a family to get their money back, surely you could say that that violence is happening on the doorstep, or perhaps inside the home if the drug dealer breaks the door down. Surely there is a need in those circumstances for that family to be rehoused to reduce serious violence and get them out of the way in a similar way to a victim of domestic violence.

Baroness Williams of Trafford (Con): I think what I said to the House was that households containing dependent children have a priority need and that a person may be assessed as having priority need if they were considered to be significantly more vulnerable than an ordinary person would be if they became homeless as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence that are likely to be carried out. In terms of domestic abuse, it is widely acknowledged that domestic abuse crimes are committed inside the home, out of the view of the public, by household members. The changes made to the Domestic Abuse Act to extend priority need to people who are homeless as a result of being a victim of domestic abuse reflected that.

Baroness Blake of Leeds (Lab): The Minister is setting great store by the guidance that is going to come forward. Can I ask her for reassurance that there will be adequate opportunity for those working on the ground to put across the point of view of the reality of dealing with families in some of the most distressing circumstances we could possibly imagine?

Baroness Williams of Trafford (Con): Certainly, I completely concur with the noble Baroness and there will be ample opportunity to look at the draft guidance as well.

Lord Young of Cookham (Con): My Lords, I am grateful to all those who have taken part in this debate, beginning with my co-pilot, the noble Baroness, Lady Blake, who made the point that this is all about prevention and early intervention, and housing is absolutely crucial if we are to achieve that. She mentioned the broad support for this group of amendments from organisations such as Shelter and Crisis and made the point that this is simply building on existing provisions and extending what is already the case for domestic violence to gang-related violence—I will come back to that point in a moment. The thrust of the amendment to which she spoke was to embed best practice in statutory guidance; she mentioned the tragic case of the child Chris.

I am grateful to the noble Lord, Lord Carlile, who referred to the work of Mr Houlder on knife crime—the scourge of many housing estates—and also referred to the Edlington case, which he mentioned in an earlier debate. That underlined the point that there can sometimes be fatal consequences if there is inadequate consultation between the housing authorities and police authorities—a point that was underlined later in the debate by the noble Lord, Lord Bach. I am grateful to the noble Baroness, Lady Bakewell, for her support; she made the point that there is a potential resource implication behind these amendments if they are to be fully effective. Again, the experience of the noble Lord, Lord Bach, as a police and crime commissioner was of real value to the debate; he emphasised the importance of strengthening the link between housing and the police.

I am grateful to the noble Lord, Lord Paddick, who expressed concern that the Bill was too focused on a police-led initiative. The impact of these amendments will be to broaden the base by including housing; other amendments later on will also help broaden the base. He was anxious that this should not be entirely police-led.

I am grateful to the Minister for a thoughtful, sympathetic and comprehensive response to the debate, informed by her experience as a council leader in the north-west but also by her time as a Minister in what was then the Ministry of Housing, Communities and Local Government, now the Department for Levelling Up, Housing and Communities—he said with some hesitation. She made the point that she expected housing authorities to participate—they were well placed to do so—and referred on many occasions to statutory guidance. The concern that I have, and some other noble Lords may have, is that there is a gap between statutory guidance and what actually happens on the ground; hence the case for legislation to make it clear that this is not just guidance, there is an obligation so to do.

I recall listening to exactly the same arguments we have heard this evening in resisting what became the Domestic Abuse Act, which gave a statutory right to

[Lord Young of Cookham]
be rehoused to those suffering from domestic violence. Previously, the argument was, "There are adequate powers for local authorities to do this under the housing legislation." However, we have now taken the step forward and put it in the Domestic Abuse Act, and this will build on that precedent and extend it to gang violence. I am concerned by the gap between theory and practice, and this would embed best practice in legislation.

Having said that, as I said, my noble friend gave a thorough response which I want to reflect on, together with the contributions of other noble Lords who have taken part in this debate, and in the meantime, I beg leave to withdraw the amendment.

Amendment 26 withdrawn.

House resumed.

Free Trade Agreement: New Zealand
Statement

The following Statement was made in the House of Commons on Thursday 21 October.

"With permission, Madam Deputy Speaker, I would like to make a Statement on the new agreement in principle between the UK and New Zealand on our free trade agreement, which we are working towards delivering.

Yesterday, the UK agreed in principle the main details of a trade deal. A UK-New Zealand free trade agreement will be another major trade deal, like our agreement with Australia. This marks a significant step towards the UK's aim to join the £8.4 trillion Comprehensive and Progressive Agreement for Trans-Pacific Partnership free trade area. The UK-New Zealand trade relationship was worth £2.3 billion last year and is set to grow under the deal. Both Prime Ministers have heralded the new partnership, which will take on some of the biggest global challenges, from climate change to gender equality, respect for indigenous communities and the future of digital trade.

This deal is part of the Government's commitment to building back better, bringing the benefits of trade to level up all parts of the country. Our shared history with New Zealand, common values and commitment to free trade are matched by a dedication to high standards and the rule of law. It makes complete sense to do a trade deal with New Zealand, and it will continue to strengthen our long-standing relationships as key allies and friends.

We have laid out the core benefits of a deal as per the agreement in principle. A comprehensive trade agreement with New Zealand will slash red tape and deepen access for our advanced tech and services companies, while making it easier for smaller businesses to break into the New Zealand market. UK workers will benefit from better business travel arrangements to New Zealand, and UK professionals such as lawyers and architects will be able to work in New Zealand more easily, allowing UK companies to set up shop in New Zealand and bring the best British talent with them.

High-quality New Zealand products that British consumers love will become more affordable, from Marlborough sauvignon blanc to manuka honey and kiwi fruit. The new agreement in principle means that existing tariffs as high as 10% will be removed on a huge range of UK goods, from shoes to ships and from buses to bulldozers, giving British exporters an advantage over international rivals in the New Zealand import market, which is expected to grow by 30% by 2030.

Throughout negotiations, we have remained in close contact with businesses, farmers and other stakeholders. We will back British farmers in opening up new export opportunities, such as to the CPTPP markets, which are expected to account for a quarter of global import demand for meat by 2030. The agreement in principle adds momentum for accession to the CPTPP, of which New Zealand is a key member. The CPTPP had a joint GDP of £8.4 trillion in 2020 and includes some of the biggest economies of the present and the future, from Japan and Mexico to Malaysia and Singapore. By 2030, two-thirds of the world's middle classes will be in Asia, creating unparalleled opportunities for UK businesses. Britain needs to be positioned in the coming decades to trade freely with these high-growth parts of the world.

The Governments of New Zealand and the United Kingdom now intend to finalise the free trade agreement text before signature and subsequent entry into force of the deal. Once signed, the deal will be presented to Parliament and published on GOV.UK, alongside an independently scrutinised impact assessment. There will be full and robust scrutiny of the deal, including time for the relevant parliamentary committees to produce a report on the deal before it is ratified. In addition, the new Trade and Agriculture Commission, chaired by Professor Lorand Bartels, will provide expert and independent advice to the Government and Parliament once the deal has reached signature stage. The new commission will look specifically at how the deal is consistent with relevant domestic statutory protections, ensuring that world-leading British agricultural standards are upheld. This agreement will strengthen ties between two nations committed to free and fair trade, delivering strategic and economic benefits to the United Kingdom.

This agreement in principle on a free trade deal is a win-win for two natural trading partners. It is tailored to the UK's strengths, slashes tariffs on our exports and deepens access for British businesses. Our like-minded democracies will now unite to take on great global challenges such as climate change, while harnessing opportunities such as digital trade. A UK-New Zealand free trade agreement will show what global Britain can achieve as a sovereign trading nation.

This agreement in principle is just one part of our ambitious strategy to deepen trade ties with like-minded partners and ensure that these alliances create a more predictable, free and fair framework for British businesses. Free trade is not something to be frightened of or to run away from. We want to be working with allies to influence the rules of the game and, in today's world, FTAs are the vehicles by which those rules are shaped.

This deal will be a modern partnership for the 21st century: two staunch democracies working together to meet global challenges from climate change to the

future of digital trade. Together we will embrace the opportunities of the global marketplace to support jobs, enterprise and wealth creation. We will fuel our recovery from the Covid crisis through free trade and demonstrate that it is part of the solution to the greatest challenges of our time. That is what this agreement in principle represents and I commend this Statement to the House."

6.54 pm

Lord Grantchester (Lab): I am grateful to the Minister for presenting to your Lordships' House the Government's Statement from last Thursday on the agreement in principle reached between the UK and New Zealand on the proposed trade agreement. I declare my interest as stated in the register that I have a dairy farm.

On its own merits, this trade agreement adds a further 0.19% of UK trade towards the 80% threshold the Government committed to in their election manifesto. This is not that magnificent but it contains some sensitive elements that are a major concern to our important agriculture industry; these give widespread access to huge quantities of food of varying quality to the UK's 60 million population in return for some potential opportunities for exports to a population of a mere 4.8 million New Zealanders—somewhat fewer than Scotland's 5.5 million population. New Zealand ranks 53rd in size in terms of the trade it conducts against the UK's other trading partners; this was worth £2.3 billion last year. The Statement says that tariffs as high as 10% will be removed. Can the Minister clarify whether the Government expect both imports and exports to grow by 30% in tandem by 2030 as stated in the Statement, or is this figure merely a reflection of the growth the Government expect the New Zealand economy to achieve? What figures have the Government estimated for the beneficial growth for the UK from this trade deal?

The Government try immediately in the Statement to play up the strategic importance of this deal as a significant step towards their aim to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership—CPTPP. Somehow it is meant to add momentum for accession to a partnership fraught with doubt at the moment since the USA pulled out of the deal as to whether it might rejoin and on what terms. There is also the question surrounding China: whether it may be invited to join and on what terms. Does the Minister expect the UK's accession to take precedence over these two important trading nations?

The Government state that they believe that this region will form the basis for massive economic growth, with trading opportunities to a growing middle class of the future. While this may prove to be correct, does the Minister recognise that the region will become ever more dominated by China and how it will operate throughout the region? Are the Government prepared to change their stated position of not entering into a trading relationship with China?

Returning to the specifics of this agreement in principle, its main effects could be severely felt throughout the agricultural industry, especially sheepmeat and dairy. New Zealand has a climate much like the United Kingdom's. This agreement seems to be a cut and paste from the Australian agreement in principle in that it opens wide the UK food market to huge increases in volumes without any quota restrictions to immediate access. New Zealand can on agreement export four times the quantity of lamb to the UK than it did last year, as much butter next year as it exported to the UK over the last six years, and 25 times more beef, all in year one. What effect does the Minister expect this to have on the UK market and its prices? The National Farmers' Union commented that the UK will be made available for

"significant extra volumes of imported food—whether or not produced to our own high standards—while securing almost nothing in return for UK farmers."

Although it may be said to be of huge benefit to consumers, and I do not doubt that it is a great opportunity, there is huge doubt over the standard of food in relation to the high standards currently in operation here. To allay the deep concern expressed far and wide by many organisations towards the Government's lack of commitment to high standards, shown by their not enacting them on a statutory basis during the passage of the then Agriculture Bill last year and the then Trade Bill this year, the Government have set up the Trade and Agriculture Commission to report on setting up a framework for government trade policy. The noble Lord, Lord Grimstone, announced last Thursday that, at long last, the Government's response to the report has now been published. Although I have not been able to study it in depth for tonight's Statement, I welcome that the Government have now finally published this response. My quick reading of it is that the Government do not spell out how these two agreements in principle and how future new trade deals will be assessed by the TAC regarding checks on the standards of imported food.

Are the Government committed through their response to take on board the depth of concern regarding the quantities being imported that might be below the level of UK standards, which it would be illegal for farmers in this country to market? How will the 50% of food sold through catering, restaurants and food services be assessed? Does being consistent with the UK statutory protections mentioned in the Statement really measure up to being equivalent to the standards put on the table by UK producers? Can the Minister confirm that the new statutory TAC, which was also set up last week, will see the texts of these two new agreements in principle from Australia and New Zealand, and be able to report to your Lordships' International Agreements Committee in time for the deals to be reported to Parliament?

The Government's response also mentioned that they would respond in due course to the Dimbleby report and set up a White Paper for a future food strategy. Although this is ongoing, I very much welcome the stance the Government have taken on this and look forward to further developments.

Lord Purvis of Tweed (LD): My Lords, I also welcome the Statement. The Minister's noble friend Lord Grimstone is assiduous in maintaining contact with the Front Benches and keeping us informed. That is great, and I am grateful for it. I would be grateful if the Minister passed that on.

[Lord Purvis of Tweed]

I also welcome an agreement that will reduce tariff barriers on trade with one of our closest allies, and which will allow those delivering services easier recognition of their qualifications and their ability to work across the two friendly countries, making it easier for businesses to invest in new technologies and recognise intellectual property, investment and digital. But, as the noble Lord, Lord Grantchester, indicated, there are elements of concern, some of which are in the agricultural sector. Can the Minister confirm that the statutory TAC will see the texts of these agreements before the conclusion of the legal scrubbing and the formal approval, and before they are presented to Parliament for ratification? There are important consequences for our agriculture sectors that need deep scrutiny.

Although I welcome some of these elements, there is little doubt that the New Zealand Government have welcomed them even more. The Government have negotiated an agreement that provides very considerably greater competitive advantage to our friends. On their own assessment of the economic impact, the Government suggest that the agreement could actually reduce UK GDP over 15 years. The Prime Minister of Australia called this an "All-Black victory". Coming from a rugby-mad area of the Scottish Borders, it is painful to hear our competitors say that it is yet another All-Black victory.

Over the weekend I looked at the New Zealand negotiating objectives for the UK and the EU. The EU completed its 11th round of negotiations in July. The New Zealanders were asking the same of the EU as they have asked for us. It seems we have given them all that they wanted and the EU is holding out on certain areas. The assessment from this Government suggests that, over 15 years, this agreement could represent a mid-range of 0.00% for UK GDP. For the EU, the mid-range was 0.01%. I would be very interested if the Minister could answer this question: what and where is the Brexit dividend for our trade with Australia and New Zealand if we are negotiating agreements that have resulted in the UK potentially benefiting less than we would have done if we were still part of the customs union and the single market?

It might be that the Government's position is a cunning loss leader. As the noble Lord, Lord Grantchester, indicated, the Government seem to see this a gateway to the CPTPP. Can the Minister state what the Government's position is with regard to China's application? Does the UK support China acceding to the CPTPP?

I see the noble Lord, Lord Deben, in his seat, which has prompted me to ask a question regarding the Agreement on Climate Change, Trade and Sustainability, which New Zealand launched with Costa Rica, Fiji, Iceland, Norway and Switzerland. Will elements of this agreement allow for that agreement on trade and stability to be widened? The UK now has an agreement with four of those six countries, so what is the Government's position on these negotiations?

We recently debated the UK's significant trading power with Norway, which represents 10 times the size of trade with New Zealand. In that debate it was startling to find out that the UK had not secured any protection for geographical indicators for our produce. Can the Minister confirm, because it is hard to see it in the documentation that been presented, that the UK has secured protection of geographical indicators with New Zealand? This is one of the sticking points I referred to. It would be very interesting to know whether we have given way on this or whether we have asked for it.

My final question relates to the fact that we now have agreements in principle with Australia and with New Zealand, and we have a continuity agreement with Canada and negotiations advanced for discussion with it, but at no stage in any of those discussions have the Government suggested trade with the Commonwealth as an opportunity we could expand. Our relationship with Australia, Canada and New Zealand—the richest countries in the Commonwealth—is a platform for wider intra-Commonwealth trade. This is very close to my heart, having chaired a commission on Commonwealth trade with the Nigerian Trade Minister. It is a continuing disappointment that before the referendum we heard that Brexit would be an opportunity to widen Commonwealth trade, but in these key agreements with the richest countries in the Commonwealth we have heard nothing. What is the Brexit dividend for trade in the Commonwealth? Will we see a chapter in the New Zealand agreement looking at the expansion of wider Commonwealth trade?

Viscount Younger of Leckie (Con): I am grateful for the comments made by the noble Lords, Lord Grantchester and Lord Purvis, on this deal. I am very pleased to have the opportunity to discuss the proposed deal in this House. I will certainly pass on the compliments of the noble Lord, Lord Purvis, to my noble friend Lord Grimstone for keeping us all in touch with what is going on.

As the House will know, on 20 October 2021 the Government agreed the main details of the deal. The leaders reaffirmed the enduring partnership between the UK and New Zealand during their discussion and agreed to work closely together on important areas of mutual interest such as defence, technology collaboration and tackling climate change, including through a clean tech partnership. But, as the House will know, this is in effect an agreement in principle, not dissimilar to the Australia deal. The AIP document reflects what the UK and New Zealand negotiating teams have jointly decided as of 20 October should be included in the agreement.

I want to answer as many questions as I can. The noble Lord, Lord Grantchester, raised the subject of the accession to the CPTPP. As I think he and the noble Lord, Lord Purvis, acknowledged, this is an exciting opportunity for the UK. This agreement is a gateway into the CPTPP, which is a huge free trade area of 11 Pacific nations. Joining this group will mean more opportunities for British exports to those high-growth markets. Demand for beef and lamb is increasing in the Asian market, and CPTPP countries are estimated to account for 21% of global meat imports in 2030—which goes a little way to giving some statistics, particularly to the noble Lord, Lord Purvis.

I shall say a little more about this in a moment, but the deal does not undercut farmers. We have ensured that there will be protections for the industry, including

staged tariff liberalisation to allow farmers sufficient time to adapt, as well as a general bilateral safeguard mechanism—I understand that, for certain sensitive goods, this will be up to 15 years. Goods that are exported to New Zealand are tariff-free, which I am sure noble Lords will know.

The concern about this deal being a threat to our farmers was, again, raised by the noble Lord, Lord Grantchester. New Zealand lamb complements British lamb. New Zealand and the UK have different lamb seasons—let us use the word counter-seasonality, which is the expression I have got used to. Our consumers have been buying high-standard, high-quality New Zealand lamb for years. The UK will not be flooded with Kiwi lamb. New Zealand already has tariff-free access through its WTO quota but in 2020 used less than half that quota, meaning that the Kiwis could already export more sheepmeat to us tariff-free but, interestingly, choose not to. I shall give some further statistics to the noble Lord: New Zealand sheepmeat exports to the UK have fallen by nearly half over the past decade, and New Zealand sheepmeat is already committed to the rapidly growing Asia-Pacific markets. In 2020, around half of its sheepmeat exports went to China, a country mentioned by the noble Lord, while 55% of beef exports went to Asia and the Pacific. In a nutshell, this is a great opportunity for UK farmers.

The opportunities for UK businesses are also worth mentioning. As I mentioned earlier, UK exporters will no longer have to pay tariffs on any goods. This means that they can do business at lower costs and gain an advantage over international rivals in the New Zealand import market, a market which is expected to grow, as was mentioned earlier, by around 30% by 2030. In addition, red tape will be cut for businesses which export to New Zealand, including 6,200 UK SMEs, opening up opportunities for more small businesses to grow their customer base abroad with the necessary online support. It is important to mention data. The free flow of trusted data, which is essential for modern businesses, will be guaranteed between the UK and New Zealand, making it easier for UK businesses trading digitally to break into the New Zealand market.

The noble Lord, Lord Grantchester, raised some questions about the National Farmers' Union, which I am aware has expressed some concerns. I hope that I can reassure him and the NFU that we are carefully considering the individual combined effect of the agreements that we are negotiating, including enhanced export opportunities for UK agricultural producers. This agreement in principle with New Zealand is without prejudice to other trade deals, and we will consider each negotiation within the context of our trading relationship with that partner. There is no one-size-fits-all approach, which goes a little way to answering the question from the noble Lord, Lord Purvis, in relation to the EU. We are working closely across government to ensure that our trade policy does not undermine UK farmers and producers of agricultural goods and that any deal includes protections for the agricultural sector.

The noble Lord, Lord Grantchester, raised a point about standards. Perhaps I can give some reassurance by saying that, like the UK, New Zealand is a global leader in animal welfare, and both countries share a commitment to further improving and advancing our already high animal welfare standards. For example, the UK and New Zealand have both banned the use of sow stalls for pork production, and battery cages will be banned in New Zealand from 2022, having been banned in the UK from 2012.

The noble Lords, Lord Grantchester and Lord Purvis, raised a point about the TAC. We know that it has just been set up, but I give the reassurance that we believe that it has been appointed and set up at the right time. Free trade agreement negotiations continue up until the moment of signature, and the commission will have ample time to do its job and report on the final deal. However, the TAC's role is not, and never has been, to advise on live negotiations; it is a bit a further down the line.

The noble Lord, Lord Purvis, asked about rules of origin—I think he mentioned geographical focus. The rules of origin should ensure that only products made in the UK and New Zealand benefit under the agreement in principle, create opportunities for UK and New Zealand businesses to source better and cheaper inputs than currently and provide modern and predictable rules, making it as simple as possible for businesses, particularly SMEs, to trade with New Zealand using the preferential tariffs.

I think that there were other questions raised. I hope that I have covered some of them, but I appreciate the points raised. I shall look at *Hansard* and make sure that I write if I have to.

7.16 pm

Baroness Harris of Richmond (LD) [V]: My Lords, notwithstanding what the noble Viscount has just said, and I am grateful to him, this is not yet a done deal. It is aspirational, and I would be grateful if he would recognise the need for small farms, especially up here in the Yorkshire Dales, where I live, which are the lifeblood of our food industry, to get a fair deal from this proposal. As we have heard, we have extremely high animal welfare and food standards in this country, so will the Government promise to prevent anything entering the UK from New Zealand or elsewhere which does not comply with those standards?

Viscount Younger of Leckie (Con): Yes, we are continuing to give reassurance to UK farmers, and I hope that we will succeed in the end. The noble Baroness makes a very good point about standards. The Animal Protection Index, for example, ranks both our countries highly compared to others around the world across a range of animal welfare indicators. Both the UK Government and the New Zealand Government have a long-standing recognition of the sentience of animals. The UK and New Zealand already have a veterinary equivalency agreement, meaning that we already trust and recognise its animal health standards as equivalent to the UK's.

Lord Deben (Con): I wonder whether my noble friend accepts that we are going to ask our farmers to take on very considerable responsibilities if we are to have any chance whatever of meeting net zero, yet in this agreement we are not in any sense saying that the farmers of New Zealand have to meet the same standards. The New Zealand Government have not placed on

[Lord Deben]
their farmers the same standards that we are going to place on ours. For that reason, this runs wholly contrary to what the Government said they would do, from that Bench, when we had the discussions about trade. I am sure that my noble friend will understand how suspicious we have to be given that the Government actually removed from the Australian agreement the tough words about the agreement in Paris six years ago. Unless the Government can show that all trade agreements will have a serious part concerned with climate change, we really cannot ask our farmers to do what they have to do and then find them undermined by imports from countries that are not doing the same thing.

Viscount Younger of Leckie (Con): I hope that I can give my noble friend some reassurance, because the UK's climate change and environmental policies, including in trade negotiations, are some of the most ambitious in the world, reflecting our commitment as the first major economy to pass new laws for net-zero emissions by 2050. On his points about the deal, this trade agreement with New Zealand is one of our greenest ever. It includes a ground-breaking chapter that reinforces our commitment to the Paris temperature goals and our efforts to meet net zero. It encourages the growth of a clean economy and demonstrates our global leadership on climate and environmental protection. This agreement will encourage trade and investment in low-carbon goods, services and technology. It will demonstrate global leadership in climate and environmental protection, but it includes commitments on urgent environmental challenges such as marine litter, sustainable agriculture, air quality and the transition to a circular economy.

Lord Bilimoria (CB): My Lords, as president of the CBI, I was proud to play a role in helping both the Australia and New Zealand free trade agreements. The Australia one was negotiated and achieved in 365 days. It is an ultramodern, comprehensive, super-duper FTA, with goods, services, innovation, SMEs, IP, data and mobility. Can the Minister confirm whether the New Zealand FTA is as super-duper and comprehensive as the Australia one? Secondly, the Australia FTA now allows 18 to 35 year-olds from the UK and Australia to work, live and travel in each other's countries for three years. Does the New Zealand deal also offer this facility to UK and New Zealand citizens?

Viscount Younger of Leckie (Con): I hope I can reassure the noble Lord that this is a comprehensive deal. Many working groups have brought it to this stage, which is an agreement in principle. To reassure the House, this stage is now leading to signature and, once signed, the deal will be presented to Parliament. I am sure the noble Lord and others will have the chance to debate it.

It is very much part of the deal to allow greater flexibility for individuals to travel between the two countries. It will allow families, for example, to travel to New Zealand and stay there for a time. To answer the noble Lord's question, that period of time is yet to be clarified, but it is part of the deal. I am sure it will be greatly beneficial to those doing business from the UK to New Zealand, and vice versa.

Baroness Hayter of Kentish Town (Lab): I declare an interest as the very new chair of the International Agreements Committee, which looks forward to scrutinising the deal in due course, once we have the detail. I hope the Government will make the text available in good time for us to do our work and report to the House, and that the noble Lord, Lord Grimstone, will engage in the committee's dialogue on it. I also hope that, when we see the explanatory memorandum, it sets out the detail with the devolved Governments in full, and that the consultation with them will not be limited simply to devolved competences but will include areas of particular pertinence to their special economies. I hope the noble Lord confirms that that is possible.

The International Agreements Committee will shortly be asking for evidence and input about the deal, including for consumers, which I hope goes further than just the Marlborough sauvignon blanc and posh honey mentioned in the Statement, as there are more serious things. Perhaps the Minister could help our committee by encouraging any who put their views on the deal to the DIT also to share those views with our committee, as they will feed into our scrutiny.

Viscount Younger of Leckie (Con): This allows me, from the Dispatch Box, to congratulate the noble Baroness on her new appointment. I hope to answer some of her questions on our engagement with the devolved Administrations. I also reassure her that the devolved Administrations received a draft copy of the AIP document 24 hours in advance of publication, and received a final AIP document and explainer in advance of publication on the evening of 20 October. I further reassure the noble Baroness and the House that, as with other free trade agreements, we have been regularly consulting with the devolved Administrations through chief negotiator briefings and the senior officials' group—which is not naming names, but naming "nearly" names. I hope that helps. The point is that through this process we have understood the devolved Administrations' priorities in the specific negotiations and have shared texts related to areas of devolved competence.

I will briefly quote my right honourable friend the Secretary of State, who said in the other place during her Statement that conversations took place with Ministers in the devolved Administrations on 20 October

"to really get a sense of, and to encourage, the exciting opportunities that now exist with the agreement in principle."—[*Official Report*, Commons, 21/10/21; col. 937.]

As we move from the AIP to signature, there will be refinement to ensure that the concerns and issues specific to the devolved nations are resolved in the final deal.

Baroness McIntosh of Pickering (Con): My Lords, my noble friend is aware that hill farming and sheep production are the backbone of the rural economy in the north of England and other parts of the United Kingdom. I read with great interest in the explainer published by the Government on their website on 20 October that the chapter on animal welfare

"will set out how New Zealand and the UK will uphold their respective animal welfare standards".

And so it goes on. Will that be complete before the agreement is laid before Parliament, so that we are able to scrutinise it? Will my noble friend commit to maintaining the Government's manifesto promise to maintain our high standards of animal welfare and not be undercut by imports?

I pay tribute to the then Agriculture Secretary, Elizabeth Truss, who set up the first ever agricultural attaché in China, which brought enormous benefits—to the tune of a 21% increase in the export of pig parts that are not appreciated by the British public. We have now lost that trade. I understand that New Zealand has a wide network of export support that is, in part, supported by its own Government. How wide is our support to help our farmers boost their farm exports to New Zealand?

Viscount Younger of Leckie (Con): On undercutting, I reassure my noble friend that British farmers should not be concerned. I acknowledge that price is an important factor in consumer choice, but it is not just about price, as buying local is also a significant determinant. There are strong buy-British trends in the UK, and support for British farmers. Some 81% of retail sales of beef in the UK are under the British logo, with Aldi, Budgens, Co-op, Lidl, M&S and Waitrose all using 100% British beef. There should be some reassurance on that front and from bearing in mind the amounts that are likely to come from New Zealand compared to the EU, say.

I cannot give any guarantee on timings but I take my noble friend's point. I will just finish with the reassurance that maintaining our high standards of animal welfare is a red line in all our trade negotiations. We will not compromise on our high environmental protection, animal welfare or food standards, including in any deal that we agree with New Zealand.

Lord Campbell of Pittenweem (LD): My Lords, I declare an interest, as a member of my family is an arable farmer in Scotland. As I listened to the Minister expounding the merits of these two agreements, it occurred to me that we have not heard much recently about the—to coin a phrase—super-duper trade agreement we were promised with the United States. What progress is being made on that agreement and when may we expect an announcement containing the necessary information from the Front Bench opposite?

Viscount Younger of Leckie (Con): The noble Lord draws me into a different area and he would not expect me to have any answers on that. The House knows that we very much hope for a deal between the UK and US to be forthcoming at some point. It is true to say that there is no inkling that this will happen soon, but we know that discussions continue and that the Prime Minister discussed this with President Biden when he was last over—whenever that was. That is as far as I can go and the noble Lord probably knows everything that I said.

Baroness Neville-Rolfe (Con): My congratulations go to our new Secretary of State, my noble friend Lord Grimstone and the Minister on this new deal. I am also glad to hear of support for trade with the Commonwealth and ASEAN markets. Of course, we trade very well with the United States, even in the absence of a trade agreement. I have two points. First, with the opening up of trade, which I strongly support, our farmers will need to be more productive, especially our small farmers, whom we have heard about. Will they be given more help to become efficient? I am concerned that farming policy now seems to be all about rewilding and wildlife, which will not make us as competitive as we need to be in the new world.

Secondly, I was very glad to see in the announcement about the new Trade and Agriculture Commission, which the noble Lord, Lord Grantchester, referenced, that the UK will be working with our trading partners on tackling antimicrobial resistance, which is a real threat to mankind. If this effort fails, it could be worse than the pandemic in hitting the young and the vulnerable. Was AMR, as I think we call it, part of the discussions with New Zealand?

Viscount Younger of Leckie (Con): Those are two very specific questions. My noble friend is right that, at the end of the day, this proposed deal—the agreement in principle—represents two staunch democracies working together to meet global challenges, from climate change to the future of digital trade. There is a symbiotic relationship in embracing the opportunities of the global marketplace, with both countries supporting jobs, enterprise and wealth creation.

I will certainly have to write to my noble friend on AMR. On her first question on trade, she is absolutely right, and I am sure the farming community would agree as well, that efficiency is an important part of ensuring that community and farming organisations are fit for purpose to be better able to export to places such as New Zealand. I know that there are vehicles for that and I will certainly be writing to my noble friend to give her the detail, which I suspect will come from my colleagues in Defra.

Viscount Waverley (CB): My Lords, I find much good material in this Statement. Is it an FTA template for the future? I also recognise the concerns of some who have spoken this evening. There was reference to the CPTPP. I hope that New Zealand will enhance our application to join that club. Perhaps that message should be put through to the powers that be in New Zealand. On tariff removals, attention is drawn to the vital area of digital trade, with specific reference to being able to

"deepen access for our … tech … companies".

That was music to my ears. However, to take the point of the noble Baroness, Lady Hayter, on bringing the ratification process before Parliament, with respect to the Minister, the Government have a patchy record in this regard, if I can put it that way. The whole process would be enhanced if the Minister would go back and just jolly it along.

Viscount Younger of Leckie (Con): I thank the noble Viscount for his questions. He mentioned the CPTPP—I know it is quite difficult to say—which is an important part of this. I say again that we are very excited about it, with the possibility that it takes us a

[Viscount Younger of Leckie]
step further towards our accession. There is much work to do before we are allowed in, I am sure, but joining will mean more opportunities for British exports to those high-growth markets. We must remember that there is already a Japan deal and one with Mexico, and we now have the AIP with Australia and New Zealand. We are inching our way towards it and I appreciate the noble Viscount's point.

On the deal itself, I am not sure whether "template" is the right word. I am certain that when one starts off with a proposed deal, there are some basic requirements. However, as I said earlier, this is a comprehensive agreement in principle. It is also the result of a lot of hard work from working groups. I suspect that the template may still be there, but this is a specific deal with New Zealand.

The Deputy Speaker (Baroness Pitkeathley) (Lab): My Lords, if there are no more questions we will move to the next business.

Ethnicity Pay Gap Reporting

Question for Short Debate

7.34 pm

Asked by ***Lord Boateng***

To ask Her Majesty's Government what assessment they have made of (1) the benefits of mandatory ethnicity pay gap reporting, and (2) the joint call by the Confederation of British Industry, the Trades Union Congress, and the Equality and Human Rights Commission, for the introduction of mandatory ethnicity pay gap reporting.

Lord Boateng (Lab): My Lords, the case for minority ethnic pay gap reporting is not only a profoundly moral one, it is intensely practical. Every person, regardless of their ethnicity or background, should be able to fulfil their potential at work. That is the business case as well as the moral case:

"Diverse organisations that attract and develop individuals from the widest pool of talent consistently perform better."

Those are not my words. I am adopting them, but they are the words of the Chartered Institute of Personnel and Development, and they ring true.

The Government's own review *Race in the Workplace*, conducted by the noble Baroness, Lady McGregor-Smith, estimated that having full representation of ethnic minority workers in the labour market would help reduce poverty across the country significantly and benefit the UK economy to the tune of about £24 billion a year—that is about 1.3% of GDP. The reality is that poverty is a fact of life for all too many in the black and ethnic minority communities. BAME groups experience a poverty rate that is twice as high as that of their white counterparts. Research indicates that poverty rates are about 50% for Bangladeshi groups, 47% for Pakistani groups, 40% for black groups, 35% for Chinese groups and 25% for Indian groups, compared with 20% for white groups in the UK.

The poverty is real. The challenge to British industry to improve its productivity, and to grow our economy in a post-Covid world, is also all too apparent; hence the need for the Government to act now on this issue, given that they consulted on the ethnic minority pay gap as long ago as October 2018. They closed that consultation in 2019, yet no response has ever been published. That is really inexplicable, given the degree of public concern about this issue.

Dianne Greyson is to be congratulated on her campaign, which produced over 130,000 signatures. That was what led to the debate on the issue in the other place. The Office for National Statistics has demonstrated only too clearly the need for the better collection of data. In addition, we now have the Confederation of British Industry, the Trades Union Congress and the Equality and Human Rights Commission all making the case for better data and for mandatory reporting in this area. The reason they do so is that if we do not successfully address the challenges of diversity in the workplace and the damage done to our economy by not securing the proper, fair and equitable promotion and retention of black and ethnic minority workers, with decent and fair rewards, the price to pay is all too high.

The challenge for the Government is to come up with a response to the questions raised. It really is not good enough to put this in the "all too difficult" box. Yes, we know there are challenges and trade-offs to be made in obtaining data that takes this issue forward; however, as the advances that resulted from the collection of data on gender have demonstrated, we know that, where we do have data, the transparency and the light of publicity thrown on glaring disadvantage and disparity change the situation on the ground—which gives hope to those currently prevented from realising their full potential.

Importantly, it also recognises that, out there in the wider world, it is already beginning to happen. There are some really good examples of best practice among employers, working with their trade unions and statisticians qualified to assist them in obtaining data that is really making a difference and linking that data to both a narrative that demonstrates what the company is doing to improve the situation and an effective strategy and policy to get them to a better place. Good examples are there. Network Rail and John Lewis are very good examples, and there are other employers showing the way.

But all employers are asking for better guidance. They are all saying, "Look, we want to produce data, but we need to be sure that we are all producing data on the same basis and we want to know that the Government are on our side and supporting what we are doing." The silence from the Government is deafening, and also quite inexplicable when you look at what their own reviews demonstrate. It is inexplicable too in terms of an agenda that is about levelling up and improving everyone's opportunities, as this is a UK-wide problem. The ethnicity pay gap in Humberside is something like 12.7%; in London it is far worse, at 23.8%. It is 10.3% in Scotland, where the good news is that its Government are now actively promoting and supporting the collection of this data.

So the question for the Government is to respond to the legitimate points made by the Trades Union Congress, the CBI and the Equality and Human Rights

Commission. When asking for mandatory reporting and for the Government to seek to build on the success of gender reporting, they made the point:

"Reporting, done well, can provide a real foundation to better understand and address the factors contributing to pay disparities."

The Government have been asked—and still there is no response—to support further work on this by the CBI, the trade unions and the Equality and Human Rights Commission. Professional statisticians have come forward with advice and expertise on this. The ONS wants to see progress in making sure that its own data better contributes to the resolution of these issues.

So will the Government now set a clear timeframe to implement this? Will they work with interested parties to develop the tools and resources required by industry to ensure that employers are supported and workers are confident in disclosing data in advance of making reporting mandatory? This can be incremental; it does not have to be done overnight. It does not have to involve all employers employing more than 250 people at once; it can be done incrementally.

The Government have the answer to these issues in their own review. They have the capacity to respond to the challenge laid down by all people of good will on all sides of both Houses for this action to be taken. The time for talking is over; now is the time to act. That was the title of the Government's own review—*Time to Act*.

7.45 pm

The Lord Bishop of Bristol: I am grateful to the noble Lord, Lord Boateng, for raising this Question for Short Debate.

I know from my experience as the former Dean of York the significant positive impact gender pay gap reporting had on the implementation of inclusion policies in an institution which had previously been overwhelmingly male. Careful attention to the gender pay gap required us to focus continuously on developing opportunities for women, not least in our stoneyard among carpenters and stonemasons, where we achieved parity. We had equal opportunity for girl and boy choristers—but I admit that the back row of the choir presented more of a challenge.

Now in the diocese of Bristol, I am acutely aware of both the imbalance in the number of UKME lay employees and their recruitment to largely junior roles in my organisation—it is totally different from the surrounding population, to my shame. I hope that the Church of England might consider participating in a pilot study in preparation for this policy, as I understand that the law in this area is complex. There are challenges in drafting legislation or guidance and in the collection of data. I note these challenges and offer three suggestions for a way forward.

First, there is currently no legal requirement for companies to collect, share or publish ethnicity pay gap data, but I hope this can be changed. An illustrative precedent here is the 2016 higher education White Paper's proposals to

"place a duty on institutions to publish application, offer, acceptance and progression rates, broken down by gender, ethnicity and disadvantage"

and to

"legislate to require those organisations who provide shared central admissions services … to share relevant data they hold with Government and researchers in order to help improve policies designed to increase social mobility".

These proposals were enacted in the subsequent Higher Education and Research Act 2017.

Secondly, GDPR rules require that individual consent must exist to the collection and storage of personal data and its use for statistical analysis and other purposes by named organisations. Employers already collect data relating to other personal characteristics of employees, so it should not be impossible also to collect ethnicity data within the GDPR rules.

Thirdly and finally, where the total number of employees or the number of employees in a particular subcategory—for example, a particular ethnic group—is small, there is a risk that individuals and their personal data could be identified in published statistics. For example, if an employer has just five ethnic-minority employees, public reporting of the ethnic-majority versus ethnic-minority pay gap for this employer could inadvertently reveal the personal pay levels of those five ethnic-minority employees.

There are industry-standard methods of minimising the risk of inadvertently publishing data from which individuals and their personal data can be identified, which typically involve supressing the publication of any statistics relating to fewer than 10 cases. In line with this, provisions could be made to ensure that employers do not publish data relating to subcategories of employees in which there are fewer than 10 cases. However, employers could still be required to collect such data regardless of subcategory size, publish it in a more highly aggregated form so that no subcategory has fewer than 10 cases and share their data with a trusted third party, such as the ONS, which could analyse data provided by all employers and report results in a way that safeguards against disclosure of personal data or identities.

Given these mitigations, I support the requirement for larger enterprises to collect and publish data on the ethnic pay gap to bring about much greater equality of opportunity in the workplace and a greater sense of common humanity.

7.50 pm

Lord Bilimoria (CB): My Lords, I am the first ethnic minority president of the Confederation of British Industry. From the outset, I wanted to find a way to champion ethnic minority participation across all businesses. I congratulate the noble Lord, Lord Boateng, on initiating this debate at this crucial time.

I am proud to say that, in the midst of the pandemic, the CBI launched the Change the Race Ratio campaign in October 2020. This aims to accelerate racial and ethnic diversity in business across the board. Our founding partners included Aviva, Brunswick, Deloitte, EY, Linklaters, Microsoft, Russell Reynolds, Schroders, the Investment Association, Unilever, Business in the Community, 30% Club, City Mental Health Alliance and Cranfield Business School. It is open to all businesses and institutions, large and small, and aims to create

[Lord Bilimoria]
change in the business community. I am proud to say that, a year later, we have 100 leading organisations as signatories, from BP to Diageo to Odgers Berndtson to Glasgow University.

Organisations sign up to four things. The first is to champion the Parker review, launched in 2017, which recommended that there should be one ethnic minority director on every FTSE 100 board by the end of 2021 and one on every FTSE 250 board by the end of 2024. Sadly, today 20 FTSE 100 companies do not have a single ethnic minority director and only 54 FTSE 250 companies have one ethnic minority director. We have a long way to go. Research undertaken by campaign signatory Green Park, chaired by Trevor Phillips, revealed that there are no black chairs, CEOs or CFOs in the FTSE 100. We need to make a step change.

Secondly, organisations sign up to increase racial and ethnic diversity in senior leadership. Thirdly, they sign up to be transparent on targets and actions and specifically to disclose ethnicity pay gaps by 2022 at the latest. Fourthly, they sign up to create an inclusive culture in which talent from all diversities can thrive. I remember a Harvard Business Review article entitled "Diversity Without Inclusion Is Useless". I have seen this first-hand from my own business, Cobra Beer, which started with just two of us. We built a mini United Nations, employing people from all over the world, from different backgrounds and cultures, and with different mindsets. That combination created a buzz, which created innovation, which created growth. I am so proud of it.

The CBI has just launched its economic vision for the UK for the next decade, called Seize the Moment. This includes creating an inclusive economy. The noble Lord, Lord Boateng, quoted the review of the noble Baroness, Lady McGregor-Smith, which said that improving participation would add an extra £24 billion to the economy. That is a huge underestimate; the figure would be far greater.

Many companies are leading the way. Eversheds, for example, set a public target to reach 10% ethnic minority UK partners by 2025. Google has set a target to support black executives and achieve at least 30% minority representation on its executive team by 2025.

We have learned from the experience with gender—specifically the Hampton-Alexander review—and gender pay gap reporting that change does not happen overnight. Gender pay gap reporting is now mandatory and what gets measured gets done.

McKinsey data from 2019 shows very clearly that the top quartile of companies that embrace diversity and inclusion are 36% more profitable than the bottom quartile. Deloitte has conducted surveys that show that companies that embrace diversity and inclusion are more innovative.

The ethnicity pay gap is over 25% in many companies. This gap should not exist. It is unacceptable. At the CBI, we report our ethnicity pay gap. Our director-general, Tony Danker, said in this year's report:

> "We still have a long way to go to eliminate institutional and systemic barriers in our workplace. It is in this spirit that we are committed to reporting on our ethnicity pay on a voluntary basis. Like our members, we want to do all we can to create a fair and inclusive workplace where everyone can thrive."

To conclude, building diverse and inclusive workplaces is not only the right thing to do but has a strong business case behind it. Diversity increases employee satisfaction, helps to retain existing staff, attracts new staff, reduces recruitment costs, increases productivity and helps companies to better represent the communities they serve. Will the Government agree that we should make ethnicity pay gap reporting mandatory? What gets measured gets done.

7.54 pm

Lord Sikka (Lab): My Lords, I thank my noble friend Lord Boateng for this much-needed debate and fully support his call for mandatory reporting.

The ethnicity pay gap reflects sedimented residues of colonialism and worker exploitation and must be eradicated. Disclosures are vital in giving visibility to unacceptable practices and paving the way for reforms. Well-managed businesses already have the relevant information, so the cost of disclosure is negligible. In any case, it would be a minuscule proportion of the amounts that these entities spend on public relations campaigns.

Mandatory reporting of the ethnicity pay gap and investigation of the related lack of diversity should be extended to professions, universities and other large entities. Only 140 of the UK's 21,000 university professors are black. Only six of 800 partners at UK Magic Circle law firms are black. As has already been said, FTSE 100 companies have zero senior black executives at board level.

In 1987, the accountancy profession was the subject of a Commission for Racial Equality probe into racism in the recruitment process. It published a document entitled *Chartered Accountancy Training Contracts: Report of a Formal Investigation into Ethnic Minority Recruitment*. It promised to revisit the issue, but never did. Its successor bodies have not done so either.

While some accountancy firms have voluntarily disclosed ethnicity pay gap data, progress towards eradication of the ethnicity pay gap is slow. Most recently, black staff at PricewaterhouseCoopers are reported to be paid 41% less than white colleagues. Ernst & Young has an ethnicity pay gap of 36.7%.

There is a lack of diversity in big accounting firms. Last year, there were only 17 black partners among the top eight accountancy firms. Only 11 of the Big Four accounting firms' 3,000 UK partners are black. Deloitte has one black partner, Ernst & Young and KPMG have two each and PricewaterhouseCoopers has only six. A July 2021 report by the Financial Reporting Council showed that disabled and LGBTQ+ citizens have virtually no chance of reaching a senior position in major accounting firms.

Will the Minister bring legislation to achieve the following six objectives: mandatory ethnicity pay gap reporting; directors providing binding plans to reduce the ethnicity pay gap and increase diversity; increased diversity and reduction of the ethnicity pay gap forming part of executive remuneration contracts; auditing of this data by trade unions and works councils, not accounting firms that cannot be trusted to deliver any honest audit; sanctions from the Government, including refusing to give public contracts to entities which are

not reducing their ethnicity pay gap; and an annual report from the Government explaining how their policies are addressing ethnicity pay gap issues? I look forward to hearing the Minister's detailed reply to these six suggestions.

7.58 pm

Baroness Falkner of Margravine (CB): My Lords, I am grateful to the noble Lord, Lord Boateng, for initiating this debate and for making such a powerful argument for what is potentially a game-changing enabler for ethnic minority participation in the economic reward system of this country.

I should begin by declaring an interest as chair of the Equality and Human Rights Commission, one of the signatories of the call for the Government to bring in mandatory ethnicity pay gap reporting in the workplace.

The House will know that the EHRC enforces the gender pay gap regulations and may well be the body charged with enforcement of the putative EPG regulations. Our experience of GPG is that the transparency that this collation of data has brought to employers is, they tell us, incredibly valuable. In the few short years that we have been doing this—we only started in 2017—we have seen the pay gap narrowed from 17.4% in 2019 to 15.5% by 2020. Alas, I fear that, as a result of the pandemic, it will increase for a short period; nevertheless, we are on that case.

Our research into ethnic pay inequality shows that there are multiple and complex factors at work, including occupational segregation, for women and carers particularly, the lack of flexible working and a serious lack of senior level representation. Additionally, we also found, after looking at the markers you would expect to see, that there were large gaps in the ethnicity pay data which were inexplicable to us. This suggests that there is still a level of discrimination in the economy and in workplaces in this country.

We recognise that measuring ethnic minority pay gaps is much more complex than for gender. We know that they vary by ethnic group, sex, age and whether individuals are UK or foreign-born. It is not simply the case that white British people earn more. The most recent statistics available show that while the majority of ethnic minorities earn less than their white British counterparts, Chinese, white Irish, Indian and Asian ethnic groups all had higher hourly pay, so it is not going to be a simple white versus others equation.

There are also stark regional variations, reflecting in part the different levels of diversity in parts of Britain. The ethnicity pay gap, which is the difference between ethnic minority and white British workers was 2.3% overall in 2019-20 but 23.8% in London, as the noble Lord, Lord Boateng, said, and only 1.5% in Wales. If we are the monitoring body for this, if it comes about, I can reassure Cumbrian hill farmers that we will not be coming for them.

Moreover, we appreciate that a binary reporting requirement similar to that for gender would potentially tell us relatively little about the particular barriers facing individuals or certain ethnic minorities or, indeed, suggest what responses are needed from employers. I very much support the call of the noble Lord, Lord Boateng, for a narrative alongside the reporting because that is the explanatory part, the analysis that gets us to where we need to go.

We welcome the Government's consultation on extending the mandatory ethnicity pay gap reporting in line with existing gender pay gap reporting and await the outcome, but we feel that it is important to have a nuanced approach to this, and that tracking outcomes at key stages in the employment journey—recruitment, retention and progression—offers much greater insight into the specific barriers facing groups. It is also essential to ensure that any future reporting mechanism has large enough employee sizes to ensure the right to anonymity is preserved.

In conclusion, if the Government and large businesses are serious about ending race discrimination, this is the most effective way to make a real difference to the lives of ethnic minorities in this country. I look forward to the Minister's response.

8.03 pm

Baroness Prashar (CB): My Lords, I thank the noble Lord, Lord Boateng, for securing this short but very important debate. He spelled out clearly both the moral and practical cases for ethnic minority pay gap reporting. It is a pleasure to follow my noble friend Lady Falkner. I agree with all she said. Her experience shows the importance of pay gap reporting.

The Commission on Race and Ethnic Disparities, which the Government set up, did not recommend statutory reporting of the kind in place since 2017 for gender pay. Do the Government accept its recommendation and the rationale advanced by it for not making ethnicity pay gap reporting mandatory? As we have already heard, following the publication of this report, the CBI, the TUC and the EHRC, among others, urged the Government to introduce mandatory ethnicity pay reporting.

The number of companies calculating their ethnicity pay gap voluntarily is growing. For example, Business in the Community found that one in 10 large companies reports on its ethnicity pay gap voluntarily, so there are good examples of how this can be done.

Those who are reluctant to report have advanced practical difficulties in gathering this data as a reason for not making pay gap reporting mandatory. Examination of these arguments shows that practical difficulties can be overcome; we must not make the best the enemy of the good. Arguments about complexity are not a convincing reason for not making pay gap reporting mandatory. Furthermore, pay gap reporting is not intended as a perfect statistical tool but a helpful snapshot as a guide for further probing and consequent action. As others have said, it not a silver bullet but one other important tool to assist action on promoting equality of opportunity.

The benefits of gathering and publishing this data with explanatory narrative are many. It prompts companies to examine and have conversations about what is happening in their organisations and take appropriate action. It catalyses action. As the noble Lord, Lord Boateng, said, the Government conducted a consultation on pay gap reporting in 2018-19. Will the Minister tell the House when the Government will

[Baroness Prashar]
publish the results of this consultation and their response to the report of the race disparity commission? Action is needed—we cannot wait any longer.

8.06 pm

Baroness Blower (Lab): My Lords, it is a pleasure to follow the noble Baroness, Lady Prashar, and I congratulate my noble friend Lord Boateng on securing this debate. I congratulate him in particular on his speech, which made an unanswerable case for ethnicity pay gap reporting.

Fairness on pay is a key issue for all workers, which is why the TUC was always in favour of gender pay gap reporting and why now the TUC, joined by the CBI and the Equality and Human Rights Commission, is in favour of ethnicity pay gap reporting. In the context of the rise of the Black Lives Matter movement, calls have clearly intensified for race equality and, as has been said, a petition to introduce mandatory ethnicity pay gap reporting was delivered to Her Majesty's Government last July. This, of course, followed the McGregor-Smith review of race in the workplace already referenced. That, as my noble friend said, is emblazoned with the slogan:

"The time for talking is over. Now is the time to act."

But the Government did not act on the recommendations that they should legislate to make larger businesses publish their ethnicity data by salary band to show progress. As is frequently the case, the Government consulted and found difficulties, and the results of this consultation have not, in fact, been published.

One of the difficulties put forward, as I understand it, is the issue of sample size and workplace segregation. However, Professor Susan Milner of the University of Bath says:

"Pay gap reporting in its current form"—

bear in mind that 11% of companies do produce data—

"is not meant to be a robust statistical tool. It provides a snapshot of workforce composition and pay at any given point."

The point of pay gap reporting is to oblige employers to examine their data and work out what disparities might exist. This is why the National Education Union conducts a survey of pay, and while it does not specifically conclude that discrimination is taking place, it provides figures which the employers of teachers should perhaps consider. It is the largest database of teacher pay data, given that the DfE does not collect meaningful data on this basis. Headlines from that recent survey include that 85%—not enough, in my view—of white British teachers had received the national recommended cost of living award, but even worse, appallingly, only 77% of other ethnic minority teachers had received it. Only 7% of white British teachers were denied pay progression, but 11% of other ethnic origin teachers were so denied. In fact, in finer detail, 15% of Indian teachers and 14% of African teachers, as self-identified in the survey, had not received this pay progression. At the very least, these figures suggest a requirement to publish a policy on pay progression at school level in every school.

I close my remarks by returning to Professor Susan Milner. She concludes that while ethnicity pay gap reporting will provide an imperfect picture, it is still a much-needed one that organisations can learn from to improve their employment practice. At a time when there is evidence of worsening employment conditions for people from black and ethnic minority backgrounds due to the pandemic, government action is more necessary than ever. I believe that she is right. I hope the Minister can offer some hope for action.

8.10 pm

Baroness Blake of Leeds (Lab): My Lords, I join other Members in congratulating my noble friend Lord Boateng on his well-informed and incredibly powerful contribution. I thank him for giving us all the opportunity to make such important contributions; I think we have all learned an incredible amount from the speeches that we have heard thus far. I thank my noble friend Lord Sikka for his. I am sure I am not alone in looking forward to the Minister's response to his request to answers for his six-point plan.

Only last month it was reported that just 13 of the FTSE 100 companies report their ethnicity pay gap. The lesson learned from gender pay gap reporting, as we have heard, is that until it is mandatory it will not become commonplace. While the ethnicity pay gap is usually considered to be around 2% to 3%, if we delve further we find that there are much wider differences between groups. As we have heard, there are many complex reasons for that. We know that, unfortunately, until mandatory reporting is introduced, we will never have a full picture and full understanding of exactly what is happening, but shamefully, even now, we can recognise the gap in pay between many different ethnic groups, as the noble Baroness, Lady Falkner, so eloquently laid before us. We need better data but most of all we need action.

My noble friend Lord Boateng has rightly made the case for mandatory reporting. He is in good company: the CBI, the TUC—as we heard from my noble friend Lady Blower—and the Equality and Human Rights Commission have all declared their support, which is a very powerful coming together of different views. There can be no excuse for the Government's delay: it is now time for the introduction of these new requirements. But they must go further than just mandatory ethnicity pay gap reporting. We also need to close the gap with a new requirement on employers to report and eliminate pay gaps. This can begin with the implementation of action plans to eradicate inequalities in the workplace, and must form a part of a wider strategy to end the poverty wages and insecure work that blight millions of lives and are holding back our economy. We have heard in the debate about the disproportionate impact of the Covid pandemic on ethnic minorities. We also know about the impact of poverty on children in our communities; I have said before that we know that a quarter of children under the age of 16 living in Leeds are deemed to be living in poverty, and 75% of those are living in working households. What do we actually know about the disproportionate impact on children from ethnic minorities affected by this?

The right reverend Prelate the Bishop of Bristol has very carefully talked about the work on the gender pay gap, and we heard from the LSE earlier this year that, since the legislation came in in 2017, there has been progress—but all of us know just how much work there is to do. Unfortunately, we have in front of us a

real sense that the Government are dragging their feet on this issue, despite the well-documented public concern and the fact that good practice is evidenced in many of the workplaces that are doing good work in this area. Practical issues are raised as objections. We need to make sure that the Government issue guidance. I finish by asking the Minister: are the Government on our side and prepared to take the next steps in making ethnicity pay gap reporting mandatory?

8.16 pm

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, I thank the noble Lord, Lord Boateng, for this debate. I am sure that we all agree that it has been both interesting and informative, and I am grateful to all who have contributed. I make it absolutely clear that the Government are committed to building back better from the pandemic. A key part of building a fairer economy is ensuring that our businesses and other organisations reflect the nation's diversity, from factory floor to boardroom. We know that some companies face challenges ensuring equal access and fair representation of people from all backgrounds in the workplace, but the picture is complex, and outcomes vary substantially between ethnicities and by gender within ethnic groups.

In 2016, the Government asked my noble friend Lady McGregor-Smith to examine the barriers faced by people from ethnic minorities in the workplace and consider what might be done to address them. One of her recommendations was that government should legislate for the mandatory reporting of ethnicity pay data. The government response said that, while we were persuaded by the case, we expected businesses to take the lead in reporting voluntarily.

One year on, it was established that some limited progress had been made. Given this outcome, we published a consultation on mandatory ethnicity pay reporting. The consultation responses raised a series of issues. Establishing a standard ethnicity pay reporting framework is considerably more challenging than was the case for gender pay gap reporting. There are genuine difficulties in designing a methodology that provides accurate figures and allows for interpretation and meaningful action from employers, employees and the wider public, so we have continued to work with businesses and other organisations to better understand the complexities identified through the consultation.

We are also considering the findings of the Commission on Race and Ethnic Disparities, which were published earlier this year. This very good report makes an important contribution to both the national conversation about race and the Government's efforts to level up and unite the whole country. In its report, the commission pointed to the statistical and data issues that can affect ethnicity pay reporting and proposed a voluntary approach. It recommended that

"all employers that choose to publish their ethnicity pay figures should also publish a diagnosis and action plan to lay out the reasons for and the strategy to improve any disparities."

It further recommended that

"pay data should be disaggregated by different ethnicities to provide the best information possible to facilitate change. Account should also be taken of small sample sizes in particular regions and smaller organisations."

To support employers undertaking this exercise, the commission recommended that

"the Department for Business, Energy and Industrial Strategy … is tasked with producing guidance for employers to draw on."

We are committed to taking action, but we want to make sure that we are doing the right things that will genuinely help to move things forward. Key to that is determining what it makes sense to report on and what use the data may be put to. The commission's report and our further work with businesses and other organisations identify a wide range of technical and data challenges that ethnicity pay reporting brings.

First, there is statistical robustness. In 2019, the Royal Statistical Society argued for a minimum sample size per category of at least 100 in order to draw valid conclusions. The purpose of this was to ensure that the calculation of a pay gap statistic would be reasonably reliable when interpreted by a non-statistician.

Secondly, there is anonymity. It should never be possible to identify any individual from ethnicity pay gap analysis. This means that a sample size has to be large enough so that it is not possible to link a number of individuals of the same ethnicity to a particular pay band.

Thirdly, there is data collection and the important issue of business burdens. A survey of over 100 organisations by PwC in August 2020 found that almost 35% did not currently collect any ethnicity data, with half identifying legal and GDPR requirements as a barrier to collecting the data. Among those organisations that did collect data, around half said that they were unable to publish their ethnicity pay data due to poor or insufficient data driven by low response rates.

Fourthly, there is reporting on a binary basis. One way to mitigate low employee declaration rates is to combine all individuals from an ethnic minority background into a single group for reporting purposes, but such an approach risks masking the significant variations in labour market outcomes between groups, and therefore the relevance of any action plan.

Fifthly and finally, there are skewed results. Reporting at a more granular level risks results being skewed by particularly large or small pay values because of low numbers within particular ethnic groups. The uneven geographical distribution of specific ethnic groups complicates the issue further. All of this creates complex challenges when deciding how best to take forward ethnicity pay reporting.

The Government are committed to taking steps to help employers tackle disparities in the workplace. We are now considering in detail what we have learned from the ethnicity pay reporting consultation, our further work and the commission's report, and we will set out our response in due course.

I will pick up some points from the debate. The noble Baroness, Lady Falkner, made some good points about ensuring that any guidance for or support to businesses is not bureaucratic but focused on the issues where they most need support. I agree with her that we should focus our efforts on some of the drivers of the pay gap. The noble Lord, Lord Bilimoria, raised some interesting views from the CBI. I agree with him on the importance of business being inclusive.

[Lord Callanan]

The right reverend Prelate the Bishop of Bristol made an excellent contribution, and I agree with some of what she had to say. There is something of a precedent for requiring organisations to collect, share or publish ethnicity data. I also agree that it is possible to collect and publish such data under GDPR rules, but I return to the point I made earlier: that we must be very mindful when developing our approach of the burdens that collecting and publishing the data might impose on businesses, and which are appropriate and would be impactful.

The noble Lords, Lord Bilimoria and Lord Sikka, both mentioned the Parker review, which was set up in late 2015 and published its recommendations in October 2017, the main target being to ensure that all FTSE 100 companies have at least one person from an ethnic minority background on their board by the end of 2021, and for the FTSE 250 to do it by 2024. Although the review was not formally commissioned by Ministers, BEIS monitors its progress by providing annual statistical updates on FTSE 350 companies. It is financially sponsored by EY. Sir John and its steering board have agreed to continue to engage with business leaders to encourage adoption of the recommendations.

I agree with the noble Baroness, Lady Blower, that EPR provides an imperfect picture of race and ethnicity in work, and this is one of the challenges that we are working through to find the right balance between data that is actionable and comparable and the business burdens.

Finally, the noble Lord, Lord Boateng, said that this was all in the "too difficult" box, but it is in fact a difficult challenge to develop a standard ethnicity pay reporting system. We will announce the way forward in due course, taking account of a range of reviews, including those of the Commission on Race and Ethnic Disparities, the CIPD and the CBI, all of which we are currently talking to about how best to support employers.

I finish by thanking the noble Lord and all those who have contributed to the debate today.

Police, Crime, Sentencing and Courts Bill

Committee (2nd Day) (Continued)

8.25 pm

Amendment 27 not moved.

The Deputy Chairman of Committees (Baroness Henig) (Lab): My Lords, the noble Baroness, Lady Brinton, will be taking part remotely in the debate on Amendment 28. I call the noble Lord, Lord Paddick.

Amendment 28

Moved by ***Lord Paddick***

28: Clause 7, page 8, line 31, at end insert—

"(d) each NHS body in the area."

Member's explanatory statement

This is to ensure that the local health sector is consulted when a a local plan is being prepared to prevent and reduce serious violence in that local area.

Lord Paddick (LD): My Lords, in moving Amendment 28 in my name, I will speak also to the other amendments in this group.

Those under the new legal obligation to collaborate with each other to prevent and reduce serious violence are set out in Schedule 1 to the Bill and include clinical commissioning groups and local health boards, but they do not, for example, include hospital trusts. We will come to what should be included in serious violence in a later group, but in that group, the noble Lord, Lord Brooke of Alverthorpe, has an amendment to include violence that results in the victim receiving injury that requires emergency hospital treatment, or where the injury amounts to grievous bodily harm.

Leaving the definition of serious violence to one side until we reach that group, we know from the work of Professor Jonathan Shepherd of Cardiff University how important information about knife crime, for example, is to the police in tackling that type of serious violence. It therefore seems to be a serious omission that not all NHS bodies in the area are listed as bodies that must be consulted as provided for in Clause 7(4), particularly hospital trusts. This omission leads one to question again to what extent this is really a public health approach to tackling and reducing serious violence. I have suggested that hospital trusts, for example, are included as bodies that must be consulted, rather than specified authorities, to avoid hospital trusts being compelled to divulge sensitive personal patient information under the other provisions of this chapter.

Hospital trusts can also play an important role in allowing charities such as Redthread to engage with victims of knife crime at "teachable moments" when victims involved in gangs are at their most receptive to being approached to discuss a way out of their violent lifestyles, particularly when they have been seriously injured or their injuries are life-threatening. I have personally heard powerful testimony from a young father, the mother of whose child had committed suicide, realising when in A&E with a serious knife wound that his child might have to grow up without either of his parents if he did not turn his back on his violent past. This is an example of a truly multiagency, public health approach to serious violence, where those involved in violent gangs are not necessarily imprisoned—where they may be further brutalised—but are supported to turn their lives around.

The noble Baroness, Lady Bennett of Manor Castle, suggests that young people's groups and religious and cultural groups must also be consulted. In these cases, such groups can have a crucial role to play in providing a safe alternative to the sense of belonging that many young people desperately seek and that criminal gangs appear to provide.

8.30 pm

As I said on Wednesday, many young people lack family support and find themselves groomed by gang members who appear to provide them with the sense of belonging that they so desperately seek. Of course, the reality of being in a gang is very different, where discipline within the gang is enforced by violence and junior members and girls are often abused and exploited. It is often not the fault of the parents, or the lone parent, who must do three minimum-wage jobs to pay the rent, put food on the table and pay their energy

bills, and as a result can rarely be there for their kids, but it creates an emotional vacuum that gangs can so easily fill. Young people's groups can provide positive alternatives to gangs, where that need for a sense of belonging can be met. Similarly, religious groups can provide not only a similar positive sense of belonging but a positive counternarrative to extremist distortions of true religion which can lead to serious violence. As the former Chief Rabbi, Lord Sacks—may his memory be a blessing—said, the antidote to bad religion is good religion.

I acknowledge and admire the tireless work of the noble Lord, Lord Brooke of Alverthorpe, to raise awareness of the negative impacts of alcohol on society. In his Amendment 32 he also includes drug use as another driver of serious violence. Certainly, drugs such as crack cocaine can lead to violent behaviour, as alcohol does, and of course, while drug supply continues to be in the hands of criminals, there will be violence associated with turf wars between rival drug gangs. When the only way to enforce drug deals is through the use or threat of violence, drugs can also be a cause of serious violence by that means.

We also share the concerns of the Delegated Powers and Regulatory Reform Committee in Amendments 33 and 41, tabled by the noble Lord, Lord Blencathra, and supported by my noble friend Lord Beith, that a strategy under this part of the Bill can have legislative effect, for example, to place authorities such as education authorities under a statutory duty to comply with a strategy that does not even have to be made public. However, I am not convinced that a national serious violence oversight board, as suggested by the noble Baroness, Lady Newlove, is necessary, as I would hope that such bodies as Her Majesty's inspectorates would already be under an obligation to review serious violence strategies and share good practice—but I will listen with interest to her arguments and the response of the Minister. In the meantime, I beg to move.

Baroness Brinton (LD) [V]: My Lords, I support Amendment 28, tabled by my noble friend Lord Paddick, which would add each NHS body in an area to the formal list of bodies to be consulted on a local plan, including why NHS bodies should not be a specified authority. I will use one example of how critical to planning they can be to support the argument.

Our Liberal Democrat colleague Caroline Pidgeon, a member of the Greater London Assembly, wrote a report in 2015 to the Greater London Assembly on knife crime. She encouraged the then Mayor of London to adopt the Cardiff model in A&E to help tackle knife crime. After a long campaign, Mayor Boris Johnson finally agreed, and one of the key recommendations in Caroline's report was to collect anonymised data.

Currently all accident and emergency departments in London collect anonymised data on violent crime for those who need treatment. The scheme means that A&E departments share key information on things such as the location of crime and weapons used with the police and the Mayor's Office for Policing and Crime, while protecting personal data. This data helps to guide interventions and prevention programmes and is invaluable in gaining knowledge on violent crime patterns. This is recognised as good practice, but there is an enormous amount of learning going on in our A&E departments as they collate that data. If the Government intend to emulate this elsewhere, it would also be helpful for the Bill to recognise that there is an enormous amount of expertise in our health bodies that can help tackle serious violence. It seems logical therefore that health bodies should also be statutory consultees.

Baroness Jones of Moulsecoomb (GP): My noble friend Lady Bennett of Manor Castle is unable to attend your Lordships' Committee today, so I am proposing Amendment 30 in her place.

Along with the other amendments in this group, our amendment will improve the Government's attempts to reduce serious violence. Youth groups, cultural groups and religious groups are just a few of the organisations that should be consulted in the exercise of the serious violence duty. There are many others too, and there will be big gaps in any serious violence reduction plan that has not consulted with and included these groups. They know their communities well, often with a different angle from other health services, local authorities and so on, and are currently not listed in the Bill—but they definitely should be. Perhaps most importantly, they can often shine a light on the failures of those other bodies with respect to how they perhaps underserve or misunderstand their communities.

So I hope the Minister will outline how youth, cultural and religious groups will be properly involved in this serious violence duty.

Lord Blencathra (Con): My Lords, as chair of the Delegated Powers and Regulatory Reform Committee, I support Amendments 33 and 41 in my name. I intend to speak only once on the whole Bill, unless the spirit moves me via my noble friend the Minister's reply. She will know that there were quite a few recommendations in the Delegated Powers Committee report, but I have put down just these two amendments.

If the Committee will permit, I will take the first minute to run through the more general criticism we made of the delegated powers in the Bill. I will not return to this subject again. In our response to the memorandum, we said:

> "We are surprised and concerned at the large number of inappropriate delegations of power in this Bill … We are particularly concerned that the Bill would … allow Ministers—and even a non-statutory body—to influence the exercise of new police powers (including in relation to unauthorised traveller encampments and stop and search) through 'guidance' that is not subject to Parliamentary scrutiny … leave to regulations key aspects of new police powers—to restrict protest and to extract confidential information from electronic devices—that should instead be on the face of the Bill; and … allow the imposition of statutory duties via the novel concept of 'strategy' documents that need not even be published."

That is the subject of the amendments before us today, and that is what I shall major on.

We concluded our general introduction by saying:

> "We are disappointed that the inclusion of these types of delegations of power—on flimsy grounds—suggests that the Government have failed when preparing this Bill to give serious consideration to recommendations that we have made in recent reports on other Bills."

[LORD BLENCATHRA]
That is fairly scathing condemnation, and it is a bit unfair on noble Lords in this Committee and from the Home Office, because they had nothing to do with drafting these provisions.

We all know how it happens. The Bill has come from another place; Ministers who have served in the Home Office and other departments will honestly admit this. I dealt with about 20 Bills when I was in the Home Office. The Bill team and civil servants would come in and say, "Here's the Bill, Minister", and we would look at the general politics of it. Then they would say, "Oh, by the way, there are some delegated powers there. When you're ready to come back again to tweak it, we can deal with it". We all said, "Yes, jolly good; carry on", but never paid any attention to them. I am certain that the Bill team in the Commons—the civil servants drafting the Bill—did not, and nor did the Commons Ministers. It came here and this bunch of Lordships have got a bit upset, and I suspect others will too.

I say to my noble friend the Minister to go back, as other Lords Ministers have to do, and explain to Ministers in the Commons and the Bill team—the Bill team thinks it is sacrosanct; it has drafted it and does not like people mucking around with it—that that bunch up the Corridor will want some concessions. My political antennae tell me that on Report there may be a few amendments made by noble Lords on all sides—amendments I might not approve of at all—but if we want to get somewhere, the Commons should make concessions on this, because they are really sensible.

Before I comment on the two amendments, I will give one example. We criticise the provisions on serious disruption; I think the noble and learned Lord, Lord Judge, wishes to remove them from the Bill. We say in our report that the Government have been able to draft a half-page statutory instrument describing serious disruption. If the Government can draft it there, stick it in the Bill, for goodness' sake, and then it can be amended later.

That is enough general criticism. I apologise to my noble friend as she has to take it all the time, but other departments have been infinitely worse in some of their inappropriate delegations. The Home Office is not the worst offender.

Clauses 7(9) and 8(9)

"make provision for or in connection with the publication and dissemination of a strategy"

to reduce serious violence. Clauses 7 and 8 allow collaboration between authorities and a local government area

"to prevent and reduce serious violence",

including to

"prepare and implement a strategy for exercising their functions"—

all good stuff.

Under Clauses 7 and 8, a strategy

"may specify an action to be carried out by … an educational authority … a prison authority … or … a youth custody authority",

and such authorities are under a duty to carry out the specified actions. However, there is no requirement for such a strategy to be published; instead, the Secretary of State has the power, exercisable by regulations subject to the negative procedure, to

"make provision for or in connection with the publication and dissemination of a strategy".

This power would appear to allow the Secretary of State to provide that a strategy need not be published if she so wished, or even to decide not to make a provision about publication at all. That does not make sense to us. My committee is

"concerned that the absence of a requirement to publish means that a strategy can have legislative effect—by placing educational authorities, prison authorities and youth custody authorities under a statutory duty to do things specified in it—but without appropriate transparency."

We therefore recommend

"that the delegated powers in clauses 7(9) and 8(9) should be amended"—

that is, tweaked a wee bit—

"to require the publication of any action which is specified in a 'strategy' as one that an educational authority, a prison authority or a youth custody authority must carry out."

That is a minor tweak—actually, so are many of the other things we recommend. We may be scathing in the report, but we are not asking that fundamental bits of the Bill be deleted or rewritten completely; we are merely asking for more transparency. Putting more things on the face of the Bill will save the Government rather a lot of grief in this House later on.

Lord Beith (LD): My Lords, my name is on the amendment, following that of the chairman of the Delegated Powers and Regulatory Reform Committee. I commend the committee's work in general, with more general comments on this Bill and the two amendments to which it has given rise in this particular case.

I am not persuaded of the merits of having a statutory structure for local co-operation strategies. I am strongly in favour of local co-operation; it should be happening everywhere to deal with serious violence and many other problems in the system. Where that is done and works well—as it has done in youth justice, to some extent—it demonstrates its value pretty quickly.

However, this is a statutory scheme; because of that, statutory obligations are created and there must be accountability for them. I am in a charitable mood so I will suggest that, if not exactly careless drafting, this did not anticipate the question, "What if no provision is made for publication of the strategy?" That is what the two amendments deal with. Perhaps the Government are undiminished in their intention that the strategies will be published and will therefore be accountable to the communities in which they are deployed but, as the Bill stands, it is weak on that point and it would be much better to make it clearer.

This is not by any means the worst delegated power issue to arise in the Bill—I am intrigued that the Home Office got off lightly tonight, with the chairman of the DPRRC calling it not the worst department. However, in this particular case, it needs to be made much clearer that, if statutory obligations are created and strategies have the force of statute, they must be published and must be accountable to the communities in which they operate.

8.45 pm

Lord Brooke of Alverthorpe (Lab): My Lords, I am grateful to the noble Lord, Lord Paddick, for his remarks. It will come as no surprise to the Minister that I have a few things to say about alcohol over the course of our deliberations.

The Home Office's outcome delivery plan, published on 15 July 2021, highlights alcohol use as a principal driver of serious violence and other crimes. However, the plan does not include any measures to reduce alcohol use. Reducing alcohol availability, increasing alcohol price and limiting alcohol marketing are powerful levers already in the hands of the Government for reducing serious violence, but none of these is included anywhere. As drafted, the Bill appears to be blind to the ubiquitous role of alcohol in serious violence both in and outside the home.

In 2019, 176,000 people in England and Wales needed emergency hospital treatment after being injured in violent incidents. Most of this serious violence takes place after 10 pm and is alcohol related. This is just the tip of the iceberg, as the Crime Survey for England and Wales demonstrates so clearly. People living in the most deprived areas are six times more likely to be affected than those in the least deprived areas. Quite apart from triggering violence, intoxication increases vulnerability, including to sexual violence, as physical decision-making capability is eroded. Hate violence increases as inhibition decreases.

One of the solutions is pricing. Even tiny alcohol price increases make a big difference. A 1% increase across the on and off-licence trades is estimated to reduce the number of people injured in serious violence by at least 6,000 in England and Wales. But at the moment, the Government's action is in the opposite direction: they freeze or even reduce the levies and duties on alcohol. We wait with interest to see what the Chancellor will do this coming Wednesday, because effectively what the Government have done in recent years by reducing the price of alcohol in relative terms is give a licence for people to drink more and commit more violence, particularly after 10 pm. I hope there is some chance that we will start taking a different view of that. The statistics should not be ignored; they have got worse, and we should be taking action.

I bring apologies from my friend, the noble Baroness, Lady Finlay, who is unable to speak today. Had she done so, she would have talked about the related issue of drugs. Drug-related homicides are increasing. There were 311 such homicides in England and Wales in 2018-19 and 337 in 2019-20.

If one takes the consequences of the abuse of alcohol and drug taking, one sees that we have not a diminishing problem but an increasing one. We need to take all the steps we can in any way open to us to try to ensure that we start moving in the opposite direction. The amendment that I bring to the Committee seeks to ensure that the consequences of alcohol, and the need for those consequences to be recognised, are recognised in the strategy that will be drawn up, which I hope will be worth while and worth pursuing.

Lord Coaker (Lab): My Lords, I declare my interests in the register of interests. I am the independent chair of the Nottingham Crime & Drug Partnership. As this may cross some of the things I say, I am also a principal research fellow at the Rights Lab at the University of Nottingham.

The Bill requires authorities involved in the serious violence reduction duty to prepare and implement a strategy to prevent and reduce serious violence in their local area. These amendments are incredibly important because the strategy is about how we implement all the other things we are talking about. The amendments are about that strategy, what it should involve and how it can be made more effective. Such detail is what the Committee stage is about.

The Government's figures from the impact assessment published on 30 June 2021 are simply unacceptable and we have to do something about them. They say:

> "Since 2014 certain types of serious violence have increased markedly in England and Wales. Offences involving knives increased by 84 per cent between the year to June 2014 and the year to June 2020. Homicides increased by around 38 per cent and gun crime rose by 28 per cent between year to June 2014 and year to June 2020."

In the year ending June 2020, 262 people were stabbed to death. In 2019-20, 4,800 admissions for assault by a sharp object were recorded, with some offences never reported. Redthread, which the noble Lord mentioned, is one of the special projects in Nottingham which deals with that. I say those figures not to be alarmist or to criticise, but to outline for the Committee, those who read our affairs and some who are no doubt watching them, that this is a colossal problem for us as a society. We are struggling to deal with it and do something about it.

I asked many Ministers in the other place and am starting to ask in this place, why this Bill will be different from other Bills. Nobody has passed a Bill on serious violence over the past 30, 40 or 50 years that has not sought to do exactly what this Bill is seeking to do. There has not been a police force, a justice system or a local authority across the country that has not sought to reduce serious violence. It is a failure of public policy for decades, but it is particularly pronounced at the moment. Whether it is drugs, alcohol or other things that are motiving and pushing it, the Committee are considering how this time it will be different. Why will the strategies we are putting forward now mean that the police, local authorities, NHS bodies, youth services, residents' associations, wherever they are, are empowered to succeed in a way that strategies that were implemented before have not been successful?

I have been listening carefully to how many Members of your Lordships' House are using their experience from wherever they have come from to inform the Government, because we want the Government to succeed. Virtually every single morning at the weekend you wake up to the news that somebody has been stabbed. Sometimes there is a 14 year-old involved in the stabbing, as was on the news recently. I listen to that with horror. How will this be better? The challenge for the Government in the best sense of the word is about how these strategies will work and how we will make them work.

[Lord Coaker]

I am really grateful for the work of the Delegated Powers Committee, which is not seeking to embarrass the Government. It wants to improve the legislation. What the noble Lords, Lord Blencathra and Lord Beith, said is quite significant. To repeat what the noble Lord, Lord Blencathra, very powerfully said, there is no statutory requirement on the Government in the Bill to publish the guidance. It said that it considers that there perhaps should be. It did not put it like that, but that is essentially what it said. In parliamentary language, it is saying to the Government, "You aren't required to do it, but that's not a very good idea, and you should." Common sense would dictate that if guidance is going to guide people, surely the Government should be required to publish it or have it, and that is why the amendment is there.

Amendments 28 and 30 would add NHS bodies, young people's groups and religious and cultural groups to the list of groups that must be consulted. The Minister will no doubt say, "It is our intention to do that; of course they will be consulted. We would never dream of doing it without consulting them", but people want reassurance that these bodies, groups or parts of society are actually in the Bill.

On 13 September, the Government published the *Home Office Measures in the Police, Crime, Sentencing and Courts Bill: Equalities Impact Assessment*. The Government's own advice to themselves says that

"there is also often a disproportionate impact of certain knife crime offences on young people. Therefore, greater benefits could fall to those with the same characteristics",

and it goes on to talk about ethnicity and some other issues. So the Government's advice is that young people are disproportionately impacted, therefore it might be a good idea to consult them about the solutions to this. I say to the Minister that that surely should be included in the Bill. There is nothing lost by it, whether with NHS bodies or young people. I can hear the reply now: "There is no need for it, because of course we will." But it is so important for those things to be listed in the Bill. That legislation needs to be there, and those points were made by a number of honourable Members in the other place.

Amendment 32, from my noble friend Lord Brooke and the noble Baroness, Lady Finlay, as was outlined by my noble friend, is on alcohol and drugs as drivers of serious violence. I do not know whether my noble friend would agree, but alcohol and drugs are often, somehow or other, not given the same prominence in how we deal with this. I will give one example of how serious violence and alcohol are linked: if the police regard a particular football match as difficult, they will start much earlier in the day, before the pubs are open, essentially. Why do they do that? I am not a police officer—the noble Lord, Lord Paddick, might know better—but I presume that, if you start it then, the incidence of violence is likely to be less, although this is not definite. This cannot be overstated, so what will the strategy say about dealing with alcohol and drugs? This is fundamental to public health.

I congratulate the noble Baroness, Lady Newlove, the noble Lord, Lord Russell, and my noble friend Lord Rosser on Amendment 53. I understand that the noble Lord, Lord Paddick, is yet to be convinced by the national serious violence oversight board. It is a mechanism by which the signers of the amendment and those who support it seek to ensure that these strategies will work and contain something so that not just the local authorities delivering them but, somewhere along the line, somebody holds people to account for trying to deliver them. If a national oversight board does not do that, who will? Correct me if I am wrong, but I think the noble Lord, Lord Paddick, said that Her Majesty's inspectorate might be able to.

To be honest, I am open to persuasion about what the mechanism should be, but the importance of the amendment cannot be overstated, because it says that the Bill and these strategies will work if there is some way of trying to understand whether they are working. What measures will be used and who is going to look at whether they work? Who is going to review the strategy to ensure it is any good? Who is going to share relevant data and good practice? Who is going to do that if not an oversight board? Somewhere along the line, people have to be held to account so, if Amendment 53 is not a good idea, what is? We cannot just let it run free and work; we need some way of measuring it and knowing that it is working.

9 pm

The Minister is probably becoming aware that I am addicted to government papers. I read the draft guidance to the serious violence duty. Noble Lords will have noticed that on page 39, the Government themselves say that there are three key measures in respect of preventing and reducing serious violence: homicide rates, hospital admissions for knife crime or other sharp object-related crimes, and police-recorded knife incidents. Who will watch every single strategy in the various police areas? Who will ensure that all three key success measures are achieved? They put that in the draft guidance and then, everyone forgets about it. We do not do that with schools, do we? We do not say to schools or hospitals, "You can do what you want; we don't care." Serious violence is as important as it gets. Surely, somewhere along the line somebody should look at this. Therefore, if Amendment 53 is not the answer, I would be keen to hear from the Minister what the answer is.

As I say, we all want to reduce serious violence, and the Government rightly seek to do it via the strategies. But how will we make those strategies effective and ensure that this Bill will be different from all the previous Bills which published strategies and set out the same objectives—and yet, here we are again today? I look forward to hearing the Minister's reply.

Baroness Newlove (Con): My Lords, I will speak to Amendment 53. I thank the noble Lord, Lord Coaker; to be perfectly honest, he has made my speech for me. I also thank the noble Lords, Lord Rosser and Lord Russell, for supporting this amendment.

Basically, everything has been said. However, as the noble Lord, Lord Coaker, asked in his passionate speech, why are we still talking about this issue? I know that the Minister listens; however, having spoken to Barnardo's, and as a former Victims' Commissioner

and a victim of violent crime involving alcohol, I have a passionate desire to ensure that we get this right for children, because we are missing the criminal exploitation of children. I have met many victims of child sexual exploitation; what is the difference between that and child criminal exploitation? We need a multiagency approach—I feel that I am always on repeat in talking about this issue. The language and the proposals are the same, but we have to work together a bit more thoroughly and transparently.

I have attended many summits at No. 10, on sexual exploitation, knife crime—you name it, I have been to most of them over the past 11 years. Today we are still talking about serious violence, which is linked to criminal exploitation, and sadly it especially affects our young children. As the noble Lord, Lord Coaker, said, last week a 14 year-old was charged with murder. What kind of society are we living in today?

The violence in question is very serious. Last week, the police in England and Wales reported that between 11 and 17 October, they made just under 1,500 arrests. They seized weapons such as zombie knives, samurai swords and firearms, as well as £1.3 million in cash and drugs, by targeting those involved in organised drug crimes and county lines. Alongside the arrests, 2,500 vulnerable people, including children, were identified as in need of safeguarding. That is within just six days. It is an achievement to get all this together, but it clearly demonstrates that serious violence and criminal exploitation do not adhere to local area boundaries. We spoke in this Chamber about county lines but, once we had highlighted it, the drug lords widened their operations, moving the children across the country.

We have a duty to safeguard these children. Serious violence and child criminal exploitation are child abuse. If we are to stop this spreading, there has to be accountability. We like to talk the talk but, unfortunately, we are not walking the walk when it comes to what these children are put through in their daily lives. I have met 14 and 12 year-olds who are the most vulnerable in our society, absolutely captured by criminality. They do not have the education to say no, and they live in fear because the abusers do not stop at humanity. They like to grab their homes. They bring their families. We have drill videos and cuckooing—there is lots of this different lingo, and it all involves children, who are the drug mules in all of this.

Can you imagine having a child who gets involved in this, and your home then being scrutinised by a big fellow—most of them were—with a huge Samurai sword or a machete down his trousers? He looks quite normal to anyone else. Drill videos contain the lingo that gives messages to gangs. This is not in my script, by the way; this is about people I have met. This is about children who have no way of getting out. They need support on the ground.

That is why I am asking for this amendment. The noble Lord, Lord Coaker, put it well when he said that we need accountability. The amendment would ensure that the Secretary of State appoints a board known as the

"National Serious Violence Oversight Board".

The Secretary of State would chair it and it would be accountable to Parliament; it would not be just window dressing.

The amendment proposes that we monitor delivery of the new serious violence duty across the country. This is not just for individual authorities to deal with; it is cross-country. The board would provide a national picture, identify national trends, see what is and is not working and share learning across the country. As I have said, no one agency can tackle this problem. I hope that the Minister will consider this amendment and see the benefits of establishing this oversight board.

"Ensuring accountability" are the two words that should be important, not "lessons learned", when the horse has already bolted. A national serious violence oversight board would enable analysis of the national trends and proper scrutiny of what is and is not working. We owe it to these children to give them a better future.

Lord Russell of Liverpool (CB): My Lords, I rise briefly to support what my friend, the noble Baroness, Lady Newlove, has just said. I echo her praise and thanks to another friend, the noble Lord, Lord Coaker, an ex-Parliamentary Assembly of the Council of Europe colleague, for his diagnosis—because that is essentially what this probing amendment is about.

It has become extremely fashionable for Her Majesty's Government to do two things when they feel they are getting into difficult waters. First, they give responses whereby a series of rather large-sounding sums of money are trotted out to show that they care and are doing something about it. Usually, there is no mention of what effect those large sums are having.

The second thing Her Majesty's Government have developed a particular tic for is developing strategies. As I have said before in this Chamber, when I hear too many strategies coming from various directions, my instinctive reaction is to reach for my tin hat and head for the trenches. By their very nature, strategies are aspirational. They try to understand a problem, and they suggest a solution. They do not guarantee what the outcomes will be, and they rarely have built into them accurate measures and KPIs to actually work out whether the much-vaunted strategy is delivering.

I entirely agree with publishing strategies, not least because in reading them and tearing them apart, you can work out whether they are complete rubbish or complete and utter rubbish or contain a germ of common sense and a direction. To take the example of the report which Her Majesty's Inspectorate produced only three days after Second Reading of this Bill, what Zoë Billingham produced is a fairly coruscating read. If your Lordships have not read it, I recommend it, but probably not just before bedtime. It takes apart at all these strategies and initiatives, all the money that has been thrown in all sorts of directions in considerable sums over many years, and measures how effective all that effort has been. The report says in very stark terms—Zoë Billingham repeated this on "Woman's Hour" a few days later in even clearer English—that it is simply not working because it is not joined up. Having a series of local strategies does not result in a national strategy that will deliver.

[Lord Russell of Liverpool]

This probing amendment is designed to ask Her Majesty's Government to look at the past, the present and the evidence of what has not been achieved, rather than the precious little that has, and not to repeat the mistakes of the past, with wonderful vague promises and aspirations—particularly when we are dealing with issues such as violence against women and girls and the effect on children, when we know we owe it to them to do better. We need proper oversight. There is a difference between a report and a strategy. We need a mechanism that measures and holds the Government and all the different statutory bodies involved to account. That is what the amendment is about, and I look forward to hearing the Minister's reply.

Baroness Chakrabarti (Lab): My Lords, I have surprised myself, because I did not intend to speak on this group, but I find myself needing to speak in support of the noble Baroness, Lady Newlove. Generally speaking, I am not a great fan of machinery of government changes, new quangos or even of new, multiple statutory duties, but if we are taking the trouble to legislate on something as serious as serious violence, we need to think about transparency, accountability, enforcement and resourcing. Talk is cheap, and legislation is a little more expensive—but the colleagues in that Box do not get paid so much. These principles have been the undercurrent of the debate on this group.

The noble Lord, Lord Blencathra, spoke eloquently on the part of the Delegated Powers Committee, and I did not disagree with a word, save to say that I was once a lawyer in the department advising him, and we are not going to blame the officials. My recollection was that Home Office lawyers were actually terrified of the Delegated Powers Committee; it was sometimes Ministers who were a little more blasé. However, every substantive point the noble Lord made was important. There is no point having guidance if it is not to be published—unless it is guidance to the security agencies. More generally, the noble Baroness, Lady Newlove, nailed it, as did my noble friend Lord Coaker. We all care about these issues. I worked on the Crime and Disorder Act when it was a Bill all those years ago, but we have heard the figures.

If it is worth legislating in this area at all, it is worth looking at how the legislation is to be enforced and resourced. That cannot be done in secret and we cannot just have directions from central government to starving local authorities; it must be public, it must be accountable, so I speak in support.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I thank all noble Lords who have set out the case for the various amendments in this group. The noble Lord, Lord Coaker, pointed out that certain crimes are up, and he is absolutely right. He asked, rightly, how these strategies will be different. They will work only if they can measurably show something at the end. The noble Lord, Lord Russell of Liverpool, gave us some of the solutions: first, agencies working together in a multiagency approach, as the noble Baroness, Lady Newlove, says. Sharing data trends is one of the suggestions in the draft guidance: sharing those trends, where the hotspots are and where agencies can have a better focus on the needs of certain areas. Local needs assessment is going to be crucial, but the monitoring and reviewing against those three measures that the noble Lord, Lord Coaker, and, indeed, the Government set out will be the ultimate measure of success or otherwise. He is right to point out that successive Governments have had successive strategies to try to deal with these things—that is because it is just not that easy. If it were, someone would have worked it out by now. I think that is at the heart of what we are talking about this evening.

9.15 pm

Amendment 28 would add a requirement for the specified authorities to consult all NHS bodies in the preparation and implementation of the local serious violence strategy. I am in absolutely no doubt that engagement from the health sector will be key to the success of this duty, but I do not think that the amendment is necessary, because clinical commissioning groups in England and local health boards in Wales are already named as specified authorities for the duty and we think that they are best placed to lead and assure local input to and delivery of local serious violence strategies from the health sector. So, there are existing channels through which engagement with relevant NHS bodies can take place; it is open to the specified authorities to consult other persons and the statutory guidance will be clear on this. To mandate consultation with every and any NHS body would cast the net far too wide. There are many NHS bodies, not all of which can usefully contribute, or would want to contribute, to serious violence strategies.

On engagement with young people and religious groups, the noble Baroness, Lady Jones of Moulsecoomb, spoke to Amendment 30 behalf of her noble friend, the noble Baroness, Lady Bennett. I completely agree that it will be crucial for specified authorities to engage with young people, as well as local faith and cultural groups, in the development of local strategies. That is why we have included a specific chapter in the draft statutory guidance for the duty which concerns effective engagement with such groups. Given that all specified authorities will be legally required to have due regard to the guidance, I think this is sufficient to ensure that this engagement takes place and therefore do not think it is necessary to include it in the Bill. The guidance will be subject to a public consultation following Royal Assent and we will welcome feedback in advance of and during that consultation to ensure that it reflects the most appropriate advice and guidance on this process. I think the guidance has been so well trailed this evening that we will expect a lot of input into it once it is put out there.

On Amendment 32 in the name of the noble Lord, Lord Brooke of Alverthorpe, on the known drivers of violent crime, again I wholeheartedly agree that to put into effect a multiagency response we need to understand and address the factors that cause someone to commit violent crime, so that we can prevent it happening in the first place. The noble Lord talked about such things as minimum alcohol pricing—we have talked about that and it is certainly something the Government

are keeping under review—and the very obvious links between alcohol and violent crime, which are indisputable, in fact.

That is why the serious violence duty will require specified authorities to work together and share data, as I said earlier, and information, so they can formulate an evidence-based analysis of the problems associated with serious violence in their local area and subsequently produce and implement their strategy, and ultimately make the right interventions in how they respond to those issues. As part of this, the specified authorities will need to identify the kinds of serious violence that occur in their area and, so far as it is possible to do so, their causes, and then prepare and implement a strategy with bespoke local solutions.

I therefore consider the amendment to be unnecessary, given that the work to identify the drivers of violent crime in any given locality will already be required by the legislation. While it is true, as I said, that alcohol and drug misuse are common drivers of many types of serious violence, we cannot be certain that these will be significant factors across all local areas in England and Wales. So I think it is right that the specified authorities for the duty are afforded the opportunity to ascertain the specific drivers of violent crime in their own areas and keep this assessment under review, so that they can develop a strategy with bespoke local solutions.

Amendments 33 and 41, concerning the publication of strategies, were tabled by my noble friend Lord Blencathra in light of the recommendations from the Delegated Powers and Regulatory Reform Committee, which he chairs. First, I was very pleased to know that the Home Office was not the worst culprit of all departments. I also assure my noble friend that it is our intention for all strategies to be published. Regulations to be made under Clauses 7(9) and 8(9) will include further detail on matters concerning the publication and dissemination of local strategies, such as the date by which the first strategies must be published and the method of their publication. We intend to consult on the content of such regulations before they are made.

Given that the core requirement to prepare, review and implement serious violence strategies has been set out in the Bill, I can see that there is a case for the Bill itself to also stipulate the requirement to publish. I will consider the Delegated Powers Committee's arguments on this issue further, if I may, and I undertake to respond to that committee's report ahead of the next stage of the Bill—you see what happens when someone praises the Home Office.

Finally, Amendment 53 would require the creation of a statutory national serious violence oversight board, to be appointed and chaired by the Secretary of State. I agree with my noble friend Lady Newlove that we will need to have a means of monitoring progress in relation to the serious violence duty and that this may include a role for the Government. I am not sure it is necessary to include the detail of such arrangements in the Bill. However, we intend to develop options and include detail on the approach in our statutory guidance for the duty, which will be subject to a public consultation following Royal Assent. This will afford specified authorities and those who represent them an opportunity to contribute their views on this process, including any proposed role for central government in monitoring progress and activity in relation to the requirements of the serious violence duty, before it is established.

To be clear, we intend to provide further detail on monitoring the development and implementation of strategies, providing support to authorities where required and disseminating emerging best practice. It is also worth noting that specified authorities will already be expected to be able to self-monitor their progress through the requirement to keep their strategy under review. The draft statutory guidance, published earlier this year, advises that such reviews should be carried out annually. In carrying out these reviews, specified authorities will be expected to be able to be able to collectively evaluate the impact of the local strategy on levels of violence locally.

Police and crime commissioners and, in London, the Mayor's Office for Policing and Crime and the Common Council of the City of London will also have a discretionary power to monitor the performance of the specified authorities against their shared objectives. Furthermore, community safety partnerships, which may be the chosen partnership to deliver on the duty in certain areas, already have a statutory requirement to keep the implementation of their strategies under review for the purposes of monitoring effectiveness, make any changes to such strategies where necessary or expedient and publish the outcomes of each review.

In conclusion, I reiterate my commitment to consider further the two amendments in the name of my noble friend Lord Blencathra about the publication of strategies. As for the other amendments, I hope that, in light of my explanations, I have been able to satisfy the Committee and that the noble Lord will be content to withdraw his amendment.

Lord Paddick (LD): My Lords, I thank all noble Lords who have contributed to this debate, particularly my noble friend Lady Brinton for her support for my Amendment 28 and the noble Lord, Lord Blencathra, and my noble friend Lord Beith for powerfully explaining their amendments calling for the publication of strategies, despite my noble friend's scepticism about having statutory strategies.

Other parts of the Delegated Powers Committee's report criticise the fact that there is no indication that guidance issued to the Government will be published. There is also no requirement in the Bill to publish the serious violence reduction strategies; that is the main criticism in this group, as that clearly cannot be right.

The noble Lord, Lord Brooke of Alverthorpe, talked about drug-related homicides; I was not sure whether he was talking just about drug-fuelled perpetrators or other deaths associated with drug misuse. The noble Lord, Lord Coaker, graphically illustrated the alarming increases in serious violence, particularly knife crime—there has been an 88% increase in recent years. He asked a very important question: how will this part of the Bill, and the strategies associated with it, succeed where previous strategies have failed? I am not sure we have heard the answer to that.

I agree with the noble Baroness, Lady Newlove, that we need to do whatever it takes to make sure that we succeed this time, because we have not succeeded

[LORD PADDICK]
up until now—provided that whatever that is, is effective. Clearly, there is a need for national co-ordination, for the very good reasons she explained.

The noble Lord, Lord Russell of Liverpool, highlighted the need for smart objectives in strategies—specific, measurable, achievable and realistic objectives which have a timeframe. That is what effective strategies contain, and they do not appear to be present in the Bill. I thank the Minister for her comprehensive answers to the issues raised. She appeared to agree with the noble Lord, Lord Russell of Liverpool, but it is not simply about sharing trends and monitoring; crucially, it is about setting smart objectives.

The Minister talked about clinical commissioning groups and local health boards; I have been told by my noble friend Lady Brinton, our health spokesperson, that these bodies do not include NHS hospital trusts, which at least should be included as bodies that must be consulted in developing these strategies. Accident and emergency hospital data is even mentioned in the guidance referred to by the noble Lord, Lord Coaker, as a crucial measure of serious violence, yet accident and emergency hospitals are not even required to be consulted, according to the Bill. So we need to have further discussions on these issues.

9.30 pm

The Minister agreed about the role of alcohol and the strategies that needed to include a response, but measures such as minimum alcohol pricing are not within the control of local areas. I am afraid that I do not accept her argument that it depends on what the problems around serious violence are in particular areas. I do not know any police area where alcohol is not a factor in serious violence and therefore needs to be addressed. It needs to be addressed by the sort of national measures that the noble Lord outlined.

I am grateful to the Minister for agreeing to look at, one hopes, all the recommendations of the Secondary Legislation Scrutiny Committee and not just those in relation to this group of amendments. At this stage, I beg leave to withdraw the amendment.

Amendment 28 withdrawn.

Amendments 29 to 33 not moved.

Amendment 34

Moved by ***Baroness Meacher***

34: Clause 7, page 9, line 25, at end insert—

"(13) A specified authority is not subject to a duty in subsections (1) to (3) if or to the extent that compliance with the duty—

(a) would be incompatible with any other duty of the authority imposed by an enactment, or

(b) would otherwise have an adverse effect on the exercise of the authority's functions.

(14) In determining whether subsection (12) applies to an authority, the cumulative effect of complying with duties under this section must be taken into account."

Member's explanatory statement

This ensures that public bodies are only obligated to comply with the serious violence duty to the extent it does not conflict with their other statutory duties.

Baroness Meacher (CB): My Lords, I am sorry; I have a bit of asthma having had Covid last December, so I am not wearing a mask, and I have cut my speech somewhat. I hope I get through it.

I give notice of my intention to oppose the Questions that Clauses 9, 15 and 16 stand part of the Bill. The noble Lords, Lord Paddick and Lord Moylan, will respond to Amendment 65, and I very much agree with their concerns.

Amendments 34 and 60 would ensure that public authorities were obliged to comply with the serious violence duty to co-operate only to the extent that such co-operation did not conflict with their other statutory duties. Of course I wholeheartedly support helpful co-operation between statutory authorities, but not at the expense of the public services that we treasure so much. The work of doctors, teachers and other public servants relies considerably on the trust of their patients, students and others. If it became known, as it would do, that these public servants were working with the police and possibly divulging information to the police about them, it would have catastrophic consequences for those public services. I am sure that the noble Lords, Lord Paddick and Lord Moylan, and others will elaborate on this concern, but will the Minister do all she can to ensure that the Government table amendments to deal with these concerns about these demands on our public servants?

Clause 14 focuses on collaboration between educational, prison and youth custody authorities to prevent and reduce serious violence in an area. Of course, the aim is admirable. However, the three clauses, Clauses 9, 15 and 16, introduce the authorisation of disclosure of information by staff within the authorities listed in Clause 9(3). That list includes the prospect of the Secretary of State authorising disclosure not only by the named authorities—the local policing authority, educational authority, prison authority and youth custody authority—but, under subsection (3)(a), any other specified authority. This could, therefore, include doctors and other staff in a health authority, or staff from any other authority. Perhaps the Minister can explain what the Government have in mind.

It is helpful to consider these three clauses together, because they all relate to disclosure and all raise very concerning issues about the potential for regulations under this Act to take precedence over confidentiality obligations or even the Data Protection Act. Clause 9(4) says that a disclosure of information authorised by this section

"does not breach … any obligation of confidence owed by the person making the disclosure, or … any other restriction on the disclosure of information (however imposed)."

In my view, those words, setting aside these protections, are really concerning. Admittedly that is in order to achieve an important objective—reducing violent crime—but nevertheless it is unacceptable to do this.

Clause 9(5) suggests that the regulations should not contravene the data protection legislation. Fine, but the next phrase, in brackets, seems to undermine that commitment, which surely is important and should not be undermined:

"(but in determining whether a disclosure would do so"—

that is, contravene the data protection legislation—

"any power conferred by the regulations"
to the Bill
"is to be taken into account)".
This provision reduces existing safeguards and protections. Clauses 15 and 16 use almost identical language to Clause 9, but Clause 16 focuses on the supply of information to local policing bodies. That would appear to be covered by Clause 15. This is not a matter of concern to me but it seems somehow extraordinarily shoddy to have a completely unnecessary clause in a Bill—unless the Minister can explain why it is there.

It would be most helpful if the Minister could clarify whether Clauses 9, 15 and 16 in fact provide for the regulations to the Bill to override or weaken the power of the data protection legislation and other confidentiality obligations of statutory authorities. If they do, the implications for trust in public services are devastating. The duty gives the police the power to require information from the named and unnamed statutory authorities, and mandates widespread data sharing without proper safeguards.

I want to focus for a minute on the fact that these clauses put on a statutory footing many of the failings identified by the Information Commissioner's Office and MOPAC of the Met Police's gangs matrix. The stated aim of the matrix was to enable the Met to identify and keep track of people involved in gangs—a laudable aim indeed. However, data sharing between the police and other agencies without safeguards meant that a stigmatising red flag followed people in their interactions not only with the police but with other service providers, including housing, education and jobcentres.

Some 78% of the people on the matrix were black, despite black people being responsible for just 27% of serious youth crime. Are we going to see a similar result across the country as a result of these clauses? Perhaps the Minister can explain. Some 75% of the people on the matrix had been victims of violence themselves but were still subject to enforcement-led interventions. The lifestyle consequences for people on the matrix, 40% of whom were not suspected of any violence, were appalling. People lost college places; others were threatened with eviction or, for example, were forced to report to the police in London despite having started a course at Cambridge University.

Can the Minister respond to the very real anxieties that the Bill, particularly Clauses 9, 15 and 16, will be counterproductive and lead to serious injustices, as was seen in the Metropolitan Police? Far from preventing serious violence, the risk is that these provisions will make it very difficult for young people to escape a life of drugs and crime and to turn to education and work as the way forward. No doubt the Minister is aware that the Met Police's gangs matrix remains under review after the Information Commissioner's Office ordered the force to rectify its breaches of data protection laws. The clauses seem to make lawful across the country the very same problems that the Met was criticised for and which caused such harms.

The clauses risk undermining trust in our local public services, thus undermining all the good work done by our committed doctors, teachers, youth workers and others, as well as trapping young people in a life of crime. I look forward to the Minister's response.

Baroness Brinton (LD) [V]: My Lords, the noble Baroness, Lady Meacher, was absolutely right to introduce this group of amendments by focusing on the full range of public services that will be drawn into the demands by this Government, and by police and other bodies, to have access to the personal information of individuals. As she rightly pointed out, this includes health services. Although I will not repeat the point that I made on the group starting with Amendment 22 earlier today, it sets the picture for the overall complexities and contradictions that other noble Lords have been discussing all evening on this Bill.

The data protection guardian has said that there are concerns that these likely breaches contravene the Data Protection Act. As I mentioned earlier, so have the GMC, the BMA and other health bodies. It is extremely concerning that we now must think about confidentiality in other areas too. I have no doubt at all that there are times when the balance of when information should be passed back is vital. That is what the serious violence strategy is all about. The problem is that there are no safeguards set out and no clear boundaries. I do not understand why that is the case.

While we have been talking about bodies and specific authorities during the course of these amendments, I am equally concerned about whether this debate is happening for the wider public, to tell them that in this Bill their personal data may well not be kept confidential. We do not even have the guidance on the point at which the police will start to get that information. So can the Minister identify any such consultation or debate in the wider media and social media about these rules, which will change citizens' private data confidentiality for ever? I also echo the point made by the noble Baroness, Lady Meacher, about this undermining trust in the bodies that have the data.

Amendment 65 makes the wider point that I referred to at length in the first group of amendments about the use of depersonalised information, but it sets out some guidelines and I strongly support this amendment too.

In closing, I say that the worry that many noble Lords have spoken of in various groups this evening is now becoming abundantly clear; it is just not clear where the rules and boundaries are, and I hope that the Minister will be able to help the House in this area.

Lord Paddick (LD): My Lords, I have Amendments 35, 45, and 47 in this group. This is a very large group of amendments covering a range of issues and I apologise in advance for the length of my comments.

Noble Lords will forgive me for sounding like a broken record, but I go back again to the Government response to the consultation on the new legal duty to support a multiagency approach to preventing and tackling serious violence, which supports my own consultation with relevant stakeholders, which revealed universal concern that the Bill as drafted actually facilitates a police-led enforcement approach and not a genuine public health approach—a genuine multiagency approach to these issues.

The Government set out three proposals in that consultation: the one in the Bill, a new duty through legislation to revise community safety partnerships,

[LORD PADDICK]
and a voluntary approach. More responses were in favour of revising crime and disorder partnerships than the Government's preferred approach set out in this Bill. Can the Minister tell the Committee what the purpose of the consultation was if the Government had already made up their mind?

The revising of crime and disorder partnerships was supported by 40% of respondents, including half of all police responses, compared with 37% in favour of the approach in the Bill. It is not too late to accept the result of the consultation and to revise crime and disorder partnerships. Amendment 35 is a probing amendment giving an example of how this might be done: for example, by adding authorities to existing crime and disorder partnerships.

Amendment 45 raises the concern that sensitive personal information, which this Bill forces public authorities and even doctors and counsellors to disclose, may be disclosed to private sector or third sector organisations that the Home Office, police forces or others may subcontract work to, to tackle or prevent serious violence, whose data security and personnel vetting procedures may not be as good as that of public sector organisations, and that this may result in sensitive personal information leaking into the public domain.

What assurances can the Government provide that such data, if public authorities are forced to share it, will be kept confidential? Cybercrime experts tell us that no database is secure and that data holders need to work on the basis that their security will be breached and that they need to have back-up plans. The more sensitive personal information about individuals is shared, the greater the risk that confidential information will end up in unauthorised hands, potentially used for illegal purposes such as blackmail, and ultimately end up in the public domain. Amendment 47 removes any requirement to disclose information that would breach an obligation of confidentiality.

9.45 pm

Moving to other amendments in this group, Amendment 34, to which I have added my name, takes us back to what should be the fundamental principle of disclosure of information: that we should trust the professionals—whether doctors, counsellors, social workers or youth workers—to exercise their professional judgment in balancing the often hard-won trust and confidence of those they work with against the need to disclose sensitive personal information to the police or other agencies in order to tackle or prevent serious violence.

It should not be beyond the imagination of the drafters of the Bill to think of a scenario where preservation of that bond of trust is more important than the potential impact on serious violence of passing on sensitive personal information. Can you imagine a youth worker or a social worker trying to work to rehabilitate a young person involved in or at risk of becoming involved in serious violence, who on their first meeting had to say to them, "I have to tell you that if you tell me anything about serious violence, I am under a legal duty to pass it on to the police"?

As we heard in the last debate, there are existing systems, processes, policies and protocols about what—and under what circumstances—confidentiality can and should be breached. Having a law that compels disclosure of sensitive personal information will dramatically and detrimentally change the very relationships that are often crucial to reducing and tackling serious violence.

The other point on this issue is the practical effect of such a legal duty. If, as is almost always the case, the confidential exchange occurs between two people, where no one else is present, how will that duty to pass on that information about serious violence to the police be enforced if the youth or social worker decides to break the law by not passing it on, except in the highly unlikely event that the person who originally disclosed the information themselves makes the information public?

Placing people under a legal duty to disclose information to the police about serious violence is very likely to have unintended consequences that could make the problem of serious violence even worse. Amendment 34 is intended to leave disclosure to the professional judgement of those involved, as it is now, as are Amendments 46 and 63 in the name of the noble Lord, Lord Rosser, which we also strongly support. The explicit provision that enables professionals to breach their obligation around confidentiality should not be part of the Bill.

The existing systems of processes, policies and procedures strike the right balance of building trust and confidence and, in exceptional circumstances, breaching that confidence and disclosing sensitive personal information. Clause 9 is not necessary and should not stand part of the Bill, and neither should Clause 14, forcing educational, prison and youth custody authorities to collaborate, including making any breach of confidence lawful.

We support Amendment 65, to which I have added my name, which refers to the provision of information to local policing bodies, which under Clause 13 "may assist" and/or "may … monitor" and/or "may report" on the actions taken in their area to tackle or reduce serious violence. This raises another fundamental issue: who is in charge and ultimately responsible for preventing and tackling serious violence? Is it crime and disorder partnerships or one of the specified authorities—in which case, which one—or police and crime commissioners? Is that not an important part of what PCCs are elected to deliver: to prevent and tackle serious violence? Is that not one of the major matters that they should be judged on by the electorate when it comes to re-election? According to the Bill, they "may assist".

There is nothing more certain to fail than when something is everybody's responsibility and therefore no one's responsibility. In any event, as directly elected mayors and police and crime commissioners are only assisting in preventing and tackling serious violence or monitoring or reporting on it—and only if they want to, according to the Bill's wording—the amendment ensures that any information supplied to them in their largely observer role is depersonalised.

For the reasons I have already stated, we also support Amendment 67 in the name of the noble Lord, Lord Rosser, which would remove the power to compel people to divulge information to local policing bodies and remove any obligation to keep information confidential.

Directly elected mayors and police and crime commissioners already have considerable de facto authority in their local areas from their electoral mandate, without the need for legal powers to force other bodies to provide them with information. Clause 16 is not necessary and should not stand part of the Bill. To suggest that anyone in a position of trust and responsibility who is working with the issues and people affected by serious violence needs to be coerced, to have a legal duty placed on them to collaborate and to pass information that is essential to the prevention and tackling of serious violence to the appropriate authorities, is an insult and is likely to be counterproductive.

Lord Moylan (Con): My Lords, I lend my support to Amendments 34, 60 and 65 in the name of the noble Baroness, Lady Meacher, to which I have added my name. I do so particularly in regard to the Bill's effects on local authorities, having 28 years' experience of having served on one.

Local authority officers, especially those working in social services, are the most collaborative people possible—they have multiagency working written into their DNA—but within proper professional limits, especially concerning the guardianship of personal information. Their focus is always first and foremost, properly, on the welfare of their client—in the case of serious violence, often young people living in the twilight zone between potential offender and, at the same time, potential victim. Of course, the risk in these provisions is that the disclosure of information provisions in Clause 15 changes the relationship between social worker and client so as to drive the latter away from services that could in fact divert them from serious violence.

What I do not fully understand and has not been made explicit is whether Clause 15 alters or expands the existing legal and professional constraints that social workers operate under in relation to the release of information to the police. If it does not, what is the point of it? If it does, will my noble friend say in what way and to what extent it does so, and what the rationale is? It may be that my noble friend can satisfy my concerns about this, but in the meantime the amendments proposed by the noble Baroness, Lady Meacher, particularly Amendment 65 requiring depersonalisation of data, go some way to address those concerns, and I support them.

Baroness Hamwee (LD): My Lords, this group enables me to raise a concern that will not be new to the Committee or to the Minister but has not been resolved as a general issue and is possible as the Bill is drafted. It is the reluctance of immigrant women—it is usually women—suffering domestic abuse to go to the police for help because they fear that information will be shared with immigration authorities.

Last week, the Domestic Abuse Commissioner published a report entitled *Safety Before Status*, and one of her recommendations is that

"the Home Office should introduce a firewall between police and immigration enforcement, accompanied by safe reporting mechanisms"

I cannot resist saying that it continues

"and funded referral pathways to support."

Perpetrators can use a victim's insecure status as a component of coercive control. They can use status that is not insecure, but the victim is led to believe that it is. If victims are to come first, it is essential that they know that they can seek support without putting themselves in danger of deportation. I was going to ask noble Lords to imagine what this means, but I am not sure any of us can: not only the financial and accommodation implications considerations but, in some communities, shame and abandonment by the family in the country of origin. There are a number of very difficult consequences—that is putting it too mildly.

The commissioner's report says:

"Immigration abuse and insecure immigration status as a risk factor is not always identified in local safeguarding protocols, and often the risk faced by victims … is misidentified."

She goes on:

"Information sharing with immigration enforcement undermines trust in the police and public services"—

a point that has been made this evening—

"and enables perpetrators to control and abuse survivors with impunity. A key reason why staff in public services share information with immigration enforcement is for the perceived purpose of safeguarding a victim. Data sharing in this capacity, however, can put the victim or survivor at risk … and, even where enforcement action does not take place can compound the experience of immigration abuse, pushing victims and survivors further away from support."

I could not let this group go by without raising that issue.

Baroness Chakrabarti (Lab): My Lords, I will briefly but wholeheartedly support the thrust of all the amendments in the group. The noble Lord, Lord Paddick, as a former policeman, put it very well: if everyone tries to be the policeman society is the poorer, but effective policing is also harder to achieve. To crystallise it, let us say that the noble Lord, Lord Paddick, is the policeman and I am the teacher or youth worker. If I am under any kind of duty, or perceived to be, to hand over my notes on an automatic basis or on demand to him, there is a significant problem not just for education and youth work but for trust and confidence in civil society, and indeed for my ability to go to the noble Lord when I have a specific overriding concern about an individual young person or student.

I understand where this comes from—it comes with the best intentions, because Governments of all persuasions have gone increasingly down this road of big data for many decades. It is not a party-political point, because when you are in government you are told, quite rightly, that central government is indivisible and that there is one Secretary of State. That is a very important central government constitutional principle, yet even central government is supposed to hold data for specific purposes.

There is an obvious attraction to creating a purpose that overrides all others on a wholesale basis, especially when it is something as important as combating serious violence. However, if it trumps not just other government

[Baroness Chakrabarti]
purposes, such as tax collection or healthcare, but begins to trump local and professional confidential duties, we are really in trouble. As I said, with the best of intentions, this will undermine trust and confidence in a number of vital services and will, I believe, undermine the role of the police. When you are looking for a needle in a haystack, do not keep building an ever greater haystack.

10 pm

The joke is on me. I was once a government lawyer. I then become a civil rights campaigner and the director of Liberty. I fought big databases and compulsory ID cards. Now look at what I do: I walk around with my personal electronic tag, and I pay for the privilege. In recent days and weeks, we have all read about big tech and the way in which it designs its platforms and serves its profits while undermining not just personal privacy but principles against discrimination—in fact, all the principles of a decent, kind and civil society. I am not suggesting for a moment that the Government intend those outcomes, but having big data collected in one place for whatever good intention is inherently dangerous. It is not just dangerous to medicine, teaching, youth work and our trust in civil society and each other; it will undermine the fight against serious violence, and will undermine law and order and sensible policing.

Lord Rosser (Lab): My Lords, I will be relatively brief, for two reasons. The first is the time. The second is that many of these issues were raised in our earlier debate on medical confidentiality.

The amendments in my name in this group would remove provisions in a number of clauses in this chapter of the Bill, allowing for obligations of confidence and restrictions on the disclosure of data to be breached. They target the same provisions that have already been raised by noble Lords in this debate. At this stage, the intention of my amendments is to probe the intended effect of these powers.

As we have heard, the Bill provides:

"The Secretary of State may by regulations authorise the disclosure of information"

between authorities involved in the serious violence duty. Clause 9(4) provides that those regulations

"may provide that a disclosure under the regulations does not breach … any obligation of confidence owed by the person making the disclosure, or … any other restriction on the disclosure of information".

Subsection (5) goes on to qualify this somewhat, stating that the regulations must

"not authorise a disclosure of information that … would contravene the data protection legislation".

However, it then provides that,

"in determining whether a disclosure would do so, any power conferred by the regulations is to be taken into account".

What restrictions do the Government envisage being breached under the provision for "any other restriction" in Clause 9? What restrictions do they mean? Do these provisions differ from what is in place for existing duties that require joined-up working? The Bill states that the one restriction the regulations are not intended to breach is data protection legislation but, as I have said, it then seems to suggest that this will be qualified by the powers under the Bill. Can the Government expand on that in their response? In what way should

"any power conferred by the regulations"

be taken into account? Can the Minister give some examples?

The sharing of information and the prevention of silo working are, as has been said, vital for tackling crime and for safeguarding purposes. We have heard in previous groups, not least from my noble friend Lady Blake of Leeds on housing provision, what can happen when services are not able to work together to put necessary or urgent support in place. However, the wording in the Bill has given rise to considerable concern in organisations working on these issues, as has been said already. I will not repeat the points already raised but will touch briefly on a few issues before I conclude.

First, one of the key concerns that has been raised by organisations, and which was raised again during the debate this evening, is the erosion of trust that is risked if people feel that private information about them may be passed on in unexpected ways. In particular, there is a risk of young people feeling they cannot build the relationships of trust with social workers, teachers or service providers which are absolutely irreplaceable for preventing violence and keeping those young people safe. Do the Government recognise that risk that breaches of trust risk make it harder to achieve the aim of reducing violence? Who makes the decision about when it is or is not in a young person's best interest that information is shared, an issue which my noble friend Lady Chakrabarti raised in an earlier debate?

Secondly, later in the Bill, we will spend time debating provisions to protect the privacy of victims of crime. This section explicitly defines

"becoming involved in serious violence"

as including victims of crime. How will these data-sharing provisions impact the victim of crime?

Finally, the Mayor's Office for Policing and Crime and the Information Commissioner's Office have both reported significant problems with the Met's gangs violence matrix, an existing tool to identify and risk assess individuals involved with gangs. The key issues included the disproportionate inclusion of young black males on the matrix, and data protection, including serious data breaches. What proactive learning has been undertaken from the experience of the gangs violence matrix to prevent the same problems arising again under the provisions of this Bill?

I said I would be brief; I hope I have achieved that. Like other noble Lords, I look forward to the Minister's reply.

Baroness Williams of Trafford (Con): I thank the noble Lord for his brevity and thank the noble Baroness, Lady Meacher, and other noble Lords for setting out the case for these amendments. The noble Baroness put forward Amendments 34 and 60 which seek to avoid possible conflicts with competing duties. As the noble Lord, Lord Rosser, said, the arguments put forward in this debate are very similar to those discussed in relation to earlier amendments.

To engender an effective multiagency approach to preventing and reducing serious violence, we need all the relevant parts of the system taking equal responsibility and playing their part. The specified authorities for the serious violence duty, being the police, local authorities, probation, youth offending teams and fire and rescue authorities, clinical commissioning groups in England and local health boards in Wales, have been intentionally chosen because of the direct link between the work they already do and the need to prevent and reduce serious violence. Therefore, I do not feel it is necessary or correct to provide such authorities with the opportunity to be exempted from the serious violence duty, as we expect that it would complement the existing duties of such authorities rather than conflict with them.

I understand that there are wider concerns that this duty may breach other duties of the specified authorities, such as duties of confidence, the point most frequently mentioned, and I will come to address those shortly. However, I think that Amendment 34 would unhelpfully weaken the impact of the serious violence duty.

Similarly, in relation to Amendment 60 to Clause 14, we have intentionally required the initial collaboration between specified authorities and education, prison and youth custody authorities as part of the preparation of the local strategy in order to ascertain whether any such institution ought to be involved in the implementation of the strategy or, indeed, need not be involved, as the case may be. This is a crucial step in ensuring that the institutions which are affected by serious violence will be drawn into the work of the local partnership without placing unnecessary burdens on those which may not. Therefore, I do not think that such authorities should be able to opt out of this consultation, given that it would ultimately be in their interests to engage with the specified authorities at this stage in order to ascertain whether their future engagement in the strategy's implementation will be required.

I understand Amendment 35 in the name of the noble Lord, Lord Paddick, to be a probing amendment about the relationship between the serious violence duty and the work of crime and disorder partnerships. I agree that crime and disorder reduction partnerships can and do play a vital role in ensuring community safety and reducing violent crime locally, but I do not think that they are or should be the only partnership model responsible for doing so. Again, the draft guidance makes it very clear in that context. The geographical reach of such partnerships might mean that they are not the optimum partnership model in all areas, which is why we have intentionally built in flexibility to allow local areas to choose the most appropriate multiagency structure to deliver this duty. However, I recognise that they have a key contribution to make to local efforts. That is why, in addition to creating a new duty, we will be amending the Crime and Disorder Act 1998 to include a requirement for crime and disorder reduction partnerships to have in place a strategy for preventing and reducing serious violence. Such a strategy would in any case meet the requirements of the serious violence duty if all relevant partners specified in the Bill are involved in its development and implementation.

The other amendments in this group bring us back to information-sharing. It might assist the Committee if I recap why we have included provision for the disclosures of information. The serious violence duty proposes to permit authorities to share data, intelligence and knowledge in order to generate an evidence-based analysis of the problem in their local areas. In combining relevant data sets, the specified authorities, local policing bodies and educational, prison and youth custody authorities within an area will be able to create a shared evidence base, upon which they can develop an effective and targeted strategic response with bespoke local solutions. Each of the authorities specified in the legislation has a crucial role to play, and it is vital that authorities are able to share their data to determine what is causing serious violence in their local areas. For example, information-sharing can contribute to local efforts by allowing authorities to identify patterns and trends, geographical hotspots and the most vulnerable victims. This data should be regularly reviewed by authorities to determine the effectiveness of the interventions they put in place at a local level.

I shall explain what we mean by information-sharing in this context. The noble Lord, Lord Rosser, asked a pertinent question. Clause 15 will create a new information-sharing gateway for specified authorities, local policing bodies and education, prison and youth custody authorities to disclose information to each other for the purposes of reducing and preventing serious violence. I must be clear that this clause will permit, but not mandate, authorities to disclose information to each other. It simply ensures that there is a legislative basis in place to enable information to be shared between all authorities exercising functions under Chapter 1 of Part 2. However, the clause ensures that any disclosures must be made in compliance with data protection legislation and cannot be made if certain prohibitions on disclosure set out in the Investigatory Powers Act 2016 apply.

The noble Lord, Lord Rosser, asked for examples of data types that may be shared by partners. To be fair, he asked me that under a previous group as well and I completely forgot to answer him, so I hope to combine the two answers in one at this point. Examples include hospital data on knife injuries, the number of exclusions and truancies in local schools, police recorded crime, local crime data, emergency call data, anonymised prison data, areas of high social services interventions, and intelligence on threats such as county lines, including the activity of serious organised crime gangs in drugs markets. I hope the noble Lord finds that information helpful.

10.15 pm

Clause 9 provides a power for the Secretary of State to make regulations conferring powers on authorities subject to the serious violence duty to collaborate with other prescribed persons in a prescribed area to prevent and reduce serious violence. This may include organisations within the public, private or voluntary sectors, as well as regional or national bodies.

To support this collaboration, this clause also permits regulations to be made authorising the disclosure of information between authorities and external bodies for this purpose, so long as it would not contravene existing data protection legislation or be prohibited under the provisions of the Investigatory Powers Act.

[Baroness Williams of Trafford]
As with Clause 15, this would be a permissive gateway, permitting but not requiring the sharing of information. If such disclosures are authorised, partners will need to ensure they have arrangements in place that clearly set out the processes and principles for sharing information and data.

It is crucial that specified authorities have the ability to draw valuable insights from both national agencies and local community-based organisations. Combining evidence from across the country with the voice of the community will help ensure that local areas are well equipped in their efforts to tackle serious violence. This goes back to the point from the noble Lord, Lord Coaker, about the strategy; why would this strategy be different from others?

It is not intended that these provisions will replace existing data-sharing agreements or protocols that are already established, including those under the Crime and Disorder Act 1998. Through these provisions, we are simply ensuring that all specified authorities, local policing bodies and education, prison and youth custody authorities are legally permitted to exchange relevant information to meet the requirements of the serious violence duty.

We expect all authorities subject to the duty to have agreements in place that clearly set out the processes and principles for sharing information and data. Such agreements may cover sharing information and data within existing local partnership structures and with external bodies, the purpose of sharing the data and what is to happen to the data at relevant points.

Clause 16 provides a power for a local policing body—that is, a police and crime commissioner, the Mayor's Office for Policing and Crime and the Common Council of the City of London—to request information from a specified authority, educational authority, prison or youth custody authority to enable or assist the local policing body to exercise the functions conferred on them under Clause 13. These functions are to assist specified authorities and monitor the exercise of their functions in order to prevent and reduce serious violence. Where such a request is made, Clause 16 places a statutory requirement on the specified authority and the other authorities I just mentioned to comply, but disclosures are not required if they would contravene data protection legislation or prohibitions in specified parts of the Investigatory Powers Act 2016.

The clause provides a number of safeguards in relation to the information that can be required. Local policing bodies must only request information related to the organisation the request is made to or a function of that organisation, except when functions are contracted out. The information supplied under Clause 16 must be used only by the local policing body that receives it to enable or assist that body to assist the relevant authorities or monitor the activity they undertake under the duty. The information received is not therefore to be used or disclosed onwards to any other bodies for other purposes. We expect that the ability to request such information will support them to ascertain whether the local strategy is having the intended effect on serious violence levels locally.

Furthermore, we do not envisage that it will be necessary for individual personal data to be routinely disclosed under this power or under Clause 15, as there are already existing mechanisms in place to permit this where necessary, such as via multiagency risk assessment conferences, or MARAC, and multiagency safeguarding hubs, or MASH. However, given that the purpose of the duty is to enable an effective response to serious violence in a local area, it may be necessary in some instances for targeted operational activity to take place. In such cases, the authorities will still need to consider and comply with relevant data protection legislation when sharing that personal data. Where personal data is subject to the UK GDPR, the data protection legislation sets out the principles, rights and obligations that apply to this processing of personal data, including exemptions from particular provisions which can apply in certain circumstances set out in Schedules 2 to 4 to the Data Protection Act 2018, including the prevention and detection of crime.

I wholeheartedly agree that any decision to disclose an individual's personal data should not be taken lightly. While disclosure of information made under Clauses 15 or 16 or any regulations made under Clause 9 would not breach existing obligations of confidence, such disclosures must none the less abide by the requirements of data protection legislation and the provisions in the Investigatory Powers Act.

The noble Baroness, Lady Hamwee, asked me about the firewall and data protection, which I know was something we discussed during the passage of the Data Protection Bill. I know that the Government are examining this in response to the HMIC report, and I will be happy to update her on this in due course, if she is amenable.

I hope I have been able to provide some reassurances to the Committee about the nature and purpose of the information-sharing provisions in this part of the Bill and the safeguards in place. I have already indicated in response to previous amendments from the noble Baroness, Lady Brinton, that we will consider further the issue of patient information and, on that basis, I hope that the noble Baroness, Lady Meacher, will be happy to withdraw her amendment and support Clauses 9, 14, 15 and 16 standing part of the Bill.

Baroness Hamwee (LD): My Lords, of course I would be glad to be updated, but I think that the Minister will recognise that, as the Bill stands, the position I spelled out would be possible: information could be shared with immigration authorities—and, of course, the Data Protection Act has an exemption in that regard.

Lord Paddick (LD): I thank the noble Baroness for her explanation. I did not quite understand when she seemed to suggest that this was all facilitation and to enable different authorities to share information—and that there was no compulsion to do so. Could she therefore explain Clause 17, where it says that,

"if the Secretary of State is satisfied that … a specified authority has failed to discharge a duty imposed on it by section 7, 13(6), 14(3) or 16(4), or … an educational authority, prison authority or youth custody authority has failed to discharge a duty imposed on it by section 14(3), (4) or (5)(b) or 16(4)",

then

"The Secretary of State may give directions to the authority for the purpose of securing compliance with the duty"

and can enforce that requirement by a mandatory order? In what way is that voluntarily facilitating the exchange of information? Clause 17 is all about the Secretary of State forcing authorities to share information.

Baroness Williams of Trafford (Con): My Lords, the hour is late. Might the noble Lord permit me to discuss, perhaps in the next few days, the seeming contradiction between those two things?

Baroness Meacher (CB): My Lords, as the Minister says, the hour is indeed late. I thank the noble Lords, Lord Paddick and Lord Moylan, in particular for their support, and other noble Lords for their speeches. I was going to make a rather similar point to the noble Lord, Lord Paddick, because the Minister made this provision sound very amenable and voluntary—"Don't worry about it. There is no problem with trust. It is all just about general information." That is not my reading of these clauses at all.

The noble Lord, Lord Paddick, made one issue very clear, but there are actually various bits of these clauses that build that general picture of anything but voluntary disclosure. There is a lot about modifying data protection and so on.

I hope that, one way or another, we can have a discussion with the Minister before Report because, otherwise, I fear that we will have to bring these amendments, or something like them, back. We would much prefer to sort this out, if we possibly can. With that, I beg leave to withdraw the amendment.

Amendment 34 withdrawn.

Amendment 35 not moved.

Clause 7 agreed.

House resumed.

House adjourned at 10.27 pm.