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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

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House of Lords

Friday 8 July 2022

10 am

Prayers—read by the Lord Bishop of Durham.

Wellbeing of Future Generations Bill [HL] First Reading

10.05 am

A Bill to make provision for a public consultation to inform a set of national wellbeing goals; to require public bodies to act in pursuit of the United Kingdom's environmental, social, economic and cultural wellbeing by meeting wellbeing objectives, publishing future generations impact assessments and accounting for preventative spending; to establish a futures and forecasting report; to establish a Commission for Future Generations for the United Kingdom; to extend the duty of the Office of Budget Responsibility to consider wellbeing and the future generations principle in their work; to add onto a Minister in each government department's portfolio a duty to promote the future generations principle across government policy; to establish a Joint Parliamentary Committee on Future Generations; and for connected purposes.

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

Certificate of Loss Bill [HL] First Reading

10.07 am

A Bill to make provision for a certificate to be issued to mothers in respect of miscarried and still-born children not eligible for registration under the Births and Deaths Registration Act 1953; to establish a database for archiving the certificate and recording information about the miscarriage or still-birth; and for connected purposes.

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

Clean Air (Human Rights) Bill [HL] Second Reading

10.08 am

Moved by Baroness Jones of Moulsecoomb

That the Bill be now read a second time.

Relevant documents: 4th and 7th Reports from the Delegated Powers Committee

Baroness Jones of Moulsecoomb (GP): My Lords, I am not going to lie to the House, nor am I going to be modest: this is an absolutely brilliant Bill, and I think the Government would be very wise to accept it in its entirety exactly as it is.

I have worked to reduce air pollution for more than 20 years. I was on the London Assembly for 16 years, during which I time I pressed both mayors, Ken

Livingstone for eight years and the current Prime Minister for a further eight years. Ken Livingstone took action with the introduction of the low emission zone. I also pressed Boris Johnson for action, and he acted with pot plants lining busy roads and attempts to spray the roads near monitoring stations with a type of glue that would bind the pollution to the road surface so it would not be measured. To be fair, he came up with the idea of the ultra-low emission zone, and it was so brilliant an idea that he left the next mayor to do it. I do not want to kick a man when he is down, but basically he has behaved no differently from most others on this issue.

I have witnessed politicians of all parties fail to deal with this public health emergency when in government. Year after year for the past two decades, I have seen the same press statement from Defra playing down the problem and stating that it is just about solved. Year after year, I have witnessed the Government hiding information about bad air days and air pollution episodes because it might scare the public into demanding action. The result has been an invisible killer being allowed to take victims while the Government sit by and Ministers lose three consecutive court cases over their failure to have a decent plan.

Ella Roberta Adoo Kissi-Debrah was one of those victims. She was nine years old and regularly travelled along the polluted South Circular Road. This Bill is named in her honour after her mother's amazing fight to get air pollution put as a medical cause of death on Ella's death certificate. Her mother, Rosamund Kissi-Debrah, is here with us today listening to our debate. Ella was the first person in this country to have that recognised, and the fact that it took a hard-working team of lawyers and an incredibly brave mother to show that it was the case speaks volumes about the official silence regarding the impacts of air pollution.

The most Ella's mother Rosamund might have heard about air pollution from the Government was the one official warning a year, around spring time. No matter how many times air pollution went over the official limits, the Government issued just one press statement a year. In fact, they even stopped doing that after the 2011 press release coincided with a major air pollution event and made it on to the pages of all the national newspapers. It would be many years before the new London Mayor, Sadiq Khan, started putting pollution alerts on bus stops and other TfL outlets. So it was left to Rosamund's team to dig up the information and prove that air pollution caused and worsened Ella's asthma and was a medical cause of her tragic death.

My view is that warning people about air pollution and acting to keep everyone, particularly the vulnerable, safe is what Governments should be doing. The health of the people should be their primary aim. They are not, and no Government since the 1950s have taken it seriously. That is why this legislation to make clean air a human right is so essential. This Bill would enshrine the human right to clean air precisely and explicitly in UK law. It would also require the Secretary of State to assess air pollution in England and Wales and to publish and report detailed information about it, including warnings when needed. If noble Lords are in any doubt about the seriousness of the issues I am raising,

[BARONESS JONES OF MOULSECOOMB]
 please spend a few minutes talking to Rosamund, who is prepared to meet any and all noble Lords. She will explain exactly what happened to her daughter and why it is so important that this Bill passes.

Importantly, the UN Human Rights Council adopted a resolution on 8 October 2021 that acknowledged the importance of a clean, healthy and sustainable environment as critical to the enjoyment of all human rights. The UK Government voted in favour of that resolution, as I hope they will again when it comes before the UN General Assembly later this month for adoption globally.

In order to ensure independent scrutiny and continuous improvement, this Bill establishes a citizens' commission for clean air, which would review annually the Secretary of State's compliance with this Bill during the previous calendar year and advise the Secretary of State if any methods should be improved from the start of the subsequent year.

Importantly, the Bill deals with indoor pollution in new developments, the Underground and buildings regularly accessed by members of the public, including children. Crucially, it updates the Government's targets by basing them on the best international advice, including the World Health Organization's latest air quality guidelines. It would also push the Government and public authorities to act on the Climate Change Committee's advice. Another big innovation in my Bill is that it follows a "one air" approach that encompasses the health and environmental impacts of air pollutants and greenhouse gases.

I can understand the Government's reluctance to spend money or impose regulations, but the costs of dealing with this public health emergency are very similar to the costs of solving the climate crisis, because it is the same crisis and both are heading towards a zero-emission solution. In fact, my Bill offers the quickest, cheapest and most effective way to transformative action to address the UK's largest environmental health risk. Overnight, public authorities would simply have to consider air pollution, including greenhouse gases, in every decision, in the way that equalities are currently considered. Some public authorities are beginning to do something similar when they apply a climate lens when taking decisions, but it will not be enough without this Bill.

I have seen the medical evidence accumulate regarding the benefits to our health and the NHS finances of taking action on air pollution: the link with long-term conditions such as heart conditions, lung damage, organ failure and Alzheimer's. The more the scientists look, the more dangers they find from polluted air. These cost the NHS money and bring tragedy to families. If the Government take action on emissions, not only do they save lives but we help save the planet, which is why this green agenda makes so much sense.

The Environment Agency and Climate Change Committee would be required to review the pollutants and limits annually and advise the Secretary of State if they need tightening. The standards may be only tightened, not loosened. This legislation has a vision

of a cleaner future and a modern approach to how we achieve that. It would support continuous improvement on an annual basis.

The Bill requires new regulations to enable the sale of appliances generating wholly renewable energy and enables energy efficiency improvements that reduce energy use and emissions of greenhouse gases. Part of this approach is to restrict the sale of combustion appliances that emit pollutants to the air, including wood-burning stoves. If the Bill becomes law, I will happily get rid of my partner's wood-burning stove.

In passing, I thank the Delegated Powers and Regulatory Reform Committee for scrutinising my Bill and confirm that I am willing to propose amendments to the Bill to address its three recommendations. In essence, these amendments would align parts of the Bill relating to the tightening of future standards more closely to mechanisms in the Climate Change Act 2008 that require the Secretary of State to comply or explain to Parliament.

A lot of the responsibility for current clean air action falls to mayors and public authorities, yet they do not have the powers and resources to match that responsibility. The Bill seeks to change that by giving duties and matching powers and resources to national and local authorities, including metro mayors, to achieve clean air within five years, with annual reviews thereafter.

Finally, my Bill also has teeth. Where the Secretary of State or others have not achieved clean air by this deadline, nor otherwise complied with their duties under the Bill, the citizens' commission for clean air may issue a notice requiring them to comply with their duty, take specific steps to achieve compliance and provide written information on the steps taken, or proposed to be taken, for the purpose of complying with their duty. This citizens' commission for clean air is the new organisation set up to support people such as Rosamund by helping them to get justice via the courts.

The citizens' commission for clean air may apply to the court for an order requiring a Minister to comply. The Bill would also allow it to institute or intervene in legal proceedings if relevant to the duty to achieve clean air. My Bill therefore proposes a practical and proportionate approach to enforcement. All this is underpinned by fundamental environmental principles that must be followed.

I give your Lordships a Bill that is detailed and comprehensive but, above all, necessary. If we could pass this Bill, Ella's law, before the 70th anniversary of the great smog in December this year and the 10th anniversary of Ella's death, on 15 February 2023, I think the country would thank us. It is too late to save Ella, but I hope this Bill will honour her memory.

10.18 am

Lord Kennedy of Southwark (Lab Co-op): My Lords, I congratulate the noble Baroness, Lady Jones of Moulsecoomb, on bringing the Bill forward. I agree with her that it is a very good Bill, and I wish it well in its passage through this House. I also congratulate the noble Baroness on coming top in the ballot for Private Members' Bills. I was not so successful, but hopefully my Bill will get out of the traps next week.

Finding a solution to climate change is of the utmost importance and must be addressed globally. Our Government and local authorities all have a role to play in that as well. Surely it is a basic right to be able to avoid having to inhale polluted air, which can cause a plethora of life-threatening problems.

As the noble Baroness highlighted, the Bill seeks, among other things, to

“establish the right to breathe clean air”.

It introduces new obligations on the Secretary of State “to achieve and maintain clean air in England and Wales”.

It enhances

“the powers, duties and functions”

of relevant national authorities and other bodies, including local authorities. It involves

“the UK Health Security Agency in setting and reviewing pollutants and their limits”.

It establishes an independent body, the citizens’ commission for clean air,

“with powers to institute or intervene in legal proceedings”

and improve the situation.

As the noble Baroness mentioned, Ella was a young girl who sadly passed away in 2013. She has been spoken of many times in this House, and her mother Rosamund, who is present with us today, has been a tireless campaigner to ensure that other people do not suffer the tragic death that her daughter did. I have no doubt that Rosamund will get the law changed, even if not with this Bill. I am confident of that because the case is so right.

I grew up in south London—I lived in Southwark and Lewisham—so I spent many years travelling around the South Circular. It is certainly an area that is very polluted. It was reported that it was the eighth worst area in Great Britain for pollution. In the landmark case following Ella’s death, hers was the first death officially caused by air pollution, which clearly states the severity of the environmental situation in that part of south London.

But this is a matter that we can do something about. We can improve the situation. If pollution is lowered by one microgram per cubic metre, then in 18 years 50,000-plus cases of coronary heart disease, 16,000 strokes, 9,000 cases of asthma and 4,000 cases of lung cancer could be prevented. Combined, that amounts to 27,000 additional years of life in the UK alone with proper action, and 1,900 premature deaths prevented—the population of a small urban area. Surely this is a call to action that every noble Lord in this House can take up.

None of us is safe from these pernicious particles. We are at risk at every stage of our life. A child born into polluted air may have a low birthweight and can develop asthma, coughs and wheezing or simply not develop well as a child. Then as an adult there is the risk of diabetes, chronic bronchitis and other terrible illnesses. As we become older again, there is the risk of diabetes and heart disease. Surely that is a life that we do not want anyone to have to live.

The impact is not only on public health but also on the public pocket. It has been found by the Environmental Audit Committee that health problems can cost the country £20 billion a year, money that would be better spent on lives better lived. In 2013, the year of Ella’s

passing, we saw the NHS spend £1.8 billion on respiratory ailments and £2.3 billion on cardiac illnesses. One heart transplant costs £44,000. Imagine how that money could be spent if we addressed this issue with prevention. We could save people’s lives and help them live better lives. We can do better.

The Bill would hold someone responsible for the crisis, allowing for additional scrutiny through the presentation of action and justification to Parliament. It could keep approximately 2,000 people alive longer. Each year between 28,000 to 36,000 people die as a result of air pollution. We must do something about this.

There is light at the end of the tunnel. In 2015, 1.3 billion kilograms of air pollutants were removed from the atmosphere of the UK. This saved around £1 billion to the UK public purse, due to less activity having to be taken in terms of respiratory illnesses in hospital.

As I say, I grew up in Southwark. The noble Baroness mentioned the health of the people. Outside the town hall in Southwark, which I know well, there is a sign that says:

“The Health of the People is the Highest Law”.

That was put there in the 1930s, and it is as relevant today as it was then.

Mention has also been made of smog. My mum always tells me about when I was born, coming home with me from Lambeth Hospital at Elephant and Castle through the smog, and how awful it was for my dad coming to see me in the hospital. I do not remember the smogs at all but in the 1960s they were here. However, the Clean Air Act improved things dramatically. We have more to do again now. This is a serious problem but the Government can act.

I hope the Minister will be able to give us some good news about support for the Bill. If we do not get that, I am sure Rosamund will still make this happen, but I hope the Government can support the Bill and that it has an easy passage through this House.

10.24 am

Baroness Brinton (LD) [V]: My Lords, I declare my interest as a vice-president of the Local Government Association. I congratulate the noble Baroness, Lady Jones, on her excellent Private Member’s Bill and her many years of campaigning on this issue. Frankly, the first line of the Bill says it all:

“Everyone has the right to breathe clean air and the Human Rights Act 1998 is to be read as though this were a Convention right.”

In December 2020 a coroner made legal history by ruling that air pollution was one of the causes of death of nine year-old Ella Adoo Kissi-Debrah in 2013, saying that she was exposed to nitrogen dioxide and particulate matter in excess of World Health Organization guidelines, which exacerbated her severe asthma and put her into acute respiratory failure. I pay tribute to Rosamund, Ella’s mother, for her campaign to get that second coroner’s inquest and for her determination to ensure that in future others will not have to suffer and die as Ella did. This Bill is the vehicle to make that happen and I hope the Government will give it support.

[BARONESS BRINTON]

Anyone who knows the South Circular Road in London, close to where Ella lived and went to school, knows how bad the air pollution can be there. Those of us with family members with severe asthma or other lung disease know the damage that can be done, especially to children's lungs. Watching a child with lung problems struggling to breathe is one of the most distressing things that parents have to face, made infinitely worse when you know that air pollution in your local environment is making it worse. I have spoken before of my granddaughter. She was born prematurely with one-third of her lung tissue dead, and she used a ventilator for much of the first three years of her life. She lived just off the South Circular Road but has fairly recently moved away. There has been a noticeable improvement in her breathing and in general she does not get lung infections anything like as often as she used to—but there is a particular way in which small children try to draw in enough air where the diaphragm seems to disappear right up inside their sternum, and one never forgets the cough when they cannot catch their breath, especially after being outdoors on a day when pollution is bad. The frequent stays in hospital when there is an infection affects all the family, and of course there is a consequent effect on the child's schooling, education and ability to make friends.

In 2016 the Royal College of Physicians alongside the Royal College of Paediatrics and Child Health published *Every Breath We Take*, a report that examined the impact of exposure to air pollution across the life course. While the noble Lord, Lord Kennedy, said he thought deaths were around 25,000 to 30,000, the report says that around 40,000 premature deaths every year in the UK are attributable to exposure to outdoor air pollution. The health problems resulting from exposure to air pollution have a very high cost to our health services and businesses. In the UK, these costs add up to more than £20 billion every year. People from lower socioeconomic backgrounds tend to live in environments where they are more exposed to air pollution and therefore suffer much more from the effects of exposure to high levels of air pollution.

This is a public health emergency, and the public health response to air pollution should always be about protecting humans and the environment in ways that are socially inclusive and equitable globally and across multiple generations. After the death of Ella, the coroner's prevention of future deaths report outlined that legally binding targets based on the World Health Organization guidelines would reduce the number of deaths from air pollution in the UK. I therefore ask the Minister whether, following the Government's current consultation on targets under the Environment Act 2021, they will set ambitious targets to reduce PM2.5 to 10 micrograms per cubic metre by 2030, with the ultimate objective of reducing annual mean concentration to five micrograms per cubic metre in line with the WHO air quality guideline values published last year.

Above all, can the Government please lead from the front? Many parts of our public sector need to be involved if we are going to make this happen, including local government and primary care as well as our

hospitals and, most importantly, those involved in the environment so that we can reduce the damage that this pollution is doing to many people in this country.

10.30 am

Baroness Boycott (CB): It is a pleasure, as always, to follow the noble Baroness, Lady Brinton, and I hugely congratulate the noble Baroness, Lady Jones, on getting to No. 1 on the Bill list and on getting this Bill going. I honour the presence of Rosamund here in the House—it seems wrong to say “congratulate”, but it is amazing how she has turned a personal tragedy into the most powerful campaign.

I am going to start with a really bad joke that is going round the States this week. It goes like this. The United States Supreme Court decision to curtail the Environmental Protection Agency's ability to regulate carbon dioxide has drawn a puzzled reaction from the nation's foetuses. A statement from the Association of American Foetuses expressed bafflement that the court would issue a ruling that increased the amount of atmospheric carbon monoxide, which has been shown to have a damaging effect on foetal health. “It's impossible for us to see today's ruling as anything but flagrantly anti-foetus,” the statement read. “To say that we are disappointed would be putting it mildly. When you consider that this has followed the decision to overturn *Roe v Wade*”, the foetuses added, “it just doesn't seem very pro-life to us”. I am kind of with them on that—not on the *Roe v Wade* bit but on the other.

My daughter is pregnant with twins. They are 26 weeks and bouncing along; they could be born at any time. She lives in the city and she rides a bike. I guess that the twins are going to be biking, and they might also inherit the asthma that so tortured her father. We live near the Edgware Road, a site that was later found under one of our mayors to be one of the most polluted areas in the city. We spent many nights in A&E, literally waiting for the oxygen supplies while he gasped on the floor. They did not say then that it was to do with air pollution, but I absolutely know that it was. Unlike dear young Ella, he survived, but it was a really miserable experience.

The weird thing about air is that it is a bit like pumping sewage into rivers, about which we had a debate yesterday. You think to yourself: why are we legislating about this? The curious thing about the right to clean air is that, when any constitution or such things were set up, it was not even debated.

There is a case going through in America called *Juliana v United States*, which involves a group of young people taking on the American Government to demand the right to clean water, clean air and a clean environment. The Trump Government managed to knock this back at every turn of the screw. A friend of mine, who is an academic, was asked to stand up and talk about clean air. She made the point that when the founding fathers wrote the constitution of America, no one assumed that you would ever have anything but clean air—it was just an assumption. Why do we have to legislate for something that is humanity's right, as the Bill of the noble Baroness, Lady Jones, points out?

I want to make one specific point about something I am pleased to see in the Bill. Clause 8 excludes biomass and wood from the definition of renewable energy. I welcome the fact that this definition would exclude generating electricity from wood pellets, as we do in the UK with companies such as Drax. I have spoken about Drax before and am going to again, briefly. Drax is currently classed as a type of energy generation that is renewable, but Drax's power plants are the most polluting sites in Europe. Drax is the single largest source of CO₂ emissions in the UK, according to Ember, and the fourth largest emitter in the EU among coal plants. However, we do not count these as carbon emissions due to their classification as renewables and the fact that the trees which were harvested to feed the power plants could, theoretically, be regrown.

Furthermore, the emissions that we produce in the next 30 to 60 years are those which are going to have the make-or-break impact on the warming of the planet. If you look at the info from Drax itself, you see that the emissions from biomass being burned today will not be fully offset, according to analysis by the MIT Sloan School of Management, until 2140. That is a long payback. Biomass pellets produce emissions all along the supply chain: they are harvested, transported, dried and processed, and then transported to Yorkshire. As MIT said, it is actually better to burn coal at source, because the coal is at least dry.

The post-2027 future is wholly dependent on a technology which does not currently operate at a scale even close to what is required—carbon capture and storage. If Drax gets its way and expands its production, we could end up using our entire government budget to offset for biomass while simultaneously subsidising it at £1 billion a year. We are locked into contracts until 2027. If we can get the Bill of the noble Baroness, Lady Jones, into place long before that, that would be one of the many things that will not happen. I thoroughly support the Bill and absolutely congratulate her.

10.35 am

Baroness Altmann (Con): My Lords, I too welcome Rosamund Kissi-Debrah and congratulate her on all the work that she has done on behalf of her daughter, Ella. I also congratulate the noble Baroness, Lady Jones, on all the work that she has done in putting together this comprehensive Bill, and on its aims. She has done much work over the years on this issue in other Bills too, and it is a lovely idea to talk about Ella's law.

I encourage my noble friend to consider carefully many of the aspects of the Bill. I know that he will undoubtedly support its aims and the intentions behind it. The 2018 report from four of our parliamentary committees identified air quality as the biggest risk to human health. Achieving cleaner air within five years in England and Wales is something that we would all like to see. Perhaps I have to declare an interest, in that my own mother has COPD and lung cancer, caused in part by living by a main road. Having the intention of clean air, not only for outdoor air but for indoor air—for new builds, at least, and public spaces and underground transport—would clearly benefit us all.

It is difficult for us to disagree with the aims of this Bill. As I say, I am sure that my noble friend and the Government will have enormous sympathy with it.

The idea of a citizens' commission for clean air, as required in the Bill, is a really interesting innovation, although I can understand that there may be concerns about the controversy which might be caused by its membership.

It is clear that the Government intend to act on air quality, and have already done so. We have legally binding targets for nitrogen dioxide and particulate matter, although of course our own guidelines have been lower than those set by the World Health Organization, and we need to improve on that. I was also pleased when amendments were accepted to the Environment Bill which will require legally binding long-term targets to be set. Of course, they did not specify what those levels should be, and when that Bill was going through, the amendment proposing 10 micrograms per cubic metre—which was the WHO limit—was put forward for the mean concentration of PM_{2.5} by 2030. But the WHO has now cut that limit to 5 micrograms, so I can see that there is a problem in setting legally binding targets that may then need to be changed by law, perhaps frequently.

Can my noble friend say what the impact on the environment would be of having 5 micrograms per cubic metre as the target, as well as the costs involved and the practicalities of introducing it? When might we get a reply to the consultation that closed on 27 June? I know that the Environment Act requires us to decide on targets by October but, as I say, I can understand that the extent of the changes required by this Bill could be a step slightly too far for my noble friend and the Government, who I know share the aims.

I would like to ask a couple more questions. Will the Government consider much more regular, and more public, warnings about air pollution, so that those who are at risk can have a better chance of protecting themselves? Are there other measures that the Government might propose that would fulfil the aims of this Bill, which I obviously support?

10.40 am

Lord Thomas of Gresford (LD): My Lords, I congratulate the noble Baroness, Lady Jones, in particular, on her focus on clean air as a human right. It is curious how the Conservative Party continues to undervalue the great British achievement promoted by Winston Churchill: the European Convention on Human Rights. When it was drafted by the team led by Sir David Maxwell Fyfe, a prosecutor at Nuremberg and later Lord Chancellor under Churchill, Eden and Macmillan, it was designed to protect the rule of law, human rights and democracy in Europe. However, it was always intended that the convention should be a living instrument subject to teleological interpretation—not fixed in stone, but to be interpreted and updated from time to time in the light of modern needs and understanding. The European Court of Human Rights was designed to be the instrument which kept the convention up to date and relevant through its judgments.

[LORD THOMAS OF GRESFORD]

The convention was passed and ratified in 1950 and came into force in 1953. An express right to clean air was not included. I remember the 1950s, when pollution was not perceived as seriously as it is today. Within a three-mile radius of my home in Wrexham, there were eight working collieries. I was accustomed to seeing miners, black from the pit, squatting on their haunches in the street—a comfortable position if you were working four-foot seams. They would frequently spit out the black coal dust which caked their lungs. Every household burned coal. Buildings were black. Housewives made sure to bring the washing in if there was a threat of rain to avoid black sooty streaks on their linen. Up the road in Brymbo the steelworks belched out smoke, and in Cefn Mawr people's complexions were yellow from the acrid fumes of the chemical works.

The smogs in London of 1952, to which the noble Lord, Lord Kennedy, referred, led to the first Clean Air Act of 1956. This, and subsequent Acts, did much to clear the air of obvious smoke and smoke-borne pollutants. But hidden pollutants, particulates and toxic emissions were increasingly a threat to health. In a series of judgments, the European Court of Human Rights determined that the right to life protected by Article 2 of the convention was engaged where activities endangering the environment, such as toxic emissions, also endangered human life. The European court required the state to put in place a legislative and administrative framework which would uphold the right to life—a framework similar to the Bill we are considering. If this was a novel duty, it was a valid and practical interpretation of the convention.

Similarly, toxic emissions were held to engage Article 8, the right to respect for private and family life. Where pollution levels exceed safe limits near a person's home, European judges decided there was a violation of Article 8 on the ground that such pollution makes that person more vulnerable to various illnesses and adversely impacts his or her quality of life.

If we ever get to debate the British Bill of Rights, we will find Ministers arguing that we ought not to have new duties thrust upon us by foreign judges. However, this Bill, in light of the recent decision of the United Nations Human Rights Council, comes at precisely the right time to introduce explicitly into our domestic law the right to breathe clean air. Indeed, Clause 1(1) states:

“Everyone has the right to breathe clean air and the Human Rights Act 1998 is to be read as though this were a Convention right.” This is putting into the European convention an explicit reference to clean air.

Science does not stand still, nor does human behaviour. If we want to make some amazing advancements in tackling pollution, we need to fund technology and scientific research to find new solutions. This transformative Bill provides the vehicle for such advances and the machinery to monitor and update its standards. It provides for an agency to take the lead in judicial review or other proceedings to enforce its requirements. Finally, we must always bear in mind that we must take people with us. Measures to reduce pollution may cause large societal changes and unforeseen consequences that we must expect, but the Bill is an important step forward.

10.46 am

Baroness Bull (CB): My Lords, it is a pleasure to speak in support of the Bill from the noble Baroness, Lady Jones of Moulsecoomb, and I congratulate her on her work in this area over so many years. We have already heard powerful arguments for the importance of this Bill. According to figures from the World Health Organization, almost the entire global population—99% of us—live in places where air quality guidelines are not met. The populations of low to middle-income countries suffer the highest levels of exposure, but even here in London, one of the world's wealthiest conurbations, legal levels for nitrogen dioxide were breached across the entire city in 2021. The city's pollution hotspots recorded air pollution levels 50% higher than legal limits.

The evidence is clear that poor air quality poses one of the greatest environmental risks to health. An estimated 4.2 million deaths globally are linked to ambient air pollution, including from stroke, heart disease, lung cancer, chronic obstructive pulmonary disease as well as chronic and acute respiratory diseases like asthma. Air pollution is especially dangerous for children because of the juvenility of their brains and respiratory systems, their higher ratio of breathing rate to body size and the simple fact that they spend more time outdoors. I join others in remembering Ella Kissi-Debrah and paying tribute to her mother, who is doing so much to help ensure that no other children and their families have to suffer as Ella did.

The link between air quality and physical health is well established; it should, on its own, be reason enough to act. However, there is growing evidence to suggest that air pollution exposure can also adversely affect the brain and increase the risk of psychiatric disorders, and this is what I will focus on today. Studies published in 2019 by colleagues at King's College London, in which I declare my interest as set out in the register, showed that exposure to air pollution at the age of 12 had a significant association with depression at age 18. The researchers reported that the most likely cause was

“pollutant particles small enough to cross the blood-brain barrier, causing inflammation in the brain, which is known to link to the development of depressive symptoms”.

Children living in the top 25% most polluted areas were three to four times more susceptible than those living in the 25% least polluted areas.

The researchers' most recent study from 2021 showed that youth in the general population across England and Wales who were exposed to high levels of outdoor air pollution during adolescence were more likely to develop mental health problems as they transitioned to adulthood. Worryingly, the researchers found this across the spectrum of mental health problems: depression, anxiety, PTSD, ADHD, conduct disorder, eating disorders and psychosis. This suggests that exposure to polluted air at this critical stage of brain development is a non-specific risk factor for mental ill-health.

A further study last year among residents in south London demonstrated increased use of mental health services, both in-patient and out-patient, in people recently diagnosed with psychosis and mood disorders. The cost of this to the NHS, never mind the personal

cost to the individual, is significant. A recent report from the Mental Health Foundation and the LSE put the annual cost to the UK of mental health problems at around £118 billion.

There are many good reasons to clean up the air that we breathe: reducing deaths from the physical harms caused by pollution and improving the health of the planet are high among them. But the growing evidence of causality between air pollution exposure and psychiatric disorders indicates that interventions to improve air quality, such as those that the Bill proposes, could also play a role in improving mental health prognoses and reducing associated healthcare costs. This suggests just one more reason why the noble Baroness's Bill makes good sense, and I am happy to offer it my support.

10.50 am

Lord Desai (Non-Affl): My Lords, I join everyone else who has spoken in welcoming the Bill and congratulating the noble Baroness, Lady Jones, on introducing it. Since everything that is worth saying has been said, I shall point out only one or two things that I believe we could improve in Committee.

First, as the noble Lord, Lord Thomas, pointed out, declaring something to be a human right may not be sufficient in the current climate, because the Government frequently redefine what is and is not a human right or is justiciable by the European Court of Human Rights. So, at some stage, I would like to find out how we can strengthen the idea that this is a human right and cannot just be thrown away, neglected or revised by a future Government. That is very important.

Secondly, as an economist, I studied the Clean Air Act 1956 very carefully and wrote about it. One thing that is missing is the polluter paying; at least in cases where we can identify the polluter and attribute responsibility for the pollution to them, we ought to allow them to be fined, not just forgiven.

Lastly, there is a role for citizens to do something about pollution; this is very welcome. The Government are allowed too much power to appoint citizens' commissioners; we ought to find ways of inviting voluntary workers in this important area, because pollution is a problem for all of us, and we all ought to be encouraged to be policemen for it and point out that these things are hurting us all. By the time a little girl dies due to air pollution, it is too late to seek compensation. We ought to be able to spot these things much earlier and do something about them.

10.53 am

Lord Holmes of Richmond (Con): My Lords, I welcome Rosamund to the Public Gallery; I congratulate her on everything that she has achieved in this area and condole with her on the fact that she has had to. I also congratulate the noble Baroness, Lady Jones, on bringing the Bill for us to consider.

I will give some words from history: "We saw the lungs of little ones not developing to full size, projecting that, by age 50, they would have the lungs of someone aged 65 and all the attendant health issues that would result". Other writing details a young person in hospital

with pneumonia being strongly advised to leave the city if they did not want their life to be foreshortened because of the air that they breathed. Is this from Victorian times or are they Elizabethan writings? No, it is testimony from today for today. On the basis of that at least, it is high time that we pass the Bill in short order.

There is nothing new in clean air: the first legislation was passed in 1306. But the most famous Act, which is slightly newer, is the Clean Air Act 1956, which was a result of the Great Smog of 1952. At this stage, the United Kingdom was world leading in this area, but we are not today.

We have heard from noble Lords what the Bill does. It could not be simpler: it enshrines the right to breathe clean air. It is impressive in many ways, not least because continuous improvement on the levels of the pollutants listed, year on year, is built into it. It is also impressive because it looks not just at pollutants that harm humans but at pollutants that extinguish our environment.

Part of the problem with clean air is its intangibility. If water came out of our taps that was brown in colour and foul in stench, we would not go anywhere near it; air is more complex, but just as significant to the health of everyone in this country. What will be the consequence or fallout, if you will, if we do nothing? The situation will continue: some 9,500 lives will be ended before their time in London, and that will be multiplied across the country. Clean air, or the lack thereof, is the largest environmental health threat in the United Kingdom.

I say to my noble friend the Minister that we need to look at what education can do. I urge him to speak to the Schools Minister to have the nursery rhyme reintroduced and urgently updated in our schools: not "London's Burning" but "London's Choking". It should be rewritten for the cities up and down our country.

Similarly, what can we ourselves do in terms of education? A fabulous app, Tenzing, tells us the most polluted streets and roads in our capital and across our country. I advise avoiding cycling on Euston Road and the Strand, to name but two. This shows what we can do with data in real time and how technology can help us in this fight for a better environment for the benefit of all of us. The nitrogen oxides in Kingston park are 40% lower than in Green Park in the centre of our capital city.

This is a comprehensive and impressive Bill. It is appalling that we need it, but we do. I will give another example: a marathon runner contracting asthma on our streets as a result of simply trying to keep fit. One individual testimony from someone running on our streets should go to those who are running our streets. But it is for more than our athletes or those suffering from asthma: clean air is so self-evidently for everyone. We often talk about the beating heart of our city, but we should talk much more about the collective lungs. From Storrington to Swansea, Warrington, Brentford, Bristol and beyond, breathing clean air is a human right for all of us.

But it is for more than just our cities: this is for our country. There could barely be a more fundamental right than breathing clean air, yet millions are denied

[LORD HOLMES OF RICHMOND]
it daily. It is high time to act, for all of us, so that we can breathe more easily—in short, to clear the air. I ask the Minister just this: will he support the Bill and save our breath?

10.59 am

Lord Moylan (Con): My Lords, I thank the noble Baroness, Lady Jones of Moulsecoomb, for introducing this important Bill, as I thank her for her typically witty, engaging and gracious remarks about a former Mayor of London.

It is humbling that we are holding this debate in the presence of Rosamund Kissi-Debrah, and it is not necessary for me to repeat the sympathy that many Members of the House have expressed towards her and her family.

I welcome the Bill in its principles, its objectives and its thrust. Too many people have their lives shortened by air pollution. Too many of those are children. I agree with the noble Lord, Lord Kennedy of Southwark, that there will be legislation and action to improve our air quality whether in this Bill or another, but I am afraid that I have some concerns not about the thrust and objective of the Bill but about its constitutional and legal implications.

The first is in the very Title: the question of the words, “Human Rights”. It is of the essence of a human right that it is universal. It pertains to our human nature and character. It disturbs me that we would wish to create a human right that applied peculiarly to the residents of England and Wales or the United Kingdom—if the noble Baroness will forgive me, I have not checked the territorial scope of her Bill and how it applies—for it seems to me a misconception. It is made worse by Clause 1(1), which starts by creating a legal right to breathe clean air, with which I have no problem, but then goes on effectively to rewrite the European Convention on Human Rights in its domestic application, I would think most insensitively and inopportunistly at a time when so many others wish to rewrite the convention as it applies domestically. I hasten to add that I am not in principle one of them; I strongly believe that whatever one thinks of the Human Rights Act, the United Kingdom should stick to the European Convention on Human Rights.

My second concern relates to the democratic effect of the Bill. Here, I turn to the duties imposed on the Secretary of State. Clause 2 creates new powers for the Environment Agency that are essentially scientific in character. They require the determination of the effect of certain pollutants. That is not of course a problem, but what is a problem is that subsection (5) then requires the Secretary of State effectively to legislate through regulation to put those findings into law. What is missing, first, is any scope for scientific dispute, any idea that there might be other scientists out there who want to argue the toss or do not agree. They are to be ignored if those serving the Environment Agency have reached a particular view. There is no scope for public debate. Perhaps the noble Baroness does not think that the public should have an input to the scientific side—I understand that—but there is no scope for public debate. Most importantly, as the noble Baroness explained, there is no scope for reversal.

If it were discovered, as science is a process of discovery, that what had been considered a harmful pollutant turned out to be the wrong chemical and that a different chemical was the cause of a particular problem, the Bill would require primary legislation to do something about that.

The pattern, because it is embedded in the Bill, continues. Clause 2 also gives new powers to the Committee on Climate Change largely of a scientific character—again, there is no problem with that—but subsection (11) treats the Secretary of State in exactly the same way; that is, he or she is a mere tool of the agency in question. There is no debate, no scientific dispute, no reversal.

All these issues are subject to amendment and improvement in Committee, because the Bill is important and, in a fit state for enactment, should go ahead. It is of course possible that I have misread or misunderstood what is on the page in front of me, so I will listen carefully to the reply that the noble Baroness gives, and I am willing to learn when she comes to wrap up.

11.05 am

Baroness Worthington (CB): My Lords, I am grateful to speak in the gap and add my congratulations to those offered to the noble Baroness, Lady Jones of Moulsecoomb, for this comprehensive Bill. I also pay tribute to Rosamund Kissi-Debrah, whom I am delighted to see with us here today.

We have with this Bill an opportunity to do something bold and ground-breaking which would be a fitting legacy for Ella, her family and her supporters. I want to comment on some of the Bill’s strengths and some of the potential improvements that could be made to it. First, this is a comprehensive framework Bill. We all sat through the debates on the then Environment Bill, during which an element of air quality legislation was discussed and introduced, but it lacked anything like the comprehensive framework that this Bill puts forward. Therefore, the Government have all the powers they need to act on air quality but none of the duties and none of the legal momentum that would force them to crack this problem.

The positive news is that this problem can be solved, now more so than at any time in history. As the noble Baroness pointed out, the solutions to both climate change and air quality are one and the same, and that is to stop burning things—specifically in places where there are vulnerable people in high density who will be harmed by it. If we could just get that sorted out, we would make huge progress in bringing our cities back to life, making them once again liveable and solving climate change. This is what is before us, and if we get this legislation right, we can do this. We can do it to a timescale that is fast and therefore can save lives.

I am grateful to see such cross-party support for the Bill. As the noble Lord, Lord Moylan, indicated, if we get it right in Committee, we stand a chance of getting it through this House with, one hopes, the support of the Government.

I turn to some of the elements of the Bill which I think are strong. Air quality is not something that we experience in the average; we experience it in spatial and temporal specificity. By that, I mean that certain days and certain places become dangerous. They do so

because toxins that are released stay in the atmosphere and in certain conditions—weather conditions most commonly—they build up to dangerous levels. The way in which we have regulated on air quality to date has simply been too academic—too many milligram limits per pollutant—when we should focus on the fact that we know what the sources of these pollutants are; mostly, they track back to the burning of things. If we can regulate those temporally—when we know there is going to be an air quality incident that is very likely to damage health, we restrict those activities—we will make a huge leap forward in the way we treat this problem and how we keep people safe.

Similarly, we should disaggregate the legislation by geography, focusing on the places where people are most vulnerable and where people live. Cities in particular, of a certain size, need to be regulated differently. Cities are wonderful places, particularly for young families and for older people. When you have a child, you want to be surrounded by other people and you want them to live in a community. When you are elderly, you want to be in places where there are provisions and all the support that you need. So, the most vulnerable in our society, the very young and the very old, should be in cities and want to be in cities, yet they are polluted, and their health is impaired by living in those places. Geographic specificity in air quality management is therefore fundamental, and this Bill includes measures that allow us to start to do that. It is incredibly important that that is taken forward. Some of the powers in Clause 2(4) talk about focusing on the areas where harm can be greatest.

We are starting to see evidence where geographically specific measures have been taken. An example is Oxford, which has been the first place to ban combustion vehicles entering the city. We are seeing that city benefit in health terms and in liveability, and it is boosting the sale of new and clean technologies in that area. That shows that such technologies are now available and that you can respond to these limits on the burning of things.

There are also some fantastic measures in the Bill around informing the public. Clause 3 requires forecasts to be shared and information to be provided to the public about incidents that will cause environmental harm. Most importantly, the Bill has teeth. It allows action to be taken and has quite a clever mechanism with the creation of the CCCA.

I have been told that I must stop, because I am speaking in the gap. As noble Lords can tell, I am very passionate about this subject, and I think that this is a great Bill. I look forward to Committee and I hope the Government can support it.

11.10 am

Baroness Blower (Lab): My Lords, it is a pleasure to follow the noble Baroness, Lady Worthington, and I fulsomely congratulate the noble Baroness, Lady Jones, on bringing forward this Bill, which I wholeheartedly support.

Asthma, as we have heard from other noble Lords, is a significant cause of school absence. Asthma caused by air pollution causes absence among both children and teachers and, although I cannot give the numbers,

I know this anecdotally from having worked in many London schools. The noble Baroness, Lady Brinton, made reference to the hospital stays to which children are often subject because of their asthma. We all know that there are hospital education services that try to ensure that education continues while children are hospitalised, but of course we do not want children in hospital because of clearly avoidable issues. Making our air clean would avoid these issues.

I am a member of Education International, the global union federation for education workers. We always assert that education is a human and civil right, and indeed a public good. If that is true—as I believe it is—then children and all those who work with them in education need to be able to breathe clean air so that they can access that absolute right to education. It is within our grasp to move further on this Bill to ensure that no future generations of children suffer with asthma in the way that Ella did—I congratulate her mother on the work she has done—and to ensure that our children grow up breathing clean air. I urge the Government to support and adopt the Bill and bring it to fruition as soon as possible.

11.12 am

Baroness Jones of Whitchurch (Lab): My Lords, I thank the noble Baroness, Lady Jones, for drafting the Bill and setting out the case for reform of clean air legislation so clearly. Noble Lords around the House have spoken passionately about the right to clean air, which I think we all agree should underline this Bill and which we all feel is possible and doable. We will make sure that we contribute to making that happen.

In many ways this is unfinished business, left over from our consideration of the Environment Bill. At that time, noble Lords from across the House supported our amendment to tackle polluted air by setting a limit of fine particulate matter to levels below the World Health Organization guidelines by 2030. Sadly, at that time, the Government continued to resist these measures, despite the fact that air pollution is widely recognised as the single largest risk to public health that we face.

A number of expert reports have attempted to estimate the full impact—a number have been quoted this morning. In 2021, the EFRA Committee reported that poor air quality is still linked to as many as 64,000 early deaths a year. We know, as we have heard this morning, that children are particularly susceptible to illness and death from asthma and bronchitis. The EFRA Committee concluded that the Environment Bill did not provide the robust legal framework needed, given the scale and urgency of the challenge. It urged the Government once again to adopt the specific targets set by the WHO. It also pointed out that the Government's clean air strategy relies too much on local authorities, delegating most responsibility for delivering air quality improvements to them without providing sufficient competencies and resources to deliver the necessary changes. We agree with this analysis. The Government's plan lacks ambition and resources and fails to tackle the underlying health inequalities that lie at the heart of the problem. For far too long, the Government have prevaricated, launching consultations, researching and modelling options rather than taking the urgent action needed on this issue.

[BARONESS JONES OF WHITCHURCH]

Meanwhile, independent research at Imperial College and King's College has concluded that reaching the WHO targets is technically feasible and has produced credible evidence of the links between air pollution and Covid. For example, if you were living in an area of high pollution, you were more likely to end up in hospital or even die if you contracted Covid. In addition, they have shown that exposure to air pollution increases the likelihood of contracting Covid in the first place if you are exposed to the virus. The pernicious effects of pollution therefore go way beyond the known impacts on asthma and bronchitis. This was a point well made by the noble Baroness, Lady Bull, who also highlighted the links to mental health. There are other health impacts, as I say, that go way beyond asthma and bronchitis.

Like others, I pay tribute to Rosamund Kissi-Debrah, who is here today and has campaigned tirelessly on this issue since her daughter Ella's tragic and untimely death from asthma caused by air pollution—one of many children who had to suffer in this way. We have heard from noble Lords today about awareness of the perils of living by main roads and how, for many, they have only more recently become apparent. The noble Lord, Lord Holmes, also made the good point that you cannot see it, so people are not aware of it—if it came out as dirty water from the tap, we would all be slightly more alarmed. We do now understand the full effects and the health damage that can be done.

All this underlines the need for leadership and urgent action by the Government to tackle the ongoing public health crisis. This is why we welcome this Bill from the noble Baroness, Lady Jones, as an opportunity once again to press the Government to act. Her Bill rightly identifies that everyone should have the right to clean air, based on WHO standards and the best scientific knowledge. I say to the noble Lord, Lord Moylan, that my reading of the Bill was different from his; I understood from it that there would be scope for further scientific discovery, which should be taken into account. We can obviously debate this further in Committee.

The noble Baroness's Bill means that it would no longer be left to individual local authorities to act, which has led to a patchwork of high and low air-polluted areas. Instead, everyone, nationally, would have the same right to clean air. It would require progress to be measured year on year and for statutory bodies to ensure that the targets are monitored and met. It would also place a duty on all the key public sector bodies to play their part in delivering clean air in areas under their jurisdiction.

The noble Lord, Lord Desai, and others also raised the important issue of the polluter pays principle. The noble Baroness, Lady Boycott, rightly raised the issue of Drax and its impact on emissions. I agree very much with the noble Baroness, Lady Worthington, on the need to get to the fundamentals and stop burning things—that is at the heart of the issue.

We recognise that these are crucial elements, but that these measures cannot be implemented overnight. We believe, however, that creating clear national duties with action across government can deliver the change

required. I therefore hope that, even at this late stage, the Government will feel able to adopt these measures as a way of delivering the targets due to be set this October. Sadly, I doubt that we will hear such a promising account from the Minister when he winds up today.

Meanwhile, I reassure the noble Baroness, Lady Jones, that not all politicians are the same. I give notice that we in Labour are committed to tackling this health crisis once and for all by introducing a clean air Bill, which would deliver the legal right for citizens to breathe clean air, with citizens enabled to act when standards are breached, statutory monitoring to make sure that WHO clean air guidelines are adhered to and provision to ensure that local air quality standards keep up with the developing science. In the meantime, I wish the noble Baroness well in pursuing her Bill; I am happy to work with her. I look forward to the Minister's response.

11.19 am

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I thank all noble Lords across the House who have participated in today's debate, particularly the noble Baroness, Lady Jones of Moulsecoomb, for raising this important issue and for her usual robust way of introducing it.

This Government take air quality and its effects extremely seriously. Although we have achieved significant reductions in air pollution, it remains the largest environmental risk to public health in the UK. The tragic death of Ella Adoo Kissi-Debrah in 2013 continues to remind us that, when it comes to improving air quality, there is absolutely no room for complacency. I echo noble Lords' welcome to her mother, Rosamund, in the Chamber today. She has met the Secretary of State and Ministers and all have been impressed by the dignity and determination with which she conducts her campaign.

I fully appreciate the intention behind this Bill and welcome the ambition to drive down air pollution shown by all noble Lords who have spoken today. We have a comprehensive existing legal framework, in large part thanks to the Environment Act 2021, which holds us to account on driving continuous reductions in air pollution and provides relevant powers and ensures that we use them, as the noble Baroness, Lady Worthington, said. We are taking significant action, but we know we must continue to do more to deliver cleaner air for everyone. The Bill in large part echoes existing powers in the Environment Act 2021, which is our framework for environmental protection in the UK.

The Bill contains targets for a range of air pollutants. We already have a comprehensive range of legally binding targets for emissions and concentrations of the most harmful pollutants at local and national level. We are also setting two new stretching targets for fine particulate matter, PM2.5, the pollutant most harmful to human health, under the 2021 Act. I say to my noble friend Lord Holmes that we are leading the way by including an innovative population exposure reduction target in our target framework. This target will drive continuous improvement and will, on average,

cut peoples' exposure by over one-third by 2040 compared to 2018 levels. To the noble Baroness, Lady Brinton, I say that we have recently concluded our consultation on new targets and will respond in due course; it would not be appropriate to pre-empt that response.

The 2021 Act enables the Government to set long-term targets in respect of any matter which relates to the natural environment or people's enjoyment of it. However, the Act also rightly requires that the Secretary of State must be satisfied that such targets can be met. I have yet to see evidence that some of the targets proposed in this Bill, such as zero concentration of indoor damp and mould and a PM2.5 annual mean concentration of five micrograms per cubic metre, could actually be achieved. In fact, due to the level of natural and transboundary pollution in some parts of the country, this PM2.5 target could not be achieved even if we removed all the people from these areas—that addresses a point that my noble friend Lady Altmann made. Even if these islands of ours were totally deserted, the annual concentration of PM2.5 would likely be above 5 micrograms.

As a Government, we have worked with internationally recognised experts to inform our existing proposed targets to ensure that they are stretching but achievable, but we always welcome further evidence on this topic and it does not mean that we should not continue to challenge ourselves to go further where possible. That is why we are proposing to set an exposure target alongside a concentration target under the 2021 Act, to drive continual improvements across the country.

Elsewhere, the Bill contains provisions to require the Environment Agency and the Committee on Climate Change to review pollutants and limits and advise the Government accordingly. The newly created Office for Environmental Protection already has powers set out in the 2021 Act to scrutinise and advise the Government on environmental law. The OEP is rightly independent of government and is well placed to perform this role, whereas the Environment Agency is an executive agency answerable to the Secretary of State.

The Bill also contains provisions to enhance the duties of various public bodies to contribute to the maintenance of clean air. Under the 2021 Act, we have already created a new power for the Secretary of State to designate "relevant public authorities". A relevant public authority will be required to collaborate with local authorities to achieve local air quality objectives. We have recently completed a consultation on the designation of National Highways as the first relevant public authority, and we are considering further public authorities for designation.

The Bill suggests giving the Environment Agency the principal aim of achieving and maintaining clean air. The principal aim of the Environment Agency in discharging its functions is to protect or enhance the environment, and this already includes air quality.

The Bill suggests that we make clean air a human right. However, not all sources of air pollution are under the Government's control. Significant contributions to UK air pollution come from other countries, depending on the weather, and natural sources also make a key contribution in some areas. We are working to tackle transboundary air pollution through our commitments

and our review of the Gothenburg protocol under the UNECE Convention on Long-range Transboundary Air Pollution. However, the transboundary and transnational nature of air pollution makes it ill-suited to be a general or human right.

Baroness Worthington (CB): My Lords, I know this is very cheeky, as I ran out of time, but I was going to suggest in my speech that one thing we could look at is defining and distinguishing between controllable and uncontrollable sources of pollution. I think this would address the earlier point about targets being achievable. I would love for us to get together and discuss that before Committee.

Lord Benyon (Con): I absolutely accept the point the noble Baroness makes. There is conflicting advice here and I am very happy to share all the advice the Government receive to make sure that, as we progress in our ambitions on air quality, we are using data that we can all understand. I am very happy to proceed on that.

I can confirm to your Lordships' House that the UK is already required to publish air quality information through a range of legislation, including the Air Quality Standards Regulations and the UN Kyiv protocol, to which we are a party. This includes forecasts, the latest local measurements from our nationwide monitoring networks and local authority networks, as well as health advice informed by the work of the Committee on the Medical Effects of Air Pollutants.

We also fund large-scale public awareness efforts such as Clean Air Day, the UK's biggest air quality public awareness campaign. To address the point that my noble friend Lady Altmann raised, we are undertaking a comprehensive review of how we communicate air quality information. The review has seven distinct workstreams focusing on both the effective use of data for forecasts, and also, very importantly, getting messaging right and communicating it effectively for different audiences. The workstreams each have their own timetable. Recommendations for tangible action, based on emerging evidence, will be made at intervals between now and 2024, with final recommendations expected in 2024.

The Bill before us also contains a requirement for the Government to make accurate assessments of air pollution. The Air Quality Standards Regulations already set out a detailed regime for the assessment and monitoring of air pollution. There are currently more than 500 monitoring sites across the UK, made up of 14 networks measuring a range of pollutants of concern. In 2021-22—the last financial year—we invested £1.15 million to expand PM2.5 monitoring, and by the end of 2025 we will be investing a further £10 million to at least double the size of the current PM2.5 network. This expansion will provide further data and measure progress against the new PM2.5 targets.

The Government recognise that local authorities have a key role to play in air quality action, and the Bill contains provisions regarding local authorities' duties to achieve clean air. Under existing legislation, local authorities are already required to review and assess local air quality under the Environment Act 1995, as amended by last year's Act. Where review and

[LORD BENYON]

assessment indicate that a local air quality standard or objective is, or is likely to be, exceeded, local authorities are required to develop an air quality action plan. Local authorities produce annual reports, covering progress on improving local air quality, which are submitted to the Secretary of State. Through the Environment Act 2021, we have strengthened the local air quality management framework to place greater emphasis on action to improve air quality, expand the scope of action and enhance enforcement by local authorities.

The Bill would require the establishment of a citizens' commission for clean air. Many of duties and powers suggested for the citizens' commission for clean air appear to replicate the functions of the independent Office for Environmental Protection. The OEPs principal objective is to contribute to environmental protection and improvement of the natural environment, including air. The OEP may apply for judicial review or an environmental review in relation to the conduct of a public authority.

The Bill would also require the Government to apply a specified set of environmental principles when making policy. We have consulted on environmental principles under the Environment Act and have published a draft legally binding policy statement on the matter. The Bill would also require the Secretary of State to comply with the UN Convention on Long-Range Transboundary Air Pollution and its protocols—but we are already required to comply with this convention.

The Government are absolutely committed in our ambition to tackle air quality, but we already have an existing legal framework to deliver that ambition. As I have set out today, the Bill would lead to the duplication of existing roles and responsibilities and would make the Government responsible for meeting targets that we know simply cannot be achieved. As I have said, we appreciate the intent behind the Bill and we know we must continue to implement the Environment Act and deliver cleaner air for everyone. The Bill will help to raise awareness of air pollution, its impacts and actions that can be taken to reduce it and safeguard the vulnerable from its effects, which will always be welcome. I look forward to continuing to work with colleagues across your Lordships' House to deliver the improvements that we all recognise are needed to reduce emissions, prevent serious illness and improve the quality of life for people across the country.

11.32 am

Baroness Jones of Moulsecoomb (GP): My Lords, I have taken a lot of notes from today's debate, and it is always difficult to reply to everybody, but I will do my best to do so outside the Chamber. I see a lot of meetings in my future—including with the Minister, I hope.

I thank all noble Lords who have contributed to the debate, which I thought was incredibly positive; many mentioned things that I did not think about mentioning. The noble Lord, Lord Kennedy, for example, said that he had no doubt that Rosamund Kissi-Debrah was going to get the law changed and I think he is absolutely right. It seems like an awful lot of Members here in your Lordships' House will help her to do just that.

I thank the noble Baroness, Lady Brinton, for talking about the impact on children and, of course, her personal story. It always makes everything very relevant when one hears a personal story. The noble Baroness, Lady Boycott, also told us a personal story about her daughter and twins, and she raised the danger of biomass and of labelling other fuels environmentally friendly when, in fact, they are not. The noble Baroness, Lady Altmann, talked about targets not being specific and told her personal story about her mother—I understand that that is clearly a concern.

The noble Lord, Lord Thomas of Gresford, talked about hidden emissions, and he gave us his legal wisdom on this. My own paternal grandfather was killed in a coal mine in the 1913 mining disaster in Senghenydd, so I have a history of understanding about coal mining. The noble Baroness, Lady Bull, talked about the mental health impact, which I had omitted to mention so I thank her very much for that—it was quite unpleasant to hear. The noble Lord, Lord Desai, wants me to make this Bill even bigger and I thank him for that. I really thought I was being ambitious here, but he has inspired me to be perhaps more ambitious in the future. I also liked his comment about the polluter pays, which is a principle for which I have advocated for a very long time.

The noble Lord, Lord Holmes, talked about intangible and invisible pollutants and that is a part of the problem: the smog was so visible and so unpleasant that people felt quite justified in bringing in a Bill, whereas at the moment all these pollutants are difficult to see, so it is harder to push the whole concept. The noble Lord, Lord Moylan, talked about my being witty and gracious—you know, I love compliments, though I do not think of myself as gracious. I am glad he welcomes the principles and I would be very happy to meet with him—in fact, I would be happy to meet any noble Lord who wants to comment further—but I have accepted the points made by the Delegated Powers Committee that were part of what he talked about. Also, he said that the Bill is limited to England and Wales; that is out of courtesy to the other countries. Obviously, I would like to make it global but that is beyond the powers of this Parliament. My feeling is that Brexit allows us to do our own thing, so it is absolutely perfect to do it for England and Wales.

The noble Baroness, Lady Worthington, seemed to suggest quite a few more amendments—if we can avoid those, I would be grateful. There are always other opportunities with the Bill. But her idea to stop burning things is just so simple—that is exactly what we have to do. The noble Baroness, Lady Jones of Whitchurch, talked about unfinished business and Labour's own clean air Act. I am a proud Green and have been for decades so it is very hard for me to share credit, but here I want to say that I have been incredibly touched by the Labour Party's support for this Bill. I will freely give up all my credit if Labour would like to take my Bill and enact it. The same goes for the Lib Dems, I would be happy to support any way I can get these issues through.

The Minister raised a lot of issues and said things such as, "The Government are on the case", "The Government have these targets" and "We are doing

our best”, but this Bill will improve things for people and the planet. It will improve what the Government are doing, and I give it to them freely; it is oven-ready in the sense that I understand it and not, perhaps, as the Government understand it. It is actually ready to go. It will be, I think, something that the Government could be proud of.

The Office for Environmental Protection is such a good idea, but it is so weak—we can do better than that. The Minister mentioned all these monitoring sites and I do not know whether he has ever visited any of them, but the one at Edgware Road has its intake pipe eight feet high. That means it cannot take in all the pollution at exhaust pipe level, so perhaps he could fix that.

In closing, this Bill is not just down to me; Rosamund and I are the tip of the volcano. Hundreds and thousands of people are supporting this Bill and have supported writing it, so I want to thank the team. I also thank Sadiq Khan, who has been fantastic about supporting this when he really did not have to. I would like to keep all the credit but I cannot. I thank the Government very much for allowing this debate to go forward; I hope they will accept the Bill.

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

Front-loaded Child Benefit Bill [HL]

Second Reading

11.39 am

Moved by Lord Farmer

That the Bill be now read a second time.

Lord Farmer (Con): My Lords, the Bill enables the Government to give flexibility to parents in how they receive child benefit. A key effect would be to increase parental choice in how they care for their children in the early years. State support for childcare is of increasing political importance in many developed countries, but only 41% of nought to two year-olds in England are in paid childcare. This is partly because there is limited state help for infant childcare costs, despite this being a particularly expensive stage of life. As well as childcare for those who want to return to work, a new baby can cost a lot to feed and house, and their arrival often requires moving into larger accommodation for all their equipment and for extra bedrooms. More generally, the multiplicity of different childcare support schemes is confusing and off-putting, as some benefit claimants are paid in arrears.

The Government announced that they are making childcare more affordable to ease the cost of living. However, once again it is the Ford-ist approach: “You can have any colour as long as it’s black”—or, “We’ll offer all sorts of help with childcare as long as you pay someone else to do it”. During the first years of infancy, many parents prefer care to be carried out by themselves or, if available, by grandparents or other extended family members who have a very tangible stake in their future. Biological theory refers to kin

altruism: humans are inclined to behave more altruistically toward kin than toward unrelated individuals. That inclination is very important when deciding who will care for one’s precious child. Public awareness has grown of how formative the early years are for emotional, physical and particularly neurological development. Some 80% of a child’s brain develops in their first three years, during which adult-infant interaction strongly influences brain architecture and long-term chemical balance.

Key systems for stress response, emotional regulation and the ability to demonstrate kindness and empathy are very immature at birth. An infant’s development in these areas is dramatically affected by their relational experiences because the brain is a social organ. When infants consistently receive kindness through attuned and kind looks and words, their brain’s prosocial systems develop in response. In the absence of sufficiently calming, soothing and emotion-regulating interactions with parents and other key adults, an infant’s stress response can become hypersensitive. They can grow up unable to handle stress well, hypervigilant and more prone to anxiety, depression and anger, both in childhood and later life—hence many parents want to be there in their children’s early years. Some 39% of children under two are looked after by their parents. However, this requires a considerable and increasingly insurmountable sacrifice of income.

My Bill would enable the Treasury to give parents the option to have their child benefit front-loaded, putting more money into their pockets at this frighteningly expensive life stage. Clause 1 would amend the Child Benefit (Rates) Regulations 2006 to allow the recipient of child benefit the choice of receiving it on a sliding scale, getting more in their child’s early years and less as they get older. The total amount of child benefit paid over childhood would be the same as if paid at the current flat rate. Clause 2 provides for the Bill to extend across the UK, as child benefit is reserved to the UK Government. Having this option could help to facilitate parents’ preference not to work outside the home for a short time, or indeed help to pay for childcare. They would then receive less child benefit when their children are older. Receiving the same flat rate of child benefit throughout childhood no longer fits the financial realities of many families.

It was 77 years ago, in 1945, that the UK Government passed the original Family Allowances Act to support families and reduce family poverty, with a weekly sum of five shillings for the second child onwards. This was extended in 1956 to all school-age children. In 1977, the Government reformed family allowances to introduce child benefit, which is payable to mothers from their first child onwards to alleviate child-related costs. Children aged nought to 16 are eligible, as are 17 to 19 year-olds in approved education or training. The weekly allowance is now £21.80 for the oldest child in a family and £14.45 for younger children.

Child benefit’s iconic and attractive features have been retained over the years. For example, it can be paid into the mother’s purse instead of the father’s wallet, it follows the child, and its relative simplicity has significant administrative advantages. However, it was designed for a completely different age—albeit

[LORD FARMER]

during similarly parlous times for national and family finances—and needs further reform. Patterns of work and childcare are now far more varied. Both parents typically work through necessity, if not choice, and the primary carer is often the father.

The quantum leaps we have made in digital delivery of state support mean that this benefit can and must be delivered in a more sophisticated way so that this significant spend supports families more flexibly. Some 12.5 million children in 7.2 million families were supported by child benefit in 2020-21, at a cost of £11.25 billion. Over the same period, UK expenditure on foreign aid was £11.5 billion and investment in environmental protection was £12.5 billion, and the health and social care levy is worth about £11.4 billion. Expenditure on all these budget items follows significant debate and has an appropriately granular approach, but the Government are legally bound to dispense child benefit in a one-size-fits-all way. This deliberately simple Bill merely provides the legislative lever around which the Government of the day can build detailed policy—for example, how that sliding scale of child benefit can operate across a child's life. In 2009, Policy Exchange recommended paying half the child's total entitlement to child benefit during their first three years and the other half over the remainder of childhood. In 2005, the noble Lord, Lord Field, argued that a quarter of the lifetime entitlement should be paid during the first two years of a child's life.

The diverging up-front costs of different options mean that these decisions are for HM Treasury, as there would be an initial budget shock during the phase-in stage of this reform. New cohorts of children would receive the higher payment, with no immediate compensating savings elsewhere. However, this would also help parents with high childcare costs in the first two years. Any future Government will undoubtedly come under pressure to do more in this area. Importantly, in the long run this proposal is cost-neutral, because over their first 18 years a child would receive the same total amount of child benefit as they would through a flat rate. The Bill also does not tie the Government's hands in decisions around eligibility. They might want to make higher rates of child benefit in the early years conditional on, for example, attending parenting education and/or objective indicators such as school attendance of previous children or professionally recorded signs of neglect. The Social Justice Policy Group also recommended this reform in 2007. Its polling found that 85% of people agreed or strongly agreed that parents receiving money from the state to bring up their children should be willing to attend parenting classes if necessary.

For this to become law, a government Minister will need to steer it through the Commons, with additional clauses concerning secondary legislation and statutory guidance where policy detail would lie. This legislative shell would effectively need to become a handout Bill in the other place. I urge the Government to do this to help facilitate choices on early years that are beyond many parents' reach, to work for the hours they want—be they many, few or none—but without further complicating childcare support or “paying parents to stay at home”. With the exception of higher-rate taxpayers and those

subject to the benefit cap, child benefit has always been freely given. This Bill enables that freedom to be extended. I beg to move.

11.49 am

Lord Kennedy of Southwark (Lab Co-op): My Lords, there are two points I wish to raise regarding the Bill proposed by the noble Lord, Lord Farmer. The first refers to the expense of raising a child in the latter years of their youth and the second to the potential unintended consequences of allowing eligible parents to front-load benefit payments.

With the cost of living crisis and our current rates of inflation, the cost of raising a child is higher than ever. A study conducted by the Child Poverty Action Group found that, in 2020, 28% of parents were using their child benefits for general expenses. Following a similar study conducted in 2012, this figure was a mere 2%. Inflation is now at its highest rate for 40 years. What percentage of parents do noble Lords think are using child benefits for general expenses today? Surely it can only be greater than the 28% that were doing so in 2020.

According to the noble Lord, Lord Farmer, the answer is to give eligible parents the opportunity to front-load the benefits in the early years of their offspring's youth. The Bill in question strikes one as interesting, shall we say, in light of figures that reveal the age-specific expense of raising a child. From research conducted by Moneyfarm, we know that the period between the ages of 15 and 18 is when raising a child is the most expensive. From nought to three years old, food costs alone are on average £675 annually, whereas between the ages of 15 and 18 that increases to a staggering £2,489. The evidence here swims against the tide of the Bill. If anything, it seems wiser to backload the benefit.

The director of policy, rights and advocacy at the Child Poverty Action Group, a person who is well equipped to speak on this issue, warns us that “now's the time ... to reflect on the erosion of child benefit”.

In real terms, with freezes and sub-inflationary uprating, child benefit is worth 23% less than it was in 2010. It is the erosion of child benefit that ought to be the focus of our attention, not its arrangements. Child benefit amounts to £21.80 weekly for the first or only child and £14.45 for each additional child. Some may be keen to point out that from April the Government increased child benefit by 3.1%. Let me point out what that increase amounts to: it translates to 65p per week per eldest child and 45p per week for each consecutive child. What could you do with an extra 65p a week?

There is currently a campaign under way, endorsed by over 70 organisations, calling on the Government to increase child benefit by £10 a week, per child. According to their calculations, this would cost an estimated £6.6 billion per year, yet it would do more to tackle child poverty than even the £20 uplift to universal credit, which has of course now been withdrawn.

I am sure that your Lordships' House can appreciate the importance of child benefit as a means of ensuring that targeted support directly reaches those children who need it. The constancy of payments provides a

vital layer of security for eligible parents, who can be assured that they have a steady source of income for their children whether they are in work or not.

Of course, giving eligible parents the opportunity to increase the sum of money received in the early years of their child's youth gives such parents a much-needed layer of financial security when their child's needs are often most acute. But when making the choice to front-load the benefit, will such parents bear in mind the fact that they must accept a lower sum when the child is older? How does the noble Lord, Lord Farmer, propose that we avoid the prospect of backloading the financial problems by front-loading the benefits?

If the financial situation of the person to whom child benefit is payable worsens by the time their child has reached the latter years of their youth, would they still be forced to receive the reduced amount of child benefit? What does the noble Lord, Lord Farmer, suggest such parents should do in that situation, given that we have just learned about the rising expense of raising a child as the child grows older? The Bill appears to be an indirect way of reasserting the same inadequate rate of child benefit that falls short of what is needed to prevent millions of children from slipping into poverty.

This is not the first time the idea of front-loading child benefit has been brought to our attention. Such a proposal was previously suggested by the Centre for Social Justice, predicated on the suggestion that the early years of a child's life are the most critical. But all years of a child's life are equally critical. In the words of the noble Lord, Lord Farmer, the Bill is about increasing choice for parents. I put it to him that the best way to increase choice is to increase child benefit, not adjust the timing of its payments. Pay what is deserved, rather than change when it is paid. Put simply, if the benefit were high enough, there would be no need for this Bill. A time of unprecedented price rises is not a time for minor tweaks to our social security system; it is a time for us to start talking about major increases to child benefit to secure the future of our children.

I conclude by saying that when we have these debates, I always think of our dear and much-loved friend Lady Jowell, who is missed, and the work she did in developing Sure Start, which the coalition Government and the Government opposite destroyed. That is to their eternal shame.

11.55 am

Lord Balfé (Con): My Lords, I rise to support this short and simple Bill. Such policies have been around for a long time. Indeed, the noble Lord, Lord Kennedy, just mentioned the Social Justice Policy Group of 2007. One of its conclusions was that

“the first three years of a child's life are the most critical in the development of cognitive and social skills.”

I think that is absolutely right. The first three years of a first child's life are also the most significant in terms of the disruption and changes in family life. Two of my three children have now produced grandchildren, so I speak as a grandfather, and I have seen the changes

in their families, caused by their sudden enlargement and changes to the way that everything had to be looked at.

I must disagree with my good friend the noble Lord, Lord Kennedy. All ages of a child's life are not the same. Those first three years—in fact, the first few years—are crucial. However, I certainly agree with him on one thing: the way in which the coalition Government and Governments since treated the Sure Start programme was not good at all. It was a very clear attempt to deal with the problems of child development at the very early age when they can be affected.

Let us be clear: this is not a compulsion; you do not have to take the benefit, so there is a level of choice. By enabling a level of choice the Bill will help families to adjust. It is not only the costs of setting up a family for a new child. Even if you do not move, cots, beds, bedding and other things cost a huge amount. I know, as a grandfather who has been buying Christmas presents and thinking about what the baby needs. These things cost a lot and anything we can do to help is good.

There are also the back-to-work costs. My daughter has left work and is still off work with the baby. That has cut the family income considerably, but she is a professional person and will be going back to work in due course, so the income gap will change. But it is not only the income gap: women who leave the workforce also have to have regard to their own careers. One of the points about particularly a professional woman's career is the need to keep up with the changes that take place in working practices. Careers do not stand still. You do not suddenly become a doctor, a HR professional or an accountant and then nothing changes for 50 years. Things are changing all the time and, if you are going to keep up with developments in your profession, you have to get back to work after a reasonable time.

My daughter works for a pretty good place which gives up to three years of maternity leave, but two years of it is unpaid. You are faced with the dilemma—I know, as we have done the maths—that you either go back to work and get paid, then pay out all the money that you earn on childcare; or you stay out of the labour force and get slightly further behind. Of course, in my daughter's case, her job is kept open for only three years, because they need you to be up to date. It is as simple as that.

I see the Bill as providing a degree of freedom and flexibility which will be of value to many families. I hope that it can be adopted, because if we can help to get flexibility into the system and help families, enabling parents to make rational choices—at no cost, let me say, to the taxpayer overall; in fact, possibly there will be a saving, at the rate inflation is going—that is a thoroughly good thing to do. As such, I commend the noble Lord, Lord Farmer, and the Bill, and I hope that it will get a fair wind from the Government.

12.01 pm

The Lord Bishop of Durham: My Lords, I rise to speak to this Bill with a degree of curiosity. I thank the noble Lord, Lord Farmer, for introducing it.

[THE LORD BISHOP OF DURHAM]

Children, and the family who cares for them, should be particularly supported in their early years. This is when their most important development happens, so we must want them to thrive. These early years are still too often overlooked in the impact they have on both the leading of a happy and healthy life or the long-term harm of adverse childhood experiences. The Bill is an interesting one, as I can see some of the arguments for front-loading child benefit. However, I also have some quite deep concerns. I understand that the noble Lord, Lord Farmer, has intentionally kept his briefing for the Bill minimal to accommodate the policy-making that would have to accompany it, but there are some key details to learn, or note.

One of the arguments previously made for this policy was that it would enable mothers, or fathers, to stay at home with their children rather than feel that they have to go back to work. Perhaps the inverse of this is that it could be put towards childcare, the prices of which are very high, as we are all aware, and which can be a significant barrier to parents being able to work. However, if my calculations are correct, even at the highest rate of child benefit—that is, for the first or only child—the front-loaded half of the benefit over a period of three years would be less per week than the average rate of childcare for just 25 hours per week, according to the NCT. Because of the high ratio of people to children, childcare for ages nought to two is particularly inaccessible. So, unfortunately, while the figure might take some pressure off, it will be insufficient to cover childcare and almost definitely insufficient to allow a mother or father not to work.

Another concern is that if we are really trying to offer support to children in their early years who most need it, surely, we would have to ensure that the front-loaded rate was not subject to the benefit cap, as it currently is. If this is a benefit that is not means-tested, surely it should not be grouped under the cap in this way.

One of the previous two propositions of this policy suggested that the front-loading element be dependent on engagement with services—the noble Lord, Lord Farmer, noted some of these earlier. However, we need to be careful that we are giving people sufficient dignity and support, and any conditionality element of a front-loaded child benefit would need to be properly resourced with support for children and their families. I wonder whether, currently, there is simply the infrastructure or the political will to resource this.

Finally, I am concerned that this would overcomplicate child benefit, which has the advantage of being very straightforward for all to understand and simple to administer.

So, I conclude that I would prefer to see increased support for all children in their early years, including more adequate provision for childcare and its costs. As the Bill proceeds to Committee—I hope it will—I will want to ensure that it is not to be misused unhelpfully for the support of children throughout their childhood, so significant amendments would be required.

12.04 pm

Baroness Berridge (Con): My Lords, I begin by thanking my noble friend Lord Farmer for introducing the Bill, which is yet another example of his friendly pressure on Her Majesty's Government on behalf of some of the poorest in our society. He is resurrecting in the Bill a matter that has never been fully looked at, and I hope my noble friend the Minister will commit to sending it out for proper consultation.

The Bill is not suggesting that children in their teenage years do not cost as much or maybe more than children in their early years. Although in countries such as Denmark and Norway, child benefit decreases with the age of the child, in others such as the Netherlands it increases. What is different, as other noble Lords have said, is that in the early years transitions are needed, maybe to larger housing, with the attendant costs, and the purchasing of various essential items, but most obviously much more intensive childcare if a parent or parents want or need to continue working. Also, we increasingly know how important the early years are for cognitive, behavioural and emotional development. I believe that giving parents the option to take a greater proportion of child benefit in the early years is an idea worth exploring.

One can think of many examples where such an option would be helpful to parents. If one child becomes ill and requires frequent hospital visits or stays, there can be increased costs, not only for such visits; if you have other children, you will therefore have increased childcare costs. Of course, there are other benefits, such as carers allowance, but they may not cover all the extra expenditure.

In addition, such flexibility—I argue for great flexibility—might help sort out the vexed issue of parents going on to universal credit or who are on universal credit when their first child is born. Both universal credit and the childcare element, where you can reclaim 85% of the costs, are paid in arrears. However, a universal credit advance is available if the claimant cannot wait the five weeks until their first payment. That advance is repayable over 12 months. As far as I am aware, there is no corresponding advance to cover the upfront costs of childcare. The charity Save the Children says that 90% of childcare providers require payment in advance, and 78% of low-income families with children in England have no savings. Also, one must remember that 2.3 million UC claimants are in work.

The UC childcare payment can be £1,108 if you have two or more children. It is not a surprise, then, that there is evidence that families are going into debt to cover these upfront childcare costs and in reality, if there is a delay in payment, they may have to cover more than one month. While to some this might seem a small level of borrowing, in these circumstances it might be from unorthodox sources with higher rates of interest, and for low-income families on universal credit it is easy to see how this can lead to a debt spiral. Obviously, I am arguing for great flexibility to be able to use quite a large proportion of child benefit in these circumstances. However, could not allowing some

front-loading of child benefit in specific circumstances, such as claiming UC, be helpful? A consultation could consider ideas such as this.

Of course, there could be unintended consequences to such a policy. Would it lead, as the noble Lord, Lord Kennedy, suggested, to parents not having enough money for their children in their teenage years? I believe there should be a floor regarding the proportion that can be front-loaded. Also, according to the House of Lords Library, no other country has provided such flexibility in child benefit payments, so we would be the first.

I hope my noble friend can say that Her Majesty's Government will be able to consult on this matter in the autumn, when matters have settled down.

12.08 pm

Baroness Sherlock (Lab): My Lords, I thank the noble Lord, Lord Farmer, for introducing his Bill and explaining the reasoning behind it, and I thank all noble Lords who have spoken.

I am rather attached to child benefit, and not just because it was a Labour Government who introduced it, phasing it in from 1977, replacing family allowances and child tax allowances. I am not claiming that we invented state support for kids; of course, child tax allowances go back, I think, to 1798, although they disappeared for most of the 19th century. However, after a long campaign by the likes of Eleanor Rathbone, child tax allowance having come back, it was joined by a universal payable family allowance in 1945 as part of the post-war settlement. Of course, family allowance was one of the three pillars of the welfare state in the Beveridge report, along with health and maintenance of employment. It was introduced originally at five shillings a week—I think Beveridge wanted eight shillings but got negotiated down to five shillings; the Minister may recognise that, even in modern times—and after some initial controversy, it was paid direct to the mother.

Eventually, however, the Labour Government decided to replace both family allowance and child tax allowance with a universal, non-means-tested payment for all children: child benefit. It has been incredibly popular ever since: so popular that, although its value has been allowed at times to erode, the principle of universality has never been touched. There was one exception, however: George Osborne decided to claw it back from higher-rate taxpayers, which in my view was an unwise and messy piece of policy-making.

As a universal payable benefit, child benefit represents the transfer of resources from taxpayers as a whole to families with children. Those who do not have children subsidise the cost of raising all children because it has always been recognised, in the language of economics, that children are a public and private good—or, in normal language, parents love their kids and are responsible for them but we all have a stake in this because we all need children as the next generation to staff our public services, run our economy and, crucially, pay my pension. We all have a stake in making sure that we contribute.

My noble friend Lord Kennedy and others have mentioned the costs of raising children. CPHE does regular research into the additional basic cost of a child from birth to the age of 18. In 2020, it was £71,611 for a couple family and £97,862 for a lone-parent family. If you add in housing and childcare, those figures go up beyond £150,000 and £185,000 respectively. I have been doing some back of the envelope—or calculator on an iPhone—calculations. My rough attempt is that, in today's money, child benefit gives £20,400 for the first child from birth to the age of 18, and £13,500 for later kids. It is helpful but, as we can see, it does not begin to cover the costs of raising a child—nor is it expected to. Of course, extra help is available on a means-tested basis.

What of the idea of front-loading it? As has been noted, this is very much a framework Bill, so I will have to work on some assumptions around the ideas in the reports from the Social Justice Policy Group and Policy Exchange, which have been mentioned previously. They suggest allowing the front-loading of perhaps as much as half the total lifetime allowance in the first three years and tying it to some form of inspection to make sure that parents are being good parents.

The interesting point is that different cases are being made by the noble Lord, Lord Farmer; I am sympathetic to all of them in different ways. There is the case that the early years are particularly important for a child's development and that it is good for a parent—often, but not necessarily, a mother—to be at home with the child during that period. I am sympathetic to the state enabling a parent to make a choice about being with their child in the early years but I have a specific question: what would this policy be designed to do? Is it to encourage or enable a parent to stay at home with their child in the early years? Is it to direct more money into families in the early years because of a recognition of either the scarring effects of poverty on early life or, as the noble Lord mentioned, the importance of neurological development? Is it because parents believe that the early years are more expensive? We might find different policy solutions to those different problems.

If the policy is designed to enable a parent to stay at home, we need to look at the question asked by the right reverend Prelate the Bishop of Durham: how much would it need to be to make a difference? Again, here are my admittedly probably dodgy calculations. If you directed half of a child's lifetime child benefit into the first three years, in today's money, that would give you about £65 a week instead of £21.80 for the first child, and about £43 a week instead of £14.45 for later children. I am sure the Minister will be able to correct that if needed from his Treasury brief, but that was the best I could do with my iPhone's calculator. That money would be welcome, but I have a question for the noble Lord, Lord Farmer: would it make enough of a difference to enable a parent to stay at home, as opposed to not doing so? Failing that, would it make enough of a difference to enable a parent to pay for childcare so that they can go out to work, as opposed to not being able to make that choice?

The noble Baroness, Lady Berridge, made a really important point about the problems with the support we offer through universal credit for childcare. The

[BARONESS SHERLOCK]

Government must take action on that. It is great to offer parents 85% of their childcare costs but, frankly, if they cannot afford to pay the first month's money, they can never use it; it is therefore of no value at all. Even worse, it is of most value to parents with the most money because they are the ones who can afford to pay the first month and get into the system in the first place. However, I will take some persuading that the best way to deal with the fault in the design of universal credit is by redirecting child benefit, which parents will also need for the costs of raising children, not just the costs of paying for childcare.

Perhaps, then, the aim of the policy is to direct money into the early years? I believe very strongly in investing in early years for both children and parents, which is why I am so proud of the work of the last Labour Government in this area in increasing financial support for children, particularly in the early years, and, crucially, providing support through things such as Sure Start. On one level, I would say that, wouldn't I? I was an adviser to Gordon Brown, working in the Treasury on these matters at the time. I have to say, probably the single most heartbreaking moment of my life in politics came when I sat on the opposition Benches and watched all that work be dismantled when I first came into this House. It really was heartbreaking. I suppose my question to the noble Lord, Lord Farmer, is this: although we both want to see investment in the early years, given the worrying rates of child poverty among families with children of all ages, is he convinced that this investment is best funded by taking money from a child's later years?

Then there is the question of where the financial pressures come. When parents first have children, they are often absolutely convinced that the early years are the expensive age; the noble Lord, Lord Balfe, gave us some examples of why they are incredibly expensive. However, I think most parents would confirm that, when children reach their later years, they do not get cheaper; they are just expensive differently. There is a lot of research on this but, if you go to any parenting board or on to any parenting website, you will see debates on it. One discussion on Mumsnet has parents arguing, with some saying, "Oh no, it's childcare in the early years because they grow out of baby clothes so quickly", but others saying, "No, no, it's teens". One wonderful comment says:

"Teens. Everything costs more, they grow out of expensive shoes on a weekly basis, they eat you out of house and home, they want clothes, they have hobbies, expensive school trips, calculators, books, pocket money, laptop, phone, bike, sports gear, then they leave it all on the bus".

Not everybody would have, or could afford to have, all those things, but the underlying point is there: children have costs at every single stage. I am sure the noble Lord, Lord Farmer, has considered the impact on families who choose to take more money early in life then find, as my noble friend expressed, that things are very expensive later in life or that their circumstances change. They may have a child who needs extra help later in life. Their family may break up. Their employment circumstances may change. They are then left with even less money than the state thinks they need to raise a child.

My final musing is on the impact of any change such as this on the future of child benefit; the right reverend Prelate the Bishop of Durham alluded to this point. I think child benefit has survived for so long in an area where change is common and rapid because it is popular, simple and effective. Everybody understands it because every parent is entitled to get it for every child. I would not want to do anything to undermine that, so I wonder whether the noble Lord, Lord Farmer, has considered whether making it less simple and less obviously universal might in fact put its future popularity, and therefore funding, at risk?

This has been a very interesting debate. I would just say, in the margins, that my noble friend Lord Kennedy made the point that the thing parents most need is enough money to feed and raise their children. We cannot look at this without being aware of the context in which the Government have significantly—really significantly—cut benefits for children since 2010. Even when things got very bad recently and they had to intervene, all the interventions discriminated against families with kids. The universal credit uplift was welcome but there was no uplift in children's benefits; it was the same for a single person as for a family with three kids. The recent Social Security (Additional Payments) Bill was again welcome but it offered the same amount of money for a single person as for a family with three kids, even though their energy costs and all other costs are much higher. We need to consider both the amounts of money being made available and the ways in which they are being made available and chosen.

Having said all that, I remain grateful to the noble Lord, Lord Farmer, for his continued interest in family policy and his determination to push his own Government to keep looking at how families are supported. At a time when politics is in turmoil, we have had a chance to take a deep breath and reflect on what is probably one of the most important questions in our political life: how do we, as a nation, enable parents to raise children who will not just survive but flourish, and will be the next generation of our country in the way we would all hope for?

12.18 pm

Viscount Younger of Leckie (Con): My Lords, I congratulate my noble friend Lord Farmer on introducing this Bill and securing its Second Reading. Before I begin, let me say that my imagination was running wild to the extent that, if my noble friend's Bill was eventually successful, perhaps the value of any front-loaded child benefit might end up in schools' lost property offices. However, I think we should move on from that.

I thank all noble Lords who participated in what has certainly been a considered and thought-provoking debate, with a good few ideas being promulgated. As my noble friend Lord Farmer set out, the Bill would allow parents to receive a higher rate of child benefit during a child's early years and a reduced rate as that child grew older. The Government understand the important principle of supporting people who want to start families. This is a subject on which my noble friend has spoken eloquently today. He is known for

his interest in family policy and the welfare of children, and continues to be influential in advocating for such changes. I applaud him for that and commend him on the work he does.

I start with some comments in response to a couple of questions that were raised. My noble friend Lord Farmer spoke about recent childcare reforms, and I assure him that a new consultation will look at increasing the number of children that can be looked after by each staff member in early years settings. This could reduce the cost of this form of childcare by up to 15% and could particularly lower the cost for those aged nought to two, which he alluded to.

The importance of the cognitive development of children was raised by my noble friends Lord Farmer and Lord Balfe, and by the right reverend Prelate the Bishop of Durham, and they are completely right in what they say. Children develop quickly in the early years and a child's experiences between birth and the age of five have a major impact on their future life chances. Good parenting and high-quality early learning provide an essential foundation for children. I assure the House that the Government understand that.

I would like to acknowledge a slightly separate point which is linked to this subject. The Government fully understand the pressures that many families are currently facing with the cost of living. This is why we are providing £37 billion of support to households, including providing the most vulnerable households with at least £1,200 of support this year to help with these costs. The Government also understand the importance of providing support for parents with the costs involved in raising children. Over 7 million families in the UK receive child benefit payments, at flat rates of £21.80 per week for first children, as was mentioned earlier, and £14.45 for each additional child.

Child benefit ensures that families receive predictable, consistent support from the Government for the additional costs of raising a child. The noble Lord, Lord Kennedy, made an important point about the costs of teenage years and I very much took note of the concerns that he raised about money pressures for parents during this time. It is not just about the early years, but I acknowledge the points made by my noble friend Lord Farmer about the expenses of the early years. Unquestionably, he is right to that extent.

However, child benefit is not intended to cover all the costs involved in early years care, as the House will know. The UK offers generous parental pay and leave which is judged by international standards. Women are entitled to take 52 weeks of parental leave, 39 of which are paid. This is more than three times the EU minimum requirement and more than double the OECD average. Parents can share up to 50 weeks of leave and 37 weeks of pay between them, via shared parental leave, a new initiative brought in recently, as the House will know. The standard weekly rate of statutory maternity pay and maternity allowance, at £156.66, is considerably higher than the level of other out-of-work benefits and reflects the special position of new mothers.

My noble friend Lady Berridge asked about hospital care for children and what support exists for them. In the 2020 Budget, the Government committed to introducing neonatal care and leave for parents whose

babies need hospital care after birth. It is subject to finding parliamentary time and I am not quite sure when that will be.

New parents in receipt of certain benefits can receive a one-off payment of £500 towards the cost of having a child, through the Sure Start maternity grant. The noble Baroness, Lady Sherlock, spoke about the importance of early years development, and I took note of her remarks. The Government also remain committed to helping parents to access high-quality childcare to support parents in work. Through the DfE's early education entitlement, as the noble Baroness will probably know, all parents of three and four year-olds can access 15 hours of free childcare per week, regardless of circumstance. Eligible working parents of three and four year-olds can also access an additional 15 hours of free childcare per week. This is described as 30 hours' free childcare. Some parents may be able to access the disadvantaged two year-old offer, which gives 15 hours of free childcare per week to two year-olds who meet certain social and economic criteria.

Universal credit claimants can also claim up to 85% of their childcare costs, which is worth up to £13,000 a year for a family with two children. Parents not eligible for universal credit or tax credits can use tax-free childcare and receive up to £500 every three months for each child, increasing to £4,000 a year if the child is disabled. Also, on Monday, as the House may be aware, the Government announced ambitious new plans to improve the cost, choice and availability of childcare, which will benefit hundreds of thousands of parents across the country.

I note the cautionary comments made about the Bill by the noble Lord, Lord Kennedy, the noble Baroness, Lady Sherlock, and the right reverend Prelate the Bishop of Durham, but I also noted some positive comments, particularly from my noble friend Lady Berridge. As I said at the beginning, a lot of comments and ideas have come out of this most interesting debate. While supporting families remains a priority for this Government, I regret that we cannot support making changes to child benefit in the manner set out in this Bill. I would like to give the reasons for this.

First, the Government are committed to making the benefit system simple and navigable for claimants. Child benefit is therefore a simple and well-understood benefit, paid at a consistent flat rate to parents. This simplicity has contributed to high uptake rates. Currently, 91% of those eligible are claiming child benefit. Front-loading child benefit would make claiming it more complex, and impose an undue burden on claimants, for example, in respect of submitting certain financial data and completing necessary forms online.

Secondly, it would oblige claimants to make complex, long-term decisions about their future benefits, several years in advance, with no certainty over their future circumstances or income. This slightly plays into the comments raised by the noble Lord, Lord Kennedy. Claimants' circumstances could change in future. For example, a relationship might break down, as they do, or they might unexpectedly lose a job. By providing consistent child benefit payments, the Government

[VISCOUNT YOUNGER OF LECKIE]

ensure that parents receive guaranteed, predictable support, regardless of how their future circumstances might change.

Thirdly, we must not underestimate the complexity of delivering the proposals set out in this Bill. The Bill would require fundamental changes to how child benefit operates, which would require significant changes in IT systems and upskilling of staff. I suspect that my noble friend Lord Farmer would acknowledge that, in that he has said that this is very much an enabling Bill.

Finally, it is not clear how front-loading child benefit payments would work in practice. It is not clear in the Bill what the new rates would be, at what rate they would be discounted over time or how the Government would ensure consistency and fairness for claimants. It is also not clear in the Bill how we could implement this proposal in a way which is fair for taxpayers.

Making these changes would ultimately necessitate additional government borrowing, given the upfront costs to taxpayers, meaning that we cannot ensure that this change would be fiscally neutral for the taxpayer, as my noble friend Lord Farmer stated. Responsible management of the public finances remains incredibly important at the current time.

The noble Lord, Lord Kennedy of Southwark, asked about uprating child benefit and said that we should uprate by 10%. CPI has been the default inflation measure for uprating these benefits since 2011. This ensures that benefits retain their value in relation to prices. This is a well-established practice, as he will know. We ensure that the welfare system is fair to claimants and taxpayers.

While the Government remain committed to supporting new parents and households across the UK with the cost of living, for the reasons I have outlined, the Government cannot support this Bill, nor consult on it—to respond to a question raised by my noble friend Lady Berridge. However, going back to what I said at the beginning, I recognise and welcome the passion and commitment of my noble friend Lord Farmer on family policy and child welfare. I am sure that he will continue to press the Government on these important issues.

12.29 pm

Lord Farmer (Con): My Lords, I thank all noble Lords for their contributions, albeit they have been somewhat critical. My noble friend the Minister was certainly negative.

I will respond first to the noble Lord, Lord Kennedy, on his point about the later years being more expensive. This Bill is actually about choice: the parents of a young child would have the choice whether to take more child benefit in the early years and less in the later years. My experience, and I think that of many other parents—I do not have the data here—is that, as children grow up, the parents work so their wages increase. They are probably both at work if they need to be.

One of my points was that the Bill would give an option for a parent—a kin, if you like—to look after the baby rather than pass it out to childcare, where that kin altruism is not so strong. As a child grows up

to a teenager, not only might he be able to work in a shop to earn some pocket money but both parents and maybe grandparents would be in a better position. They would be earning more money and they would not have quite the same stresses that are prevalent in the first three years of life, with that tremendous stress that a new baby brings into the world with them.

It is a question of choice; my noble friend Lord Balfe made that point. You do not have to take it. You might want to take it to give up some of your childcare allowance in order to stay at home and look after the child. I will not go on about it because we have had a message from the Minister, but I will say to him that this is an enabling Bill. It is a lever and a gift to the Government. There is no flexibility on the statute book about child benefit at the moment. I made that point in my speech. It is a flat rate. At the moment, the Government cannot alter child benefit in any way. Fine, it is simple administratively, but times have changed, as I pointed out in my earlier words. Here is a lever that any Government, of either party, can use in future years when it is on the political radar screen that primary care in those early years is so important that parents need more money then rather than later.

It is a question of choice. All I am saying to the Government is that this is something that they do not even have to enable, but it would be on the statute book, which it is not at the moment. It is a lever that can be used by any future Government if they so require.

I thank noble Lords for the debate. I will not continue further. I beg to move.

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

Universal Credit (Removal of Two Child Limit) Bill [HL] *Second Reading*

12.34 pm

Moved by The Lord Bishop of Durham

That the Bill be now read a second time.

The Lord Bishop of Durham: My Lords, I am glad to bring before you this Bill, which would abolish the two-child limit to universal credit. In doing so, I declare my interest as patron of the North East Child Poverty Commission.

When this policy was originally debated, I made it clear that we would seek to hold the Government to account for its impact. Working with others, including the Child Poverty Action Group, the Joseph Rowntree Foundation and many others, I have sought to do this. Before the policy was rolled out, its impacts were predicted—notably, that many children would pay the price. They are, with more families affected every year.

Children are a gift, not only to their parents but to the wider family and to society. Every child should be treated as of equal value. I believe this is recognised across all Benches of this House. Sadly, this policy directly contradicts that.

This policy is the biggest driver of the increase in child poverty. Families falling into difficulty are discovering that the social security system is not supporting their whole family as they expected where they are a larger family. People are discovering that not every child is of equal value. The third child is ignored and thus the whole family suffers. This policy punishes children. Further, it does not even live up to the terms on which it was initially defended. I feel for the Minister in her difficult task today.

The original terms were, in the Government's own words, that

"families on benefits will have to make the same financial decisions as families supporting themselves through work."

This line has been repeated often. Although the Government have denied that the intention of this policy is to influence the fertility rates of those claiming universal credit, it is acknowledged in their own impact report. The IFS report cited by the impact assessment, *Does Welfare Reform Affect Fertility?*, demonstrated a significant increase in fertility rates of people whose benefits were increased.

So when academics looked at the trends resulting from this policy, they were surprised to find the very small decrease in fertility rates in the relevant group. This is bad news for the effectiveness of the policy. Following its logic, a successful outcome would be adults, in full knowledge of the consequences of the two-child limit, making different decisions than they otherwise would about having children. They may be more financially stable as a result, more likely to progress into work and less likely to need the social security system to stay afloat. This would, in addition to the money saved solely restricting support to two children per household, save the Government money in the long term. The money-saving factor of this policy is another term on which it was presented.

However, if there is not a significant trend to say that adults' decisions to have a child are being affected, how is the two-child limit influencing anything at all? I pay tribute to the Benefit Changes and Larger Families project, which has been an invaluable resource on this subject. Its recent conclusion to this question is that "the two-child limit's main outcome is to drive financial hardship and often destitution."

This is unacceptable. It is enough reason for the policy to be scrapped.

But, following the Government's logic again, the cost to the public purse of such high levels of poverty in early childhood is likely to be far greater than the money saved through withholding support. Professor Donald Hirsch's ground-breaking research on this subject highlights that children who have experienced poverty are less likely to pay tax, less likely to have high-paid jobs and more likely to need support from public services. More important are the unquantifiable impacts: the suffering of living in an overcrowded home, or not being able to join in with costly school activities and the shame that sometimes accompanies that. The truth is that this policy, designed in part to save public money, will likely increase the long-term cost to the public purse.

Why has this policy failed to level out the financial decision-making playing field? The Benefit Changes and Larger Families project, the CPAG and others

agree that the policy works on the assumption that everyone is aware of it and its consequences and, further, that everyone has the tools to make a decision in this way about having a child. The director of the North East Child Poverty Commission recently sent me some relevant stories of clients from Citizens Advice Newcastle. "Stephanie" is a full-time carer for her three children, aged six, four and 11 months. She was unaware of the limit and was informed only when she claimed support for her youngest. She had no savings. The Government's response to the Work and Pensions Committee in 2020 that claimants are free to have

"as many children as they choose, in the knowledge of the support available"

shows a lack of understanding about people's lives and the way this policy actually works.

This policy also assumes that those claiming benefits and those who do not are divided along employment lines. Actually, the majority of those subject to the limit are in work. I quote again from the impact assessment: the limit is about

"ensuring those on benefits face the same financial choices around the number of children they can afford as those supporting themselves through work."

In more recent times the reasoning has changed to those supporting themselves "solely" through work, but that does not change the intention of the policy and is indicative of its outworking. It is simply not always possible for people in either group to increase their incomes. The social security system is designed to be a safety net for any of us who unexpectedly fall into financial difficulty through loss of work, sickness or disability.

I pay tribute to the Member for Glasgow Central, with whom I have worked on the resistance to this policy. It is very unusual for the Church of England and the Scottish nationalists to work quite so closely together. In her recent Westminster Hall debate, she laid out the stunning inconsistencies with which exemptions to the policy are applied. Although the exemptions are designed to mitigate the assumptions made, they do not account for the disproportional impact on people of ethnic-minority and faith backgrounds, who are more likely to have larger families. Some faith groups are penalised because, for them, contraception and termination are simply not valid options.

Another result of the policy lies within a survey taken by the British Pregnancy Advisory Service during the pandemic. It spoke to women who were aware of the two-child limit and likely to be affected, 57% of whom said that the policy was

"important in their decision-making around whether or not to continue the pregnancy."

The fact that some women could feel pressured by a government policy to terminate a pregnancy that they may have otherwise wanted seems abhorrent.

I would like to correct the Minister in the other place who, when taking part in the recent Westminster Hall debate, argued that the lack of significant change in fertility rates refutes the impacts of the policy that we have heard through the BPAS survey about women's experiences. These experiences cannot be refuted, and we must recognise both impacts.

[THE LORD BISHOP OF DURHAM]

It is clear to me that this policy is ineffective, devastating in impact and essentially immoral in character. The Minister has encouraged me to keep presenting evidence on the impact of the policy. With the wonderful help of the groups I have mentioned and many others, I have done so, and I pay tribute to the Minister for the fact that she regularly meets me when we are looking at this.

Rather than taking this evidence seriously, the defence of the policy has remained unaltered. It is a policy which is defended on terms that do not add up. It should be embarrassing that the price paid for its fallacies are our children. I pay tribute to those working constantly to try to ameliorate the entrenched, long-lasting poverty that is affecting families, but they can only ease the pain, not heal the wound. The Resolution Foundation's *Living Standards Outlook 2022* concluded that even in the context of the pandemic recovery and the war with Ukraine,

“the level of absolute and relative poverty in the UK each year is to a large extent a policy choice.”

If the Minister cannot commit to supporting this Bill today, will she commit to carrying out an impact report of the policy by the end of this year? Will she further commit to speaking with the Minister in the other place—I think it is still the same person—the department and the Cabinet about this debate and the evidence we have put forward? We could keep debating this for years, but ultimately it is a choice; a choice for this Government and, today, a choice for this House. I beg to move.

12.45 pm

Baroness Bennett of Manor Castle (GP): My Lords, I offer the strongest possible Green Party support for the Bill, which has just been so powerfully introduced by the right reverend Prelate the Bishop of Durham. He clearly and powerfully demonstrated that this is an inhumane and illogical policy, and I commend him on his long-term campaigning on this issue.

As we debate a succession of Private Members' Bills today, it is telling how many of them address either health or simple humanity. The next Bill up is the Refugees (Family Reunion) Bill from the noble Baroness, Lady Ludford. Where the Government are failing, heading in the wrong direction and creating a hostile environment for both children and the vulnerable, in the Department for Work and Pensions as well as the Home Office, your Lordships' House is trying to steer them in a somewhat better direction. I cannot avoid noting, as I look across to the other side of your Lordships' House, that there is not a single Tory Back-Bencher here to defend this policy, which I think is rather telling.

The two-child limit is a policy targeted specifically at newborn babies—the very definition of absolute innocence. It has been pernicious since it was introduced in 2017 and, given the cost of living crisis that is squeezing families harder and harder by the day, it is becoming more pernicious every day. We know that people are struggling to put food on the table and keep a roof over their head. Do we really think that people

who have just had another baby in the family should be told, “Go down to the food bank”? That should not be government policy.

I am sure the Government will say that this is targeted not at the babies but at the parents. But as the right reverend Prelate outlined, that is clearly not working. I am drawing on LSE research under the title *Benefit Changes and Larger Families*. It used birth records from England and Wales from 2015 to 2019 and the annual population surveys to show that the probability of people having a third or subsequent child has reduced only 5% since the policy was introduced. The nature of any social science research is that it is impossible to control for any other variables. If we think of the fact that the cost of living crisis is not a new thing created by the Russian attack on Ukraine but a long-term trend that has seen households struggling more and more every year simply to survive, we can easily imagine that that 5% might well have happened anyway, even without the two-child policy. That means 5,600 fewer births per year.

I am probably about to be accused, as I often am, of showing a characteristic of my nation of birth—Australian bluntness. I will definitely display that now because the fact is—the right reverend Prelate touched on this in quoting the BPAS statistics, but I will be even blunter—that 45% of the pregnancies in the UK are unplanned, as are around a third of births. As a feminist, I believe as an absolute foundational principle that people should have the right to control their own bodies. It is a great tragedy that US women have just lost that right—although on the positive side I note that it looks as if Sierra Leone is heading in the opposite direction. The right to control your own body should also be the right to securely, without fear or poverty, continue a pregnancy—to bear and rear a child in decent conditions. This government policy pushes pregnant people who may not wish to do so into having an abortion. I ask whether anyone in the Tory party believes they can defend that position.

I am just about out of time. We need to look at the issue that having a child should not be a luxury available only to the rich. People do not have a child because of money. I will quote the LSE research, in which Sara, a mother of four children, said:

“I don't ... have kids to get benefits and stuff like that, I have kids because I love 'em and stuff like that.”

Surely the Government should be supporting people like Sara, not deliberately and wilfully putting them into impossible financial situations.

12.50 pm

Lord Desai (Non-Affl): My Lords, I support the right reverend Prelate's nice, short Bill. In my five minutes, I shall talk about the history of why welfare states are always cruel to their claimants. That is a long tradition. I have a book coming out very soon, which I wrote during the pandemic, on why sound economics are always against the poor. Tax cuts are meant for the rich and are always good for the rich and for the economy, while benefit cuts are good for the poor and are somehow always good for the economy.

This all started in the late 18th century. Until then, we had rates collected by the Church and the poor were looked after at the level of the parish. Then of

course the Reverend Malthus decided that this was too much. The rates were raised by Speenhamland magistrates in the late 18th century, but the reverend decided that he could not possibly afford to pay the extra rates so he wrote a book, *An Essay on the Principle of Population*, in which he made up the “fact” that populations grow geometrically while subsistence grows arithmetically—which I have shown to be a complete falsity.

The idea is that if you pay the poor money then they will breed children, and there is no limit to what they will do. Under universal credit, if you get a job then there is a taper and your income will be taken back. It is not called “income tax”; indeed, it is higher than the income tax rate. The poorest people pay more for getting a job under universal credit than anyone else. There are lots of anomalies like that, and the anomaly that you cannot have more than two children is exactly of that sort. The modern welfare state, established by rational political economy since the early 19th century, constantly goes after and attacks the poor because it has been centralised and modernised, and because sound economics tells you that you should not waste your money on the poor; it should all go to the rich. Unfortunately, we have waited a great many years to improve this.

Universal credit has been shown by a report of your Lordships’ Economic Affairs Committee to be full of anomalies and not actually fit for purpose. I do not think we will get comprehensive reform of the universal credit system, but even this morning we have seen people trying to improve it by bits and pieces in different Bills so that the universal credit system becomes slightly more humane than it is.

I strongly support the right reverend Prelate’s Bill and will do anything that I can to improve it or make it more acceptable. As an economist, though, I plead guilty that it is my science that has made the poor miserable. We ought to do something better than this.

12.54 pm

Baroness Brinton (LD) [V]: My Lords, I thank the right reverend Prelate the Bishop of Durham for bringing forward this important Private Member’s Bill and for his excellent introduction to it. I add support for it from the Liberal Democrat Benches.

I thank the Library for its helpful briefing and the Centre for Analysis of Social Exclusion at the London School of Economics for its report on the fertility effects of the two-child limit on universal credit, while the noble Lord, Lord Desai, has just given us a useful reminder of the history of benefits, including far too many anomalies in universal credit.

As other noble Lords have pointed out, this is a very short Bill with a clearly defined aim to remove the two-child limit, which was brought in in the Welfare Reform and Work Act 2016. As the noble Baroness, Lady Bennett, said, it was pernicious. It was legally challenged almost as soon as it was introduced in 2017. In 2021, the Supreme Court decided that the two-child limit does not breach human rights law, but it considered that Articles 8 and 14 of the ECHR applied in the following ways. It said that, as more women than men are responsible for bringing up

children, the two-child limit has a greater impact on women than men and arguably “indirectly discriminates against women”. It also said that it arguably

“discriminates against children living in households containing more than two children, by comparison with children living in households containing one or two children”.

But the Centre for the Analysis of Social Exclusion at the LSE gives more worrying evidence about the effect of the two-child limit, which I suspect was not fully understood when the Government changed the law in 2016. As the right reverend Prelate the Bishop of Durham said, the Government were clear that there were two objectives when this was introduced. The first was fiscal prudence and the second was stated in a 2015 DWP impact assessment:

“In practice people may respond to the incentives that this policy provides and may have fewer children. There is no evidence currently available on the strength of these effects although the Institute for Fiscal Studies found a relationship between support for children in the benefit system and childbearing.”

However, the more recent case research suggests that the probability of having a third or subsequent child declined by 0.36 percentage points after the reform. It goes on to say:

“This is a much smaller effect than one would expect given existing evidence on welfare and fertility ... qualitative research by our sister project, Benefit Changes and Larger Families, suggests that lack of information about the policy may be a factor. Approximately half of participants affected by the two-child limit did not know about the policy before having their affected child ... If families don’t know about the policy prior to pregnancy, fertility effects are unlikely.”

This is the problem. It is perhaps not surprising that prospective parents are not familiar with the detail of the rules relating to universal credit until they affect them. Frankly, many recipients of benefits find the complex rules hard to understand at the best of times.

Current levels of child poverty should also force us to rethink this policy. Much has changed in the six years since the introduction of the two-child limit. The IFS found that inflation for those on low incomes is three percentage points above the national average. If the national average is currently just under 10%, the poorest in our society are facing around a 13% increase. The current cost of living increases in energy, food and many other items mean that families reliant on universal credit are finding life not just difficult but impossible.

Action for Children reports that, even before the pandemic, 4.3 million children were living in poverty in the UK, up by 200,000 from the previous year and by half a million over the past five years. That is 31% of children. In London, the figure is 38% and, in Newcastle upon Tyne, child poverty rose from 28.4% to 41.2% over those five years.

Can the Minister explain why the two-child limit for universal credit should continue, given that the original IFS research, quoted in the government impact assessment, has not been borne out in practice, and given that child poverty has increased substantially, even before the very large increase in living costs this year? From the Liberal Democrat Benches, we strongly support the right reverend Prelate the Bishop of Durham’s Bill, because all the evidence shows that the reasons behind the Government introducing the two-child limit have not worked and that, instead, child poverty has increased substantially.

12.59 pm

Baroness Sherlock (Lab): My Lords, I thank the right reverend Prelate the Bishop of Durham for introducing his Bill so clearly and all noble Lords who have spoken. Although it is a Private Member's Bill, and therefore has little chance of becoming law, it gives us a really good opportunity to explore the impact of the two-child limit and to turn the spotlight on the way the Government have failed to support families with children, especially during these very difficult times.

Before looking at the Bill in detail, I thank the noble Lord, Lord Desai, for giving us his characteristic economist's view of the welfare state, with all its inefficiencies, and for drawing attention to one thing that is always interesting: that the effective tax rate, or the marginal deduction rate, on the poor is so much higher than it is on the rich. This is something that is rarely attended to, so I thank him for reminding us of that today.

In looking at the impact of the policy, we need to remind ourselves, as the right reverend Prelate the Bishop of Durham has done, of what Ministers said the policy was designed to do. They gave a number of reasons. First, the policy was to save money to reduce the deficit. Secondly, it was to be fairer to those who are not eligible for benefits and to the taxpayer. Thirdly, the policy would ensure that

“those on benefits face the same financial choices around the number of children they can afford as those supporting themselves through work”.

Like the right reverend Prelate, I seethe every time a Minister says that and want to shout from the Back Benches, “Most people affected are in work already because these are in-work benefits”. He got there before me, which allowed me to have a little rant without feeling like I am alone again in this, so I am grateful for that.

Let us look at each of these in turn. First, this policy was part of an ongoing package of so-called austerity measures which began under the coalition Government and continued under the Conservative Government. We were told this package of policies was needed to save money to reduce the deficit and make social security spending more sustainable. I take the point of the right reverend Prelate the Bishop of Durham that it may in fact create costs down the line, but even taking it within its own light, the Minister will be aware—I know because I have cited it—of a detailed study by Ruth Lupton et al of the coalition Government's tax and spend. It found that:

“Perhaps surprisingly, overall the ‘welfare’ cuts and more generous tax allowances balanced each other out, contributing nothing to deficit reduction.”

The strategy of austerity cuts, of which this was clearly a part, was never about reducing the deficit. In practice, it was about taking money from the poorest to pay for tax cuts. Tax cuts do not target those who need help most because even if you increase the personal tax allowance, someone earning £80,000 a year gets all of it and a single mum working 30 hours a week during term time at minimum wage does not earn enough to benefit at all.

On the question of the sustainability of social security spending, in April the OBR said that spending on universal credit and its predecessors was expected to fall to 3% of GDP by next year—the same level as in 1985-86. Can the Minister tell the House what level of spending on social security the Government believe would be sustainable as a proportion of GDP?

Secondly, it was argued that limiting benefits to the first two children is fairer to those not eligible for benefits and to the taxpayer. Benefits for children represent a transfer of resources from taxpayers as a whole to families with children—something discussed in the previous debate. That is by definition what they are. Those who do not have children subsidise the upkeep of all children because they are a public and a private good; we all benefit from having our next generation thriving and succeeding. The reality is that those who have children but are not eligible—usually it is because they are higher earners—will, in most cases, get child benefit, childcare support, free education and healthcare for their children, and much more besides. If they lose their jobs or get sick, or their circumstances change, greater support will be there waiting for them too. Can the Minister tell the House how the Government decided that two children was the right limit? Why not one or three? What was the rationale?

Then there is the motivational element to ensure that those on benefits face the same financial choices around the number of children they can afford as those supporting themselves through work. The noble Baroness, Lady Brinton, quoted a crucial part of the impact assessment:

“In practice people may respond to the incentives that this policy provides and may have fewer children.”

The impact assessment admitted there was no clear evidence, but the policy could only ever have had two effects: either the poor would have fewer children or families with more than two children would become poorer. It could do only one or the other; there was no other possible outcome.

As the right reverend Prelate and other noble Lords have said, we now have evidence from the study by Mary Reader et al, *Does Cutting Child Benefit Reduce Fertility in Larger Families? Evidence from the UK's Two-Child Limit*. Has the Minister read that study? The research suggests that the two-child limit has had a minimal impact on fertility rates, as we have heard. Interviews with larger families subject to the two-child limit reveal some of the reasons, many of which have been mentioned—for example, pregnancies are not always planned. I take very clearly the point made by the right reverend Prelate and the noble Baroness, Lady Bennett, about the awful position of somebody having to terminate a pregnancy—a child who was wanted—because they could not afford to have it. I think the whole House will be grieving over that consequence.

Then there is the fact that so many parents did not know about the limit until the child was born, such as “Stephanie”, mentioned by the right reverend Prelate. Further, some people, including but not exclusively in certain religious and ethnic communities, place a high value on having larger families and would therefore have

them whatever the consequences—but the consequences for many would now be poverty for all the children in those families.

Although the policy did not reduce family size, CPAG points out that it has had a significant impact on the well-being of children in larger families. It says that every year about 50,000 children are pushed into poverty as a result of the limit and a further 150,000 children already living in poverty see their circumstances deteriorate further. To quote CPAG:

“If the central aim of the two-child limit was to reduce the number of people deciding to have a third child it has largely failed. The most sizeable impact of the policy has been to increase child poverty.”

Will the Minister tell the House what she believes this policy has achieved and whether she is pleased with this outcome?

Above all, there is the situation of people who have children, confident they can afford them, and then their circumstances change, including the millions of people who ended up on universal credit during the pandemic. Most of those people would never have expected to need government support and would have been shocked to find they were given support only for the first two children in their household. Did that give the Government any pause for thought about this policy?

The bigger picture is that having previously inflicted huge cuts in benefits to children, when times got really tough and Ministers realised that they had to take action, the steps they took were, once again, deeply unfair to families with children. They went for flat-rate payments which took no account of the presence of children in a household. The universal credit uplift during the pandemic, which was welcome, did not include an uplift in the elements relating to children. The latest package in the Social Security (Additional Payments) Act will give the same amount to a single person as to a family with three children, even though their costs are radically different.

I hope the Minister will take this opportunity to tell us whether she thinks the two-child limit has been a success. I am with the right reverend Prelate: it will not be enough simply to rehearse the arguments that were used before the Bill was introduced and when there was no evidence. The House deserves to see the evidence of the impact this policy has had on children and their parents. If the Government are not minded to reverse it, will the Minister tell the House what steps they will be taking to deal with growing child poverty, especially in larger families? I look forward to her reply.

1.08 pm

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office and Department for Work and Pensions (Baroness Stedman-Scott) (Con): I thank the right reverend Prelate the Bishop of Durham for introducing this Bill and for the opportunity to debate again a subject dear to his heart and to those of others in the House.

My department is committed to supporting families and helping parents into work. This requires a balanced system that provides strong work incentives and support for those who need it, but also ensures a sense of

fairness to the taxpayer and to the many working families who do not see their incomes rise when they have more children. We judge that the policy to support a maximum of two children is a proportionate way to achieve these objectives. Our overall approach is working, as evidenced by the fact that, between 2016 and 2021, the number of couples in employment who have children increased by 460,000—a 2.3 percentage point increase in the employment rate for this group.

The two-child policy was introduced five years ago and, since 6 April 2017, families have been able to claim support for up to two children. There may be further entitlement for other children if they were born before that 6 April or if an exception applies. The child element of universal credit is worth £290 for the first child born before 6 April 2017. It is worth a standard rate of £244.58 per child for the second and any other eligible children. Child benefit continues to be paid for all children, plus the additional element in child tax credit or universal credit for any disabled children. Additional help for eligible childcare costs through working tax credit and universal credit are also available, regardless of the total number of children in the household.

We recognise that some claimants are not able to make the same choices about the number of children in their family. That is why exceptions have been put in place to protect certain groups. Exceptions apply to third and subsequent children who are: additional children in a multiple birth, where an extra amount is payable for all children other than the first child; or likely to have been born as a result of non-consensual conception, which for this purpose includes rape or where a claimant was in a controlling or coercive relationship with the child's other biological parent at the time of conception. An exception also applies to any children in a household who are: adopted when they would otherwise be in local authority care; living long-term with friends or family and would otherwise be at risk of entering the care system; or where a child under 16 living with their parents or carers has a child of their own, until they make a separate claim upon turning 16.

Statistics from the Office for National Statistics show that in 2020, of all families with dependent children, 85% had a maximum of two in their family. For lone parents, this was 83%. On the latest figures, 62% of households with a third or subsequent child who are in receipt of universal credit or child tax credit are not affected by the two-child policy.

This Government have always believed, and continue to believe, that the most sustainable way to lift children out of poverty is by supporting parents into work and, importantly, to progress in it, wherever possible. As I said, there has been a significant rise in the number of couples with children in employment between 2016 and 2021. I take the point the noble Baroness made that many of these people are in work, but one of the ways that we can help them is by them getting a better job and earning more income. That is a policy of this Government and one that we will be pursuing vigorously.

With 1.3 million vacancies across the United Kingdom, our focus remains on continuing to support parents into work and to progress in work, as I have already said. This approach is based on clear evidence about

[BARONESS STEDMAN-SCOTT]
the importance of parental employment, particularly where it is full-time, in substantially reducing the risks of poverty and improving long-term outcomes for children.

Baroness Sherlock (Lab): Does the Minister accept that encouraging parents to get better jobs and allowing them to have benefits for all their children are not mutually exclusive?

Baroness Stedman-Scott (Con): I think it is fair to say that the Government have a differing view from that of the noble Baroness and people on the Opposition Benches. It is exactly that our helping people to get a better job, if they can, and more income—plus all the support that we are putting through the welfare system—is the policy that the Government are pursuing. We want everybody to be able to find a job, progress in work and thrive in the labour market, whoever they are and wherever they live. Our support for people out of work is tailored—

Baroness Bennett of Manor Castle (GP): The Minister just said “wherever they live”. Does she agree that the two-child benefit policy has different impacts in different parts of the country, and that there are parts that are supposed to be subject to the government’s levelling up agenda where it is much more difficult to get a higher paying job?

Baroness Stedman-Scott (Con): Of course we accept that there are regional variations, which is why, with the levelling-up agenda, we are doing our very best to improve the work opportunities for people in those areas and to support them. That is, again, another policy of this Government that we are actively pursuing. Our support for people out of work is tailored to individual circumstances, recognising the different issues that people face in the labour market, notwithstanding the points that the noble Baroness, Lady Bennett, made about the regional differences.

Improving work incentives was a key design criterion for universal credit. We have cut the universal credit taper rate from 63% to 55%—a major step forward—and increased the universal credit work allowance by £500 per year. These two measures mean that 1.7 million households will keep, on average, an extra £1,000 a year. These changes represent an effective tax cut for low-income working households in receipt of universal credit worth £1.9 billion a year in 2022-23. This will allow working households to keep more of what they earn and strengthen incentives to move into, and progress in, work.

The noble Baroness, Lady Brinton, raised the issue of the cost of living, which is a subject on all our hearts and minds. Millions of households across the UK are struggling to make their incomes stretch to cover the cost of living. The Government have stepped up to the plate in order to make sure that we support people, providing £37 billion, which includes the £650 payment, as I have regularly repeated in the House—I do not intend to do today, as I want to get on to some of the other issues that noble Lords have raised.

The right reverend Prelate the Bishop of Durham raised the issue of poverty increasing due to policy choices. Again, providing £22 billion of funding in 2022-23

to help families with the cost of living, including through universal credit changes, means that working families and households are much better off, as I have already said.

The delicate subject of abortion has been raised, which I completely understand. Research from the Nuffield Foundation larger families consortium of researchers published this month has outlined that fertility rates for those claiming or eligible to claim benefits have changed very little since the introduction of this policy. This evidence refutes earlier evidence from the British Pregnancy Advisory Service, which suggested that people were having abortions in response to the policy. The report argues that this was in fact a small and self-selected sample. This wider, more robust study takes evidence from administrative data on births and the annual population survey and uses a difference-in-differences approach to compare before and after the policy for different groups. It concludes that, while fertility rates have fallen, this has been the case for all socioeconomic groups.

The right reverend Prelate asked if I could commit to carrying out an impact assessment and to taking all this back to the Government. To be truthful and straightforward, I cannot commit to an impact assessment. I do not believe, with what I know, that the Government would welcome from me the request that he has made; however, having said that, I will make sure that they understand that it is in *Hansard*.

The right reverend Prelate also asked about policy exemptions not accounting for those from ethnic backgrounds. The Government’s published impact assessment noted that ethnic minority households may be more likely to be impacted by the policy. This is because they are, on average, more likely to be in receipt of tax credits and universal credit and, on average, have larger families.

The noble Baroness, Lady Brinton, raised the issue of half of all children living in lone-parent households living in relative poverty. The latest available data on in-work poverty shows that, in 2019-20, children in households where all adults were in work were around six times less likely to be in absolute poverty, before housing costs. Through our plan for jobs campaign, the department is providing broad-ranging support for all jobseekers with our sector-based work academy programme and job entry targeted support scheme.

The right reverend Prelate the Bishop of Durham and the noble Baroness, Lady Brinton, raised the important point, as did others, about claimants being aware of the policy. There is information on the GOV.UK website, but this is something I am absolutely content to take back to the department to review how we communicate it and see if there are other things we can do to promote it. The noble Baroness, Lady Sherlock, and the right reverend Prelate the Bishop of Durham talked about paying childcare costs up-front being a barrier to moving into and progressing in work. Where people need up-front childcare costs on universal credit, the flexible support scheme is used and will continue to be so; if anybody knows of anybody who has been denied that, let me know and I will sort that out.

The noble Baroness, Lady Sherlock, asked me what level of spending on benefits is sustainable. I can only tell her that in 2021-22 we spent around £244 billion on welfare, with £41 billion on UC specifically. On the exam question, “How did the Government decide on two children?”—for which I thank her—I will need to write to her. She made a point about the two-child limit increasing policy and punishing families, so I say that the Government have a range of policies which support children and families across the tax and benefit system and public services. We remain committed to supporting families on low incomes and will spend around £108 billion through the welfare system, as I have already said.

In conclusion, the most sustainable way to lift children out of poverty—I keep going on and on about this, but it is government policy—is by supporting people and parents to progress in work wherever possible. This Government have a range of policies to support children and families across the tax and benefits system and public services. The policy to support a maximum of two children must strike a balance between providing support for those who need it and ensuring a sense of fairness to taxpayers, which I know noble Lords have already raised. I am quite sure that the answers I have given today have not been well received, but I am sure the debate will continue.

1.22 pm

The Lord Bishop of Durham: I thank the Minister for her full response, for giving us an answer and for repeating some of the stuff around the exemptions and so forth. However, she is right: I am disappointed, and I know that others will be. I am very grateful to those who have spoken; I thank the noble Baroness, Lady Bennett, for her tireless support in this, and I thought her point about there not being a single Conservative Back-Bencher here to speak for the policy did say something.

I thank the noble Lord, Lord Desai, for his reminder about economics and even going back all the way to Reverend Malthus, who I remember reading when I was doing my degree. The noble Baroness, Lady Brinton, highlighted—as did others—the increase in child poverty, and that is really one of the reasons I am disappointed. We are seeing an increase in child poverty, yet there seems to be a lack of willingness to address that where it is growing. I accept that some action is being taken, but it is not stopping some getting poorer and poorer and some becoming in danger of falling into destitution. The noble Baroness, Lady Sherlock, made a point about the funding balance and tax cuts, which I thought was very well made and very helpful.

I look forward to the letter around how the number of two children was arrived at. I remember sitting with Iain Duncan Smith and having that conversation with him where he gave me a convoluted explanation which I still do not think makes any sense. But I am grateful; the Minister is right that we will not stop having this debate. Simply, I am not going to stop until this policy is scrapped.

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

Refugees (Family Reunion) Bill [HL] Second Reading

1.25 pm

Moved by **Baroness Ludford**

That the Bill be now read a second time.

Baroness Ludford (LD): My Lords, I am very pleased to have the opportunity to propose Second Reading of this important Private Member’s Bill. While there are some small additions in this Bill to the version I moved last September, the core of it is unchanged—so my themes today are no different, because the case is an enduring one. I am very grateful to all the speakers in today’s debate and to all the organisations that back the Bill and have supported, encouraged and briefed us. The admirable Families Together Coalition comprises not only the Refugee Council and British Red Cross but UNHCR, Amnesty International UK and Oxfam GB, as well as others.

I and my party colleagues have long been calling for the Government to expand their restrictive rules on family reunion for refugees and those with humanitarian protection, as have parliamentarians across the political spectrum. I must put at the top of that list my noble friend Lady Hamwee, who is not able to be here today but who introduced versions of this Bill twice in previous Sessions, and whose expertise and commitment to this cause and many others in the field of asylum and immigration have inspired me and continue to do so. I hope today will start a process of fourth time lucky for a Bill to expand refugee family reunion.

The Bill will enable child refugees to sponsor their parents and siblings, as well as expand the range of family members whom adult refugees are allowed to sponsor to include siblings, parents and adult dependent children. The Bill will ensure that everyone with refugee or humanitarian protection status in the UK can access family reunion, rather than constraining rights according to the way that they arrived in the UK, and will reintroduce legal aid for family reunion cases.

In the previous Session, at Second Reading I said that the Bill was timely; it is even more so now because recent events highlight its pertinence. Families being torn apart is one of the most painful consequences of any conflict, and the current crises in Afghanistan and Ukraine are no exception. We now have the example of the Government showing that they know that refugees need their families by acting quickly—albeit following a public outcry—to introduce the Ukraine family scheme, which allows Ukrainians in the UK to sponsor a wide range of extended family members, including grandparents, aunts, uncles, nephews and nieces and children of any age. The generosity of this scheme represents the UK at our best and should be a model.

We have a proud British tradition of providing sanctuary to those in need, from the 10,000 Jewish children rescued from the horrors of the Holocaust through the Kindertransport, to the 20,000 Syrians resettled on the vulnerable persons resettlement scheme. My Bill extends this proud tradition, ensuring that all those recognised as refugees or needing humanitarian protection in the UK are able to safely reunite with their loved ones on a fairly broad definition, though not as broad as the Ukrainian scheme.

[BARONESS LUDFORD]

The Ukraine family scheme shows clearly that the Government appreciate the point that new refugees are better able to integrate with the support of their family. Indeed, that is one main reason why refugee family reunion is a feature of asylum systems around the world—the other, of course, being that it is simply inhumane to keep families apart. Are the Government taking the wide definition of family under the Ukraine family scheme as a spur to the consideration of expanding family reunion for all refugees?

Permitting a refugee to be with their family will greatly improve their chance of leading a stable, well-integrated life without threats to their well-being and mental health. Imagine trying to move forward with your life and work while worrying about the safety of family back home.

Research from the British Red Cross, the Refugee Council, Save the Children and others consistently shows that refugees find it harder to integrate when they are plagued by such worries. One refugee child explained: “I am unable to concentrate on my studies and when I go home, I always think about them and at night I do not sleep.” Let us not forget that family unity may also save the public purse: it costs £30,000 a year to look after a child in a residential home or foster care who might be supported by parents or other relatives if they were allowed to come to the UK. What assessment have the Government made of the ability of unaccompanied refugee children to integrate in the UK given their lack of refugee family reunion rights?

As well as events in Ukraine, reports from Afghanistan have also highlighted the importance of family. We have heard the many anguished accounts of those who could not locate their families in time to gather them together for an evacuation flight. Those refugees desperately need the opportunity to bring their families back together.

Afghan refugees received a government promise when Kabul was evacuated last August that their relatives would be able to join them but, 10 months later, 6,500 families find themselves unable to bring those relatives. One reason seems to be that they have not yet been granted a protection status. What progress is being made to institute a free, accessible family reunion route for those Afghan refugees evacuated in August 2021 who are still waiting, fearing for the safety of loved ones?

My Bill seeks to change the present rule in the UK that child refugees are not allowed to sponsor any family members, not even their parents, while adult refugees are allowed to sponsor only their partners or their children under 18 via refugee family reunion. Organisations working with refugees in the UK regularly witness the pain that people face when separated from their adult children who do not currently qualify but are still at risk or are living in precarious situations.

Rather than taking action to bring refugee families together, the Home Secretary is restricting family reunion rights even further. On 28 June, many of the provisions of the Nationality and Borders Act came into effect, including a new provision that restricts access to family reunion for certain—so-called group 2—refugees

according to how they have travelled to the UK. That could mean that 3,500 people a year stay separated. The Home Secretary asks us to believe that this harshness is necessary to deter unsafe channel crossings in small boats, but by restricting family reunion, all she is doing is driving vulnerable women and children into the hands of ruthless people smugglers.

In the past year, 6,000 people have arrived safely in the UK via refugee family reunion, more than 90% of whom were women and children. Those family members may themselves be in an unsafe situation, and with family reunion restricted, some will resort to finding dangerous alternatives. This is what happened in Australia and is the opposite of what the Government say they seek to achieve. By restricting this route, the Home Secretary is forcing women and children to make a choice that no one should have to make: face indefinite separation from their loved ones or risk their lives to be reunited. If the Home Secretary were serious about combating people smuggling and protecting vulnerable women and children, she would expand access to refugee family reunion. What estimate have the Government made of a possible increase in dangerous journeys by women and children as result of restrictions on refugee family reunion in the Nationality and Borders Act?

The Home Secretary often cites as evidence of some kind of mischief that many asylum seekers who reach these shores are young men. The first thing to note about this is that the recognition rate for these claimants for asylum is an average of 75% at first instance, and half of those who appeal win their case, so the final rate of acceptance for refugee status is around 85%. The other thing to note is that of course it is their sons whom families send on dangerous journeys, both because they are more at risk at home from police violence, forced lifetime conscription as in Eritrea or recruitment to the Taliban, and because it would be inconceivable to place the well-being of a young daughter in the tender hands of the Taliban, the largely male smuggling gangs or a refugee camp. As Conservative MP and former Home Office Minister Caroline Nokes said in a debate on Afghanistan on 18 August last year:

“Our children do not suddenly become independent because they pass a day over their 18th birthday, so refugee family reunion in this instance has to ensure that those girls are able to come here. Would we leave our daughters in Afghanistan?”—[*Official Report*, Commons, 18/8/21; col. 1322.]

Perhaps that is a question the Minister might like to answer.

The Government have made one policy change that I welcome. New guidance on fee waivers says that the test for those applying for entry visas on family grounds, including where the sponsor is a refugee, is no longer exceptional circumstances but affordability. Although the way this is applied may be problematic, it represents progress. It is a pity that this sensible approach cannot be translated to the family reunion provisions of the Immigration Rules, which remain narrow and rigid.

The purpose of this Bill is, first, to expand the criteria of who qualifies as a family member for the purposes of refugee family reunion. Secondly, it gives refugee children in the UK the right to sponsor their family members to join them, as in almost every other

European country. Thirdly, the Bill reintroduces legal aid for refugee family reunion cases. Fourthly, it requires respect for the refugee convention.

I imagine the Minister will again seek to deflect the case for this Bill by directing my attention not only to paragraph 319X of the Immigration Rules but to the discretion outside the rules. But those incorporate quite stiff fees, rely on tests such as “compelling”, “exceptional” or “unjustifiably harsh to refuse”, impose requirements that deny welfare support and recourse to public funds and offer only limited rather than indefinite leave. Discretion does not give the same certainty as changed rules.

The Government regularly trot out the argument that giving refugee children the right to bring close family to join them in the same way as adults would be a pull factor. I again quote our former European Union Committee, which in its 2016 report on unaccompanied minors said:

“We found no evidence to support the Government’s argument that the prospect of family reunification could encourage families to send children into Europe unaccompanied in order to act as an ‘anchor’ for other family members.”

Legal aid was withdrawn in 2012 on the basis that applications for family reunion were “straightforward”, but this is often not the case as they can be complex and time consuming, particularly when DNA tests or adoption cases are involved. The advantages of restoring legal aid would accrue not only to the applicant but to the Government, since the modest cost of helping the system to function better—remember that the real problem in the Home Office is the enormous backlog—would actually save money.

When refugees arrive here in the UK having left loved ones behind, reuniting with their families is the very first thing on their minds. In the words of unaccompanied refugee children supported by Kent Refugee Action Network:

“It feels as if a part of us is missing.”

I think we can all understand that sentiment, that aching hole in their lives.

To conclude, the case for a more generous approach to family reunion for refugees is based on both the humanitarian case, which I contend is very strong, and the hard-headed case that reunited families allow refugees to find their feet more quickly, integrate better and contribute more fully, to the benefit of themselves, their community, our country and the Treasury. We must do all we can to protect people forced to flee their homes to escape war and persecution, and to help them re-establish their lives in freedom and safety. That must include reuniting them with their families through safe and legal routes. If the Government are serious about strengthening safe routes and supporting women and children, they will back the Bill. I sincerely hope the Minister can give me a positive response today. I beg to move.

1.39 pm

Baroness Neuberger (CB): My Lords, I support the noble Baroness, Lady Ludford, in her Private Member’s Bill on family reunion. We discussed these issues just a few months ago during the passage of the Nationality and Borders Bill and I do not want to rehearse all

those arguments now. Instead, I want to focus on the evidence of what happens to people when we do not allow family reunion.

We hear a great deal about the Kindertransport children of 1939 in this House and, indeed, nationally. Of course, the noble Lord, Lord Dubs, who I am delighted to see in his place today, is one of those Kinder. We treat the Kindertransport scheme as an iconic success and a heroic endeavour. In some ways, it was; it saved many lives. But recent research has made it very clear that it did so at considerable cost to those children, as well as those parents.

Take the book *Into the Arms of Strangers* by Mark Harris and Deborah Oppenheimer. In it, one of the Kindertransportees, Robert Sugar, who was only eight when he was sent to England, recalls that

“the younger you were, the more unforgiving you are of your parents. You may say oh, they were so brave and saved you, but they really abandoned you. We were four friends [all Kinder] ... and the only serious conversation we had [as children] we all agreed if it ever happened again, we will not send away our children, we will stay together no matter what. That’s what we said”—

out of the mouths of babes. As it happened, Sugar’s mother was already in the UK on a domestic visa, as my mother was, but they saw each other so rarely that each time was like another abandonment. He was relieved when she stopped visiting, because it was so painful. Like all children who were separated from their families for the war’s duration, growing up alone and reuniting as young adults eight, nine or 10 years later, his reunion with his parents was extremely difficult and painful as well.

Jennifer Craig-Norton’s book, *The Kindertransport: Contesting Memory*, says much the same. In a recent personal email to me, she added that

“every Kindertransportee who was Robert Sugar’s age or younger that I have ever spoken with (and there have been dozens ...) felt exactly the same way—a deep, crippling sense of abandonment. They were just too young to understand why they were being sent away and none of them ever got over it. In fact, every Kindertransportee I have known has carried a deep well of sadness within them, regardless of their age when separated from their families, regardless of whether or not their parents survived, regardless of how successful their subsequent lives have been.”

We know that many of the Kindertransportees lived very successful lives and continue to do so. Nevertheless, the key words are despair, dismay, puzzlement and sorrow, and a sense of abandonment was commonplace, even among those who were treated wonderfully and given a real welcome—which was true for many.

This is hard evidence. Back in 1939, this country decided to take children, because they were thought easier to assimilate, and not their parents. We now seem to wish to follow the same pattern and make family reunion harder and harder, despite knowing from this research the long-term effects our policy is likely to lead to. We must take the evidence seriously, so I ask the Minister to commit the Government to assess what we know about separation seriously; look again at the present policies, particularly those that came into force just last June; support this Bill; and tell us, as the noble Baroness, Lady Ludford, just said, what assessment the Government have made about

[BARONESS NEUBERGER]

unaccompanied refugee children being able to integrate into UK society, given their lack of family reunion rights.

1.43 pm

The Lord Bishop of Durham: My Lords, I am pleased to speak today in support of this Bill. In doing so, I declare my interests as a member of the Refugee, Asylum and Migration Policy—RAMP—project and as a trustee of Reset.

The Bill proposes sensible provisions to consider the wider notion of family when enabling refugee families to come back together. Family reunification is often a neglected safe and legal route. The simple principle is that those who have been forced apart from family members due to persecution, war and other factors should be able to rebuild their lives with their loved ones when they have been granted protection as a refugee. In recent years, the largest safe route to the UK has been via family reunion, with 90% of those travelling this way being women and children.

It is on children that I would like to focus, namely the right of a child to reunite with their family, particularly their parents, when rebuilding a life here in the UK. Currently, we have the situation where we decide to layer more trauma on a child by expecting them to grow up separated from their parents and be placed in state care. Across Europe, the UK is simply an outlier in this regard.

We often hear the right to a family life spoken about in a negative way when deportations are prevented or delayed based on this principle, but we do not hear enough about a child's right to a family life when arriving in the UK unaccompanied. Take Bibi, who was evacuated from Afghanistan last summer. She is now 18 and has been caring for her younger siblings, aged 16 and eight, alone in the UK since becoming separated from their parents in the crush outside Kabul airport. She is terrified for her parents, who have been questioned and harassed by the Taliban.

Bibi has had to grow up fast, caring for her two younger siblings alone. She says:

"In the chaos we lost our parents—my brother was holding my dad's hand, my sister held my mum's hand.

At the airport the army were using tear gas so we couldn't see each other—it was terrifying. We were all crying, we couldn't find our parents but we knew it wasn't safe for us to leave the airport to find them.

When I see my sister so sad I can't control myself. My sixteen-year-old brother also wants and needs his mum and dad. It's hard living with such uncertainty, we don't know when we will get a house to live in and if our mum and dad will be able to come and live in it with us. It is best for my sister and brother to have their mum and dad back. It is best for our future. My sister needs her mother, I am not her mother. We don't have another choice, we need them to come here."

This is an intolerable situation and has occurred through no fault of either the parents or their brave children.

Without an expansion of family reunion rights for children, families will remain separated and those who are here, while safe, will remain unable to move forward with their lives. I therefore ask the Minister: what assessment have the Government made about the ability of unaccompanied refugee children to integrate in the UK, given their lack of refugee family reunion rights?

It is also important to acknowledge that although refugees do not undertake dangerous journeys lightly, without access to safe routes relatives will be more likely to travel informally to be reunited with their loved ones. It is of note that in the first quarter of this year, the top nationality crossing the channel in boats were people from Afghanistan.

Often when reviewing legislation, I keep in mind the verse from the Book of Micah: God has told you what is good, to act justly, love mercy and walk humbly with your God. This can be broadly interpreted as, "How can we be and do better?" This Bill proposes a way to do this in the interests of the child, and I urge the Government to consider its proposals carefully.

1.47 pm

Baroness Bennett of Manor Castle (GP): My Lords, again, I offer the Green group's support for the Refugees (Family Reunion) Bill, brought to us by the noble Baroness, Lady Ludford. I pay tribute to her long-term and dedicated work, and that of the noble Baroness, Lady Hamwee. Indeed, I see the noble Lord, Lord Dubs, in his place. Your Lordships' House has a proud record on this; we really need to see some progress from the Government on it.

I will attempt not to repeat what has already been said; basically, I agree with every word. I will focus on just three points. The first is legal aid. The practical reality is that you can have whatever law you like, but if you do not have the ability to exercise rights under that law, justice unfunded is justice denied. Without legal aid, it is impossible for people to exercise properly the rights they have.

The history of this is that, under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, refugee family reunion applications were removed from access to legal aid. The practical reality is that campaigning groups, charities and those supporting refugees—very often child refugees, as the right reverend Prelate said—have to find funding to support their legal costs in cases to exert the rights they have. I am sure the Minister will argue that this is a simple administrative procedure, but the practicality is that this is extremely complex and difficult. Refugees usually need to rely on at least a solicitor. This Bill is crucial in restoring legal aid for refugee family reunion cases. It will not introduce a new right; it just means that people can exercise rights that already exist.

The second point I would like to pick up is that raised by the noble Baroness, Lady Ludford, who pointed out that this Bill is similar to a number of Bills that have been introduced. However, circumstances of refugee policy have changed significantly even since the last time this Bill was introduced. We have had a great deal of reference to the situation of Afghan refugees, and we have the Afghan relocations and assistance policy and the Afghan citizens resettlement scheme.

I feel I have to take this opportunity to note that a case recently highlighted that there are still 180 British Council contractors trapped in Afghanistan, of whom 85 are regarded as being at extremely high risk. The Government have made special provision to allow them to apply for refugee status, but they have had no

advice or, as I understand it, support on getting out of Afghanistan, which is, of course, essential for them to exercise that right. I do not know whether the Minister can provide any information on that but I would be very interested in it.

There is the Afghan situation, the Hong Kong British national (overseas) visa and Ukrainian refugees, who have already been widely referred to, so we have seen real change in the approach to refugees in the past year or so, but it is limited to certain groups and nationalities. Surely refugee rights are some of the most basic rights that must apply to all people fleeing persecution, war and danger, not just those from some countries. The situation is different from when we have previously debated this Bill.

Finally, like the right reverend Prelate I want to pick up the situation of children. We have far fewer rights for children for family reunion than almost every other European country. Do the Government really want to be world-leading in cruelty to child refugees, some of the most vulnerable people on this planet? I acknowledge that the Government are world-leading in this, but I rather doubt that they will acknowledge that fact—although it is a fact.

I always believe that we should try to listen to the voices of others in your Lordships' House. Like others from the Families Together campaign group, I received a statement from the Kent Refugee Action Network's youth ambassadors. I previously heard them speaking, and a powerful and wonderfully impressive group of young people they are. They say:

“Young refugees must face hostile immigration and other challenges alone. This is doubly hard without the support of our families. And even when we do well, and are lucky enough to secure a university place, there is no one to share this with as other young people can. For important choices about our futures, there is no Dad or Mum to talk to. When life is tough, we feel broken with no embrace to reassure us. It is as if part of us is missing.”

It is a government policy choice to create that situation, and I say that that is indefensible.

1.53 pm

Lord Dubs (Lab): I congratulate the noble Baroness, Lady Ludford, on bringing forward this Bill and on her persistence with this issue. I have been in this House quite a long time, but I do not think I have spoken in the gap before. I very much appreciate the opportunity to do so, and I shall keep my comments very brief.

The noble Baroness, Lady Neuberger, referred to the Kindertransport. Off the Central Lobby, in the Commons, there is a plaque which is a thank you to the people of Britain on behalf of the 10,000 children who came on the Kindertransport, mainly from Germany, Austria and Czechoslovakia in 1938-39. That was a pretty generous gesture by this country, and I wish we could have remained more generous.

The issue of family reunion has a long history, and many of us have been arguing for years. I applaud the Library paper on the Bill, as it is a very good history of what has happened—the Library has done a pretty good job.

I know this Bill goes wider than children, but I shall comment on children in particular. Your Lordships will remember that, when we were members of the EU, there was something called the Dublin treaty, and particularly Dublin III. Under that provision—here I am using shorthand—a child in one EU country could apply to join relatives in another. That was a very sensible measure, and a number of children came to this country under that provision. Then came the 2017 Act. This House moved to include that same provision as a basis for negotiating our departure from the EU, so it would have remained. That was passed here and the Government accepted it in the Commons, but it was then removed in the 2019 Act.

I was puzzled about that. If I may go into a bit of history, I was invited to a meeting here with three government Ministers and seven officials, one of them from the Cabinet Office, all trying to persuade me that everything would be okay and I should not fuss too much since the rights of children to family reunion with relatives in this country would be maintained. Of course, hardly any have come here since then and the door has effectively been closed. That is why I particularly welcome this Bill, which is trying to keep the door open.

There is natural concern about people coming across the channel in unsafe dinghies, and there is total condemnation of the people smugglers who exploit people and endanger lives. However, I still believe that the way to stop smuggling is to provide safe and legal routes. If any of us were children in Calais and we had family here, surely we would do the same thing: we would use any possible means to get here. I welcome this Bill as providing one such possible means.

1.56 pm

Baroness Wheatcroft (CB): My Lords, I am grateful for the opportunity to speak in the gap, and I promise to be brief. I am delighted to follow the noble Lord, Lord Dubs, who has pioneered so much good work on this subject, and commend the noble Baroness, Lady Ludford, for introducing the Bill and being so persistent.

I would like to take everyone back to remember just what it felt like during the pandemic and how we all became conscious of the importance of family. Many people said as we came through it that the one thing they desperately missed was not entertainment or being able to go out but family. Life has changed and attitudes have changed, and many more people now put family ahead of anything else in the way that they approach things. That is what the Bill is about, and we should remember how we felt.

We have shown a degree of compassion over Ukraine, but all too often when refugees arrive in this country there is a feeling that the country is actively hostile to them. There are boys aged 16 to 18—children—who are living in hotels in Kent and elsewhere in the country, and have been there for a long time, where they are effectively under house arrest. That is not what they need; they need to be with their families, and to be able to bring those families in. The Red Cross says that

[BARONESS WHEATCROFT]

“family reunion should be a vital, safe and legal way for refugee families to reunite after they have been torn apart by war and persecution”,

but its latest report on the subject concludes that the UK does not provide that.

I ask the Minister to say whether he is confident that the country is doing all it can to provide a safe route for people who have been through the most appalling circumstances. Could he just consider how important family is to those of us who live in a safe environment, and remember that family can be a varied concept and is not necessarily the nuclear family that some are used to? It may involve people who do not sit within the normal categories that we are used to, and we need to be tolerant, understanding and compassionate in bringing in new legislation. I commend the Bill.

1.59 pm

Lord Paddick (LD): My Lords, before speaking to the Bill, I pay tribute to the noble Lord, Lord Dubs, who never fails to move the House with his personal experience, even when speaking in the gap.

It is a great pleasure to support this Private Member’s Bill, which my noble friend Lady Ludford inherited from my noble friend Lady Hamwee. I hope she will not mind me saying so, not least because my noble friend Lady Hamwee said it, but it has improved since. Both my noble friends have demonstrated tenacity and stamina in their attempts to improve the situation for refugees and asylum seekers.

It is bad enough to be a refugee fleeing persecution or war, such as those displaced by Putin’s dreadful illegal war in Ukraine, let alone to be separated from your family, not least if you are a child under 18. It is at times of danger and trauma that we need our families around us most, let alone when you are in a foreign country, where you may not even speak the language and are navigating a complex legal system on your own. The noble Baroness, Lady Wheatcroft, reminded us of how we felt when we were separated from our families during the pandemic.

This very simple Bill puts some heart back into this country’s immigration policy when this Government have been doing everything they can to make it more difficult for people to claim asylum in the UK. In a quite reasonable and limited way, the Bill extends those eligible to be granted leave to enter and remain in the UK for family reunion. As my noble friend said, the definition is not extended as far as that which was used in the Ukrainian refugee scheme. Why was a broader definition adopted for Ukrainian refugees? If the Government will not support the Bill, what is the difference, as far as Ukrainian refugees are concerned? The Bill also restores eligibility for legal aid to make such an application.

The current rules are too restrictive if, for example, the sponsor of a child or partner has not yet received a decision on their asylum claim, or if the sponsor is under 18. As we heard, there is a mounting backlog of asylum claims that have yet to be decided, with some decisions extending into months and even years. An unaccompanied minor is in even more need of their

family than a traumatised adult—yet the UK is almost alone in Europe in not allowing an unaccompanied asylum seeker to sponsor their family to join them, as the right reverend Prelate the Bishop of Durham said. His story of a family separated in Kabul was compelling. Apart from the welfare of the child, the cost of safeguarding them is bound to be higher than if they were placed with other family members.

A very similar Bill passed through this House in the last Session without amendment, with Labour support, but it ran out of time in the other place because the Government would not support it. As my noble friend explained, there are some differences from last time, brought about, I expect, by the need to counter the truly dreadful Nationality and Borders Act—for example by ensuring that the Immigration Rules do not contravene the 1951 UN refugee convention and apply equally to all who are granted protection status, whether they are deemed to be group 1 or group 2 refugees under the 2022 Act. The situation is being made worse by the UK-Rwanda migration and economic development partnership, potentially making family reunion even more difficult.

The Government’s response the last time a similar Bill was debated was vague, general and not based on evidence. What inevitable “challenging burdens” would such a Bill create for the Home Office, local authorities and wider public services, when the Government allow over a million migrants to enter the UK to study or work in higher-paid jobs? Asylum seekers represent a tiny fraction of immigration into the UK, and any increase as a result of the Bill would be smaller still.

In 2020, according to the excellent briefing provided by the House of Lords Library, the Independent Chief Inspector of Borders and Immigration described the application process for family reunion as “potentially confusing”, in particular the guidance provided for applicants. He called on the Home Office to listen to stakeholders who had called for the eligibility criteria for sponsors and applicants to be expanded, enabling access to legal aid—exactly what this Bill attempts to do.

Refugee Action has criticised the rules as very restrictive when applied to families torn apart by war, such as people caring for orphaned younger siblings and unaccompanied children separated from their parents. This Bill would address those concerns. The Families Together Coalition has said that, if the Government are serious about their ambition to expand so-called safe routes, they should expand the criteria of who qualifies for family reunion and reintroduce legal aid for all family reunion cases. This Bill would address the coalition’s concerns as well.

My noble friend talked about how the visa fee waiver for family reunion is now based on affordability and said that that was progress. As we debated in the House on Wednesday, the affordability rules in themselves appear designed to deter anyone from applying, both because of the unreasonable definition of what is essential expenditure and the sheer complexity of the nature and extent of the proof required to show that the visa fee should be waived—perhaps two steps forward and one step back. The noble Baroness, Lady Neuberger, reminded noble Lords of the likely

consequences if the Bill is not enacted. This Bill has been crafted and improved over the years; it is now perfectly formed and we should support it.

2.06 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, first, I thank the noble Baroness, Lady Ludford, for introducing this Bill today. I am happy to support it. The Government tell us—I was very interested to read the briefing note with its three points—that their objectives and plan for immigration are

“To make the system fairer and more effective to better protect and support those in genuine need of asylum ... To deter illegal entry into the UK breaking the business model of criminal trafficking networks and saving lives ... To remove from the UK those with no right to be here.”

Actually, who could disagree with those words? That is all fine; we have no problem with that at all. The problem, of course, is the implementation. We all want to do those things, but I think it is fair to say that, beyond them, the position is unclear, confusing and not doing the job that the Government say they want to do.

I have been in this House for 12 years and have lost count of the number of immigration Bills that have come forward from the Government in that time. In every Session there is another one, and it is supposed to be the Bill that will sort out all the problems: this is the one we have been waiting for. “We could have had it in the last Bill, but here is another Bill” and it goes on and on. Nothing is actually solved: there is always another scheme; it is always somebody else’s problem, somebody else’s fault. At the end of the day, the Government are the Government; they need to get their act together and they are failing dramatically to do that.

There are so many schemes that I cannot remember them all. It was really useful to get the briefing note from the Library, because I had forgotten some of the schemes that are in place. We had the Afghan citizens’ resettlement scheme, the Hong Kong British national (overseas) visa, the Dubs scheme that has now been stopped, the gateway protection programme, the vulnerable persons resettlement scheme, the vulnerable children’s resettlement scheme and the UK resettlement scheme. None of these schemes is doing what it is supposed to be doing and that is part of the problem.

Look at the Dubs scheme. It was brought in when amendments were passed in the name of my noble friend Lord Dubs and then, when 480 children were brought into the UK, the Government shut the scheme down. Does anyone really believe that all we needed to do was bring 480 children into the country and the problem would be solved? Of course, they do not, but the Government decided to shut the scheme down and that is partly why we are here today with this Bill.

We need a scheme and a policy that protects and looks after vulnerable people when they come to the UK. We listened to the right reverend Prelate the Bishop of Durham, and his description of the children coming from Afghanistan was heartbreaking. Thousands of miles away with no parents, they are left here and it is heartbreaking; they do not know where their parents are.

As the noble Baroness, Lady Wheatcroft, said, we all missed our family—and we had the luck of living in a safe country. How would you feel if you were a young person and did not know where your parents were? You cannot get hold of them; you do not know whether they are going to get there. Then, of course, you have the Government here not doing what they should be doing.

We all talk about the need for safe and legal routes. We want safe and legal routes—they are what the Government have failed to provide, and they are the particular issue this Bill is trying to deal with—but let us also look at the issue of criminal gangs. I want the people responsible, the criminals, caught. I want them prosecuted and put out of business. That would involve the authorities here working with our partners across the channel, but that is not happening. There is lots of huffing and puffing going on—lots of bullets being fired and people moaning about whose fault it is—but we actually need to talk with our colleagues in France, Belgium, Holland and elsewhere to put these people out of business once and for all.

If we deal with that and have safe and legal routes, we will begin to sort the problem out. That is where we are going wrong here. So, as I said, I am happy to support the noble Baroness’s Bill. It is an attempt to get those things right. If we do not do so, we will end up coming back here again and again to deal with issues that have not been solved and more immigration Bills that achieve very little. We will not get anywhere.

I support the Bill and hope that we will get a positive response from the Minister. I expect that we will not, but perhaps he will surprise me. This issue is not going to go away until the Government deal with the question of how we can have proper safe and legal routes and deal with the criminal gangs. This Bill is one attempt to deal with those problems, which we all know are there and are heartbreaking to see.

2.12 pm

Lord Sharpe of Epsom (Con): My Lords, first, I thank the noble Baroness, Lady Ludford, for raising this important and sensitive issue; I extend those thanks to her colleague, the noble Baroness, Lady Hamwee, who I know has also been very persistent on this subject.

I thank noble Lords for the thoughtful, and in many cases powerful and passionate, contributions we have heard today. I join the noble Lord, Lord Paddick, in singling out the noble Lord, Lord Dubs. I have not had the opportunity to say this from the Dispatch Box before, but I have long been an admirer of his—indeed, since before I came into this House. I also thank the noble Baroness, Lady Neuberger; I was moved by her points on a sense of abandonment. I will read the accounts to which she referred because I would like to know more about them.

Many noble Lords referenced integration assessments. These sit outside the Home Office; they are a separate departmental issue. I think they are probably for the Department for Education, although I would need to confirm that. I will, however, raise the subject with that department, and I commit to write; I cannot go further on that at this point.

[LORD SHARPE OF EPSOM]

I begin by reassuring noble Lords that we listen carefully to their contributions. Indeed, this Government fully support the principle of family unity and share their concerns for those families who have been separated by conflict or oppression. It is for precisely this reason that the Government already have a comprehensive framework for reuniting refugees with their families here in the UK. I remind noble Lords that this framework is set out in the Immigration Rules and our refugee family reunion policy.

The Government's policy fully recognises that families can become fragmented because of the nature of conflict and persecution and the speed and manner in which those seeking protection are often forced to flee their own country; we have heard many such heartbreaking stories throughout this debate. The family reunion policy allows those recognised as refugees or granted humanitarian protection in the UK to sponsor their spouse or partner and children under the age of 18 to join them here if the family unit was formed before their refugee sponsor fled their country of origin. This has seen more than 41,000 individuals reunited with their refugee family members since 2015—a significant number that highlights the policy's success as a safe and legal route for families to reunite in the UK.

I would point out that not only is there no fee to make a refugee family reunion application, but sponsors are also not required to meet any financial or maintenance requirements to be reunited. This is extended to ensure that the immediate family of refugees can reunite here in the UK, without unnecessary barriers. There are also existing rules in place for extended families of refugees in the UK to sponsor children where there are serious and compelling circumstances. Further, our policy is clear that refugees can sponsor adult-dependent relatives living overseas to join them where, due to circumstances such as age, illness or disability, that person requires long-term personal care that can be provided only by relatives here in the UK.

The Government recognise that some applicants do not meet the current rules. That is why the policy additionally makes it clear that there is discretion to grant leave, outside of the Immigration Rules, which caters for extended family members in exceptional circumstances: for example, young adult sons or daughters who are dependent on family here and living in dangerous situations.

As noble Lords will be aware, the Government completed their review of safe and legal routes last year and laid a report in Parliament on 22 July 2021 confirming that the UK wants to be bold and ambitious in the safe and legal routes it provides. On family reunion, we have further clarified in the Immigration Rules the range of scenarios in which exceptional circumstances may be engaged, so that our decision-makers have the right tools to make consistent decisions while applicants will have greater transparency on how applications will be assessed. The new Immigration Rules came into force on 28 June, as has been noted. Alongside them, we have also improved our guidance to provide clarity about the application process to make it easier for applicants to understand what is expected of them.

This Bill would allow for potentially tens of thousands of extended family members to be entitled to come here, with challenging implications for our local authorities and public services. Expanding the policy to extended family would absolutely have a significant impact on already stretched public resources. We need to ensure our limited resources are focused on helping the most vulnerable. Further, we are clear that significantly expanding our policy to enable children to sponsor family members goes against our safeguarding responsibilities. It is highly likely that this would create further incentives for more children to be encouraged, or even forced, to leave their family and risk extremely dangerous journeys to the UK in order to later sponsor relatives.

I accept that this is disputed but, as an aside, we know that this is something a number of EU states have experienced, so it would achieve the opposite outcome to that desired by the Bill. Such an approach would open children up to a huge exploitation risk, which completely contradicts the hard work and commitment the Home Office has made in protecting children from modern slavery and exploitation. We refuse to play into the hands of criminal gangs, and therefore cannot extend this policy to allow child refugees to sponsor family members into the UK. Such a move would undoubtedly risk more children being encouraged, or even forced, to leave their families and risk hazardous, potentially life-threatening, journeys to the UK—potentially in the hands of criminal gangs.

I must also stress that while family unity is a key priority under this policy, your Lordships will appreciate that we have a range of aims further to this, including ensuring that we have reasonable control over immigration and that public services, such as schools and hospitals, are not placed under unreasonable pressure. The noble Lord, Lord Paddick, asked how, in that case, we could square it with granting a million visas for higher-paying jobs. I would have thought that the clue is in the question: they are higher-paying jobs, so they impose less of a strain on public services, particularly social housing and what have you.

Article 8 of the ECHR, the right to respect for family and private life, is a qualified right. It is therefore the prerogative of a responsible Government to consider the economic well-being of the country and balance Article 8 with the interest of the public purse.

The Bill also proposes reinstating legal aid in family reunion cases. However, I remind noble Lords that legal aid for refugee family reunion may already be available under the exceptional case funding scheme, where failure to provide legal aid would mean a breach or a risk of breach of the individual's human rights, subject to means and merits tests. In 2019 the Government amended the scope of legal aid so that separated migrant children are able to receive civil legal aid for applications by their family members and extended family members. This includes entry clearance, leave to enter or leave to remain in the UK, made under the Immigration Rules or outside the rules, on the basis of exceptional or compassionate and compelling circumstances.

Legal aid is paid for by taxpayers and, as noble Lords will understand, resources are not limitless. It is important that it is provided for those most in need, including those who seek protection. As I set out earlier—

Baroness Bennett of Manor Castle (GP): I thank the Minister for giving way. Can he say in how many cases such legal aid has been granted? If he cannot now, perhaps he could write.

Lord Sharpe of Epsom (Con): I will have to write the noble Baroness. I am sorry, I do not know.

As I set out, the Government's family reunion policy is designed to welcome the immediate family members of those recognised as needing protection in the UK, but we also provide protection to the most vulnerable direct from regions of conflict and instability. Sadly, global humanitarian need continues to grow, with over 100 million people around the world forced from their homes and around 27 million refugees. I reiterate the UK's generous resettlement offers, which are an integral component of our response to this challenge, addressing the needs of some of the most vulnerable refugees. The UK provides safe and legal routes for tens of thousands of people to start new lives here, through the new global UK resettlement scheme, as well as the community sponsorship and mandate resettlement schemes.

As has been referred to by many noble Lords, in January, the Government launched the Afghan citizens resettlement scheme, providing up to 20,000 women, children and others at risk with a safe and legal route to resettle in the UK. I need to make it absolutely clear, particularly in reference to the point from the noble Baroness, Lady Wheatcroft, that no children are detained in hotels. We have sought to provide a comfortable and supportive environment for children while they await permanent placement.

In March, in response to the Russian invasion of Ukraine, we launched the Ukraine family scheme and the Homes for Ukraine Scheme, both of which are uncapped and have allowed hundreds of thousands of individuals to seek sanctuary in the UK. I should point out how these schemes clearly demonstrate the commitment made by the Government's new plan for immigration to strengthen our safe and legal routes to the UK for those in need of protection. The concessions put in place have been designed to address the very specific set of circumstances that have unfolded in Ukraine. These are time-limited and the honest answer to the question from the noble Lord, Lord Paddick, about what the difference is, is that it is Putin's war.

In answer to the noble Lord, Lord Kennedy, about the Dubs scheme, the Government did not shut it down; it was a one-off commitment that was completed. I cannot really argue with the numbers; I am not in a position to do that—it may well not have been the right number in the first place—but it was not shut down.

Lord Dubs (Lab): My Lords, may I protest just a little? What happened was that the Government said that no local authorities had any more places to

accommodate children. I am afraid, however, that a lot of us found other local authorities that did. It was an arbitrary decision by the Government.

Lord Sharpe of Epsom (Con): I will take the noble Lord's point and investigate it further—I will leave it there for now.

I close my remarks by again thanking noble Lords for their insightful and thought-provoking contributions throughout this debate. I understand that this remains an emotive issue. I will ensure that the department continues to reflect on these debates in considering the Government's approach on this important issue and I will look forward to further debate on these points in the future.

Lord Kennedy of Southwark (Lab Co-op): The noble Lord did not really mention anything about the point that many noble Lords made on the action needed in the channel. One problem here is that, for all the talk, there is a lack of action by the Government to deal with the issue in the channel. Hundreds of people cross in boats every week. What is happening? We get lots of "We're doing this and we're doing that", but the fact is that, every week, hundreds of people, brought across by criminals and people smugglers, arrive on our shores. That is part of the problem. The noble Lord may not have any figures to hand but it is part of the problem that needs to be addressed.

Lord Sharpe of Epsom (Con): I thank the noble Lord for that point. I am aware, as he is, of the high-level discussions happening on the other side of the channel. I should refer to something that will make me extraordinarily unpopular, which is of course the Rwanda scheme. That was an attempt to sort this problem out, which noble Lords opposite do not like very much.

2.24 pm

Baroness Ludford (LD): My Lords, the Minister was not wrong in that last remark. I thank him very much for his reply, which I will come back to, but I want to thank everybody who has spoken in this debate. I was extremely pleased that we had the bonus of two extremely valuable extra speakers in the gap, which was wonderful.

The noble Baroness, Lady Neuberger, made a salutary correction to our historical perspective on the story of the Kindertransport. It was, of course, incomplete and she is right to focus our attention on the sadness and despair—I must get her note on the name of that book, though it will be in *Hansard*, obviously. I found what she said about the sense of abandonment very moving; how can children prosper in such circumstances? I was pleased that the Minister also picked up on that point. The right reverend Prelate the Bishop of Durham also raised the question of the trauma for the child in expecting them to grow up without their parents and quoted very moving testimony from Afghanistan.

[BARONESS LUDFORD]

The noble Baroness, Lady Bennett, asked a pertinent question: do the Government want to be world leading in cruelty to child refugees? It is a fair question. She talked about not only having no one to embrace us, as refugees, in our sadness, but also having no one to share our successes with. I thought that was a very good point; it is not just about comfort but about celebration when we do well.

I am glad the noble Lord, Lord Dubs, reminded me; I second his thanks to the Library for its briefing note. Like everyone else across this House, I just think Alf, the noble Lord, is brilliant. I am pleased to serve with him on the Joint Committee on Human Rights. His efforts since 2017 especially, trying to keep the Dubs scheme going in the face of a disappointing response from the Government is nothing short of heroic.

The noble Baroness, Lady Wheatcroft, rightly reminded us of how the pandemic has highlighted our appreciation of family. Not to get noble Lords weeping for me, but I spent Christmas Day 2020 alone as a widow; I was supposed to go to a family Christmas but, because of lockdown, I could not. It was not that bad—I had loads of chocolate and silly TV and in my neck of the woods at least three shops are open on Christmas Day. I am not asking people to feel sorry for me but Christmas, if you celebrate it, is not normally a time when you like to be alone in this country; perhaps it brought home to me that sense of being alone.

My noble friend Lord Paddick talked about putting some heart back into immigration policy in this country. That is what this whole debate and the Bill are about. He reminded us of what a small fraction of total immigration family reunion—indeed, safe and legal routes generally—is. We are really not talking about some large extra cohort.

I very much welcome the support of the Labour Front Bench, expressed by the noble Lord, Lord Kennedy of Southwark. He made the very correct point that we get loads of new legislation. Like him, one loses track of all the immigration and asylum Bills, but what is lacking is any real action on tackling the criminal gangs, for which we certainly need co-operation with France and Europol. Of course, one of the great holes in the trade and co-operation agreement with the EU was any co-operation on security and justice issues, which is absurd given the history of how the UK championed a lot of the co-operation. We had the director of Europol for 10 years, for goodness' sake, and now we have made ourselves absent. We need to put the criminal gangs out of business, and the way to do that is through safe and legal routes, of which this Bill is one.

That brings me to the response of the Minister, which was not dissimilar to the response I had last September. He tells us that the Government fully support the principle of family unity which is why they have a comprehensive policy. He tried to reassure us of the width and generosity of this policy, but he will forgive me if I am not terribly persuaded of that. The Minister talked about this Bill encompassing an extended family, but it does not really; it is quite nuclear, apart from adult dependent children. It is not

nearly as wide, as my noble friend Lord Paddick pointed out, as the Ukraine family scheme. The Minister's response to why that scheme is about extended family was to say that it is Putin's war.

Lord Paddick (LD): What about Assad's war?

Baroness Ludford (LD): Other wars are indeed going on, and that is why refugees are fleeing, whether from Afghanistan, Sudan or the Middle East.

I regret that the Minister trotted out the "children are being forced to travel and exploited" line. It is rather like the debates during the passage of the Nationality and Borders Act on the right to work, when the Migration Advisory Committee told us there was no evidence that the right to work was a pull factor. There is also no evidence that the ability of a child refugee to bring their nuclear family to join them is a pull factor or used as some kind of anchor. I am afraid the Government are playing into the hands of the criminal gangs by restricting safe and legal routes, of which family reunion is one of the strongest. Many of us in this House, certainly on this side, deplore that the Nationality and Borders Act brings in this restrictive treatment of so-called group 2 refugees, who are going to be in a worse situation regarding rights, including to family reunion. You cannot have it both ways; the Government say they have a broad and generous policy but have brought in an Act which deliberately restricts family reunion rights. I am afraid that what they are saying simply is not true.

Finally, the Minister talked about the burden on the public purse. But how do you know whether child refugees, or any refugees, are going to prosper? The Minister gave me a name about a war, and I will give him a name: Nadhim Zahawi. He came here, apparently at the age of 11, unable to speak any English.

Lord Hacking (Lab): Five.

Lord Khan of Burnley (Lab): He was five.

Baroness Ludford (LD): Was he five? I thought he was 11; the press always says 11. Anyway, he has obviously been a very successful businessman and politician. How do you know who will prosper? Lots of refugees often prosper more than anybody else in the country because they have a sense of having to achieve something, and they also want to give back to the country. It is not just people who come on higher-paid immigrant visas who are an asset to the country. Many people who come without a bean to their name make a huge contribution. My noble friend reminds me that a lot of the visas currently being issued are for students, who do not have any income.

Altogether I find the Government's argument not persuasive and rather incoherent. I remain convinced, as I believe everyone else who has spoken in this debate does, that to be more generous on refugee family reunion and other safe and legal routes would help marginalise the criminal gangs, would help refugees prosper and give back to this country, and would be a win-win all round. I must stop there.

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

**Local Authority (Housing Allocation)
Bill [HL]
Second Reading**

2.35 pm

Moved by Lord Mann

That the Bill be now read a second time.

Lord Mann (Non-Aff): My Lords, the sun is shining on this Bill today. First, the RMT arranged a strike so that the date could be moved to today for me to present it, and yesterday the Prime Minister kindly timed his resignation to give a clear sign that the days of an overcentralising approach—which was the criticism policy-wise that I heard by far the most from Conservative MPs—would be adjusted.

This Bill provides an antidote to the centralised state by simply shifting power to localities. It does so by building on a tremendous government success. Governments normally want to shout out loud their great successes. This Government have one. It is not one they originated themselves—the origins of neighbourhood planning began in 2003, under Tony Blair. Nothing happened under the Brown Government, but David Cameron, in 2011, gave it a huge fillip and promotion, and it has continued ever since. There has been a consensual approach, both locally and nationally, but its great success has not been advertised.

I feel rather obliged to point out that I live in the district that has had the biggest single success, with the most neighbourhood development plans and the biggest percentage of its land mass allocated to them—which when it comes to housing and housing allocation is always rather important and sometimes controversial. In Bassetlaw—which is a small district of 120,000 people, and only just a little more than one parliamentary constituency—the 13 fully functioning, agreed-at-every-level neighbourhood plans have brought forward between them 1,133 new housing allocations. That is from a position of zero in the local plan.

Let us look at some of the villages. In Walkeringham, local people have agreed under the neighbourhood development plan that there should be 60 new properties in their village, yet every time there was any proposal when I represented Walkeringham everyone was up in arms about any planning application for any houses. A single house in Walkeringham was controversial; now they have agreed 60. Another small village, albeit slightly bigger, is Carlton in Lindrick, where the entire village went crazy over 90 new houses. It was a pretty horrendous time, even though I was on their side in the argument. The people of Carlton in Lindrick have now agreed 560 new houses. In the village of Blyth, the vast majority of the population came to public meetings that I had to block the prospect of new housing in areas that they and I regarded as totally unsuitable.

The argument put by the developers in all those cases was that there are national housing targets. The advice from council officers was: “You need to be careful, because if we don’t meet the national housing targets, the developer will appeal to the Secretary of State and, on the balance of probabilities, is bound to

win, in order to meet the national housing targets.” Yet the village of Blyth, where we could not fit people in the room for repeated meetings to stop new housing, has agreed to 62 new houses. If we take the rest of the district—we are talking about only the rural villages, which cover about 15% of the population—that number will double with the neighbourhood development plans, some of which are nearly finalised, agreed and just need to be signed off. That is over 2,500 new dwellings from zero 15 years ago. I went out and argued the case across those villages: “If we give you control, you sort out the new housing and where it will be”, because you cannot have a neighbourhood development plan without more new housing. People were agreeing, and usually unanimously. There is more to be done on neighbourhood planning.

It is shame that the right reverend Prelate the Bishop of Durham is no longer in his place. I have not had enough time to promote how we should look in urban areas and towns for other ways of defining “community”. One example in Worksop in the Bassetlaw district is the priory church, where 12 years ago I attempted to get a neighbourhood development plan based around the church parish rather than the local authority parish. It was a little too early for most people to conceive. It is still a good idea. It still would work. It would still bring forward more rational development—more housing—to meet the housing needs of the country and of the locality.

If you give local people the power, they will agree the houses to be built—and the proof is in what has actually happened. We should give them more power, because people understand. They want new houses. Even more so, their children and grandchildren want more houses, new houses, better houses, nicer houses—sometimes bigger, sometimes smaller—in their locality, although many move to other localities. In every case across 90% of the landmass of Bassetlaw, which is as big as Greater London, the local people voted for more housing in their back yard.

Decentralisation works, and while giving the national state power over some issues is absolutely the way to do it, where possible, power should be devolved to the people and decentralised. I will not argue whether this is at the ideological core of what the Conservative Party has always been about, that it is a Liberal concept or that, as it was initiated by the Blair Government, Labour should take credit for it. All parties should be getting behind this. Give the power to localities. The localities will deliver the housing that the country needs. They will provide more than the country needs. The days of big arguments—of the developer backing the locals and the locals attacking everyone and getting disillusioned with politics because the big state and the big developer wins—will be minimised.

This is a good policy and a good opportunity for the Government. I am attempting only to be helpful to the Minister and to make him the most popular of all government Ministers, whoever the Prime Minister of the day is. I beg to move.

2.45 pm

Baroness Scott of Needham Market (LD): My Lords, it is a pleasure to tell the noble Lord that these Benches are fully supportive of what he is trying to achieve through the Bill. It is about 30 years since I came into local government, and his question about targets and who sets them is a hardy perennial. I declare an interest as the president of the National Association of Local Councils.

To start with targets, I wonder whether the Minister can confirm the status of the 2019 manifesto commitment of 300,000 houses by mid-decade. On 11 May, which seems about 100 years ago now, Mr Gove said on the “Today” programme:

“We’re going to do everything we can”

to meet the target,

“but it’s no kind of success simply to hit a target if the homes are shoddy, in the wrong place, don’t have the infrastructure required and are not contributing to beautiful communities.”

On this rare occasion, I think Mr Gove was spot on. One of the problems with systems based on overprescriptive central targets is that they fail to meet all those other objectives. All too often they meet the requirements of developers, not of people.

What was missing in Mr Gove’s list was affordability. The Government’s figures on affordable housing supply show that 52,100 affordable homes were completed in 2020-21, down 12% on the previous year. I assume that is a pandemic-related issue. Can the Minister say whether a new baseline will be reset from that or whether the Government plan to make up the shortfall?

There seems to be a fundamental disconnect between the question of housing targets, the planning system and an overall housing strategy. The planning system seems to grind on in its own way, somewhat disconnected from these wider issues. On Wednesday last week the *Guardian* reported:

“Green belt land may have been torn up for housing unnecessarily ... the 2021 census suggested population growth in many areas has been overestimated—in some cases by tens of thousands of people.”

In other areas,

“estimates were far too low—by up to 16%”.

If we have centrally imposed targets, clearly there is a danger that the wrong houses will be built in the wrong places. We hear that the census may well be stopped; I hope the Minister can use his influence to prevent that, because it is really important.

The other element we are missing in this country is a comprehensive land use strategy to balance the land allocated for housing, agriculture, business and industry, recreation, transport, energy and all the uses to which land can be put. The Government rejected that when the noble Baroness, Lady Young, proposed it during the passage of the Agriculture Bill in 2020, but I gather they have warmed to the idea. That seems a really important part of this jigsaw. Broad policies for land allocation, combined with genuinely locally led housing allocations, in the way suggested by the noble Lord, Lord Mann, would be a much more fruitful approach, providing the long-term planning framework but also flexibility as needs change.

I do not believe that this is a pipe dream. I agree with the noble Lord, Lord Mann, that neighbourhood plans have been immensely successful. As for who gets the credit, the legislation in 2011 was very much driven through by Lib Dem colleagues, but perhaps he is right and it is something we should all get behind. Research carried out by the University of Reading in 2020 showed that neighbourhood plans were allocating, on average, 39 units above what was suggested by the local authorities per housing site plan. Far from being nimby, when they are involved they accept and welcome more housing. It has proved fruitful, and I hope we can focus on making that better rather than diluting it with some of the extra paraphernalia proposed in the levelling-up Bill.

2.49 pm

Baroness Hayman of Ullock (Lab): My Lords, it was really good to hear the noble Lord, Lord Mann, introduce his Bill. To me, it seems eminently sensible and practical as a way forward, so I assure him that we fully support it.

The noble Baroness, Lady Scott of Needham Market, asked a couple of quite important questions, so I will swing in behind her on this and look forward to the Minister’s response. The first was on the housing targets; I know we have had questions across the Floor on this before. Alongside that is the issue of quality—of meeting the requirements of the people who will actually live in the houses, rather than just what suits the developers. That is an extremely important point.

The noble Baroness also talked about affordable housing, which concerns me particularly because of where I live in Cumbria—and I know it is exactly the same in other areas with high tourism. What tends to happen is that you have this huge problem of second homes or holiday homes, where local people, particularly young people, struggle to find houses they can afford because the prices are forced up by people from outside—who basically have more money—buying the houses. The other thing that happens then is that, because housing allocation is still required for the area, the houses get shoved around the edges, and you get far too much housing in areas where GPs, transport and so on really cannot cope, and then no housing in some of the smaller villages, as the noble Lord, Lord Mann, said, where people want to work and live in the area where their families are.

I was really pleased that the noble Lord talked about the fact that neighbourhood development plans have been created and have been working very successfully, and about how local control and oversight can make a real difference in delivering the building of new houses. That is what we need in some areas that are almost set in aspic, which is not what our villages should be like.

The Bill addresses important issues. It will ensure that targets for local housing allocations are agreed in consultation with local communities. As the noble Lord demonstrated extremely well, that is more likely to achieve the building of houses that are actually needed, in the communities where people want to be, rather than overloading certain areas because you cannot get planning permission in other areas.

We need to be much clearer about what we think our communities are, particularly in areas with national parks and other environmental concerns. It is not just about setting somewhere in aspic because it has been given national park status; it is about how you work with local communities to make their communities what they need to be. Housing has to be part of that.

2.53 pm

The Minister of State, Home Office and Department for Levelling Up, Housing & Communities (Lord Greenhalgh) (Con): My Lords, I thank the noble Lord, Lord Mann, for sponsoring this Private Member's Bill and for providing me with the opportunity to highlight this important matter, as well as to draw attention to the upcoming Levelling-up and Regeneration Bill, which is in the other place.

I start by saying that the Government will be opposing the Bill for a number of reasons. First, the Bill seeks to put into legislation matters that are more effectively addressed through planning policy. We would not want to constrain future ability to make appropriate policy adjustments in response to changing public needs or priorities.

Secondly, local planning authorities when preparing their local plans already establish their own housing requirements, informed by the standard method for assessing local housing need. It is for local authorities to choose how and where to meet their housing requirements in response to the needs of their communities.

Thirdly, neighbourhood planning provides a powerful set of tools for local people to shape development in their area to meet their community's needs. I was pleased that the noble Lord, Lord Mann, gave a bit of background on how that approach to neighbourhood planning had its genesis in the Blair Government and was continued under the Cameron Government. Like all the best policies, it has had support from both parties in government. However, we should not exaggerate the impact of neighbourhood planning. In Bassetlaw, the contribution of the neighbourhood plan was only 459 homes, against an allocation of 4,057 homes. Therefore, while it is important, it is certainly not the silver bullet for the delivery of housing.

The fourth reason we are opposed to the Bill is that, through existing regulations and legislation, communities are able to comment on what a local plan ought to contain.

Finally, we have recently introduced our Levelling-up and Regeneration Bill, which will reform the process for preparing local plans so that it is simpler, faster and easier for communities to engage with. We are clear that communities must be at the heart of the planning process, and better engagement with them on planning matters is critical. The Levelling-up and Regeneration Bill is taking real steps to address this. The Government are clear that, to help make home ownership affordable for more people and to help more people rent their own home, we need to deliver more homes.

In response to the noble Baroness, Lady Scott of Needham Market, I say that the target of building 300,000 homes a year by the middle of this decade

remains government policy; I made that point in response to a Question. But there is a recognition that we should not just have a drive for volume without thinking about quality. That is why there is a clear commitment that we want those homes to be built particularly on brownfield rather than greenfield developments. It is often cheaper for developers to build on greenfield, but we want more urban regeneration as well as more affordable housing. There is a commitment through the affordable homes programme to have a greater number of socially rented homes, up double from the previous period with 32,000 as the target, should economic conditions allow. So there is a commitment to more affordable housing, and a commitment to quality and not building on greenfield.

To get enough homes built in the places where people and communities need them, a crucial first step is to plan for the right number of homes. That is why, in 2018, we introduced a standard method for assessing local housing need to make the process of identifying the number of homes needed in an area simple, quick and transparent. I have to be clear that the standard method does not set a target for councils to meet. It is a method used by councils to inform the preparation of their local plans. Councils decide their own housing requirement once they have considered their ability to meet their own needs in their area. This includes taking local circumstances and constraints—for instance, the green belt—into account and working with neighbouring authorities if it would be more appropriate for needs to be met elsewhere. This recognises that not everywhere will be able to meet its housing need in full.

I cannot stress enough the importance of having an effective up-to-date plan in place. It is essential to planning for and meeting housing requirements in ways that make good use of land and result in well-designed and attractive places to live. The Government expect local authorities to work together to plan for and deliver the housing and infrastructure that our communities need. Without an adequate up-to-date plan, homes can end up being built on a speculative basis, with no co-ordination and limited buy-in from local people. That is the point the noble Lord, Lord Mann, made, and he is absolutely right. It is why we need these local plans in place.

Further to the local plan-making process, neighbourhood planning provides a powerful set of tools for local people to shape development in their area to meet their community's needs. We know that over 2,850 groups have started the neighbourhood planning process since its introduction in 2012. However, despite all this, we acknowledge that the planning system has a poor record of community engagement and that it can often be adversarial. That is why the Levelling-up and Regeneration Bill will modernise our planning system and put local people in charge of it, so it delivers more of what communities want.

As noble Lords will know, the Levelling-up and Regeneration Bill was introduced in Parliament on 11 May 2022. The Bill sets out to modernise our planning system and put local people in charge of it, so it delivers even more of what communities want. It will also give local leaders greater powers to improve town centres, bring land and property into productive use, and use the planning system to deliver the beautiful

[LORD GREENHALGH]

and sustainable homes that their communities want. It will reform the process for producing local plans so that it is simpler, faster and easier for communities to engage with. It will remove barriers to engagement and create a more democratic planning system, and local plans will be informed by a larger and more diverse range of community views. However, the introduction of the Levelling-up and Regeneration Bill is only the first step. We will continue to work on the detail of regulations, policy and guidance—on the guidance, it is incredibly important that local authorities know where they have local discretion, as opposed to central discretion—and we will consult on a number of important provisions as we take this programme forward.

I take this opportunity to reassure noble Lords that the Government continue to listen to the representations of MPs, councillors and communities on the effectiveness of our housing policies. Alongside the Levelling-up and Regeneration Bill, we have set out a number of specific areas where we plan to consult further in the coming months. We will announce details of those, as well as any other consultations, to use the ministerial phrase, in due course.

In conclusion, the Government strongly believe that local communities should have a say in what development takes place and where. As I have explained, a number of provisions are in place to ensure that local communities can have their say about what development happens, and community engagement will be strengthened by the Levelling-up and Regeneration Bill.

Local authorities can already set their own housing requirements through existing policy. It is important that we do not constrain the ability to make appropriate policy adjustments in response to changing public needs or priorities by putting into legislation matters that are quite rightly more effectively addressed through planning policy. The Government must therefore oppose the Local Authority (Housing Allocation) Bill.

3 pm

Lord Mann (Non-Afl): My Lords, I thank noble Lords for their contributions. This is the problem with the big state and Whitehall. The Minister just gave the figure of 431 houses out of the 4,500 housing allocation in Bassetlaw coming from neighbourhood plans. I will read the actual figures, because when the people in charge, who make decisions that they impose on local authorities, do not know the facts as determined by law, and then try to impose them on local people, then democracy, which we cherish, is undermined.

Here are the figures on completed plans. For Blyth Parish in 2021, the housing allocation was 62. For Carlton in Lindrick in 2019, it was 560. For Clarborough and Welham in 2017, the housing allocation was 38. For Cuckney, Norton, Holbeck and Welbeck in 2017, the allocation was 35. Elkesley in 2015 had 39. Lound had eight in 2022. Mattersey and Mattersey Thorpe in 2019 had 31. Misson in 2017 had 50. Misterton in 2019 had 187. Rampton and Woodbeck in 2021 had 21. Sturton in 2021 had 21. Sutton cum Lound in 2018 had 45. Walkeringham in 2021 had 66.

The total was 1,163, but those are completed plans. Built into the local housing plans are plans made “with review in progress”. I will not cite them all—there are too many, because neighbourhood planning has really taken off—but Misterton has 194; Hodsock and Langold has 227; Tuxford has 250; and the largest, Harworth and Bircotes, has already built more than 450 in its neighbourhood plan, never mind having it in its allocation. It has already built more than that and can build thousands. It is prepared to keep increasing, as the local plan goes on, to significant numbers. The last number I can recall is 1,130, but that area wants more. Mining villages want housing.

That is what local power is about: building houses and creating land for the houses. It is not the national state—Whitehall—telling people, “Here’s a number that we’ve created by magic. You’ve got to do this.” What happens then is that developers go for easy pickings. They go for the farmer’s field that they can build on and stick 300 houses where no one wants them and that are all the same. They build houses with five, six or seven bedrooms when local people need two or three-bedroom houses to live in, in their own communities. That is democracy, but it is also housebuilding.

Lord Greenhalgh (Con): If we are talking about specific numbers, it is important that the noble Lord understands that I was referring to data on the most recent figures for December 2021. That is a window of time whereas the noble Lord is referring to historic achievements in terms of neighbourhood plans. We are quoting different statistics at each other, which I think is confusing for people listening to this. I am happy to write on that point.

Lord Mann (Non-Afl): I am quoting statistics about how the local council is allocating land for housing where the numbers have been arrived at using the law in order to reach a target that the Government have arbitrarily set. If the local council had the power to set it entirely, as other local councils did, that council would not just have the housing allocations that were needed; it would have the houses needed in places where people wanted them and in a style that they liked, with popularity, with demand and with agreement. That is what happens with neighbourhood development planning: building is actually happening, of real houses with real people living in them. But across the country the Government are trying to create a national system where the Secretary of State and a few officials make up the numbers arbitrarily and force them on local people and local councils. We ought to reverse that. It is the heart of traditional conservative philosophy that you put power at the local level, which is why so many Conservative MPs support my approach. I beg to move.

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

House adjourned at 3.07 pm.

