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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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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
UUP	Ulster Unionist Party

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House of Lords

Friday 3 February 2023

10 am

Prayers—read by the Lord Bishop of Southwark.

Retirement of a Member: Baroness Chalker of Wallasey *Announcement*

10.06 am

The Senior Deputy Speaker (Lord Gardiner of Kimble): My Lords, I should like to notify the House of the retirement, with effect from today, of the noble Baroness, Lady Chalker of Wallasey, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I should like to thank the noble Baroness for her much-valued service to the House.

Refugees (Family Reunion) Bill [HL] *Third Reading*

10.06 am

Motion

Moved by **Baroness Ludford**

That the Bill do now pass.

Baroness Ludford (LD): With noble Lords' indulgence, I would like to make a few remarks. I warmly thank all who have supported this Private Member's Bill and the cause of refugee family reunion in the last year. I principally thank my noble friend Lady Hamwee, who could not be here today but who made the first two attempts to get a version of this Bill on the statute book, who encouraged me to pick up the relay on my first—and now second—attempt and who inspires me generally on asylum and immigration issues. I also thank my noble friend Lord Paddick, who leads for these Benches on justice and home affairs matters and is steadfast in his championing of fairness and reasonableness in Home Office affairs. I also thank my honourable friend Tim Farron in the other place, who will seek to take this Bill, if approved today, through the House of Commons, as he sought to do last year in its previous iteration before it was defeated by Prorogation.

Colleagues in this House from other Benches have also been stalwart in their support of family reunion for refugees. The noble Lord, Lord Dubs, is of course in the top rank, but I am also very grateful to others who spoke up at Second Reading of this Bill last July and/or when we debated the same issue in Committee on the Nationality and Borders Bill almost exactly a year ago: the right reverend Prelate the Bishop of Durham, the noble Baronesses, Lady Bennett of Manor Castle, Lady Wheatcroft and Lady Jones of Moulsecoomb, and the noble Lords, Lord Kennedy of Southwark, Lord Hylton and Lord Coaker. I also thank Ministers who have engaged on this issue—although, so far, not very fruitfully.

Sadly, I do not have time to cite those who contributed on my previous Bill or on my noble friend Lady Hamwee's two attempts, but it illustrates that there is widespread support for the cause. I also thank all those NGOs and their staff who have given such valuable briefing and who work tirelessly to bring families together, in particular: the British Red Cross, the Refugee Council—I specifically namecheck Jon Featonby, who has moved from the former to the latter—Safe Passage, Refugee Action and, indeed, the whole Families Together coalition. And there are others that I do not have time to mention.

The reasons that motivate them, me and others in the House are both humanitarian and practical. It is both compassionate and hard-headed, not least for the taxpayer, that refugees have the best possible chance to settle, thrive, integrate and stand on their own feet. That means, among other things, having their family with them instead of being distracted by terrible worry about what is happening to their loved ones. The case for easing refugee family reunion is not dissimilar to the case for allowing asylum seekers to work. It promotes dignity and well-being while saving the taxpayer money—a good Conservative case, as articulated repeatedly and so well by the noble Baroness, Lady Stroud.

The key features of this Bill are to relax the current restrictive and inaccessible discretionary rules by allowing adult dependent children to join family in the UK, to allow siblings to sponsor a brother or sister, to permit lone children to regroup with family and to allow legal aid to be claimed for the process. The Government claim that allowing more people to come on safe and legal routes would increase demand for the criminal services of smugglers. This makes no sense to me or to other supporters of an expansion of safe routes such as family reunion. The vast majority of those who make dangerous journeys have no choice. Indeed, the number of family reunion visas issued in the year to September 2022 was 36% down on 2019, so safe routes are being constricted. There is, rightly, a generous definition of “family” for Ukrainian refugees—much more generous than for other refugees—and we do not see them crossing the Channel in small boats. There has to be a connection.

The Government are planning yet more new legislation. If they want to treat even more harshly those who arrive irregularly, they should also allow better safe routes and incorporate the provisions of this Bill into their own new Bill.

Lord Blunkett (Lab): My Lords, I speak very briefly to congratulate the noble Baroness and those who have worked with her on getting this far with the Bill. I just draw to the attention of the House that the Justice and Home Affairs Select Committee of your Lordships' House, led admirably by the noble Baroness, Lady Hamwee, will in a few weeks' time be producing a detailed report in relation to family migration rules more generally, including, of course, the content of this Bill. I hope that it will help with the debate in the other place and that people will take very seriously both the content of this Private Member's Bill and the findings of the Select Committee.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I also congratulate the noble Baroness on taking this Private Member's Bill through the House—that is no mean feat in itself—and I wish the Bill well in the other place.

The Parliamentary Under-Secretary of State, Home Office (Lord Murray of Blidworth) (Con): My Lords, I too thank the noble Baroness, Lady Ludford, for her remarks and thank all those who contributed in previous debates on the Bill. The Government's policy already 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. Our family reunion policy allows those recognised as refugees or granted humanitarian protection in the United Kingdom to sponsor their immediate family members to join them here, if the family union was formed before their refugee sponsor fled their country of origin. This has seen more than 43,700 individuals reunited with their refugee family members since 2015. This is a significant number, which highlights the policy's success as a safe and legal route for families to reunite in this country.

I remind noble Lords that this Government fully support the principle of family unity and share the concern 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 already set out in the Immigration Rules and in our refugee family reunion policy, which negates the need for the Bill and is the reason why the Government do not support it.

Baroness Ludford (LD): My Lords, I thank the Minister for replying. I am obviously disappointed but not surprised that the Government do not support the Bill, but I am afraid I must dissent from his assertion that the Government fully support the principle of family unity, because that really is not translated into policy and practice. Yes, he cites the number of family reunion visas since 2015, but it is difficult and in some cases costly and long-winded to obtain one, and it is unjustifiable to put all these barriers in the way. The rules are unreasonably restrictive and would be much improved with the Bill, so I live in hope that, one day, this or another Government will see the light and understand that it is not just compassion but hard-headed realism and cost-effectiveness that drive the reasoning of the Bill and other suggestions for improved, easier family reunion.

Bill passed and sent to the Commons.

Mobile Homes (Pitch Fees) Bill *Second Reading*

10.15 am

Moved by Lord Udney-Lister

That the Bill be now read a second time.

Lord Udney-Lister (Con): My Lords, I beg to move that this Bill now be read a second time. In doing so, I pay tribute to my honourable friend Sir Christopher Chope, MP for Christchurch, who had the wisdom and foresight to choose a Bill that the Government would support and skilfully steered it through the other place in record time. I also record my thanks to the officials who have facilitated its drafting.

This is a very short but effective Bill and I am very pleased that I have been asked to help secure its passage through the House. Its primary objective is to bring fairness to park home residents, most of whom live on low, fixed incomes. The Bill will also make a positive contribution towards addressing the cost of living crisis that many people in this country face, including, of course, park home residents.

Clause 1 amends Part 1 of Schedule 1 of the Mobile Homes Act 1983 to change the inflationary index used by site owners to increase pitch fees from the retail prices index, the RPI, to the lower consumer prices index, CPI. Mobile home residents pay their site owner a pitch fee for the right to occupy a pitch on the site. Pitch fees can be reviewed annually to allow site owners to recover increases in their costs for maintaining and repairing the site, due to inflation. There is a presumption in the Mobile Homes Act 1983 that any increase in pitch fees will be no more than the inflation index defined in the Act. The inflation index is currently defined as the RPI.

RPI is generally higher than other inflationary indices and is no longer used as a measure of inflation. It is not surprising, therefore, that mobile home residents, the majority of whom are elderly, have been concerned that their incomes, which generally increase by CPI, would not keep up with the rise in pitch fees. It therefore seems grossly unfair that this group, who are, as I have already said, mainly elderly and who need the most help, must face pitch fee increases that are higher than the increases in their incomes, and higher than the increases in costs faced by site owners. The Bill will change this by changing the inflationary index from RPI to the lower CPI. The change from RPI to CPI will also apply to permanent pitches on Gypsy and Traveller sites owned by local authorities. Occupiers of those pitches have agreements under the Mobile Homes Act 1983 and will therefore benefit from these important changes, as well as those on private sites.

Clause 2 sets out how the change to CPI will affect the calculation of new pitch fees. I thank and commend the Government for their determination in ensuring that the changes will apply not only to new agreements but to all existing agreements. Noble Lords will know that, save in very few and rare cases, legislation is not usually applied retrospectively. However, if that had been allowed to happen in this case, tens of thousands of residents would not benefit from this important change, at a time when they need it most.

In terms of how the change will affect the calculation of new pitch fees, site owners are required to serve a pitch fee review notice and a form at least 28 days before the review date, which is when the proposed increases take effect. For pitch fee notices issued between now and when the provisions of the Bill would come into effect, RPI would be used in the calculation of the

proposed pitch fee. Pitch fee review notices served on or after the day on which the Act comes into force must use CPI in the calculation. If a site owner fails to or does not use the new pitch fee review form, which will be available before the changes come into force, the pitch fee review process will be invalid.

The Bill includes an important protection for residents: it prevents any differences in income for site owners from the change from RPI to CPI, whether real or anticipated, being passed on to residents through the pitch fee. Some owners, I am afraid, constantly find loopholes and unscrupulous methods financially to exploit vulnerable residents. Clause 2 prevents this. It provides that, where a dispute about pitch fees is being determined by the First-tier Tribunal, and the tribunal is satisfied that the site owner has included an amount to compensate them for the financial loss arising from the RPI to CPI change, it will be required to deem the relevant amount to be unreasonable and remove it from the pitch fee. If the Bill is passed, as I very much hope it will be, I count on the Government to make residents aware of this important protection to ensure that they can enforce their rights against unscrupulous site owners who attempt to pass on any unfair charges to them.

If I may add a request of my own to this worthy Bill, it is that the Government stay the course and build on what has been achieved over the last 10 years following the introduction of the Mobile Homes Act 2013, which the noble Lord, Lord Best, successfully steered through this House. In 2013, that Act gave local authorities substantial enforcement powers to tackle those site owners who fail to maintain their sites properly and put residents' lives at risk. It also gave residents important new rights and reformed the process for selling homes, making site rules and reviewing pitch fees. Those changes have brought significant improvements to the sector.

In their response to the review conducted in 2017, the Government committed to improve the rights of residents and strengthen local authority enforcement powers further. They have made significant progress in implementing these commitments, in spite of the challenges they have faced recently with issues such as Brexit, Covid, et cetera. However, more can and should be done to improve fairness for residents in this small but important sector of the housing market.

I have no doubt that noble Lords present today, and residents in particular, would like to see other provisions included in the Bill. While I share these concerns, the aim of the Bill is to ensure that the many vulnerable park home residents on low incomes are supported at this critical time, when so many people are struggling with current costs. For the reasons I have set out, the Bill addresses only the specific issue of changing the inflationary index used in pitch fee reviews from RPI to the lower CPI. Including any other measures in the Bill at this stage would not only risk its successful passage through both Houses in this Session but leave residents in the unfair position they find themselves in for even longer. It is important that they receive the benefits of the change from RPI to

CPI now, to help with the current cost of living pressures and provide them with the necessary additional support that they need. I beg to move.

10.23 am

Baroness Berridge (Con): My Lords, I am grateful to my noble friend Lord Udny-Lister for introducing this small but important Bill, and hope to hear that His Majesty's Government will support it. It is a shame, however, that during the cost of living crisis England has been behind Wales in making this change for these residents. Most of these mobile or park home sites restrict occupants, within their site rules, to those over the age of 55, many of whom are on a fixed income. The difference between RPI and CPI last November was nearly 3%, so this is not an insubstantial saving for those whose only income may be the state pension or pension credit.

It might seem odd to have primary legislation so intimately involved in what looks like it could or should have been a matter of contract. Although many of these park home sites are well run, sadly, some are owned by criminal fraternities, causing much worry to those who reside on the site and keeping many an MP and council busy trying to sort out the licence holder's compliance.

When I was Minister for Women and the Government were introducing the domestic abuse offence, including financial coercion, one odd benefit of park homes came to my attention. As these homes are chattels and not an interest in land, you cannot raise a mortgage against them. This is very useful if you have been in a controlling and coercive relationship, where the abuser often gets into debt. Often the means of paying those debts in a coercive relationship, once couples retire and do not have an income, is to empty the asset—the family home—of its equity, with the partner coerced into signatures on such mortgage charges. However, if they have traded down to a park home, the abused partner now has a secure residence and asset, as you cannot borrow against them. It is a happy quirk of this unusual form of home ownership that I thought it would be good to spend a few moments on a Friday putting on the record.

I thank His Majesty's Government for persevering with this often vexed form of home ownership and hope that they will support the Bill.

10.26 am

Lord Stoneham of Droxford (LD): My Lords, I am grateful to the House for allowing me to speak in the gap. I associate our group with the objectives of the Bill. Occupants of mobile homes are a very disadvantaged group in many respects. I am familiar with a number of these sites in the Winchester constituency, at Colden Common and Curdridge. I know that they are a very vulnerable group—mainly elderly people who have often missed their opportunity to advance in the housing market. They are now suffering in particular from very high energy costs, because obviously their homes tend to be very poorly insulated. This move to relate the maximum increase to CPI is relevant and should be done quickly in the current circumstances. We are favourable to the objectives of what the Bill seeks to do.

10.27 am

Lord Khan of Burnley (Lab): My Lords, I rise briefly to show our support for the Bill, which aims to amend the Mobiles Homes Act. I appreciate the noble Lord, Lord Udney-Lister, for sponsoring the Bill in your Lordships' House after a smooth passage in the other place. I was quite shocked that it went through all its stages there in one day; it is quite ironic, given that a lot of sensible Bills get blocked. Maybe the Government need to look at that.

As mentioned by other noble Lords, the Bill changes the inflationary measure during annual pitch reviews so that instead of using RPI, the retail prices index, it uses CPI, the consumer prices index, which is a difference of 3%—as mentioned by the noble Baroness, Lady Berridge—that ultimately benefits mobile home owners. This legislation has been in place for several years in Wales—I pay tribute to the Welsh Government—so this is another example of the UK Government lagging behind devolved Governments in improving the law.

I have a few brief questions related to the sector for the Minister. What mechanisms will the Government have to ensure that site owners do not pass the difference between RPI and CPI to residents once the Bill has come into force? What consultation has taken place with the various sector stakeholders on the Bill coming into force? Several issues have been raised about the mobile home sector, including unfair fees and poor maintenance. These sectoral complaints started in 1988 from the homeless charity Shelter, so it is clearly a long-standing issue. Furthermore, a House of Commons CLG report in 2012 stipulated that malpractice is widespread across the park home sector. What do the Government propose to do to deter the unscrupulous park home site owner from exploiting residents and what further powers can they provide to local authorities to monitor or improve site conditions? As always, I look forward to the Minister's response.

10.29 am

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con): My Lords, I thank my noble friend Lord Udney-Lister and congratulate him on sponsoring this small but very important Bill in this House. I thank other noble Lords for—in most cases—their total support for the Bill, which the Government will be supporting. I also thank my honourable friend the Member for Christchurch, who is behind the bar, I believe. I am grateful for his work in the other place as chair of the All-Party Parliamentary Group on Park Homes. He has been a consistent champion of mobile home residents, and for that we are very grateful.

Mobile homes, also known as park homes, are a unique and important part of our housing sector. There are about 160,000 people in England living in mobile homes. Many, but not all, mobile home residents are older people on fixed incomes, for whom the rising cost of living is a real concern. The Government recognise this and provided support of up to £1,200 last year to those who needed it most. This Government are also committed to reforming the mobile homes sector to improve the lives of all residents and help responsible site owners.

We began these reforms with the introduction of the Mobile Homes Act 2013, important legislation which has made significant steps towards more effective and modern regulation of the sector. The 2013 Act strengthened the rights of residents and gave local authorities substantial enforcement powers, which I think answers some of the queries from the noble Lord opposite. In 2017, we carried out a review of the legislation and the evidence clearly showed that, overall, the Act had been effective and had made tangible improvements in the lives of many residents. However, there were issues that still needed further attention, including residents' ongoing concerns about the impact on their finances from the continued use of RPI in annual pitch fee reviews. Having considered arguments and concerns about affordability for both residents and site owners, we concluded that the consumer prices index—the CPI—was the most appropriate index for annual pitch fee reviews. In our response to the review, we made a commitment to bring forward primary legislation, when parliamentary time allowed, to change RPI to the lower CPI. This is the Bill before us today.

The changes we are making will be an important contribution to easing pressures on residents. I am grateful to all noble Lords for their support and desire to get this Bill through as quickly as possible. This Bill, when enacted, will help residents with the cost of living pressures by changing the inflationary index used in pitch fee reviews from RPI to the lower CPI. With the incomes of many residents rising by CPI, the changes will mean that pitch fee increases and residents' income will be subject to the same measure of inflation.

To conclude, mobile home residents may represent only less than 0.5% of the housing sector but some are among the most vulnerable in our society. There is more that can and must be done to address the problems they face; we fully understand why some residents would like to see additional measures included in the Bill. As was brought up by almost all noble Lords, there is more we can do to help these particular homeowners. I assure noble Lords that we will continue with the reforms to the sector that we have committed to introduce to improve the lives of residents. The priority for today is to ensure that this Private Member's Bill, which is aimed at addressing the narrow but important issue of changing RPI to the lower CPI, goes through Committee swiftly, passing in time to make the much-needed changes to the lives of residents. The Government are proud to back this Bill and wish it a safe passage through its remaining stages.

10.34 am

Lord Udney-Lister (Con): My Lords, I thank everybody who has spoken for their support, right across the House, and for getting this Bill to where it is today. I also add my thanks to Christopher Chope MP, who started this in the other place and got it through in record time. I hope that we can get it through in record time here. The quicker we can move from RPI to CPI, the better. There are provisions within the Bill to ensure, as I have already said, that it can be retrospectively applied in the way it is structured and the way in which the notices are processed. I commend the Bill to the House.

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

OFCOM (Duty regarding Prevention of Serious Self-harm and Suicide) Bill [HL]

Second Reading

10.35 am

Moved by Baroness Finlay of Llandaff

That the Bill be now read a second time.

Baroness Finlay of Llandaff (CB): My Lords, I am most grateful to the Samaritans for all its help with this Bill, and to Papyrus, YoungMinds, the Mental Health Foundation, the British Psychological Society, If U Care Share and others for their support. I am also grateful to the Library for updating its full briefing.

The original Second Reading of this Bill was cancelled due to the sad death of Her Majesty the Queen. It now falls between Second Reading and Committee of the Government's Online Safety Bill. In the spirit of co-operation called for by the noble Lord, Lord Stevenson of Balmacara, on Wednesday evening, I hope today's debate will help identify how the principle of my Bill could improve the Online Safety Bill. My Bill would create a duty on Ofcom that complements the Online Safety Bill. In practice, this means that Ofcom would need to assess how prevalent self-harm and suicide content is online, and whether the legislative regime is well-equipped to protect individuals from being exposed to and fed excessively harmful content.

Why did I table this Bill? In 2021, 5,583 people in England and Wales took their own lives. Suicide is complex, rarely caused by one thing and cuts across all age groups. A University of Bristol study found that participants with severe suicidal thoughts actively used the internet to research an effective method, and often found clear suggestions. We must recognise that the smaller platforms—not just category 1 or 2A platforms—have some of the most explicit and harmful details.

Self-harm signals serious emotional distress and is a strong risk factor for future suicide, although fortunately most people who self-harm will not go on to take their own life. For 20 years, self-harm rates have increased, particularly among young people, and have more than doubled in England since the turn of the millennium. Among those surveyed by Samaritans, three-quarters had harmed themselves more severely after viewing self-harm content online. Some 78% of people with lived experience of suicidality and self-harm want new laws to make online spaces safer. The internet can be an invaluable space for individuals to access support and to express difficult feelings, but its algorithms can also barrage people with content that encourages or exacerbates self-harm and suicidal behaviours.

The Law Commission's 2021 report on modernising communications recognised the need to tackle "legal but harmful". The Online Safety Bill as now written contains two cliff edges: one is the chronological age of 18; the other is the point that content is defined as illegal. The latter is not as easy as it might seem. Section 59 of the Coroners and Justice Act 2009 states that a person commits an offence if they intentionally undertake an act

"capable of encouraging or assisting the suicide of attempted suicide of another person",

yet no prosecution from online advancement has been brought. Does it relate to the burden of proof required?

In the gap between these two cliff edges of age and illegality sits the thorny issue of "legal but harmful". My Bill would require Ofcom to establish a unit to advise government on the extent to which social media platforms encourage self-harm or suicide, advise on the effectiveness of current regulations and make recommendations. This would support suicide prevention strategies across public health and education.

Last summer, we heard about ligature challenges so harmful that youngsters died or were brain damaged. Now, the virtual reality environment, the metaverse, simulates a real-world arena for practising offending behind closed doors—a pathway to real-life abuse.

Clause 2 recognises that people react in different ways to what they find online, so what is harmful to one person is not harmful to another. What matters is whether the information is posted or sent with malicious intent, without reasonable excuse. What can be the justification for flooding people with ever more violent, disturbing images, other than profit? No one can pretend that that is providing support.

The Government's decision to remove regulation of legal but extremely harmful content is a backward step, given that susceptibility to harm does not end when people reach the age of 18. This will leave huge amounts of dangerous content widely available of instruction on methods, and pushed content, portraying and romanticising self-harm and suicide as positive and desirable. New research commissioned by the Samaritans found that the Government's removal of protection of over-18s from damaging content goes directly against what the public want. Four in five—83%—agree that harmful suicide and self-harm content can have a damaging effect on adults, not just children. Less than one in six think that access should be restricted only for children. Removing the regulation of legal but extremely harmful content means that platforms will not need to consider risk to adult users or victims. Although platforms will need to provide empowerment tools for such content, these will not protect the vulnerable users who are already drawn to or sucked into damaging content.

The creation of the new offence of encouragement or assistance of serious self-harm should be introduced in time to be listed as priority legal content within the Online Safety Bill. It needs to be drafted narrowly, so that at-risk individuals and charities providing self-harm services are not criminalised. As the noble Lord, Lord Sarfraz, said at Second Reading of the Online Safety Bill,

"we cannot always play catch-up with technology."—[*Official Report*, 1/2/23; col. 762.]

Technologies are emerging faster than we can imagine and can assist in plugging the gap of so-called legal but harmful. It will be the only way to make the internet safer, rather than a playing field for those of mal-intent who profit from exploiting the vulnerabilities of people.

[BARONESS FINLAY OF LLANDAFF]

We need completely different approaches from those of film or television classification because material is constantly being posted on the internet, and no human being can keep up with that. Generic approaches must set standards against which monitoring can occur so that risk of harm is minimised. That will involve engaging with highly sophisticated techniques in artificial intelligence, not crude algorithms, while accepting that artificial intelligence will make mistakes just as humans do, and that the accuracy depends on the way that screening mechanisms are trained.

In preparing for the Bill I asked the question: “How could AI filter out harmful content on the internet?” I got the reply that AI can filter out harmful content by using various techniques, such as natural language processing, image recognition, video analysis and machine learning. With this came the statement that

“it is important to note that AI is not perfect and can still make mistakes. It is crucial to have human oversight and review of AI generated results to ensure the accuracy and fairness of content filtering.”

I then asked: “How accurate is AI? Could it accidentally remove content that is not harmful?”, to which I received the response that the accidental removal of content that is not harmful can happen for several reasons, including bias in training data, ambiguous content and false positives. As well as needing human oversight, I was told that:

“It is also important to continually evaluate and improve AI models to reduce the risk of mistakes.”

It was an AI chatbot that gave me those answers, in seconds.

I also asked the site to write a short speech about my Bill. The result would have been rather good for a school debate—I fear that some of your Lordships might even have thought it better than my speech today. Yesterday’s science fiction is here today. I beg to move.

10.45 am

Lord Balfe (Con): My Lords, I intervene to give my strong support to this Bill, which is a good step forward. I hope, in view of the debate we had the other night about the Online Safety Bill, that we will be able to meld these difficulties together into one Bill, but if we cannot, this is a good step forward.

I have come into this area only tangentially in that, when I was a member of the Council of Europe, I was involved in an assessment of AI and the uses to which it could be put. This ties in very much with the latter part of the noble Baroness’s speech, because what comes out of the box has to be put into the box. We were studying sentencing and whether you could use AI to sentence prisoners. Believe it or not, that has been tried in the State of Florida. Analysis afterwards showed quite clearly that the people who were inputting the information had a bias which they were not necessarily aware of but which was making the sentencing unbalanced. In fact, it was making it more likely that black people in Florida would be sentenced to longer prison terms, and more likely that they would be found guilty and sentenced than white people. However, when the researchers we employed went back to dig

out the data, they did not find any bias in the people who were inputting it. In other words, there was no deliberate attempt to bias the data; it had all come about because of the unconscious bias which we probably all have buried within us. Therefore, we need to be very careful in this area.

It is a good step forward for Ofcom to set up a group to look at suicide and what it can do to address it—I am pleased to see that. However, I disagree marginally with the noble Baroness. It is not just about profit. One of the problems with the internet is the mental health issues of the people posting the information. We saw this the other day when I referred to the showing of the images given to the unfortunate little girl who took her own life. No one was actually making any money out of it, but they were undoubtedly getting psychological thrills from causing deep pain and harm. This is one of the things we have to address: it is not just about money, and in many cases, this is what happens on the web.

I am no expert on the web—in fact, at home I am a bit of a joke because of my lack of knowledge of how to navigate it—but what I have seen shows me that serious steps need to be taken. As I said in my speech the other night, we have to tackle vigorously the concept of anonymity on the web. There should be a way of tracing what is being posted and who is posting it, so that regulators and, if necessary, the police, can quickly get to the source. I made the point the other night—I will make it again—that the more anonymous a posting can be, the more unacceptable the sentiments in it often are. We are going to have to tackle this question of anonymity.

In my lifetime, I have known three people who ended their lives by committing suicide. None of them were children. For two of the three, it was completely unexpected. The only thing that could be said afterwards—of course, all the inquiry and debate comes afterwards—is that they had felt very isolated in facing up to the problems of their lives. It brought to mind the case, for those noble Lords who remember, of Dr David Kelly, who killed himself. His case was undoubtedly affected by his familial relations and the fact that he did not feel he had the level of support he needed.

The third person I knew who committed suicide suffered from deep mental depression. She was an Oxford graduate so she was not someone at the margin of life. She had a good degree and held a good job but she went into a spiral of depression to a point where, as one of my friends said, “She just won’t be helped, will she?” It was very sad but no one knew what to do. Other than locking her up in a secure room and keeping a watch on her, we probably could not have prevented her suicide. It was something that, I am afraid, a number of us expected to happen but were helpless in trying to prevent—although a number of us did try to prevent it by getting social services and mental health services involved. One of the lessons we must learn is that, for some people, the mental state into which they get is very difficult to help with. It is no good blaming the National Health Service for it. The health service is terribly overstretched and there is a limit to what it can do.

That has been a bit of a diversion on this excellent Bill. My final point concerns the words

“sent or posted with malicious intent”.

It is going to be very difficult to prove that. The definition needs to be tightened up and turned into something more like “sent or posted with apparent malicious intent” because other people have to judge it. It is no good some bright little person sitting there and saying, “Oh, I didn’t realise that anyone would kill themselves because of this. I was just playing around.” This offence probably needs to be tightened a little bit; we are going to have to rely on a certain amount of judge-made law to interpret how “malicious intent” is to be registered and understood.

Having said all that, I welcome the Bill. It is an excellent step forward from a most hard-working Member of this House, with whom I have had a lot to do over the years. We are very lucky that she is here. I wish her Bill well and I am sure that the Minister will do his best to help.

10.53 am

Baroness Blower (Lab): My Lords, I congratulate the noble Baroness, Lady Finlay of Llandaff, on her choice of subject for this Private Member’s Bill and her success in the ballot to bring it before your Lordships today. She has made the case for the Bill clearly so I will add just a few remarks. In so doing, let me say that it is a pleasure to follow the noble Lord, Lord Balfe; I agree with him that this excellent Bill is a good step forward.

The importance of the internet and social media platforms in education is well known and acknowledged. However, what educators must know—they want and need to know this—is that, if they recommend the use of social media platforms, they will not be putting children and young people in harm’s way, in particular because of the algorithms and artificial intelligence in use. We know that many young people and children are living tough lives at present so our role as legislators must be to offer them all possible protections, both in real life and online, on all aspects of social media; of course, that goes for not just young people but adults too.

Earlier this week, along with the noble Baroness, Lady Finlay, and the noble Lord, Lord Balfe, I had the experience of viewing what can only be considered material that obviously promoted self-harm, even suicide. All of us in this Chamber are acquainted with the tragic case of Molly Russell. Her father has described her on many occasions as having shown no signs of mental ill-health, yet she took her own young life after viewing an incredible volume of graphic material promoting self-harm and suicide. Social media platforms require regulation to prevent the volume of material promoting self-harm that is currently so easily accessible and available.

According to the excellent Library briefing, Ofcom has found that 64% of parents are concerned that their children will see content that might encourage them to harm themselves, with this concern highest among the parents of eight to 11 year-olds. We must act. This Bill from the noble Baroness, Lady Finlay, gives us that opportunity. I offer it my full support; I really hope that the Government will support it too.

10.57 am

Baroness Benjamin (LD): My Lords, I support the Bill. I congratulate the noble Baroness on bringing it to the House and on her passionate, common-sense opening speech.

In September 2022, the 3 Dads Walking—Andy Airey, Tim Owen and Mike Palmer—set off from Belfast on their second walk, which was part of a month-long, 600-mile trek between all four parliaments of the UK to raise awareness of suicide prevention across the country. They are only too aware of the influence that the internet can have on vulnerable young people. Their mission to raise awareness started after losing their beautiful daughters, Sophie, Emily and Beth, to suicide.

Before this trek across the country, the 3 Dads had previously walked between their homes, from Cumbria to Manchester to Norfolk. During those walks, they heard stories from so many parents and young people about the influence that the internet had on their loved ones in making that tragic decision to take their own life. To think that those young people could have been encouraged to self-harm, and ultimately take their own lives, through social media and the internet is unforgivable. It is totally unacceptable that vulnerable young people can be encouraged so readily into suicide, can research suicide methodology and can easily access the tools to take their own lives.

Regrettably, this is a story that the 3 Dads have heard many times. I have heard the same tragic tale from both parents and teachers who are involved in counselling children and young people in schools. Social media and internet search engine companies have a duty of care to their users. Positive signposting should be the norm. A search on the internet for suicide or self-harm should result in positive signposting to available help, not to the detail to which many search engines and social media platforms currently direct the user. We have to acknowledge that suicide prevention across society is complex but it is something we need to invest in.

We must not accept that suicide is the biggest killer of the under-35s and do nothing to prevent it, or turn a blind eye to the astonishing fact that over 200 schoolchildren take their own lives every year. What has society come to? There must be education in schools about this issue and about the consequences, and to give young people hope. I hope that the Online Safety Bill, which is now being debated in this House, will also play its part by bringing in legislation to safeguard and protect children and young people. That is so necessary.

This is a generation that has grown up around the internet, and as decision-makers we must do everything in our power to make that environment as safe as possible. I passionately believe that this Bill, together with suicide prevention being taught to kids in school and robust measures in the Online Safety Bill, would be a step in the right direction. Andy, Tim, Mike and I wholeheartedly support this Bill, as it will consider and protect vulnerable young people. Most of all, it will save lives.

11.01 am

Baroness Grey-Thompson (CB): My Lords, I welcome the opportunity to speak in this debate and to support my noble friend Lady Finlay in her work. This is a valuable opportunity to cover some of the issues that cut across this Bill and the Online Safety Bill, and how they complement each other. I spoke on the Online Safety Bill earlier this week and found it an emotional experience, as many in your Lordships' Chamber did, but that shows how important both Bills are. I also thank the Minister, who we all know has had a very busy week.

Social media, at its best, is incredible. It has helped me in my work here. People listening to debates have sent me briefing notes. People have helped me to navigate train cancellations. One night, leaving your Lordships' Chamber very late, I posted that I had missed having anything to eat, and had people offering to bring me pizza at Peers' Entrance, offering me access to their homes to cook me food and, when I got back to where I was staying at the time, someone had left a cheese sandwich outside my door. It was truly lovely.

However, we are a very long way away from when social media seemed to be about posting pictures of cute cats. Now, sadly, it has become a very dark place, where images, push notifications and disturbing content can be found all too easily. It circles back around very quickly as well. For all the good and bad that it can bring, it does sometimes feel that we are shouting into a void, where perceptions and misconceptions can be validated by someone, sometimes many times. As I stated earlier in the week, I do not want to stifle free speech on social media. I follow people whom I strongly disagree with, but it is important to be able to sense check your views. However, we must now look at drawing a line in the sand. The powerful speeches that we heard this week about the dangers that exist, and the tragic case of Molly Russell, bring into stark reality that we must do more than we are currently doing.

What we saw at the meeting organised by my noble friend Lady Kidron was graphic and appalling. We know that social media can be a rabbit hole, and never more so than when we were in lockdown, with daily routines completely upended. On the back of the pandemic and lockdown, we are seeing the long-term impact on mental health and well-being. This needs to be considered. It is not surprising that so many people had suicidal thoughts. We must find positive solutions to deal with this.

I briefly mentioned on the Online Safety Bill that the triple lock is not enough. I did not discuss legal but harmful. I do not think that we should have one rule for what is illegal in the real world and one for what is illegal online. One of the challenges is that some people are finding it harder and harder to differentiate between the two, especially as the technology develops that blurs those lines. However, away from the internet and in real life, the ability to access potentially damaging information is very different. In real life, you do not have constant push notifications or algorithms thrusting this data at you. Therefore, we must explore this further through both Bills.

I thank Samaritans for its briefing on this Bill, which has been extremely useful, and mention the Swansea University research, which shows that three-quarters of the people who harmed themselves did so more severely after viewing self-harm online. To end on a more positive note, it was wonderful this week to hear so many noble Lords talk about this not being a party-political issue. It is not. In that spirit, we should take all the good from this Bill and work with the Online Safety Bill to really protect internet users.

11.05 am

Baroness Berridge (Con): My Lords, I too am very grateful to the noble Baroness, Lady Finlay, for introducing this Private Member's Bill, which supplements the lengthy Online Safety Bill that your Lordships' House discussed earlier this week. That Bill would set up Ofcom as an online safety regulator.

At first, I thought that this Bill was "getting on the front foot" legislation, but it is more aptly "keeping us on the front foot" legislation, when arguably we have been on the back foot for so long. It is not about censoring content before it is online but about ensuring that Ofcom is keeping the Government, Parliament and the public up to date with what is happening online in terms of self-harm and suicide content.

The Bill would ensure that the Government get both advice on the effectiveness of regulations and recommendations from Ofcom. Importantly, it would ensure that we do not get into a stop-start pattern of reviews when we have cases of self-harm and suicide. Reviews are often triggered only by a terrible tragedy and the comments of the coroner. That puts real pressure on a family and puts them through additional pain. If the Government knew that Ofcom had this role of recommendation and monitoring content, then it would be the body that they would go to and there would be a regular pattern of reporting to government. We know that the internet and technology are always developing, so we need a vehicle to keep us abreast of this.

When we legislate, I always look for precedent and analogy. This role for Ofcom would be akin to the role that the Advisory Council on the Misuse of Drugs has in relation to the Home Office. That council keeps under review the situation of drugs which appear to be being misused. We saw it respond nimbly to the swift development of legal highs by establishing the novel psychoactive substances committee. In that context, the Government cannot wait for legislation or statutory instruments to deal with these fast-changing chemical developments. The body proposed in the Bill would enable us, to some extent, to keep pace with developments on the internet.

I understand that His Majesty's Government have committed to introducing an additional offence of encouraging and assisting self-harm. When it comes to the notices and penalties under the Online Safety Bill, obviously some firms will have our best lawyers looking at cases. I am not in that category, but might there be arguments about whether self-harm, with "self" meaning "the human person", would cover content that uses humanoids? It could be argued that they are not too much like human beings at the

moment, so putting that kind of content online could not possibly encourage someone to self-harm. However, as they and the evidence on our human response to seeing humanoids through our phones develop, they might be found to encourage self-harm. It is on that kind of development and the evidence behind it that we need recommendations as to whether we should change what the Online Safety Bill covers.

It would also be useful to monitor this content because it will ensure that Ofcom reports to us on what content it feels is within the Online Safety Bill and what content it has decided is outside it. Ofcom may come to us with more recommendations for the Government to consider whether that content should be brought from beyond the Online Safety Bill and into its coverage. However, only if we see this monitoring by Ofcom, as suggested in this Bill, can the Government and Parliament be properly equipped to achieve His Majesty's Government's intention of making Britain the safest place to be online in the world.

11.09 am

Baroness Smith of Newnham (LD): My Lords, first I will apologise for being late to this debate—five seconds, according to the annunciator. AI assisted me in getting here, because my Fitbit is synced to my phone and there was a message from the Whips saying, “Get in here fast”, so I got here as quickly as I could. Clearly, the previous Private Member's Bill moved rather swiftly. This one is very important, as are all Private Members' Bills, and it necessitates a lot of reflection.

This morning, I would like to take noble Lords back to an earlier era, long before the internet. From looking around the Chamber, I think most but not all noble Lords remember life before the internet.

I want to tell your Lordships a story about Eileen. Eileen was 11 when her father died, and she was very close to her father. She was 17 when her eldest sister died; it was a sudden and unfortunate death, and Eileen descended into difficulties with mental health and anorexia. The anorexia persisted from the age of 17 until she was 40. She married and had a child, so she managed to function, but, at some point, the daughter came home to find that her mother had been taken to hospital with an overdose. It was never clear to the daughter whether the overdose was intentional or not. Her mother survived and, at that point, got appropriate treatment.

Fast forward almost 40 years. When the mother was lying on her deathbed with COPD, caused by chronic smoking and addiction, she apologised to the daughter, and by extension to her ex-husband, for the difficulties that she had put her family through. She said, “I knew I wasn't going mad, but I felt as if I was going mad. The only way I could cope, until I saw a psychiatrist who knew how to help me, was by waiting, counting the minutes until I could have my next cigarette.” In those days, there was no internet, just television and film advertisements for the tobacco industry, which was legal but clearly harmful. This is about addiction.

If Eileen had been born in the age of the internet, she would not have been waiting for the next cigarette, which she would light herself. She would have been impacted by internet sites and algorithms because, as

soon as she started seeing things on the internet, there would be a push factor. You need to look at only one internet site for the algorithms to kick in.

Before the debate, I looked at academic research on eating disorders and the internet. I randomly clicked on a report from 2012. The author, Dr Emma Bond from the then University Campus Suffolk—which is not a campus I had heard of—produced a report funded by the Nominet Trust that looked at only 126 websites that are pro-ED and pro-ana. “Pro-ana” internet sites support anorexia. They do not support victims of anorexia or purport to help young people who have anorexia; they glorify anorexia and eating disorders. That was a study into 126 websites 10 years ago, but that was not the sum total of relevant websites; these were only the websites that did not have passwords or were not in the dark web. These were easily available, open-source internet sites.

We have all heard of Molly Russell and the cases that my noble friend Lady Benjamin referred to earlier. The internet can be a source of good or it can be a source of real difficulty for people—those who are most vulnerable or are at risk of addiction. The algorithms are potentially very dangerous, so it is incredibly important to put this legislation on the statute books. I know from the Library briefing that the noble Baroness, Lady Finlay, has suggested that her Private Member's Bill could also be taken up as an amendment to the Online Safety Bill. If that were possible, it would be welcome. Perhaps the Minister could explain whether the Government are open to such an amendment.

Before I sit down, I should declare the interest that Eileen was my mother.

11.14 am

Lord Clement-Jones (LD): My Lords, I follow a very moving speech from my noble friend Lady Smith. As many noble Lords have, I welcome this valuable chance to follow up on some of the issues that were raised at the Second Reading of the Online Safety Bill this week. I thank the noble Baroness, Lady Finlay, for the excellent and comprehensive introduction to her Bill and other noble Lords who have shared the concerns and supported the Bill so eloquently.

As many have said, the scale of the issue is clear. Ian Russell, who attended every minute of the Second Reading debate on Wednesday, has the admiration of the House. There were many references to him in the debate, and his testimony is damning and shocking. Many noble Lords who are in the Chamber now or were here on Wednesday were there for his presentation of the thousands of posts that were made to his daughter Molly, before her death, which encouraged self-harm and suicide. Many who have been involved in online safety since the Green Paper and before were shocked. Even those who had been inured to issues of the internet were utterly shocked by the sheer scale of the messaging—thousands and thousands across every platform to which Molly had access.

So I welcome the promise of a new offence but, as mentioned by the noble Baroness, Lady Berridge, and by my noble friend Lady Smith in relation to eating disorders, under the Online Safety Bill, only content that is illegal will be properly caught when this is

[LORD CLEMENT-JONES] applied to adults. As has been pointed out by a number of noble Lords, particularly the noble Baroness, Lady Finlay, there is a cliff edge between childhood and adulthood, and we are going to treat 18 year-olds as adults from the day they turn 18. That cannot be right in these circumstances, without involving further risk assessments, protection and monitoring—which this Bill would provide. This is as a result of some very recent changes to the Online Safety Bill. As the noble Baroness, Lady Finlay, our briefing and the Samaritans' briefing cogently describe, basically it is as a result of deleting the duty to have a risk assessment of legal but harmful content. The Online Safety Bill has been watered down; there is no doubt about that.

The proposals of the noble Baroness, Lady Finlay, are modest. I hope she also tables them as an amendment to the Online Safety Bill in Committee. As the Minister and his department have heard very eloquently from the noble Lord, Lord Stevenson, and from around the House, this is very much something that we want to get right on a cross-party basis. I hope that they take on board the proposals in this Bill, having heard the voices on Wednesday and from around the House today.

In essence, the Bill gives Ofcom a duty to devote resource—and my noble friend Lady Benjamin quite rightly talked about investment—as, under the current form of the Online Safety Bill, it would not have a duty to monitor this kind of content and advise on the effectiveness of current regulation and what needs changing in light of the harm being caused.

In the light of the evidence we have heard and the fact that in the Bill, as it currently stands, there is not even the duty of risk assessment for category 1 content of this kind, this seems the bare minimum that the Government can agree to. This is an effective way of future-proofing the Bill, which, as we heard today and on Wednesday, is absolutely necessary. We cannot keep playing catch-up with the technology and the harms that it can create. I will resist the temptation to digress on the many risks and opportunities that new technology, AI and algorithmic systems can create, but I thought the noble Baroness's closing statement that yesterday's science fiction is here today is absolutely apposite. Our regulation absolutely needs to take account of this, so we on these Benches thoroughly support the noble Baroness's Bill.

11.21 am

Baroness Merron (Lab): My Lords, I am most grateful to all noble Lords who have spoken today for their wisdom and their feeling by bringing into the Chamber the names of those who took their lives. In so doing, we honour their memories and, I hope, strengthen our resolve to do what we can to get this legislation right in considering both the Private Member's Bill today and the Online Safety Bill. I cannot quite find the words, but I wish to acknowledge warmly the particular openness and bravery of the noble Baroness, Lady Smith, in what she said today.

I congratulate the noble Baroness, Lady Finlay, on—as ever—bringing a valuable focus and a very practical approach to our deliberations in this area. We could

say that it is overdue or very timely. I will go with very timely, bearing in mind that we have rightly given very detailed consideration to the Online Safety Bill this week on Second Reading.

Perhaps I can give some additional context, which it is important to reflect on. Suicide is the leading cause of death in males over 50 years old and females under 35 years old. More than 5,500 people in England and Wales tragically took their lives in 2021. These figures show the largest increase in suicide for females under 24 since records began. Self-harm, a strong risk factor for future suicide, has also increased among young people since 2000 and is more common among young people than any other age group. It is important to acknowledge that the impact of suicide is not just on those who tragically take their own lives but courses through the lives and well-being of many communities and those who knew, loved and cared for those people, who felt they had only one tragic option before them.

As we have heard today, the internet can be an invaluable space for individuals who experience self-harm and suicidal feelings. It provides opportunities for users to speak openly and access support, but it can also provide access to content that will act to encourage, maintain or exacerbate self-harm or suicide. As the noble Baroness, Lady Benjamin, said, although the reasons for suicide and self-harm are complex, and they are rarely caused by one thing, it is a fact that, in many cases, the internet is involved. I, too, am grateful to the Samaritans, whose research showed that at least one-quarter of those who self-harmed with high suicidal intent had used the internet in connection with their self-harm.

As my noble friend Lady Blower said, social media platforms are sources of learning, advice and support for their users, particularly young people and children, and are to be valued for that very purpose, but we have heard today, rightly repeatedly, about the case of Molly Russell, who killed herself at the age of 14 having viewed graphic images of self-harm and suicide on a social media platform. We need to reflect that the coroner ruled that the content that Molly had viewed related to depression, self-harm and suicide, and it had contributed to her death in more than a minimal way. As the noble Lord, Lord Clement-Jones, has just reminded us, many noble Lords attended the meeting this week at which we were honoured, if that is the right word, to have Molly's father join us in our deliberations on the Online Safety Bill. At that meeting, which was also attended by the family's solicitor, the images that were shown were shocking in their scale and effect, and I know that many noble Lords remain deeply impacted by them.

Research from Ofcom last year showed the extent of the scale that we are dealing with. One-third of children aged between five and seven use social media, and that rises to 97% of young people aged 16 to 17. We need to work not only with young people but with their parents, because many parents are anxious that they are not able to assist and equip their children to deal with the potential harms of social media. The Private Member's Bill introduced by the noble Baroness,

Lady Finlay, addresses an important point: how do we make online protections work? How do we keep them under review?

It has already been indicated that perhaps the aims of her Private Member's Bill could be achieved through an amendment to the Online Safety Bill, and that in debate on the Online Safety Bill the Minister gave a number of assurances, including that material encouraging or assisting suicide would be one of the priority offences, which means that, in practice, all in-scope platforms will have to remove this material quickly and will not be allowed to promote it in their algorithms. In all of this, of course, the devil is in the detail, as we know, and the noble Baroness's Bill focuses our minds.

As I come to my closing remarks, I emphasise the point, which we have heard many times, that the creation of an offence of sending a communication that encourages self-harm is to be welcomed. However, as the Samaritans have pointed out, all such content needs to be regulated across all platforms for all users. Also, to use the words of the noble Baroness, Lady Finlay, turning 18 is a cliff edge at present and one that we do not want to keep, because turning 18 does not stop people being vulnerable to suicide or self-harm content.

Given this week's lengthy debate, which was extremely welcome and well informed, the points in the Bill before us and what can be done in the Online Safety Bill, I hope that the Minister will give the assurance that any amendments that deal with the points before us today will come forward as soon as possible. We are keen to see those working texts. I am sure he will meet those who have a concern in this area.

I also ask the Minister to give your Lordships' House full assurance that adults as well as children will be protected from dangerous suicide and self-harm content, and that it will not just be left to adults to deal with it themselves. In making that point, I once again emphasise the need for the Online Safety Bill to allow for proper media literacy so that adults and children are fully equipped. I look forward to hearing the Minister's response.

11.30 am

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, I am very grateful to the noble Baroness, Lady Finlay of Llandaff, for bringing forward her Bill, and to all noble Lords who have taken part in our debate, most particularly the noble Baroness, Lady Smith of Newnham, whose powerful, brave and personal words moved us all but also underlined the importance for so many families of the topic we are discussing today. The Government fully understand just how devastating these harms are, both to children and to adults, and the effect that those harms have on their families and friends, as well as the role that social media platforms and search engines can play in exacerbating them.

As the noble Baroness, Lady Finlay, outlined, her Bill was due to be read a second time the day after the death of Her late Majesty the Queen. That very sad reason for delay has meant that we are able to look at it alongside the Online Safety Bill, now before your

Lordships' House, which is helpful. I will endeavour to explain why the Government think that Bill deals with many of the issues raised, while keeping an open mind, as I said at its Second Reading on Wednesday, on suggestions for how it could do so more effectively.

I will first address the scope and intentions of the Online Safety Bill, particularly how it protects adults and children from horrific content such as this. As I outlined in our debate on Wednesday, the Online Safety Bill offers adult users a triple shield of protection, striking a balance between forcing platforms to be transparent about their actions and empowering adult users with tools to manage their experience online.

The first part of the shield requires all companies in scope of the Bill to tackle criminal activity online when it is flagged to them. They will have duties proactively to tackle priority illegal content and will need to prevent their services being used to facilitate the priority offences listed in the Bill, which include encouraging or assisting suicide.

The second part of the shield requires the largest user-to-user platforms, category 1 services under the Bill, to ensure that any terms of service they set are properly enforced. For instance, if a major social media platform says in its terms of service that it does not allow harmful suicide content, it must adhere to that. I will address this in greater detail in a moment, but Ofcom will have the power to hold platforms to their terms and conditions, which will help to create a safer, more transparent environment for all.

The third part of the shield requires category 1 services to provide adults with tools either to reduce the likelihood of encountering certain categories of content, if they so choose, or to alert them to the nature of that content. That includes content that encourages, promotes or provides instruction for suicide, self-harm or eating disorders. People will also have the ability to filter out content from unverified accounts, if they wish. That will give them the power to address the concern raised by my noble friend Lord Balfe about anonymous accounts. If anonymous accounts are pushing illegal content, the police already have powers through the Investigatory Powers Act to access communications data to bring the people behind that to book.

Through our triple shield, adult users will be empowered to make more informed choices about the services they use and have greater control over whom and what they engage with online.

As noble Lords know, child safety is a crucial component of the Online Safety Bill, and protecting children from harm remains our priority. As well as protecting children from illegal material, such as intentional encouragement of or assistance in suicide, all in-scope services likely to be accessed by children will be required to assess the risks to children on their service, and to provide safety measures to protect them from age-inappropriate and harmful content. This includes content promoting suicide, eating disorders and self-harm that does not meet a criminal threshold, as well as harmful behaviour such as cyberbullying.

Providers will also be required to consider, as part of their risk assessments, how functions such as algorithms could affect children's exposure to illegal and other

[LORD PARKINSON OF WHITLEY BAY]

harmful content on their service. They must take steps to mitigate and manage any risks. Finally, providers may need to use age-assurance measures to identify the age of their users, to meet the child safety duties and to enforce age restrictions on their service.

A number of noble Lords talked about algorithms, so I will say a little more about that, repeating what I outlined on Wednesday. Under the Online Safety Bill, companies will need to take steps to mitigate the harm associated with their algorithms. That includes ensuring that algorithms do not promote illegal content, ensuring that predictive searches do not drive children towards harmful content and signposting children who search for harmful content towards resources and support.

Ofcom will also be given a range of powers to help it assess whether companies are fulfilling their duties in relation to algorithms. It will have powers to require information from companies about the operation of their algorithms, to interview employees, to require regulated service providers to undergo a skilled persons report, and to require audits of companies' systems and processes. It will also have the power to inspect premises and access data and equipment, so the Bill is indeed looking at the harmful effects of algorithms.

Moreover, I am pleased that many of the ambitions that lie behind the noble Baroness's Bill will be achieved through a new communications offence that will capture the intentional encouragement and assistance of self-harm, as noble Lords have highlighted today. That new offence will apply to all victims, adults as well as children, and is an important step forward in tackling such abhorrent content. The Government are considering how that offence should be drafted. We are working with colleagues at the Ministry of Justice and taking into account views expressed by the Law Commission. As I said on Wednesday, our door remains open and I am keen to discuss this with noble Lords from all parties and none to ensure we get this right. We look forward to further conversations with noble Lords between now and Committee.

Finally, I want briefly to mention how in our view the aims of the noble Baroness's Bill risk duplicating some of the work the Government are taking forward in these areas. The Bill proposes requiring Ofcom to establish a unit to advise the Secretary of State on the use of user-to-user platforms and search engines to encourage and assist serious self-harm and activities associated with the risk of suicide. The unit's advice would focus on the extent of harmful content, the effectiveness of current regulation and potential changes in regulation to help prevent these harms. The noble Baroness is right to raise the issue, and I think her Bill is intended to complement the Online Safety Bill regime to ensure that it remains responsive to the way in which specific harms develop over time.

On Wednesday we heard from my noble friend Lord Sarfraz about some of the emerging threats, but I hope I have reassured the noble Baroness and other noble Lords that suicide and self-harm content will be robustly covered by the regime that the Online Safety Bill sets up. It is up to Ofcom to determine how best to employ its resources to combat these harms effectively and swiftly. For instance, under the Online Safety Bill,

Ofcom is required to build and maintain an in-depth understanding of the risks posed by in-scope services, meaning that the regime the Bill brings forward will remain responsive to the ways in which harms manifest themselves both online and offline, such as in cases of cyberstalking or cyberbullying.

The Government believe that Ofcom as the regulator is best placed to hold providers accountable and to respond to any failings in adhering to their codes of practice. It has the expertise to regulate and enforce the Online Safety Bill's provisions and to implement the findings of its own research. Its work as the regulator will also consider evidence from experts across the sector, such as Samaritans, which has rightly been named a number of times today and kindly wrote to me ahead of this debate and our debate on the Online Safety Bill. We therefore think that this work covers the same ground as the advisory function of the unit proposed in the noble Baroness's Bill, and I hope this has reassured her that the area that she highlights through it is indeed being looked at in the Government's Bill.

That is why the Government believe that the Online Safety Bill now before your Lordships' House represents the strong action that we need to prevent the encouragement or assistance of self-harm, suicide and related acts online, and why we think it achieves the same objectives as the noble Baroness's Bill. It is further strengthened, as I say, by the new stand-alone offence that we are bringing forward which addresses communications that intentionally encourage or assist self-harm, about which I am happy to speak to noble Lords.

I am glad we have had the opportunity today, between Second Reading and Committee of that Bill, to look at this issue in detail, and I know we will continue to do so, both inside and outside the Chamber. For the reasons I have given, though, we cannot support the noble Baroness's Private Member's Bill today.

11.41 am

Baroness Finlay of Llandaff (CB): My Lords, I am extremely grateful to everyone who has spoken today. I am most grateful to the Minister for stressing that he is keeping an open mind and has an open door. Of course, a Private Member's Bill should not conflict in any way with a really major piece of legislation. It has been clear that we all want the same thing: we want to make things safer, not less safe.

I am particularly grateful to the noble Baroness, Lady Smith of Newnham, for having shared with us the real issue of addiction that is behind so many of the behaviours that become harmful and the behaviours that capture people in extremely destructive behaviour. It is that addiction cycling the brain, born out of childhood trauma, that she illustrated to us so powerfully.

I am also grateful to all who have paid tribute to the parents who, in their pain, have had the courage to say, "We must do something." They have been named in this Chamber.

The noble Baroness, Lady Blower, with her extensive awareness of education, has rightly highlighted how it is actually the young who move forward. The noble

Baroness, Lady Merron, has pointed out that the data does not stop at 18; the tragedies carry on. As has also been pointed out by the noble Baroness, Lady Benjamin, it is students who kill themselves as well. Every university dreads the phone call that one of its students has killed themselves, and every university dreads discovering what it had missed in the antecedence to that disaster.

My noble friend Lady Grey-Thompson pointed out the important work that has come out of Swansea showing how viewing content really escalates the desire to self-harm; it is that hooking in that comes in. I am grateful to the noble Lord, Lord Balfe, for suggesting the wording of “apparent malicious content”, because of course there are people out there of malintent, and they will always make some nice wriggly excuse as to why what they are doing is not really harming anyone else.

Before I came into this debate, I had a call with my noble friend Lady Kidron about what is emerging about the metaverse. It is beyond anything that any of us have imagined; it is unbelievably harmful. As the noble Lord, Lord Clement-Jones, said, we must not be playing catch-up. It is the metaverse that will present the greatest threat, because it plays on mental distortion to expand it, and that increases the mental harms to everyone.

I am really grateful that we had this debate today, and I think it was timely that it came in between Second Reading and Committee on the Online Safety Bill. I assure the Minister that I and my noble friends within this Chamber on all Benches will be beating a path to his open door. I do not think he is going to be able to close it, and in fact he will not be able to lock it because we will just break it down. We need to move this forward and get it right. I beg to move.

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

Education (Non-religious Philosophical Convictions) Bill [HL] *Second Reading*

11.46 am

Moved by Baroness Burt of Solihull

That the Bill be now read a second time.

Baroness Burt of Solihull (LD): My Lords, I am delighted to see so many noble Lords here today. Last business on a Friday is hardly a propitious time to start a Second Reading, and I know even more noble Lords would have been here had it not been for the rail strike. I thank everyone who has managed to get in and turn up today—I presume that most will be giving their support to the Bill. Indeed, its predecessor, which I introduced last year, which aimed to introduce inclusive school assemblies, received the support of your Lordships’ House and went on to the next stage in the Commons, where unfortunately it ran out of time before it could progress further.

I believe that noble Lords appreciate the vital importance of education in developing an individual who is able to understand that, in this diverse society

that we live in, other views exist and can be valid. There is room for everyone to have a view, and the more that we know about how other people think, the more we can appreciate how we can all fit into an inclusive and tolerant society.

I shall explain the reason for the title of the Bill, which I have to admit is a bit of a gobful. The term “philosophical conviction” is found in case law in the European Convention on Human Rights, which noble Lords will know that the UK is signed up to. The convention states that the education and teaching of children must be in line with their parents’ “own religious and philosophical convictions”.

Therefore, when teaching religious education, non-religious philosophical convictions or views must be given equal respect to religious views. Those non-religious views are termed “worldviews”, and the Bill would rename the subject “religious education” as “religion and worldviews”, or RW for short.

Why is it necessary to include worldviews in the syllabus? Because the British Social Attitudes survey consistently shows that half of British adults, and two-thirds of 18 to 24 year-olds, say they belong to no religion. Around half of non-religious people have beliefs and values that match the humanist outlook on life: crudely summarised, that means living their lives in the here and now because they believe it is the only life we have.

In terms of the law, the Bill would ensure that statute kept pace with case law. The 2015 judgment of *Fox vs Secretary of State for Education*, a case taken under Article 9 of the convention and Article 2 of the first protocol, stated:

“The State must accord equal respect to different religious convictions, and to non-religious beliefs: it is not entitled to discriminate between religions and beliefs on a qualitative basis: its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents’ convictions.”

This approach is supported by the subject association for RE, the Religious Education Council of England and Wales. It is also in line with the recent commission on RE, chaired by the then Dean of Westminster. The commission recommended that the subject be renamed religion and worldviews, and this has been RE council policy since 2018. Wales has already led the way and reformed its curriculum to match case law.

However, I can assure the Lords Spiritual Benches and all noble Lords of faith that faith schools’ right to teach faith-based religion will be untouched. Voluntary-aided faith schools and academies which were previously voluntary-aided schools will still be able to teach RE in line with the particular faith of the school and, just as now, parents will be able to request the locally agreed syllabus as an alternative. The remaining two-thirds of schools, which do not have a religious character, will be able, as now, to get their agreed syllabus from their local council or, in the case of academies, devise their own. RW will replace RE, as currently set out in the agreed syllabus conferences, which will be reformed to also include representatives of non-religious worldviews.

The way that the state school system has evolved over many years has meant a great deal of legislation has to be amended in this Bill, leading to a relatively long Bill but with a straightforward, clear message

[BARONESS BURT OF SOLIHULL]
throughout. Where RW is taught in schools of a non-religious nature, it will cover religions as before: impartially. All religions and beliefs will be afforded equal respect, grounded on the principles found in common law and respecting the fact that religious traditions in Great Britain are, in the main, Christian.

Finally, noble Lords may remember an amendment tabled by the noble Baroness, Lady Meacher, who I see is in her place, to the Government's Schools Bill, which would have introduced RW to academies. The Minister responding, the noble Baroness, Lady Penn, pointed out that the change was unnecessary because schools are already able to teach RW. However, being able to do something and being required to do it are not the same thing. Too many schools, and too many locally agreed syllabuses, still fail to afford equal respect to non-religious worldviews. These schools are going against the judgment in the Fox case and the consensus of the subject community. But who can blame them, when the current statutory position is unclear on this point and they are expected to follow a non-inclusive locally agreed syllabus?

The law needs changing, otherwise the Government need to be able to justify why they think that the beliefs of half the adults and two-thirds of the young people of this country should be disregarded. I beg to move.

11.53 am

Lord Griffiths of Burry Port (Lab): My Lords, it is a privilege to take part in this debate and I am grateful to the noble Baroness for giving us this opportunity to do so now. I say also, with an extraterritorial hint, how appropriate it is to be debating this while there are schoolchildren present in the Public Gallery. That adds lustre to the whole occasion.

I have opted to speak in this debate largely because, first, such progress was made the last time an attempt was made, and it was just time that was lacking. This attempt to resurrect what has already been before us is therefore welcome. Secondly, since the Commission on Religious Education produced its report in 2018, it seems sad that the Government have not felt that it was timely yet to respond—although, as the noble Baroness has properly said, in Wales there were no such constraints. The matter has been on the statute book for some time and I cannot think, coming as I do from nonconformist Christian Wales, that anything has imploded yet. We are moving in the right direction.

Perhaps I may express a potentially conflictual interest: I was once president of the Methodist Conference, and therefore a national religious leader. That ought to be brought into play as people estimate and evaluate what my intervention is all about.

I wholeheartedly approve of this very clear and logical Bill. I hope that it gets the kind of support that it deserves. For too long, we have pussyfooted around on this and I hope we can be clear in our judgment today. However, I do not want it to be thought that this is a mere defensive ploy on my part: namely, that because we have enjoyed privileges and suchlike in the past, and recognising that things are in decline now, we want to make the most of that—to manage the

decline, if you like—or that we will make such concessions as we have to, to slow the process down as much as we can. In case anybody thinks so, that is not my motivation at all.

Let me remind those who have read a book or two of a statement that was made in 1644. “I cannot praise”, said the author,

“a ... cloistered virtue unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race where that immortal garland is to be run for, not without dust and heat.”

That is from the *Areopagitica*, written by John Milton, in 1644. I bring that into my remarks to say that it is about time that we Christians put our faith out into the marketplace, where it can hold its own or not according to the interplay of forces and realities that exist in the real world that we live in. I relish the thought of being a Christian in such a world where openness, transparency and fearlessness exist.

I wanted to make it clear that, although a religious leader, I speak at this moment for myself—I might have some interesting exchanges on the floor of the annual Methodist Conference about this, and I will be happy enough about that—and it was for that reason that I quoted John Milton, not just for the quotation but because he was a great humanist. Six years before the *Areopagitica*, he went on a European tour as a young man, with the sole objective of meeting all the humanist thinkers in Europe. He started in Paris and went off to Italy—Sicily, Rome, Florence and Venice. He met Galileo in Florence and was lionised by Europe; I wish there were more British people lionised by Europe in our day. For all that, he was a humanist because Christianity itself should understand that, beyond the faith it adheres to, which gives Christians their sense of values, lies a common human cause to which everybody belongs and aspires to represent.

It is in that sense that I have joined the British Humanist Association because, like others in that association, I believe that the flourishing of humanity is what we all aim at. If I may therefore express just a tiny regret in closing: I long to see the British Humanist Association move from defining itself as anti-religious to being a force for good with others who collaborate, whether they are religious or not, in building a better world for our children and our children's children.

11.59 am

The Lord Bishop of Southwark: My Lords, I speak in this debate feeling somewhat like an officer of the Salvation Army commending temperance to a conference of brewers. None the less, while I believe that the noble Baroness, Lady Burt of Solihull, has made some important points introducing this Bill and I am grateful for them, I want to make some general points to gently demonstrate why this proposed measure for RE in schools without a religious character is unnecessary. I am glad to follow the noble Lord, Lord Griffiths of Burry Port, although my view is somewhat different on this occasion from his wisdom and I have no immediate plans to join the British Humanist Association.

First, I stress the value of what remains of religious education within our schools. While the outcomes of education remain a contested area of debate in society,

the purpose of education and what it does to us receives much less attention. Too much is assumed in that regard, and that partly informs this Bill. My belief is that human flourishing happens in body, mind and spirit and that education engages us in each of these aspects, which need to be held together holistically.

Religious inheritance in this country is primarily Christian, although I am not sure that the statistics take account of those who have very strong convictions of other faiths. It has shaped our culture, language and built environment. Even the shape of our present secularism bears the marks of an earlier Christian humanism and the Protestant Reformation. While that is the case, the whole framework of our education system, including that which the Bill calls a “worldview”, is the product of the European enlightenment. Consequently, what the noble Baroness seeks in this Bill in terms of a non-religious worldview is represented and imbedded already across the curriculum, from arts and social sciences to the sciences themselves. It is taught, imbibed and breathed in and out virtually every minute of every school day.

I am not seeking to decry the value of philosophy, not least the maxims of how to live a good life, nor do I demean humanism and the emphasis on individual and societal potential. Some of its greatest exponents were the Christian humanists of the 15th and 16th centuries, such as Pope Nicholas V and Desiderius Erasmus. But the heirs of Spinoza and Rousseau neither understand nor support the role of religion in public life. This is a failure of imagination and spirit, as it is of the intellect. As the Hungarian economist and philosopher of science Michael Polanyi demonstrated, no framework of human endeavour or education is value-free—even the scientific method. For him all knowledge is personal and involves a moral commitment. Polanyi insisted that, for example, Copernicus arrived at the earth’s relation to the sun not as a consequence of following a method but via

“the greater intellectual satisfaction he derived from the celestial panorama as seen from the Sun instead of the Earth”.

Religious sensibility acknowledges the spiritual dimension of life in very particular ways. It does so through the inheritance of centuries and the lived experience of the human race. In the three Abrahamic faiths, it rests on claims of historic revelation. This feeding of the whole person is now restricted to a very small part of any programme of education. The Bill risks assaulting its identity by adding explicit principles evident throughout the rest of the educational curriculum. Whether or not this is intentional, it should be resisted.

12.04 pm

Baroness Brinton (LD) [V]: My Lords, it is an honour to follow the noble Lord, Lord Griffiths of Burry Port, and the right reverend Prelate the Bishop of Southwark, both of whom gave us very thoughtful contributions. The noble Lord articulated that his view is not defensive; I agree. His quoting from Milton’s *Areopagitica* and noting Milton’s passionate humanism has made my day. The right reverend Prelate believes that this Bill should not be necessary. While I respect his views, my view is that the current arrangements under legislation are not providing our children with a sure footing in understanding religions and worldviews.

I thank my noble friend Lady Burt of Solihull for presenting this Private Member’s Bill, which highlights a problem in the legislation for the teaching of religion and beliefs. The Bill sets out how to ensure the teaching of religion and worldviews in a 21st century which is very different to the early 1990s, when SACREs were set up and were designed to allow for councils to develop RE syllabuses suitable for their local areas. While this is not formally an interest, I was the portfolio holder for education and libraries on Cambridgeshire County Council from 1993 to 1997 and chaired the Cambridgeshire SACRE syllabus writing group at the same time.

The Government’s non-statutory guidance on religious education in English schools 2010 says on page 23 that:

“Pupils should have the opportunity to learn that there are those who do not hold religious beliefs and have their own philosophical perspectives, and subject matter should facilitate integration and promotion of shared values.”

The RE Council, under the headline “Why RE Matters”, sums up well why children need to learn about faith and belief:

“The ability to understand the faith or belief of individuals and communities, and how these may shape their culture and behaviour, is an invaluable asset for children in modern day Britain. Explaining religious and non-religious worldviews in an academic way allows young people to engage with the complexities of belief, avoid stereotyping and contribute to an informed debate.”

That seems right. Education does not restrict or limit the view of a child’s own faith or belief but sets it in the context of their world, which in the early years might be just that of their class, school or local area.

In preparation for today, I looked at some contrasting opening statements of two local SACREs. Unsurprisingly, I returned to the Cambridgeshire one as I was familiar with it. The 2018 Cambridgeshire SACRE says of its “Aims and purpose”:

“to acquire and develop knowledge and understanding of Christianity and the other principal religions and world views represented in the United Kingdom ... to develop attitudes of respect towards other people who hold views and beliefs different from their own ... to develop the ability to make reasoned and informed judgements about religious issues, with reference to the principal religions and world views represented locally and in the United Kingdom.”

In contrast, the SACRE for the Royal Borough of Kensington and Chelsea and the City of Westminster, which is an amended version of the agreed syllabus of Hampshire, Portsmouth, Southampton and the Isle of Wight published in 2016, says about the purpose of religious education:

“Living Difference III seeks to introduce children and young people to what a religious way of looking at and existing in the world may offer in leading one’s life, individually and collectively”.

If you read the full syllabus, you will see that the teaching of faiths other than Christianity and humanism are included but the emphasis is very much on Christianity being the principal focus. Indeed, this SACRE also has to agree to any head teacher wanting to do collective worship not Christian in nature. You might think that I, as a Christian, would be happy with that. But my concern is that all children in our country need to understand the faiths and beliefs of those around us, including worldviews. This does not diminish the experience that each pupil has in their own life, home and family, but will enhance it.

[BARONESS BRINTON]

Last month, we marked International Holocaust Memorial Day with a moving debate in your Lordships' House, remembering how man's hatred can result in the murder of millions. This year, the special focus was on the role of ordinary people then and now. We live in a polarised society, with the curse of social media, as we heard in the previous debate. If those who disagree cut out thinking about the views of those whom they do not like or agree with, that is a problem.

Religious views and worldviews can be taught to all pupils in a structured and supported way by our excellent teachers, who know their pupils and can foster and develop knowledge and understanding as part of the core curriculum. My noble friend Lady Burt quoted from the 2015 R (Fox) v Secretary of State for Education judgment. She is right that our current legislation and guidance need to be updated to include all state-funded schools. The Bill starts us along that road, and I hope that the Government will consider it carefully because, in today's society, our children need it.

12.10 pm

Baroness Bakewell (Lab): My Lords, I thank the noble Baroness, Lady Burt, for introducing the Bill, which I support wholeheartedly, in the belief that it is important for our society, our democracy and the moral underpinning of all that we think and do. As one of the co-chairs of the Humanist All-Party Group, I am aware of how strong the feeling is, across both Houses of Parliament, that this is a time for change.

Like other legal strides throughout our history, it is long overdue, and, like those important reforms, it comes after actual changes have come into play. Think of the past—children up chimneys, safety in mines and votes for women—when reform was already in the air, discussed, shared and agreed before the actual legislation made it a reality. Now is the time for legislation about what and how we teach children to become a reality.

The acceptance of Christianity as the overwhelming belief of most citizens of this country has long been in decline. In 1851, over 150 years ago, the great Victorian intellectual Matthew Arnold wrote, in his famous poem "Dover Beach", of the retreat of what he called the "Sea of Faith". He spoke of

"Its melancholy, long, withdrawing roar,
Retreating, to the breath
Of the night-wind".

It is a much-anthologised poem, and generations have grown up sharing its recognition that the Christian faith is not the held belief of the majority of today's citizens. That is not to deny, in any way, its value for its contemporary believers—members of the established Church of England, the Catholic faith, the Methodists and many others—nor Christianity's historical role in shaping what we think and do. I include myself in that.

But today the majority of people share those moral values without the concurrent supernatural beliefs of virgin birth, an all-powerful God, the resurrection of Christ, the Holy Trinity and life after death. Other established religions—Islam, Hinduism, Sikhism and

others—embody for their members their own similar moral values, but so too do a growing number of humanists: believers in the human spirit and its power alone to shape values, justice and compassion in today's world. Increasing numbers now follow these philosophical convictions that have power and significance without reference to the supernatural.

Younger generations, many of them growing up in non-believing homes, need to know the perspective that endorses moral values for us all, without what are considered the "believing" faiths. Humanists themselves have faith—in the human spirit, the values of human reasoning and the place of logic and evidence in the shaping of human behaviour in our lives today. So why would we deny our children the knowledge of such beliefs and how they are held? They are beliefs held by so many of today's adults. It is time for the law to act on what is already the reality of belief in this country.

12.14 pm

Baroness Uddin (Non-Aff): My Lords, it is a privilege to follow all noble Lords who spoke. I express my gratitude to the noble Baroness, Lady Burt of Solihull, for this opportunity to share my personal early-morning philosophical contemplations, with none of the expertise or eloquence of my noble friend Lord Griffiths. I thank the Library and particularly Nicole Winchester for her late briefing. I also thank those who have taken time to speak to me—they know who they are.

Despite the decline suggested in this Chamber and elsewhere, we live in a country of faith or faiths. When I arrived in the UK, I already had an understanding of only the most basic elements of my faith. My siblings and I were unable to access any religious studies in schools in London at that time—some 50 years ago. Hardly any masjids or mosques existed in the community, and there was no question that religious practice remained within our four walls. The racism experienced by many families was about colour, culture, clothes and a lack of English—even if you spoke good Queen's English, it was not good enough. No one ever shouted, "You're a Muslim" or "You're a Hindu" as a slur.

Views on Islam have fundamentally changed, framing perspectives that have shaped worldviews through the falsified prism of 9/11. It is difficult to compare my experience to that of my children and grandchildren now, albeit that their experience appears to be similar when it comes to religious abuse and discrimination, although this is much more subtle.

Religious education in school is as diverse and varied as the number of schools that exist and the way they are managed, as well as their cultural context and leadership. This is despite countless instances of extreme reporting that one religion or another dominates in certain geographical areas, as though these schools are not under the strictest national curriculum guidelines. The facts speak for themselves, if anyone wants to delve deeper into the realities of students' experience of religious studies, which are generally not fit for purpose.

My 40-year experience of sending children and grandchildren to Church of England schools is that parents of students whose families may be practising

one faith or another experience few interactions on, and have little choice about, how their children are taught religion or religions. I sent my children to a school across the road and, as the years have gone on, I have concluded that many schools appear to have become more inflexible and polarised about teaching other religions in any meaningful way. I cannot imagine that many parents would go into a Church of England school and ask, “Are you teaching my children about Hinduism, Islam or Judaism?”, for example, regardless of how legally agreed the syllabus may be.

I would go as far as to say that only faith schools that are not Church of England schools are more unfavourably scrutinised at the moment. Some faith schools are deliberately depicted in fearful ways, while very little attention is paid to the overall impact of Church of England schools on the experiences of religious education of the high percentage of non-Christian children who attend them. Many faith schools with an emphasis on one faith tend not to provide an adequate standard of teaching of other religions, which must be devastating for children’s mental well-being and their development of confidence in themselves as young minds. The impact of not being recognised, if they come from a family that practises a different religion from that of the majority of other students, must be detrimental to their personal growth and development. Denying a young student an aspect of their identity, such as religion, may impede their education and constrain their understanding of what valuing and respecting others means in their daily experiences in the community.

I cannot prescribe what a good religious education is, but it is my considered view that should religion be taught in a school, it cannot choose one particular religion over another. It has to be within an agreed context that values the faiths of all students in that school. How can that be possible if there are thousands of different schools? I cannot answer that alone. Our school system teaches a national curriculum based on consensus, so why can we not make religious studies more inclusive? The fact remains that religion is taught throughout primary and secondary schools, and we can make significant improvements to the materials that we currently use within set boundaries and with learned teachers who have been taught to respect all faiths of all peoples. I appreciate and acknowledge that those balances are difficult to address, but that is not a good enough rationale not to encourage and promote wider learning of all faiths while respecting pupils from families who do not practise any religion.

For this debate, I spoke to several young people about their experiences, and I will share a small snippet. One of the points made was that discussion of their faith was narrow, with a series of generalised and often inaccurate statements which children are not often able to relate to, empowered to challenge or to ask for clarification on in case they are chastised. Some comments came through about children feeling fearful about challenging their friends and teachers in case they were reported. Young people often feel under pressure to represent the whole of their community even though they themselves may have unanswered questions about their faith. Some feel isolated having to navigate their personal belief in a majority Christian

learning environment. I worry about the gravest impacts of such marginalisation arising from religion being taught without adequate training, knowledge and expertise.

The whole world is in some turmoil or other. Conveniently, in recent contexts, religion has been cited as the reason for many conflicts. Young Muslims in particular are left disenfranchised, experiencing the wrath evident in the perplexing terminologies of fundamentalism as well as the pathetic concept surrounding the long disreputable and Islamophobic application of the so-called Prevent and Channel strategies, which have demonised even young primary school children, who allegedly are under watch if they refer to God too many times or, in secondary school, raise concerns about the Middle East.

England need not look too far for good practice if it is minded to be inclusive in providing religious education. We have distinguished experts and scholars in this very House. Following the 2015 judgment already referred to, the Welsh Government introduced the Curriculum and Assessment (Wales) Act 2021, which ensures that RE is inclusive in those ways in Wales. Our Government are committed to

“promoting respect for human rights, including freedom of religion or belief, and pluralistic and peaceful societies, where all people are ... respected, regardless of religion, ethnicity, gender, disability status or other characteristics”.

I agree wholeheartedly that religious education in schools must reflect respect, taking into account students’ lived experience, and must be inclusive.

I am conscious of what happens in religion-based education. I sent four children and grandchildren to a Church of England school fully aware that only one religion would be pervasive, without any evident, conscious efforts to include, inform and educate children within the context of all their faiths. The message to many children may have been that those attending one type of religious school cannot be expected to be enlightened equally about other faiths.

No matter what our liberal views of the world may be, religious education has never been more relevant, engaging or challenging, as religion and religious issues are ever present in our lives. Religious education may provide students with valuable insights into the diverse beliefs and opinions that may inform their personal development and understanding of the spiritual, moral, social and cultural questions that are ever present in their lives. Thoughtful lessons may assist pupils to gain insights that can help to challenge stereotypes, promote cohesion and encourage them to value themselves and respect others.

I have taken the liberty of this debate to share some of my experiences and observations. I thank all noble Lords for their patience. Surely we agree that much of these discussions are the purview of the scholars and experts who may be more equipped to enlighten us. In principle, I support the premise of this Private Member’s Bill and wish the noble Baroness, Lady Burt of Solihull, well.

12.25 pm

Lord Cashman (Lab): My Lords, I congratulate the noble Baroness, Lady Burt of Solihull, on this Bill, which is long overdue; the Library Briefing refers to

[LORD CASHMAN]
calls for it going back to 2013. I shall try to bring a personal perspective to this debate. It is a good, practical, sensible and constructive Bill, and maybe for that reason the Government will reject it. However, I support it not only as a born again atheist but because, with respect for all religions and none, I believe that we have everything to gain from inclusion, from discussing conflicting theories, practices and ideas; that is why I wholeheartedly support the Bill.

We have everything to gain from a wide education that we carry throughout our lives, consciously or subconsciously. Again, we have everything to gain from open minds and not closed minds. We have nothing to fear from inclusion, but perhaps some religious leaders and some religions believe that it could be an erosion of their power base, and I want to reassure them otherwise.

We all gain from keeping our minds open, from continually questioning. Again, I say that as a born again atheist. I was brought up as a Catholic, but publicly disconnected myself from my Church when I saw the harm done against people like me, LGBT people, around the world, and against a woman's right to choose. So I disconnected myself from the Church. Yet I work with a brilliant nun, Sister Christine Frost, who has been working in Poplar for 50 years. She challenges me daily on my atheism: "How can you be an atheist," she says, "because you believe in love?" So the mind is open again, even at my tender age of 72.

As we approach different stages in life, facing our own mortality or, even worse, the death of our spouse or a loved one, our minds open again and search for meaning, for comfort or for none. In a recent debate in the name of the most reverend Primate the Archbishop of Canterbury on asylum and refugees, he invited me and another noble atheist—I see the noble and learned Lord, Lord Brown of Eaton-under-Heywood, in his place—we were invited to revoke our atheism and to join with them. Quietly, I asked myself, "Why should I join a religion that is used in parts of the world to persecute LGBT people, so that they have no option but to turn and run from their own countries and seek asylum and refuge?", yet still I keep my mind open. I gain this not from my education at a Catholic school but from life. Perhaps if I had learned it earlier, I would have been a much better and easier person.

Sister Christine Frost got it absolutely right to talk about love, and it is not the sole province of religion or religions. Inclusive education benefits us all, and religious education should not be detached from that.

The Government may well say that there is nothing preventing schools including non-religious worldviews in their teaching, but the fact is that far too few schools actually do. Many schools' RE syllabuses are determined at a local level, and while many of those are excellent, others still do not include non-religious beliefs. The same can be said for RE syllabuses devised by academies, where there is enormous variation: some overly focus on Christianity to the exclusion of other viewpoints, while others promote faith as a virtue. That is certainly not the "critical and pluralistic" approach required by case law, to which the noble Baroness, Lady Burt, referred. We need to create legal

certainty and ensure that fully inclusive religion and worldviews education, rather than religious education, becomes the default. I believe that the Bill will do precisely that.

12.30 pm

Lord Davies of Brixton (Lab): My Lords, I join other noble Members in thanking the noble Baroness, Lady Burt, for introducing the Bill and giving us the opportunity to debate an important subject. I put my name down to speak simply to express my strong support for the Bill, which comes, in part, from guilt: when I was a leading member of the largest education authority for a number of years, we never confronted this issue, even though I had the same views at that time as I have now. We did that because it was seen as being too difficult to deal with. I am sorry for that; we should have raised the issue, and maybe if we had, action along the lines of the Bill might have been taken earlier. I strongly support the Bill and the arguments that have already been made by more able speakers than me; I associate myself totally with them.

In a sense—a point made by the right reverend Prelate the Bishop of Southwark—the Bill is not necessary because the argument has already been won, both in principle and in practice: religion is already taught in many schools in the way that is suggested in the Bill. That is the point. It is really bad to have a practice in our schools that is out of line with the legislation; let us bring them into line, through the Bill, as is happening in many schools.

The key to this is that views have been changing since the current structure was created. The suggestion is that religious traditions in Great Britain are, in the main, Christian, and we have the advantage of the latest figures from the national census: in London, 41% are Christian, 25% have other religions, and 34% have no religion. Those figures come from answering a census question. We know that, in truth, people say that they are Christian out of habit rather than that being what they actually believe. In my own London Borough of Lambeth, 38% of people have no religion. That is reflected, in practice, by what is happening in schools. Let us bring the law in line with what everyone thinks should be happening.

I have one additional thought. The opposite of religion is no religion, and that is the basis upon which it should be taught as part of the worldview curriculum. I strongly believe that religion should be taught in our schools but it must be taught in context, including the context of not having religious views. There is a difference between humanism and non-religion; they are not coterminous. The ability not to have any religious or humanist views is an option. We need the curriculum to reflect the ability to have philosophical views without the folklore.

12.35 pm

Lord Addington (LD): My Lords, this is one of those debates where you sit here and think, "What am I going to say?" Then there is the further problem of seeing that the noble Lord, Lord Griffiths, is in front of you on the speakers' list, and you know he is going to come in with something important. When he speaks

in favour of what I can only describe as muscular Christianity, backs it up with Milton and says bring it on, it would be fairly churlish to go far from that line.

My noble friend's Bill would help clarify this situation. If we ignore the spiritual elements of religion—described as superstition or something else—and consider it as a guide to how you live your life now, humanism fits in with that very well. There might be more of a problem with other worldviews, but they are all there. You could not teach humanism without knowing about the other religions, for the simple reason that—the noble Lord, Lord Griffiths, got there first and said this earlier—many of them feed off each other. At their philosophical centre, they are all in agreement. When reading up on anything about religion, the thing that gets me is the number of times that they all agree with each other. We may fight wars about whether you pray on a certain day or in a certain way, but basically most of the philosophical actions are in agreement. So I hope that we can go along with the general thrust of what my noble friend is proposing in her Bill.

As the noble Lord, Lord Cashman, said, the Library briefing made it very clear that there is a direction of travel. My noble friend is not paddling upstream on this issue; we are already going that way. It might be possible to work this into the rest of the syllabus at the moment, but if it is not exact and clear, as the noble Lord, Lord Davies, pointed out, you will always get diversity.

Surely we require of people an understanding of what goes on around them, as understanding what other people think makes tolerance easier because you are less frightened of them. That is one of the primary directives of the Bill. Allowing somebody to understand that, if somebody disagrees with you, they are not, by definition, evil is probably the best we can hope for from this. If we look back to the various historical points when that has not happened, certainly from the 16th century onwards, and at the number of deaths, plots and prejudicial laws that have been based on that lack of understanding, we see that it is quite mind-boggling. If noble Lords ever wanted to feel guilty about something, look at history: all nations can drown in their own sins, if they have been playing at all.

I hope that this small change and the direction of travel in the Bill—if not this one then another, because Private Members' Bills have a habit of getting chewed up by the system—will be embraced by the Government and future Governments. It is clearly where many people want to go. We can argue about statistics and whether you come from a Christian or non-religious background—you can do that for ever—but the fact is that there is a growing diversity of faith and philosophy in this country that dominates the way that people react and change. If we do not admit to that, we are fooling ourselves. If we do not make sure that people are taught from the earliest age how they can take that onboard, we are missing a trick and probably making all our lives more difficult.

I hope that the Minister, when she replies, will be able to tell us how that will be done and what the future guidance will be. I have a little sympathy with her, as I know that everybody wants their particular pet horse put into the curriculum, but this is one change we could make.

I look forward to what the Minister, and indeed the Opposition Front Bench, has to say, so that we can get an idea of how their thinking is going, because if we are not going to take this on board, this is not going away, and I would like to know how we are going to achieve the aims of the Bill, or at least some acceptance of them.

12.40 pm

Baroness Wilcox of Newport (Lab): My Lords, we have heard that the Bill would introduce a requirement for maintained English schools to include non-religious worldviews, such as humanism, in RE lessons, and we have heard views sincerely expressed from across the spectrum. If only I could convey my thoughts with such insight and as lyrically as my noble friend Lord Griffiths of Burry Port, but at least I know where places are in west Wales.

I commend the noble Baroness, Lady Burt of Solihull, for her efforts on this issue—she has been a tireless campaigner across several legislative vehicles—and I thank Humanists UK for its briefing on the issue. As she noted, Wales has already changed its curriculum.

The place of religion and belief in the education system in England is incredibly complex and comes from a time when our society was much less diverse and much more religious than it is now. In recent opinion polling, more than two-thirds of young people in Britain state that they do not belong to any religion and, as many noble Lords stated, we must acknowledge that the UK is rapidly changing in its demography. The 2022 census showed that less than half the population in England and Wales now describe themselves as Christians. In one decade, there has been a 57% rise in the number of people who are not following any religion at all. We are in a world where intolerance and hate speech are starkly apparent due to social media, and conventional media—anyone who watched the BBC last night saw intolerance very well displayed in certain programmes. I urge the DfE to think soberly about how to use the levers it has to equip children to navigate this extremely challenging world.

The aim of the Bill appears to be to ensure that cultural education is balanced and non-exclusionary. In this modern and increasingly secular society, where children and young people are exposed to all views online—in the previous debate, we heard about the dangers of the metaverse—this would provide an excellent opportunity to discuss a variety of topics and issues. Each local authority must establish a standing advisory council for RE—SACRE—to advise it on the provision of RE and to convene any agreed syllabus conferences. Each SACRE comprises four representative groups: Christian and other religions, the Church of England, teachers' associations, and the local authority.

I chaired the Newport SACRE for many years, and I experienced the inclusivity that came from representatives being able to meet to discuss what were increasingly mutual objectives. Despite overall concerns about the validity of a SACRE in our increasingly secular world, Humanists UK itself has said that it is willing to see SACREs continue as a challenge for consultation between teachers, local religion and belief communities, although

[BARONESS WILCOX OF NEWPORT]

it continues to argue that humanists should be included equally with religious people on these bodies, as many increasingly are. The Bill would provide for such inclusion.

I am aware of the Government's commitment not to make changes to the curriculum. I know myself how difficult it would be to expect teachers—an already overloaded workforce that is undervalued, under pressure and underpaid—to cope with yet more reforms. Therefore, as much as is feasible, we do not want to add to the pressures already on them. There is a downside to piecemeal changes such as this, but the Bill is extremely helpful in highlighting the need to refresh this important area of the curriculum, and we believe that the Government should be open to discussion and review. I hope the Minister will reflect on these matters and consider how best to take them forward.

12.44 pm

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, I offer my congratulations to the noble Baroness, Lady Burt of Solihull, on securing a Second Reading of her Bill. As we have heard from your Lordships, high-quality religious education is an important part of a rich curriculum and supporting pupils to understanding the value and traditions of Britain and other countries. I thank the right reverend Prelate the Bishop of Southwark for eloquently making that point about our culture.

While I welcome the noble Baroness's continued commitment to ensuring that RE remains at the forefront of discussions in this House, I must express reservations about this Bill on behalf of the Government. In doing so, I would like to clarify for your Lordships the Government's policy on RE and how current provision already addresses, in the main, the Bill's principal intentions.

The Bill seeks to introduce, as we have heard, an explicit requirement for schools in England, with the exception of voluntary aided schools with a religious character, to teach non-religious worldviews as part of their RE curricula. This is only right. As the noble Baroness, Lady Wilcox, said, there has undoubtedly been a shift in belief over the last decade. The 2021 census showed a 13 percentage-point decrease in the number of people who describe themselves as Christian, and a 12 percentage-point increase in the number who describe themselves as having “no religion”—although I must say that I am rather drawn to the definition given by the noble Lord, Lord Cashman, from Sister Christine, of religion being about love, but perhaps that is for another debate.

Nevertheless, Christianity remains the most common response in the census, and it is therefore appropriate that religious education in schools without a religious designation should continue to be, in the main, of a broadly or wholly Christian nature. The Government consider the Bill to be an unnecessary amendment to that, given that RE may already include the concepts of both religious beliefs and non-religious worldviews. In many cases, non-religious worldviews are integral to RE, and this is evident when looking at the contents of the department's religious studies GCSE and A-level subject content specifications.

While the Government's view is that RE is an important subject, we think it equally important that parents and older students are free to exercise their right of withdrawal. As such, a child or young person can be withdrawn for all or just part of their school's RE curriculum without having to give a reason. It is permissible, therefore, for pupils to be withdrawn from all or some religious aspects of RE, while continuing to attend lessons on non-religious worldviews. For that reason, the Government do not think it appropriate or necessary to enforce the production and delivery of a discrete, parallel curriculum on non-religious worldviews for those who have been withdrawn from RE. A number of your Lordships raised the very important issues of individual liberty and tolerance of those of different convictions. Of course, that is covered in the wider school curriculum.

A number of your Lordships, including the noble Baronesses, Lady Burt and Lady Wilcox, and the noble Lord, Lord Griffiths, referred to the situation in Wales. Let me clarify a couple of points that distinguish the situation in Wales from that in England. First, as noble Lords are well aware, Wales does not have an established church—in other words, a church recognised by law as the official church of the state and supported by civil authority. Secondly, my understanding—noble Lords will correct me if I am wrong—is that the Welsh Government, through the new legislation implemented in, I think, September last year, have removed the right for parents to withdraw their children from that education.

The Bill also represents a significant departure from the current Government policy on curriculum design and implementation. The Government believe that RE curricula should continue to be designed at a local level, for many of the reasons your Lordships raised earlier in this debate, whether this be through locally agreed syllabuses or by individual schools. Continuing with this model ensures that local demographics can be appropriately accounted for, including where this relates to non-religious worldviews.

It is the opinion of this Government that there is no need to amend the legislation surrounding the provision of religious education in schools, especially where this relates to the inclusion of non-religious worldviews in the curriculum, the provision of an alternative non-religious worldviews curriculum for those who withdraw from RE or the membership of SACREs. We know that most schools are already integrating non-religious worldviews into their RE provision, and that non-religious representation already exists on many SACREs across the country. We will continue to trust our schools to deliver high quality religious education that is reflective of all beliefs and inclusive of the local demographic.

12.51 pm

Baroness Burt of Solihull (LD): My Lords, I thank all noble Lords who have participated in this debate. It has been really stimulating and I feel somewhat humbled by some of the eloquence and strength of what people have said. I have learned about Milton. I have learned about the spread of humanism. I have learned a lot about humanism—the noble Baroness, Lady Bakewell, spoke very eloquently, and much better than I could. For the understanding of noble Lords, I do not want to proselytise about humanism, because what I am

looking for in the Bill is something that is inclusive and respectful of other people's views, so I was a little disappointed in the Minister's response; I will take it away and lick my wounds. Nevertheless, the overall response of noble Lords today has been tremendously positive and supportive, so I beg to move that the Bill be now read a second time.

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

Oaths and Affirmations

12.54 pm

Lord Field of Birkenhead took the oath.

House adjourned at 12.54 pm.

