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PARLIAMENTARY DEBATES
(HANSARD)

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OFFICIAL REPORT

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

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
Non-afl	Non-affiliated
PC	Plaid Cymru
UUP	Ulster Unionist Party

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

House of Lords

Friday 19 May 2023

10 am

Prayers—read by the Lord Bishop of Gloucester.

Healthy Homes Bill [HL]

Third Reading

10.05 am

Motion

Moved by ***Lord Crisp***

That the Bill be now read a third time.

A privilege amendment was made.

10.05 am

Motion

Moved by ***Lord Crisp***

That the Bill do now pass.

Lord Crisp (CB): My Lords, I would like to take a moment to say a few words of thanks. First, I thank all noble Lords on all Benches who have supported this so wholeheartedly and brought expertise and experience to bear on it. I recognise that there was one voice against the Bill, and I would like to acknowledge the very courteous discussions I have had with the Minister. I hope to persuade her on these matters in the context of a different Bill at a later point.

I also thank those in the Public Bill Office, in particular Theo Pembroke, who have been very helpful in making sure that the Bill would work properly in law. Outside your Lordships' House, I also thank the TCPA, particularly Hugh Ellis, Dan Slade and Rosalie Callway, who have made such a contribution to preparing the Bill. Finally, I thank the supporters of the Bill outside this House. I note that this now includes developers and insurers.

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Lord, Lord Crisp, for all his work on this matter and for bringing the Bill forward. We supported it and continue to support it because we believe it is important for the Government to build a new wave of affordable, healthy homes in which families can settle with a real sense of security.

The levelling up Bill is being discussed—some of us were again here quite late last night—but that does not bring anything forward to ensure that affordable and healthy homes are built to the high standards we need. We have heard about this in previous debates on this Bill. I hope the Minister takes up the offer of further discussions with the noble Lord, Lord Crisp, to see if this Bill can be accepted or whether we can table amendments to the levelling Up Bill on this matter on Report that are acceptable to the Government. Again, I thank everyone for their work on this Bill.

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con): My Lords, I too thank the noble Lord, Lord Crisp, for his expert and committed stewardship of this Bill. I have been extremely grateful for being able to meet him and understand his passion for the healthy homes principles. I hope we will continue that discussion moving forward, particularly with the Levelling-up and Regeneration Bill.

I also acknowledge and thank the Town and Country Planning Association for its work on this important Bill. Healthy homes and neighbourhoods are important to our communities, and it is because of this importance that we focus on achieving that objective. The planning system strives to contribute to the achievement of sustainable development, with the National Planning Policy Framework containing a very clear policy on sustainable development that recognises the importance to health, well-being and recreation of open spaces and green infrastructure. The policies in the framework lay out how to achieve healthy, inclusive and safe places.

In addition, permitted development rights have been a well-established part of the planning system for many years, supporting businesses and home owners. In response to the criticism about the quality of some homes delivered under permitted development rights, we now require that all new homes must meet as a minimum the national described space standards and must provide adequate natural light in all habitable rooms. The Levelling-up and Regeneration Bill is how we plan to modernise our planning system and put local people back in charge. It will lead to a system through which development is shaped around the interests of communities.

I thank the noble Lord, Lord Crisp, again and assure him that I entirely understand the spirit of his proposals and the importance of the subject matter. However, the Government are confident that those matters are already being considered and addressed through existing laws, systems and national planning policy and associated design guidance, and that the balance between these is broadly appropriate. Therefore, we cannot support the Bill.

Lord Crisp (CB): My Lords, may I make two very quick points in reply? First, I am again very grateful to everyone who has supported the Bill; I have seen the strength of feeling around the House. Secondly, I say to the Minister that I am delighted there is so much common ground between us on this. I am also delighted that, on PDR, which has caused so many of the problems we are talking about, the Government have moved some way in this direction by introducing two sorts of standards. My Bill obviously proposes that we should introduce a wider range of standards in order to ensure that it is properly about healthy homes.

Bill passed and sent to the Commons.

Government of Wales (Devolved Powers) Bill [HL]

Third Reading

10.11 am

Motion

Moved by ***Lord Wigley***

That the Bill do now pass.

Lord Wigley (PC): My Lords, ahead of today's debate, I have had indications of support from individual Members of your Lordships' House from all four main groups, Labour, Conservative, Liberal Democrats and Cross Bench. I am aware that some Members have reservations, but, no doubt, if the Bill makes progress, those will be focused on in another place and other issues raised there. I have also had indications of support from Senedd Cymru, and I am very grateful for the advice I have had from it and from others.

I ask the House that the Bill now pass so that progress can be made in another place by MPs, if they are prepared to give it time, and so that they can consider the merits of these proposals and the need for a new understanding between Westminster and Senedd Cymru. I believe that a better climate is already emerging, but further work needs to be done and this legislation would be a means of doing that.

I thank the noble Baroness, Lady Bloomfield, for the interest she has taken in this Bill. May I convey to her our sympathy in her bereavement this week? As this may be the last week she has on the Government Front Bench, I thank her for all the interest she has shown in matters relating to Wales and I hope that she continues to do so from the Back Benches. I beg to move.

Baroness Hayman of Ullock (Lab): My Lords, we are very pleased that the noble Lord, Lord Wigley, tabled this Bill, so that the issues within it are in the public domain. Many aspects of the clauses make a lot of sense in their practical application. Clearly, the noble Lord has a lifetime of experience in this matter. We wish the Bill well as it progresses through to the other place.

Baroness Bloomfield of Hinton Waldrist (Con): Diolch o galon i Arglwydd Wigley am ei geiriau caredig iawn. I thank the noble Lord, Lord Wigley, for those kind words and for sponsoring this Private Member's Bill. I also thank all those who have contributed during its passage through the House, both today and at Second Reading.

As I outlined at Second Reading, the Government's position is that there is already an established practice of securing the consent of the Senedd for parliamentary Bills that modify the Senedd's competence. The Sewel convention makes it clear that Parliament will not normally legislate with regard to devolved matters without the consent of the relevant devolved legislature. This includes instances where such legislation would seek to modify the competence of that legislature. The Government engage extensively with the devolved Governments on Bills that include provisions that are within or modify devolved competence and have always sought the consent of the relevant devolved legislature in such instances.

The noble Lord's Bill seeks to go further than the convention and provides that the powers of the Senedd could not be altered without the support of a supermajority unless the formal dispute resolution processes were engaged. This would have significant implications for the sovereignty of Parliament. In light of this, sadly, the Government cannot support the noble Lord's Bill.

Lord Wigley (PC): My Lords, I regret that the Government cannot at this stage support the Bill. None the less, I believe that it should pass and go on to another place. It provides a mechanism to undo the unease that has existed across parties during the past three or four years on the question that powers either have been taken back from Senedd Cymru or are deemed or feared to be taken back. There needs to be a new understanding, a new clarity, on these matters, and this Bill, perhaps modified in another place, can do that. Only such clarity will enable those in power to be held properly accountable.

There may well be occasions when both Westminster and Senedd Cymru agree that some powers hitherto regarded as devolved should be transferred back to Westminster, and this Bill provides a mechanism for that purpose. Therefore, I believe there is a basis here to build on to get a better understanding.

Bill passed and sent to the Commons.

Protection from Redundancy (Pregnancy and Family Leave) Bill

Third Reading

10.16 am

Lord Young of Cookham (Con): With the leave of the House and on behalf of my noble friend Lady Bertin, I beg to move that this Bill be now read a third time.

Bill passed.

Carer's Leave Bill

Third Reading

10.17 am

Motion

Moved by ***Lord Fox***

That the Bill do now pass.

Lord Fox (LD): My Lords, this is a very worthy Bill and one that I am glad to see through to its final reading. We know that caring can take many guises, and providing unpaid care for a family member, friend, neighbour or dependant is a reality for many millions of people across the UK and is something that almost everyone will experience either directly or indirectly through their lives.

New findings from Carers UK and the University of Sheffield released earlier this month show that unpaid carers in England and Wales now contribute a staggering £445 million to the economy of England and Wales every day—that is £162 billion per year of voluntary work and the equivalent of a second NHS in England and Wales.

At an individual level, staying in work while providing care for a relative or friend can be incredibly challenging. Latest estimates show that over 7 million people in the

UK are juggling work and unpaid care and, every year, more than 1.9 million people in paid employment become unpaid carers. The stresses and strains of having to juggle paid work alongside unpaid care without the support they need has left many exhausted and burnt out, and too often it is impossible for them to manage. As a result, on average, 600 people per day have had to leave work because they need to provide care. Many others have had to reduce their hours.

Research shows that having a supportive employer and the ability to take time off work to support dependants can mitigate those pressures. That is why this Bill would create a new entitlement for employees to take up to a week of unpaid leave a year in order to provide or arrange care for a dependant with a long-term care need, and it is why it is so important. I am delighted that my Liberal Democrat colleague in the Commons, Wendy Chamberlain MP, brought forward this Private Member's Bill with government support, for which I express my thanks.

The Bill will provide, on day one, a right to one week of unpaid leave for carers in employment, with the flexible option to take as little as half a day at a time. This will be available to all employees providing care for a dependant with a long-term care need. Carers will have the time and flexibility for their caring responsibilities and to make the required preparations for the future, such as being able to take half-days off for medical appointments. The Bill will give carers the opportunity to be able to put work to one side and focus solely, for that time, on their caring responsibilities without the added pressures of having to juggle both duties. Although the Bill does not provide carers with a paid leave right, it will nevertheless go a long way towards helping to relieve the financial burden by providing carers with the confidence of job security. It is also an important step in recognising the role of carers in the workplace.

I am pleased that the Bill will support women in particular to stay in work, as they are more likely to juggle work and care and to be a part-time, rather than a full-time, worker. Indeed, the impact assessment produced for the Bill recognises this, stating:

"In the context of the gender pay gap, the fact that women are more likely to provide care means that they are more likely to face adverse employment effects associated with caring i.e., lower earnings and leaving the labour market".

I hope that the Bill will bring some peace of mind to all employed carers so that they can live in the certainty that their jobs are secure while they are caring for their dependants. I beg to move.

Baroness Blake of Leeds (Lab): My Lords, I welcome this stage of this important Bill. I acknowledge the very rich debate we had at Second Reading, including the incredible personal testimony from so many Members on behalf of their own families and people they had met in their communities or work. As the noble Lord, Lord Fox, laid out, this is an important first step, but we need to acknowledge that there is still much more to do. I emphasise, to avoid any confusion, that this refers to unpaid leave, although many arguments have been made to move to paid leave.

We have heard very clearly that the Bill will help to relieve the stress and isolation that carers often experience—the loneliness, the impact on mental health and, as we have heard, the disproportionate impact on women. But what we also know, which is not emphasised enough, is that the Bill will benefit employers by reducing the risk of the absenteeism, turnover and retention of staff.

All that remains is to thank Wendy Chamberlain MP, the Bill's sponsor in the other place; the noble Lord, Lord Fox, for bringing it to the Lords; and the cross-party support we have seen. I also refer to the work by Carers UK from which we have all benefited. I thank carers and their families who have shared their stories and experiences. In particular, I make special mention of my noble friend Lady Pitkeathley; she is very sorry not to be able to be here today. I thank her again for her tireless work over many years and her absolute determination to make progress on this really significant issue.

The Minister of State, Department for Business and Trade (The Earl of Minto) (Con): My Lords, I thank the noble Lord, Lord Fox, for bringing the Bill through the House. The Government have been pleased to support it throughout all its stages. This is in line with our 2019 manifesto, which committed to introduce one week of leave for unpaid carers; I am pleased to continue that support today at Third Reading. I am also very grateful for the cross-party support that the Bill has received.

The Government appreciate the time dedicated by unpaid carers to help those who rely on them for their everyday needs. No one should underestimate the contribution that unpaid carers make. They play a vital role in society, supporting those who are unable to care independently for themselves. Many provide that care while holding down a job. We know that there are some brilliant, supportive and flexible employers out there already who are taking great steps to support those in their workforce with caring responsibilities, recognising the value to both their businesses and their employees of helping carers to stay in work. The Bill will extend aspects of what those employers do voluntarily to all employers, ensuring a baseline of support for all working unpaid carers. This will help to alleviate the pressure that carers—particularly women, who are more likely to provide care—can face as they seek to juggle their work and caring responsibilities.

The new right to carer's leave will provide more flexibility to those unpaid carers. It will enable them to take more time out of work if they need to. Carer's leave will allow employees to be absent from work on unpaid leave to provide or arrange care for a dependant with a long-term care need. Eligible employees will be able to take the leave, regardless of how long they have worked for their employer. It will be available from the first day of their employment. The leave will be available to take in increments of half-days, up to a week, to be taken over a 12-month period. Employees will not be required to provide evidence in relation to a request for carer's leave. Employees taking carer's leave will have the same employment protections as associated

[The Earl of Minto]
with other forms of family-related leave, including protection from dismissal or detriment as a result of having taken the leave.

I am personally very pleased to support the Bill; it is a huge step in the right direction for our carers, who give their time to help others who need it. I once again thank the noble Lord, Lord Fox, for his sponsorship of the Bill as it has moved through the House. I also thank Wendy Chamberlain and my honourable friend Kevin Hollinrake for their stewardship in the other place and their hard work in putting the Bill forward.

Lord Fox (LD): My Lords, I thank the Minister for his words, and, more than that, I thank him for the Government's support for the Bill. I also thank the noble Baroness, Lady Blake, who pointed to the personal nature of the Bill and the improvements it will give to individuals across the country.

It has been an unusual experience for me to propose, rather than oppose, something, and to have the support of the House, so I thank all noble Lords for that. However, I am standing on the shoulders of giants. From my own Benches, my noble friend Lady Tyler has been a very important supporter of the needs of carers in the Bill. As the noble Baroness, Lady Blake, pointed out, the noble Baroness, Lady Pitkeathley, has been a tireless campaigner for carers, both in the House and through Carers UK. It is a great shame that neither she nor my noble friend were able to be here today, because, frankly, this is the culmination of their work rather than anything I have done.

Wendy Chamberlain did a great job in the Commons in proposing the Bill and stewarding it through. I thank Kathryn Sturgeon, her adviser, who worked very hard with us. I also thank my own adviser, Mohamed-Ali Soudi, in our Lords Whips' Office, who has been an excellent support in getting this through. Externally, I thank Carers UK and particularly John Perryman and Emily Holzhausen, who have been great in providing briefing support. The Bill team has made sure that I have not fallen over—at least, not yet—so I thank them very much for their support. Finally, once again, I thank the Minister and his colleague, the noble Lord, Lord Johnson, who both supported the Bill going through.

Bill passed.

Electricity Transmission (Compensation) Bill

Third Reading

10.29 am

Motion

Moved by ***Lord McLoughlin***

That the Bill do now pass.

Lord McLoughlin (Con): My Lords, it has been a privilege to sponsor this particular piece of legislation through your Lordships' House. It started life in the House of Commons, led by Dr Liam Fox, Member of Parliament for North Somerset. In fact, it is the second Private Member's Bill that Dr Fox has piloted through the House, the previous one being last year's Down Syndrome Bill, now Act.

This Electricity Transmission (Compensation) Bill comes on the back of very personal experience that he has had within his own constituency with major infrastructure projects—in particular, Hinkley Point—and the problems caused to landowners when transmission cables are necessarily laid over their land. The Bill sets out an alternative dispute resolution—ADR—procedure. ADR is currently available but is not a legal requirement, and it should become a legal requirement. This is a small piece of legislation that rights a wrong. I thank Members of your Lordships' House for their support and also thank the National Farmers' Union.

Baroness Blake of Leeds (Lab): My Lords, I will speak briefly to thank the noble Lord, Lord McLoughlin, for his explanation of the Bill. We completely agree with the need to improve the UK's electricity infrastructure; we need to be able to expand the grid to enable new energy sources to come online. However, we emphasise the need for the correct balance to be found between the rights of landowners and infrastructure development.

As I laid out at Second Reading, we remain to be convinced that the Bill is necessary. Our concern here, if we have one, is that the Bill may hinder the Government's plans to expand electricity network infrastructure. We do not want to see unintended consequences that could generate uncertainty among the business community.

However, with those comments, I commend the noble Lord, Lord McLoughlin, and Dr Liam Fox, the Bill's sponsor in the other place, for raising this very important issue so that we can consider and debate it.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I thank my noble friend Lord McLoughlin for taking the Electricity Transmission (Compensation) Bill through this House. I also thank noble Lords from across the House, including the noble Baronesses, Lady Blake and Lady Walmsley, for their valuable contributions on this Bill through its passage.

The Government are pleased to support this important Bill. The measures in it will help ensure that landowners have access to alternative dispute resolution in cases where their land, or rights to access their land, have been acquired for the build of network infrastructure. This will help landowners avoid having to take a case to the Upper Tribunal, which can be an expensive and lengthy process. While I acknowledge the concerns that the noble Baroness, Lady Blake, just raised in terms of unintended consequences, the intention of the Bill is to help speed up resolution where there is dispute. It will help to ensure that we strike the right balance between protecting the rights of landowners and the urgent need for network infrastructure build in this country.

To implement the measures in this Bill, the Government have committed to establishing an alternative dispute resolution task force in 2023. The task force will be responsible for developing proposals and making recommendations to government. The Government

will continue to engage with a broad set of stakeholders, including network operators, representatives of landowners and experts in acquisition of land and alternative dispute resolution to ensure that the task force has the appropriate membership.

To conclude, bringing forward this new Bill will ensure that landowners have access to a clear, fair, affordable and enforceable system for dispute resolution. The Government are pleased to support these new measures and we have been glad to see the level of support for them across both Houses through the passage of this Bill. I again thank my noble friend Lord McLoughlin for his sponsorship of the Bill as it has moved through this House. I also thank my right honourable friend Dr Liam Fox for his sponsorship of the Bill in the other place and his hard work on the matter.

Lord McLoughlin (Con): My Lords, I thank my noble friend for her remarks and for a better and more forceful summary of the Bill than mine. I completely understand the point that was made by the noble Baroness, Lady Blake. I am one of the last people in the House who would ever want to see major infrastructure projects held up, but I do think it is essential and right that people have a fair opportunity to make their case and have a simpler way of seeing a resolution to a dispute, which I believe this could lead to.

I end by thanking my noble friend the Minister for all her help and support and the tremendous work that she has done on the Front Bench for us.

Bill passed.

Employment Relations (Flexible Working) Bill

Second Reading

10.35 am

Moved by ***Baroness Taylor of Bolton***

That the Bill be now read a second time.

Baroness Taylor of Bolton (Lab): My Lords, this is a modest but quite significant Bill that will take us a step closer to introducing the important changes that are necessary, I believe, for people to have the right to request flexible working. I thank my honourable friend Yasmin Qureshi, who is the Member of Parliament for Bolton South East—the Bolton connection will not be missed by some people there. I am very glad that she was fortunate enough to have the opportunity to introduce this piece of legislation.

Last month marked the 20th anniversary of the original legislation on flexible working—2003 does not seem that long ago in some respects. Some progress has been made but, when the legislation was first introduced, it was rather narrow in its effects. It was limited to parents, guardians and people who had care of young or disabled children. The legislation has evolved since then, and I think that most people acknowledge that there is a parental need for flexible working arrangements across a wide group of people.

It is right that, 20 years on, we consider where we should be now and the kind of approach that we should be taking. The right to ask for flexible working should be an entitlement for all employees, regardless of their personal characteristics. There was an interesting briefing from the MS Society, for example, which showed how flexible working can help quite a few sufferers from MS, and I am sure that that is the case for those with other illnesses as well.

The current situation regarding entitlement is that, since 2014, all employees with 26 weeks' continuous service have been able to make one statutory application per year to change their working hours, work pattern and work location. I hope that the Minister might deal with that point about 26 weeks; many people think that this entitlement should start from day one of employment. I know that Ministers have said things on other occasions, so perhaps the Minister can repeat some assurances that the Government will be moving in this direction in the future.

At the moment, when anyone submits a request for flexible working, they must explain to the employer how the change would affect them and how it might be dealt with. That is quite a surprising and burdensome stipulation. Employers must properly consider any requests that they receive. The progress that we have been making in our thinking about this leads us to need further changes to this legislation. I am glad that the Minister in the other place acknowledged general support for this legislation. The departmental officials have been very helpful in terms of briefing and making sure that the legislation is in order.

There are four measures in the Bill. The first will introduce a duty on employers to consult their employees before rejecting any flexible working request. This measure will give both parties the opportunity to explore alternatives that might be applied before the door is closed and before a pre-emptive decision has been made. There are employers who adopt this kind of approach already, but it is not universal. It is certainly best practice, but it is better that we make a change here so we can ensure that employers do not have a knee-jerk reaction to any request of this kind.

The second provision allows not just one but two requests in any 12-month period. I think this will make quite a difference to a lot of people because caring responsibilities can change very quickly, illnesses can develop very quickly, and other factors might come into a person's life that mean that flexible working becomes a very desirable feature. The legislative framework needs to be sufficiently flexible to allow these realities to be taken into account and amending the Bill in this way will ensure that the right is more responsive to an individual's needs and we can therefore avoid negative outcomes, such as when an individual feels that if they cannot have flexible working then they may have to finish working altogether.

The third measure is about getting a decision within two months. At the moment, a decision is required within three months. Two months may not seem a significant change, but I think it is. People's circumstances can change very quickly and, if you have caring responsibilities suddenly thrust upon you, to have a

[Baroness Taylor of Bolton]
quick decision about your employment situation might be very significant indeed. I think it will really help many people.

Perhaps the most important aspect of the Bill is the final measure, which will remove the requirement for employees to have to anticipate what the consequences of the change will be. It will not always be the situation that the employee has the information necessary to provide that, and this measure changes the balance there. It is quite an important situation to remedy because people who have difficulty making written submissions, or difficulty knowing how the totality of a business works, could easily be at a disadvantage in the present situation.

This modest package of measures will help secure more flexible working, will meet the needs of individuals and businesses, and will create a situation where there is more constructive dialogue between employee and employer. This matters, and it could make a great difference. A recent ONS study showed that, if a person had flexible working opportunities, it really made a difference to whether they were able to stay in the labour market. The measures will also help employers who want to retain staff and retain skills. This is a situation where, generally, everybody will be helped, and I hope that those who are interested in this will give the Bill their support. I beg to move.

10.43 am

Baroness Bottomley of Nettlestone (Con): My Lords, I add my congratulations to the noble Baroness and the Bolton mafia. I studied carefully the contribution of the MP for Bolton South East and I commend her work. It is also a delight to hear the warm words of praise for the Minister, Kevin Hollinrake, and the officials. Too often, the public have the perception that politicians are locked in party-political tribes, arguing fiercely and rather negatively, alienated from Ministers and civil servants. This is a splendid case study of collaborative, constructive work. I am delighted to support it and very much congratulate all those involved.

The Bill comes at a timely moment. We have a real productivity paradox and dilemma in this country: we have to increase growth and we have to promote economic activity, but something like 500,000 people of working age have left the workplace since the start of the pandemic. It is essential that we understand why this is and find a way to bring back as many as possible. We need a flourishing, vibrant workforce. The pandemic had the most cataclysmic effect on working practices and people's attitudes to work, in a way that none of us could have foreseen. Who would have thought that whole industries could work from home—banks, building societies and so on? The technology was there, but this gave a kick-start to people adopting it. We are left with a situation where maybe some people do not really want to return to the workplace, and this in itself is a quandary.

We know that many long-term health problems are around mental health. I cannot help but think that this may be associated with people working in isolated environments and not coming to the workplace for the companionship, the challenge and the debate, and for the fun and meaning that work provides for so many people. Having flexible working is surely a way forward, and we, government and enlightened employers should should welcome this. The best and most committed talent across industry, commerce and the public sector is needed.

Interestingly, when Stanford University did some research the other day, Nick Bloom, an economist, showed that hybrid models had no effect on productivity but boosted morale and retention. Increasing motivation is part of retention, and that can result in savings in recruitment costs, as was asserted by the impact assessment. That reminds me that I should declare my interest of 23 years in senior level executive search across all sectors of the economy. I have also sat on various boards.

Flexibility enhances employee engagement and well-being. As I have said, today's employees have different expectations. The idea that you would go to the office and sit there from eight in the morning till six in the evening is not something that many young people tolerate with great comfort these days. People look for purpose in work, they want a work-life balance and the ability to support family flexibly, including elderly dependents. I have always said that, if you can provide a flexible package, particularly for a woman when her family is young, she will stay with you in the long term. That has been my experience: provide flexible working and you buy in loyalty. Of course, most of us in this place have very flexible arrangements, as do our offices and staff, so it is difficult to understand that there are still people in working environments that lack any comparable flexibility.

How pleased I am that we are debating this following the Carer's Leave Bill, which precisely addresses the same issue from a different angle. For many years, I worked with the late Lady Seear, a Liberal Peeress, as her vice-chairman at Carers UK. At that time, people did not know what a carer was—they said, "Do you come from the careers organisation?" People were so unfamiliar with what a carer was. The bravest, boldest and most important step that the late Lady Seear and I ever took was to appoint a bright young woman, whom nobody had ever heard of, to become the chief executive. Of course, this was somebody we now know as our friend the noble Baroness, Lady Pitkeathley, and look what has happened during those years.

Just looking at the boardroom, over the years there have been different views about governance—we must have an audit committee, a remuneration committee and a risk committee. But who would have anticipated that, on a board, there is now a requirement for a non-executive director at board level responsible for employee engagement? It is a board matter. This is a transformation in the way in which the workforce is regarded. I have seen the way in which different people interpret their employee engagement responsibilities, but certainly flexible working must be part and parcel of that.

The Chartered Institute of Personnel and Development, which I congratulate on having produced some extremely helpful briefing, points out that there are still negative attitudes in many workplaces from

leaders and line managers towards flexible working. I think that this is reactionary—"It was not like that in our day: we had to work all the hours that God gave and so should people today". Or they feel uncertain and unclear about how flexible working would work out in practice, which is why this requirement for the employer to consult the employee before rejecting a request for flexible working is so important, because it forces them to say how it would work in practice. But I agree with the noble Baroness that removing the employee's requirement to have to articulate what the effect on the employer would be is completely right—this is the other way around.

The development of women in the workplace that we have seen has very much been about creating flexible employment. Every mentoring and training session to which I have contributed is about trying to help women to have flexible work packages to help them to progress—and they can move in and out of commitments as the years go by—and so also for others with diverse backgrounds, not only gender but ethnicity and disabilities. I see the noble Lord, Lord Holmes, is going to speak later, and he may have a valuable contribution in that regard.

We must embrace flexible working arrangements to prevent people from abandoning the workforce altogether. Once people have left the workforce, it is all the harder to entice them back. It has been estimated that 87% of people want to work flexibly, but only 11% of jobs are advertised as being flexible. A year ago, the Chartered Institute of Personnel and Development suggested that competition for talent in our country remains fierce. Up to 45% of employers reported having vacancies that are hard to fill. That is certainly borne out by wider commentary and observation, and certainly by my professional activity. If it is hard to fill vacancies, the onus must be on employers to provide as flexible an arrangement as possible and to listen to the expectations of staff, who will otherwise simply walk in the opposite direction.

As the noble Baroness said, there has been substantial progress. Since 2014, all employees have had the right to request flexible working after 26 weeks of service. This Bill, on the experience of earlier legislation, takes those opportunities further forward in allowing employees to request flexible working from day one, with two requests a year, reducing the decision time from three to two months. Reducing uncertainty is enormously important for people trying to organise their work-life balance. As I have said, flexibility can reduce staff turnover, enabling individuals best to cope with long-term health conditions and caring responsibilities. Nine out of 10 employees considered flexible working to be their key motivator—10% more than those who said that financial incentives motivated them most: 10% fewer say that it is financial incentives rather than flexible working. It is essential that employers listen.

As a former Health Secretary, I take a particular interest in health issues. Only yesterday there was a useful Question, which many will have heard, about economic inactivity and health. The Health Foundation has produced a valuable paper in this regard, as has the House of Commons Library. Economic inactivity is extremely serious. As I have said, much of this is to do with mental health; it is also about musculoskeletal conditions. But if flexible working enables people with long-term health conditions, as well as those with caring responsibilities and other requirements, to stay in the workforce, that must be valuable.

Rising economic inactivity occurred in all the G7 nations after lockdown restrictions were introduced, but this has largely been restored in most countries. In the UK, it is an ongoing problem, and that is what we have to address. While long-term sickness accounted for 28% of total inactivity in January this year, it was 23% in 2019. This is a worrying and serious situation, and I believe that the Government are doing all that they can to help people to return to work. Overcoming barriers is crucially important.

Facilitating flexible working has a central part to play. Sickness is not the only reason for people no longer engaging in the workforce; there are many others. Work matters to people; it gives meaning to life, gives enjoyment and creates wealth, while giving self-esteem. But people today have personal and family complications, involving their health and other matters. At the last election, the Conservative Party manifesto made a commitment to encourage flexible working, and I am delighted to see this contribution as committing to that manifesto promise today. I strongly support this Bill.

10.56 am

Lord Davies of Brixton (Lab): My Lords, I also strongly support this Bill and very much thank my noble friend Lady Taylor of Bolton for bringing it to this House. At the risk of sounding a slightly discordant note, I think it is a shame that a series of measures affecting employment law has been brought bit by bit through the legislative process, when the Government gave a commitment to employment law. It was expected to be in this Session's Queen's Speech, but it disappeared. Perhaps the Minister would be able to say something about whether we are actually going to get this overall employment law. I would welcome even more what I hope will sooner or later be a Labour Government's employment law, when we can address all these issues.

Flexible working is popular among workers—figures suggest 80% of workers support the opportunity to have flexible working—and employers doubtless see the benefits as well in establishing a more diverse workforce, with the inherent flexibility of employment. It is concerning that, according to figures from the TUC, three in 10 requests for flexible working under the existing arrangements are rejected, but it is to be hoped that the requirement to consult will improve those figures. Perhaps the Minister could just say a little bit about what determines consultation. It is in the Bill, but ACAS has clear guidance about what consultation consists of, and I hope that the requirement will be enforceable and not just a token.

The one thing that I have a concern about—and it was discussed in the Common's Committee when it considered the Bill—is the issue of making it plain when you are seeking and applying for jobs what the opportunities for flexible working are. There was a suggestion that job advertisements would have to include something about flexible working. That proposal was

[Lord Davies of Brixton]
opposed by the Government, and the issue was not pushed, and I am certainly not intending to delay the progress of the Bill on those grounds in this House.

However, it is important to understand that it is a very brave applicant for a job who raises the issue of flexible working at an interview—you just do not do it. Really, there is an obligation on employers to indicate clearly to new hires what their policy on flexible working is, whether it is in the Bill or a question of good practice. Perhaps the department could say something specifically to encourage more openness about what opportunities there are for flexible working. It is a key element of the issue dealt with by this legislation, and the absence of any legislative requirement is a gap. Perhaps the Minister could say something about how the Government see that issue.

Finally, it is worth emphasising that the two key factors that would encourage more people to return to work are flexible working hours and working from home—both of which arise in and will be facilitated by the Bill.

So, the Bill is very much to be welcomed, and I thank my noble friend for it. I thank the Government for their support, but we need a more comprehensive approach on labour law. I look forward to that, in one means or another, over the next couple of years.

11.01 am

Lord Holmes of Richmond (Con): My Lords, it is a pleasure to take part in this Second Reading debate. I declare my technology interests as set out in the register. I congratulate the Boltonians in this House and another place on bringing this important Bill to Parliament. Similarly, I congratulate Kevin Hollinrake, the officials and all the team who have worked so hard to get it to this stage. I support the Bill. It does precisely what a Private Member's Bill should do: it is simple, straightforward, clear, concise and will have such a positive benefit once it comes swiftly into statute.

We have over a million vacancies in the labour market, and well over 500,000 people who left work during Covid have not returned. The question for us this morning is, quite simply: flexible working—why would you not? Covid was something which very few generations will ever live through. It was a once-in-a-century—if that—cataclysmic set of circumstances, and for work it was similarly so. Coming out of that, we must take all of that experience into how we think about work and structure it, and how we fundamentally underline the essential truth of work and employment: that it is a relationship. It should never be seen as simply transactional; it is relational. That is why there is a lot of writing, understandably, around hybrid working and lots for all of us to think about. One thing must be clear to all of us, coming out of Covid: work or employment cannot mean five days a week, 8 am until 6 pm, in the office—but nor can it mean five days a week at home on Teams, on your tod. That is not what work is about. It is about relationships.

When we consider this whole question of flexible work, ultimately, what are we talking about? We are talking about talent. Would not any organisation want to try to secure the brightest, best talent for any role? Research shows that where flexible work is mentioned in job ads, 30% more applications come in. It makes sense. It is not about where work takes place; it is more about how we experience work, what it feels like, how it is structured and, fundamentally, how it is made human. That has to be one of the greatest things we can take from Covid: how to make work more human.

To my mind, the greatest champion of flexible working is probably still the great Dame Stephanie Shirley. At the time, she saw an opportunity in having female workers at home who would be able to contribute so fabulously to the technology business she was building while being able to run their family lives as well. That is still the most sensational example of the strength that flexible working can bring, both to the individual and to the business, if understood and gone about as part of a respectful conversation. The Bill talks about the consultation. Really, that is a respectful conversation between employer and employee, with no preconceptions being brought to bear before that conversation around the request takes place.

For disabled people, flexible working would make an immediate difference, because things change. Circumstances change. Many disabled people successfully manage fluctuating conditions, but flexible working would just be so helpful in the face of that. It would not mean that disabled people would be doing less or being given a free pass—not a bit of it. It is more about being able to fully contribute and give of their talents. Again, why would any business pay a 100% salary to somebody but have a workplace and practices, policies and procedures which enable that person to be only 70%, 60%, 50% or 40% themselves in that working environment? It just makes no economic, social or psychological sense.

In 2018, I was asked to undertake an investigation—a review—into public appointments and how we could make them more open for disabled talents. So many of the suggestions that came up in the sessions, conversations and round tables I had with disabled people up and down the country were about flexible working or a flexible approach. When I published the report in 2018, at times it was almost like I was speaking a strange language to some audiences. I hope that Covid has changed that for the better, and that flexible working is surely now more the norm.

When looking at other pieces of research out there—understandably, there is plenty of it—we see that where employees feel that they have more control, their stress is less and their feeling of connection to work and to their employer is increased. To that I say: flexible working. When people say that they feel they have a friend or a connection at work, productivity goes up, attrition goes down, and benefits for employee and employer alike are raised. Flexible working: why would you not?

While we have my noble friend the Minister on the subject of employment, it would be wrong of me not to give a slight note on unpaid internships, which are connected to this subject. As we are bringing a number of these small, discrete, specific pieces of employment relations legislation through, I ask my noble friend: is it not high time to bring forward a Bill to ban unpaid internships, particularly for our young people who are currently asked to give of their time for free for months?

That cannot be right; it cannot be part of the society and economy that we want to build and be part of in this country.

Finally, the algorithmic elephant that is all too often in the room in so many of our discussions: AI, machine learning, LLM—whatever we choose to call it—is having a profound effect already, not least on work and employment. If we just look at this morning's newspapers, we see the headlines screaming out: "Bloodbath of AI impact on employment", with the BT decision yesterday. Should we accept that prophecy of doom: the sense that the bots are coming, our jobs are going, we are all off to hell and we are not even sure there is a handcart? I do not think so. We should be neither Panglossian nor terrified about the prospects, we should be evidence-based and rationally optimistic about what we as humans, individually and collectively, can do alongside AI and all the new technologies, which are in our human hands. They are incredibly powerful and certainly could do a lot of harm and damage, not least to the labour market, but we should conceive of them, in essence, as tools, incredibly powerful tools but tools in our human hands. If we do not make a success of AI and all the new technologies in our human hands, that will be a human failure on our part, not a failure of the technologies.

The opportunity is clear. If we get it right, we can have the augmented worker. The critical point for all of us to focus on is the transition—as some parts of the labour market get hollowed out, how we intervene to support and help to transition those individuals and communities to the new opportunities that I believe will come through. Transition, transition, transition is where government should be focused if we are to make a success of AI and all the other new technologies in our human hands.

I support this Private Member's Bill: it is simple, straightforward, clear and concise. Flexible working is not for disabled people, although it is of great benefit to us; it is not for carers, although it is of great benefit to us. Flexible working is a benefit to all people at some stage.

11.12 am

Lord Browne of Ladyton (Lab): My Lords, it is a particular pleasure to follow the noble Lord, Lord Holmes of Richmond. Once again, I am impressed by his ability to translate his lived experience into persuasive rhetoric in your Lordships' House. It is a distinct privilege that we regularly have the opportunity to hear from him on areas in which, sad to say, there are fewer people than there ought to be in your Lordships' House who can speak with that lived experience.

It is also a particular pleasure to speak in support of this Bill, and I commend and congratulate my noble friend Lady Taylor on proposing it and introducing it with her characteristically informed and persuasive eloquence. While I am at it, we should recognise her Bolton colleague, my honourable friend Yasmin Qureshi, for her hard work proposing and sponsoring the Bill through the other place. From my reading of the debate at the various stages of the Bill in the other place, she was 100% persuasive. The Bill attracted support from all parts of that House and has been delivered to us in good condition.

As others have said, and as was said repeatedly in the Bill's various stages in the other place, the Bill is not an attempt to change workplace culture but to give legislative force to changes that have occurred organically. In 2016, less than 10% of jobs were considered flexible. Since then, we have seen a 566% increase, with 58% of UK businesses now offering flexible working in some form. The Bill embeds this cultural shift into law. As we await the long-promised but yet to be seen government employment legislation in Bill form, perhaps we should thank Labour Bolton for giving us this opportunity to modernise at least this part of the labour law in the meantime.

Clause 1 is extremely welcome. It transfers greater agency to the employee and ensures that flexible working is seen as a right, rather than a favour that can be airily granted or refused at the whim of the employer. Despite the efforts of some to caricature flexible working as a charter for middle-class idleness, with stories of senior managers working from their Pelotons, it is something which is most important for those who are seeking to balance employment with very real challenges and responsibilities in their personal lives. It is particularly important for those who are neurodivergent, for those who have responsibilities as carers or as parents of young children and, as we have heard, for those who are disabled.

Before plunging into an analysis of any piece of legislation, I believe it is worth asking the most fundamental questions: is it necessary, does it engage a real as opposed to an imagined problem, and will its provisions do so effectively? I believe the answer to all three is yes. As your Lordships' House will know, since 2014, all employees have had the legal right to request flexible working, but only 30% of those requests were accepted in the last year for which figures are available, while flexitime was still unavailable for almost 60% of UK employees. Given the need to tempt those who have opted in significant numbers for early retirement back into the workforce, embedding the right to flexible working will be critical.

In thinking about where the inequities in the current system lie, as well as strengthening the right to request flexible working for parents, carers and those suffering with a disability, there is also a need to address the problem of low pay. In the 2023 *Flex for Life* report, the researchers outline the current state of flexible working in Scotland. They found that while 51% of Scottish workers who earn less than £20,000 work flexibly, that figure is 80% for those who earn more than £50,000. One can adduce apparently obvious reasons for this—that lower-paid workers are more likely to work in sectors where flexibility is more difficult, such as hospitality and manufacturing—but the research shows this imbalance to be more deeply entrenched. This disparity is, in fact, true across all sectors. To quote the report directly:

> "Frontline or not, the higher earners always have significantly more flexibility than lower earners".

That is something we should think about in further debates on this subject and as we monitor the effect of this Bill once it receives Royal Assent, which I am sure it will.

[Lord Browne of Ladyton]

I shall be supporting the Bill as it progresses through your Lordships' House. It recognises and gives legislative shape to a cultural shift that has taken place over the last few years, and it seeks to empower employees and give them greater agency. For these creditable and credible reasons, I look forward to it reaching the statute book.

11.18 am

Lord Palmer of Childs Hill (LD): My Lords, I thank the noble Baroness, Lady Taylor, very much for so comprehensively introducing the Bill. We on these Benches support the Bill, which in my view should have been a government Bill in government time, it is so important. However, we welcome the Government's support for it. As has been made clear by all previous speakers, the Bill makes provision in relation to the rights of employees and other workers to request variations in terms and conditions of employment, including working hours, times and locations. This will benefit not only the employee but the employer.

I was particularly impressed by the submissions we received on behalf of people with MS, which were mentioned in passing by the noble Baroness, Lady Taylor, and I will dwell on a bit longer. Flexible working can help people with MS better to manage their symptoms and stay in work longer. This could include later starting times, condensed hours and working from home.

People such as those with MS should have more confidence that they can work flexibly. As a legal default, everyone should have the flexible option from day one of employment. The onus should be on the employer to show that flexible working is not possible. I would appreciate the Minister's assurance on this. We have been forced to adopt new ways of working during Covid. How can these new ways of working be embedded in our normal ways of working? If it is in any way practical, we should move to flexible working. The noble Baroness, Lady Taylor, mentioned very much that it should be in force from day one. I would like the Minister's assurance on that. Also, when employers and employees are wondering about flexible working, they should explore the alternatives. There can be alternatives, and they should be explored.

The noble Baroness, Lady Bottomley, in a very wide-ranging speech, said that academics had said that there would be no effect on productivity. That is an important part of why some people are against flexible working—they believe it will have an effect. However, in practice the problem is almost the other way. Many people who are flexibly working, from home or in any other workplace, very often work harder than if they were working from nine to five. The problem is stopping people working in their leisure hours. The noble Lord, Lord Holmes, made an important point about interns, who can be made to work harder than if they were just a normal employee. The noble Baroness, Lady Bottomley, went to my heart when she referred to one of my mentors, Baroness Nancy Seear, a wonderful parliamentarian and person, whom I was glad to count as a friend in all my years in the Liberal Party and the Liberal Democrats.

The noble Lords, Lord Davies and Lord Holmes, spoke about consultation being important. This is not a confrontation matter, but a matter of consultation between employer, employee and those advising them. The noble Lord, Lord Holmes, spoke about how flexible the law should be, and that is really what we are talking about now. It should also be employee-led. The employer should not be leading on this, and there should be no unreasonable demands by the employers.

There is always the problem that I describe as "talking around the water cooler". I have always thought that the real benefit of working in one place is that you can often deal with the problems by the watercooler, rather than by having formal meetings. In fact, we have moved so far from that now, because so much is done on the telephone and the computer, the internet, Zoom and whatever, that perhaps watercoolers are out of use.

Will the Government review the wider implications of home working on different groups of home workers, so that we have the best possible understanding of the economic impact of this shift in working practices? From these Benches, we heartily support the Bill. It is a move very much in the right direction and I hope that the Government will fully support it.

11.23 am

Baroness Blake of Leeds (Lab): My Lords, I start by offering sincere congratulations to my noble friend Lady Taylor of Bolton on sponsoring this very important Bill, introduced by Yasmin Qureshi in the other place. I also thank her for her very clear explanation of the provisions within the Bill, and Members across the House for their very thoughtful contributions.

The Bill has Labour's full support, and we recognise also the cross-party support. However, we still expect much greater action from the Government to enhance workers' rights. As we have heard, the Bill will help many across the country to balance work with caring for loved ones, and the circumstances and the needs are various, as we have also heard. We know there are many statistics around this subject. I have seen estimates that at least 2.2 million employees are unable even to make requests for flexible leave. Indeed, some statistics suggest that only 11% can do so. So Labour welcomes the provisions in the Bill, which will begin to create the environment for a fairer and more equitable discussion between employers and employees about flexible working, with a very strong belief that this should be universally available.

The Bill also represents an important step towards ensuring that legislation reflects where we are as a society. We have heard a great deal about the need to take the lessons learned from Covid very seriously indeed. Remote working is one area, but there is also hybrid working, the ability for people to go to the workplace and work from home at the hours they choose, where that is possible. Surely this presents the best of both worlds for so many people, acknowledging that workers still need greater protections, and that flexible working should be an employment right, not a "nice to have" or a job perk. We need this Bill to be a very welcome starting point, not the endpoint. I was very struck by my noble friend Lady Taylor's reflections

on the needs of those such as the MS Society, and her very poignant explanation of the challenges that are faced by so many people.

As I have mentioned, in responding to this Private Member's Bill and considering how we move forward, I have to say that it is a great disappointment that the Government have not taken the chances to bring forward comprehensive legislation in the form of an employment Bill, as was promised in the 2019 manifesto and the subsequent Queen's Speech. I ask the Minister to reassure us of his full support for the provisions within this Bill going forward and a commitment to continuing the steps that need to be taken.

We on these Benches are of course proud to commit to strengthening rights at work. Labour's *A New Deal for Working People* will ensure the right to secure flexible working for all workers, as default, from day one, with employers required to accommodate that as far as is reasonable. From my own experience, talking to employers for many years around this issue, I know that matters have been heightened by Covid and the response—but this issue goes back many years. I was very struck by the employers' comments that, when people are seeking employment, often one of their first questions now is whether the company, or the employer, will offer flexible working conditions. This is across many sectors. It is not limited to the high-end providers.

To their credit, many employers now understand that being responsive on flexible working leads to a happier workplace and a more stable workforce. It contributes to the building of loyalty to the employer and of course is a significant factor to consider when we are looking at the very vexed issue of staff retention. We have heard that we are in a climate where too many employers are struggling to recruit and retain staff, and this must be an important consideration.

Both men and women seek flexibility in their parental duties. I welcome this and I see it in members of my own family: both parents want to share the care of their children. We also have to acknowledge that many of these thoughts are driven by the prohibitive costs of childcare, which mean that too many parents are seriously struggling to balance and juggle the needs of caring for their children with returning to the workplace.

As we have heard, too many requests are still declined. We know from the evidence that too many people do not make requests for flexible working due to the fear of the consequences. Many people are sensitive about their personal circumstances and find it difficult to be open and transparent when they are afraid of the punitive consequences of disclosing their particular needs. If three in 10 requests are declined, we also know that too few jobs are advertised with flexible working as an option; I understand it is as low as one in four. If we are serious about closing the gender and disability pay gap, and recognising the challenges to the workforce whether due to personal health needs or caring responsibilities, surely this area is crying out for change.

I confirm our support for the Bill. I also note that the Government referenced flexible working in the Spring Budget, including that they

"will work with employers to demonstrate the benefits of offering flexible working, including through initiatives such as employer pledges and offering flexible working in job adverts".

We welcome those statements. However, can the Minister confirm how the Government plan to evidence the impact of the commitments made in the Budget, in particular those on encouraging employers to include flexible working in job adverts, widening access to flexible working and improving the quality of flexible working?

It goes without saying that I am delighted that the Bill has made such good progress and I very much look forward to the Minister's comments giving us the reassurance that we all need and deserve to make sure that this welcome first step is adopted, with a commitment to doing far more in future.

11.33 am

The Minister of State, Department for Business and Trade (The Earl of Minto) (Con): My Lords, I thank the noble Baroness, Lady Taylor, for bringing this important Bill forward for debate today. It is an honour to be here to confirm the Government's ongoing support for the Bill, and I thank all noble Lords who have spoken on this important matter.

The ability to vary the time, hours and place of work is an important element of the flexible labour market in Great Britain. Having access to flexible working arrangements enables individuals to participate in the labour market in a way that suits their circumstances. I see this in how flexible working plays a part in a host of cross-government strategies; whether it relates to disability, childcare, health or retirement, we know how important flexible working can be in helping people to stay in work doing jobs that they enjoy. Many of these strategies seek to encourage workplace conversations. We know that, with a good discussion and a bit of flexibility, working patterns can be adapted to benefit not only individuals but employers.

For employers, supporting flexible working could ensure the retention of an experienced worker, and all the skills and experience that they contribute, or create a more diverse senior leadership team, which studies have shown leads to improved financial returns. Furthermore, one of the key challenges for businesses today is finding good people to hire.

In this context, promoting and implementing flexible working can also make the workplace more attractive to potential applicants. This is supported by research conducted by the Behavioural Insights Team, showing that offering flexible working can, as has already been said, attract up to 30% more applicants to job vacancies.

There are also more fundamental structural issues to consider. More than 8 million people in the UK work part-time, representing a quarter of the working population. We need to make sure that the labour market continues to accommodate a diverse range of working patterns to ensure that everyone can participate and that businesses have the people they need. That is why the Government are pleased to support this Private Member's Bill, which will help to facilitate better access to all forms of flexible working, whether that relates to when, where or how people work.

[The Earl of Minto]

As set out by the noble Baroness, Lady Taylor, the successful passage of this Bill will introduce changes to the existing right to flexible working. This right was introduced in 2003 for employed parents and carers of children under the age of six and disabled children under the age of 18. The legislation has since been amended several times, most recently in 2014 as part of the Children and Families Act. Currently, all employees with 26 weeks' continuous service can formally apply, once in any 12-month period, for a contractual change to the hours, timing or location of work.

In September 2021 the Government published a review of the legislation, which found that in the vast majority of cases—83%—where a statutory request is made, it is accepted. The review found the framework to be functioning adequately but highlighted some relatively minor areas for improvement. In the same month, the Government launched a consultation that considered proposals in each of these areas. We published our response to that consultation at the end of last year. I am pleased to say that the measures in the Bill reflect what we set out in our response.

The new consultation requirement will mean that employees and employers are encouraged to have a broader conversation about what flexible working arrangements may be appropriate before a decision is reached, avoiding the scenario in which an employer rejects a specific request out of hand. Allowing employees to make two statutory requests every 12 months updates the legislation, so that the right-to-request entitlement operates more flexibly and can be used more frequently if people's circumstances change. Reducing the timeframe within which employers must respond to requests, from three to two months, will simply speed up the whole process. Removing the requirement for the employee to set out the impact of the requested change removes red tape from the process and levels the playing field between employees who have been with the organisation for a shorter or longer period, as well as between those who are more or less capable of presenting a case for their application.

I will take a moment to highlight the other measure that was set out in the consultation response and will be implemented alongside the Bill to complete the package. We will remove the 26-week qualifying period and make the right to request flexible working available to all employees from the first day of their employment. This will not only encourage early conversations about the availability of flexible working but bring an estimated additional 2.2 million people into the scope of the legislation.

These changes represent a timely, sensible and proportionate update to the right to request flexible working, and reflect what many employers already do. The changes will particularly support those who need to balance their work and personal lives, and who may find it harder to participate in the labour market. From older workers to new parents to those with disabilities—the point about MS is extremely well made—or long-term health conditions, the Bill will be an important step in supporting their ability to remain and progress in work.

It is important to acknowledge that there is no one-size-fits-all approach to work arrangements and there will be times when a requested pattern is unworkable. That is why the legislation leaves space for employees and employers to work out the right arrangements for their particular circumstances, and for employers to continue to decline requests for one of the specified business reasons.

I am pleased to reassure the House that the Bill contains only a single provision concerning delegated powers: a standard power for the Secretary of State to bring the provisions of the Bill into force by commencement regulations. That approach seems to have been accepted by the Delegated Powers and Regulatory Reform Committee, which in its report published on 2 March 2023 stated simply:

> "There is nothing in this private member's Bill which we would wish to draw to the attention of the House".

I hope that is ample reassurance for noble Lords.

Before going into specific points, I say that I hope that my speech has addressed most of the points raised. On the wider question raised by the noble Lords, Lord Davies of Brixton and Lord Browne of Ladyton, it is true that the 2019 Queen's Speech said that there would be an employment Bill. We then went into Covid, and the Government are taking forward many of their manifesto commitments on employment law by supporting this and other Private Members' Bills.

The noble Lord, Lord Davies of Brixton, also raised the question of what determines consultation—a very difficult thing to put your finger on, I imagine. The issue of consultation will be dealt with in guidance; we want to encourage positive conversation about what flexible working may be possible which meets the needs of both parties. But we do not want that to be a burdensome bureaucratic process on whether the consultation requirement will be enforceable.

The question of advertising is an interesting one. There is a downside to advertising, because it gives employers the opportunity to say no from the outset. We consulted on advertising in 2019. Clearly there is a strong business case for employers to do this; to some extent, why would they not? The trials with Zurich have proved that 30% more applications are received. But the view is that rather than pursuing this through legislation, we will take a voluntary approach, as set out in the business case.

I agree with almost everything that my noble friend Lord Holmes said. On the question of unpaid internships, I never did not pay an intern. It is incredibly important to make people realise early on in their working lives that if they give the time, they get properly rewarded. His point about the challenges that AI is going to present us was extremely well made. I will turn briefly to the comments of the noble Lord, Lord Browne, and I think he is absolutely right; what we are doing is turning a cultural shift into law. I think that is very good. The point about higher versus lower earners is another well-made point, and I hope that the consultation process will address that. To the noble Lord, Lord Palmer of Childs Hill, I say that I also remember the water cooler. It is very important to have a little

cultural place, where people can meet and chat freely, to drive the culture of a business and the ethics in any organisation.

Supporting the Bill is in line with the Government's ongoing commitment to build a strong and flexible labour market that supports participation and economic growth. I observed a welcome degree of cross-party co-operation and support in the other place, and I think it is a testament to the strength of our system that we can work across parties, putting aside our rivalries to deliver change which will make a real and positive impact on people's lives. With this in mind, I look forward to continuing to work with the noble Baroness, Lady Taylor, as this Bill progresses through the House.

11.45 am

Baroness Taylor of Bolton (Lab): My Lords, with the leave of the House, I thank all noble Lords who have spoken in this debate. I also thank 10 women colleagues on the Front Bench, who are showing such support for this piece of legislation. I just hope somebody is able to take a photograph of this rather unusual occurrence.

It has been a very interesting debate, and probably longer than many Private Members' Bill debates, which shows the level of interest. I particularly thank the noble Lord, Lord Holmes, for saying that this Bill is simple, straightforward, clear and concise. If only all legislation could meet those criteria, we would all be in a much better place.

My noble friend Lord Browne suggested that we should legislate only when it was necessary, and when there was a real and significant problem. The examples given today show that the Bill is necessary, and that there are significant issues that need to be addressed. It may be modest, but it will make a big difference for a lot of people, and will help the employment situation, as well as individuals with their work/life balance.

Mention has been made today of Covid and how it has changed our approach to working relationships, with work from home or flexible working. There are lessons to be learned there. As my noble friend Lord Browne pointed out, a lot of this change has been organic and now we are having legislation which is actually almost catching up with the mood of people in the workplace who want greater flexibility.

We have had a very constructive debate. As the noble Lord, Lord Davies, and others have made clear, this is not the last word on these issues. It is a small part of what is needed; it is an important part, but other things, such as consideration of advertising and the commitment that the Minister has given about day-one entitlements, are things we will come back to and will want to address in the future. I thank all Members for their contributions; I thank the Minister for his commitment to support this, and all those who have been involved, including his Bill team who, as I said earlier, have been extremely helpful. It is not the last word on these issues, but is a step forward. I therefore invite all Members to support this piece of legislation.

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

Equipment Theft (Prevention) Bill

Second Reading

11.48 am

Moved by ***Lord Blencathra***

That the Bill be now read a second time.

Lord Blencathra (Con): My Lords, I am delighted to see that my fan club on the Labour Front Bench has turned out in force to hear about this very important Bill. I am disappointed that my neighbour in Cumbria, the noble Baroness, Lady Hayman of Ullock, is not performing today. I normally assume that on every single Bill going through this House, the Labour Whips have given her the job of handling some of it.

The Bill comes from the other place, and is the initiative of my honourable friend Greg Smith MP, who started this process with a 10-minute rule Bill in 2021. I make no apologies for lifting verbatim large parts of his Second Reading speech, since I simply cannot improve on it. Since then, he has had extensive negotiations with industry, insurers, the police, representative bodies such as the National Farmers' Union, the Country Land and Business Association and the Countryside Alliance, and of course the Government, in order to craft the Bill before us today.

The concept started with a focus on combating thefts of equipment stolen far too often across rural communities, such as quad bikes, all-terrain vehicles and side-by-sides. The Bill provides a power for the Home Secretary to make regulations to ensure that immobilisers and forensic marking are fitted as standard to all new ATVs before vehicles are sold to customers.

The Bill also provides a power for the Home Secretary to extend the requirements to other agricultural equipment, such as larger agricultural machinery or tractor GPS units. However, the Bill's powers could require the forensic marking of power tools and equipment in other trades and industries, such as building. The Bill will help to make it harder to steal equipment in the first place but, equally importantly, also make it harder to resell stolen equipment.

The Bill is supported by all countryside organisations and the police and was passed in the other place with the approval of the Government and all opposition parties.

More than 40 years ago, a significant change took place in UK farming which transformed the way many farmers operate. That revolution in farming methods was brought about by the introduction of all-terrain vehicles. Indeed, I used one myself to get round parts of my huge rural constituency in Cumbria when my legs began to get a bit ropy a few years ago. They are now a crucial element of livestock farming. However, the versatility of all-terrain vehicles has meant that they have also become an essential piece of machinery in moorland management, urban parks and beaches. They also play fundamental roles in our military, emergency services and mountain rescue teams across the country, carrying out essential functions.

Without all-terrain vehicles, many farms would simply not be able to meet the demands of caring for livestock over large geographic areas. It is a common sight in

[Lord Blencathra]

the Lake District to see farmers set off on their quad bikes to tend to their sheep flock, with their collie dog perched on the back, ready to work flat out once they get up the fell.

The level of theft is awful. All-terrain vehicle thefts in the United Kingdom amounted to between 800 and 1,100 per year in the last decade, and the trend is upwards every year. In January 2022, across the country, 52 quad bikes were stolen, but in January this year that number was up to 78. The numbers for larger machinery, particularly agricultural machinery, are even more frightening. In January 2022 there were 29 thefts of large machines, but in January 2023 I am afraid the number was up to 131. In February 2022 it was 19, but in February this year it was 122.

In the 43 years since ATVs' introduction, ATV technology has developed significantly. Today's all-terrain vehicles are much more advanced and sophisticated than their predecessors and incorporate features such as four-wheel drive, tank tracks, cabs, heaters, winches, power steering, electric start buttons, LED lights, et cetera, and they cost between £7,000 and £20,000 each, making them highly attractive to thieves.

Despite all those advances and everything else that is offered on modern ATVs, they still have primitive anti-theft devices. Most manufacturers of quad bikes and ATVs tend to make other equipment, such as motorcycles and construction equipment. Those are fitted with immobilisers and other security equipment, but not ATVs. Mr Smith MP found that some leading manufacturers have used the very same basic key system for 35 years. Indeed, when I lost my quad bike key, I simply used a little key from a suitcase lock. Both were equally useless, of course.

This Bill will tackle these theft problems head on. First, Clause 1(1) sets out that most of the powers in the Bill will be enacted by regulations laid by the Secretary of State. They will all be draft affirmative, meaning the regulations will be laid before both Houses and will become law only if both Houses approve. I recommend that approach to all government departments that bring forward masses of negative SIs. The most important Select Committee of this House, the Delegated Powers Committee, has looked at the Bill and has no criticism to make of it.

However, even before the House sees the regulations it is important that the Government consult extensively with constructors, suppliers, trade associations and users. I know this will happen, but I want to give my noble friend the Minister the chance to put this on the record in this House and give us all the assurances I read about in the debates in the other place.

Noble Lords may have seen copies of correspondence from the Agricultural Engineers Association, raising concerns about the cost and speed of implementation and details about immobilisers and forensic marking. It wants full consultation before any regulations are laid. The Minister in the other place promised that. He said at Third Reading:

"We need proper consultations with industry groups and others to ensure that we get the details right … Those consultations are very important … We will work with industry groups, the police-led national business crime centre and the combined industries theft solutions group to help us understand the details. We are grateful for the expertise that those bodies bring to bear in this area".—[*Official Report*, Commons, 3/3/23; col. 1052.]

It would be helpful if my noble friend the Minister repeated those assurances for the benefit of the House and all outside parties who may be concerned about the proposed powers.

Subsection (2) sets out the type of equipment which could be covered. Although the initial concern was ATVs, the definition provided at subsection (2)(a) covers:

"mechanically propelled vehicles that … are designed or adapted primarily for use other than on a road

and

"have an engine capacity of at least 250 cubic centimetres or two kilowatts".

Paragraph (b) goes on to refer to

"other equipment designed or adapted primarily for use in agricultural or commercial activities".

In the other place, MPs were keen that "other commercial activities" should be covered, including tools and equipment in the building trade. Indeed, the Minister there agreed and said:

"I can confirm that my intention is to make statutory instruments under the Bill that deal not just with ATVs, but with other agricultural machinery and with tradespeople's high-value tools. We will need to consult to ensure that we get the details right, but I would like us to cover all such equipment … It strikes me as sensible to use the powers in the Bill to address that equipment as well".—[*Official Report*, Commons, 3/3/23; cols. 1051-52.]

I am certain that that is still Home Office policy, but again, it would be good to get it on the record in this House also.

Subsection (3) sets out a requirement that

"the equipment is fitted with a device designed, or adapted … for the purposes of preventing the equipment from being driven or otherwise put in motion",

and that a "unique identifier" is attached with

"a visible indication that it is marked with a unique identifier".

I understand that the equipment will be an electronic immobiliser, which prevents the vehicle being moved. I hope these systems will be better than the keyless locks on top-of-the-range Audi, BMW, Jaguar, Land Rover, Lexus, Mercedes and Porsche cars, which account for 48% of vehicle theft.

I understand that quite a range of anti-theft and recovery gadgets is available, including RFID devices and GPS tracker, SmartWater and microdot identifiers. I trust noble Lords will ask me to explain the details of these things.

The Bill mandates the fitting of forensic markings at source, the details of which will be recorded on an appropriate database and accessible to all police forces across the country. There are many manufacturers and different standards and options out there, but the quads, ATVs and side-by-sides fitted with this forensic marking will be almost as unique as our own DNA. This will make them entirely traceable and identifiable to the police officers who have the scanning equipment to read and understand the forensic marking. That will streamline the ability of each force involved to work with the same resources simultaneously, thus

increasing the opportunity to apprehend the suspect and identify and return the stolen machine to its owner.

For more than 20 years—since October 1998—immobilisers have been mandatory for all new passenger cars sold in the UK. Immobilisers are fundamental to preventing vehicle theft. Without the ignition system talking to the engine there is simply no way that a car can be operated under its own power. Yet, despite the many sophisticated functions of both quad bikes and ATVs, that rule does not currently apply to either.

I understand that Hitachi has introduced immobilisers and forensic marking for all its equipment sold in the UK. If Hitachi can do it then so can everybody else. Let the message go out to a minority of manufacturers that their sales strategy of selling equipment which can be easily stolen so that they can sell replacements over and over again is coming to an end.

Subsection (4) says that the regulations do not apply if

"the sale is solely for the purposes of onward sale"

to a wholesaler or another trader, and that the requirements will not apply to the sale of second-hand machinery. Subsection (5) makes it clear that the regulations do not apply if the equipment is being demonstrated to a potential buyer. That makes sense.

Clause 2 contains various powers and requirements about record-keeping. Again, the details will be set out in regs made by the Secretary of State. I will not go through the list of matters to be covered, since I think noble Lords will find them blindingly obvious. A key element for the Secretary of State to prescribe in regulations is an online storage and recording system which can be accessed by police forces across the country and other legitimate organisations. Great stress was laid in the other place on cross-border policing and cross-industry co-operation to create better anti-theft measures and deterrence and to allow equipment recovery if articles are stolen. This Bill will prevent the need to pursue the current time-consuming and extremely costly legal process by ensuring that quads, ATVs and other equipment currently stolen in the first place, or through forensic marking, are made less attractive to would-be thieves.

Clause 3 deals with enforcement and makes it clear that breaches of Clauses 1 and 2 are criminal offences, with fines from £200 to unlimited. I urge the Sentencing Council not to dilute the penalties so they become just a little cost irritant to any manufacturers that break the law. These machines are expensive, the loss to users is colossal and damaging, and manufacturers and suppliers that fail to comply should suffer great financial penalties related to the cost of the machines and the profits they make.

Related to that, I want to send a message from this House to the CPS and the Sentencing Council that we take rural crime seriously. We legislate for maximum sentences, and we want to see them used, so we do not want advice given to our magistrates and judges to undermine the penalties we have set for theft of equipment essential for farming. In every case, with no excuse, the CPS must apply for orders to confiscate the proceeds of these crimes. Criminals are stealing very expensive equipment, and a fine does not worry them; clearing out their criminal bank accounts does, and I suggest that this House demands it happens.

Clause 4 sets out regulation-making powers. As I said previously, they are all draft affirmative, so both Houses will have a chance to debate them before they become law. While the Bill, when it becomes an Act, will come into force six months after Royal Assent, not a single thing will change until the Government produce the regulations required under the various clauses of the Bill. These regulations will require a great deal of consultation, so can the Minister tell me when he expects to issue a call for evidence on what he proposes, and does he anticipate calling for evidence on just quad bikes and agricultural machinery or on industrial and construction equipment as well?

That is the Bill. The CLA estimates that the average financial impact on a victim of rural crime equates to £4,800, and that figure increases each day as supply-chain costs and overheads continue to rise. The value of quad bikes and ATV thefts reported to NFU Mutual in 2021 was £2.2 million. Close collaboration between communities and the police is essential to tackle theft. Cross-industry co-operation is crucial for crime prevention, and prevention is fundamentally better than cure. That is what the Bill enables.

Dealerships will be required by law to submit details of a vehicle's appearance and registration and the location of its forensic marking to an appropriate database that is accessible to all police forces right across the United Kingdom. This would enable an officer of any police force to identify the rightful owner of equipment, making it quicker to establish that an item is stolen and to apprehend the thieves in an effective and timely manner. The Bill will also allow my right honourable friend the Home Secretary and future Home Secretaries to expand the scope where necessary and ensure that rural communities remain protected as the threat evolves and changes.

These thefts are largely by a globalised criminal network which moves the vehicles overseas within hours of them being stolen. There are vast amounts of specialist equipment and vehicles found everywhere, from farmyards to driveways and building sites, containing everything from power tools to excavators, all of which are top targets for organised crime. The Bill can begin to close down those criminal networks by making it too dangerous for them to steal equipment which is immobilised and forensically marked.

I have stated that the police and every rural organisation as well as politicians of all parties in the other place have enthusiastically supported this Bill. However, I am always sceptical when everyone agrees to passing a new law, since there will always be the little guy somewhere who suffers. In this case, I hope I have demonstrated to your Lordships that this Bill deserves to pass on its merits and not just because the great and the good support it. Accordingly, I commend it to the House, and I beg to move.

12.05 pm

Baroness Randerson (LD): My Lords, I rise to support the principle behind the Bill. Equipment theft has been an increasing problem, particularly in rural areas, in recent years and is a serious drain on the resources of both farmers and the police. However, I want to

[Baroness Randerson]
raise a couple of specific queries. The noble Lord, Lord Blencathra, referred in passing to a couple of the issues that I am raising.

First, Clause 1(2)(b) allows regulations to specify

"other equipment designed or adapted primarily for use in agriculture or commercial activities".

That is an extraordinarily broad statement, especially in contrast with Clause 1(2)(a), which is very specific in defining all-terrain vehicles. It is very unfortunate that the Government's consultation on whether to extend this Bill, which sounds a very specific Bill, to other equipment was launched only yesterday—although of course I welcome the fact that the consultation has been launched at all. The consultation is about whether to extend the Bill to other

"large agricultural equipment and power tools",

but that is not what the Bill allows. The Bill does not specify "large", and I will be interested in the Minister's definition of what "large" means.

The Bill also extends to equipment related to commercial activities. "Commercial activities" could mean almost anything. It could mean construction, and I think it probably does mean that. It could mean things connected with the leisure industries. There is a broad spectrum of leisure equipment. It could mean things connected with tourism—caravanning, for example. I would welcome specific answers from the Minister about what the Government have in mind here, because there is real concern among trade bodies and other sector representatives at the extent of the potential application. If you are making compulsory the sort of measures this Bill includes to apply to equipment which is rarely stolen, you are adding a considerable additional expense to those who purchase it without giving them the concomitant benefit, so the Government need to clarify their intent.

It is ironic that the Government are backing such a vague clause at the same time as they are avowedly trying to reduce regulations through the Bill to revoke EU law. We could have regulation gone mad here. I think the Government need to be very specific and make it very clear what they wish to apply this to, because it has potential for enormous benefit, but it could also be a real problem and an additional cost for people across a huge spectrum of society.

My second concern is much more specific. The Explanatory Notes refer to the CESAR scheme for identification. Why? There are loads of schemes out there. Clearly there has been no comparative work so far on the effectiveness of different schemes—the Explanatory Notes say so, at paragraph 10:

"The evidence of the impact of forensic marking is less certain, and mainly relates to domestic burglary".

This refers to a benefit that we are not sure will actually exist.

The consultation gives a valuable opportunity to compare systems. I urge the Government to keep an open mind and draw up a specific scheme only after the conclusions of the consultation. It is important that the Bill is used as an opportunity to future-proof any scheme that the Government decide to adopt. The Bill sounds modest but could be expanded rapidly depending on the interpretation of that small clause.

12.11 pm

Lord Holmes of Richmond (Con): My Lords, I rise briefly in support of the Bill. I congratulate my noble friend Lord Blencathra on the thorough and clear manner in which he introduced it, taking us through all its provisions. It has to be a positive Bill with respect to the equipment and kit that so many often small businesses and individuals rely on; to make that equipment more difficult to steal and more difficult to sell is clearly a positive thing. The Bill brings support to our rural communities and the countryside and, through that, to our country. I support it and I wish it a swift, positive passage on to the statute book

12.12 pm

Lord Wasserman (Con): My Lords, I am very grateful to the House for giving me this opportunity to speak in the gap. I am very keen on the Bill and would have been very sorry not to have been able to record my support for it at this early stage. I am also very grateful to my noble friend Lord Blencathra for taking on the more or less thankless task of steering it through your Lordships' House and on to our statute books. I congratulate him on the clarity, comprehensiveness and persuasiveness—and his usual good humour—of the way he explained the Bill to us.

As I said in a recent debate on a group of amendments to the Levelling-Up and Regeneration Bill, it has long been accepted that the first responsibility of government is to keep us all safe. I went on to say that if we judge this Government and their predecessors stretching back to May 2010 by the objective standard of the crime statistics, I do not think there can be any doubt that they have carried out this vital responsibility pretty successfully.

Most people think that community safety refers mainly to safety from assault and other forms of physical harm. Of course, our main concern is to keep ourselves and our families free from physical harm; that is why our media tend to focus mainly on violence and abuse. But a safe community is much more than that. It is also a community where those who work and live in it feel that their property is safe from theft and damage. Sadly, this aspect of community safety is too often neglected by the media and, hence, too often short-changed when it comes to resources and government action.

The Bill gives us a rare chance to redress that balance—and just as its responsibility for keeping us free from physical harm is one that the Government cannot carry out entirely on their own, so is the responsibility for keeping our property safe. What I mean is that community safety in both senses requires more than an efficient and effective professional police service. It requires that all of us play an active part; and by all of us, I include businesses of all kinds which make up our national economy.

One might have thought that businesses would be prepared to do this without the need for active encouragement. I wish that this were true. But the

truth is that successful companies are always on the lookout for ways of cutting costs so as to increase their profitability. They have come to recognise that product features aimed primarily at reducing crime are not the features that are most attractive to customers. On the whole, therefore, such features as immobilisers and forensic marking are seen mainly as optional extras and, as we all know from personal experience, optional extras are features that customers tend to decline when times are tough, as they have been for our farmers in recent years. That is why the Government, if they are really determined to keep communities safe, sometimes have to force the private sector to play its role in fighting crime by introducing legislation of the kind we have been considering today.

My noble friend Lord Blencathra has already explained the Bill to us. I will not say any more about it, except that, based on my long career of working with police forces both here and abroad, I strongly believe that the provisions of the Bill would make the work of our police forces much easier and more effective and, for this reason, would make the lives of those of us who live and work in our rural communities very significantly safer.

I want to make one further point: because of the close links between criminals who operate in rural areas and those who operate in our major cities, I am sure that your Lordships will see that the effects of the Bill will extend far beyond our rural communities. In short, the Bill will make us all much safer. For this reason, I enthusiastically welcome it. I urge noble Lords to give it a Second Reading and a swift passage on to our statute books.

12.16 pm

Baroness Bakewell of Hardington Mandeville (LD): My Lords, it is a pleasure to follow the noble Lord, Lord Wasserman, and I thank the noble Lord, Lord Blencathra, for his extensive introduction to this debate. The contribution from my noble friend Lady Randerson has raised some interesting questions; I look forward to the answers.

The Bill seeks to help with the prevention of theft of agricultural equipment and assist with recovery when it has been stolen. The main targets of theft from rural and farm buildings are all-terrain vehicles. The ATV is a vital assistant to the modern farmer, helping him or her to get around, feed and check on stock, often in otherwise inaccessible areas of farms and holdings. Farmers have come to depend on ATVs as an essential time-saving device. Shepherds on uplands use ATVs to help both feed their flocks in winter and gather in their sheep in the spring. The Government estimate that between 900 and 1,200 ATVs are stolen each year. Where are all these going? The noble Lord, Lord Blencathra, seems to indicate that they are going overseas. It is not just ATVs—farm tractors have also been stolen, along with essential tools. Direct Line estimates that some £46 million-worth of tools were stolen in the six months to April 2021. The NFU similarly estimates that the cost resulting from the theft of quad bikes and ATVs was £2.2 million for its customers in 2021.

The solution to help prevent these thefts and return property to their owners is suggested in the Bill to be fitting immobilisers during manufacture or retrofitting, coupled with forensic marking and a register of who owns what and the identifying number from the forensic mark. This latter would assist the police to identify stolen goods.

I turn to the loss of other equipment and tools. The building industry is also a target, with the Federation of Master Builders saying that eight in 10 builders have had their tools stolen. Again, Direct Line estimates that £245,893-worth—a very precise sum for an estimate—of tools are stolen from vehicles every day. Direct Line also reports that a third of UK consumers had bought second-hand tools at some point.

I declare an interest, in that my husband is a great fan of second-hand tool stalls at markets and has often bought something that he claims he has been looking for some time and will "come in handy" in the future—a phrase often used in our household. There is an app called The Tool Register where tradespeople and agricultural workers can record details of their tools and equipment and report if they have been stolen. The stolen goods then appear on a search engine aptly named Dodgy Gear. The app allows people to check whether the goods they are proposing to buy have been stolen.

The Countryside Alliance found in its 2022 rural crime survey that 35% of respondents said they had been victims of agricultural machinery theft—the second most reported crime, just 3% behind fly-tipping, the other scourge of the countryside and farmland. Wildlife crime, including hare poaching and animal rights activism, was also on the list. There are few prosecutions but, where they do occur and are successful, the penalties can be high—in one case, over six years in prison.

The Countryside Alliance supports the fitting of a marked engine immobiliser. That view is shared by the NFU, which provided a similar brief to that of the Countryside Alliance. They have indicated that the direct effects of the Bill will be on product and sales standards, trading standards authorities and local authorities. I was hearing only last week of the desperate shortage of trading standards officers, and we all know that local authorities are cash-strapped, with little or no room for manoeuvre, so we must be careful about putting extra unfunded burdens on local authorities.

There is no doubt that this is a real problem that affects primarily farmers, but it also affects other industries. I have been contacted by the National Caravan Council, which is concerned about industries involved in the leisure business and believes that the scope of the Bill is too broad. It also believes that the fitting of immobilisers could compromise the safety or use of the vehicle. As every law enforcement body across the world, including in the UK, uses the vehicle identification number—VIN—system, the NCC asks why that is not being used to identify vehicles. Perhaps the Minister can provide some clarification.

The Explanatory Notes accompanying the Bill indicate that the cost of retrofitting an immobiliser to an ATV is £150, but there is no mention of what the cost of compliance might be for other industries outside agriculture. This is a Private Member's Bill, but I

[Baroness Bakewell of Hardington Mandeville] would like to ask the Minister whether he knows what consultation, if any, has taken place outside the agriculture sector. The noble Lord, Lord Blencathra, indicates that the consultation has not so far taken place. I mention that because I believe there is some concern that the Bill might have a detrimental impact on the financial viability of those sectors involved in the leisure industry. My noble friend Lady Randerson has raised the issue of consultation and extending the scope of the Bill.

That said, I am supportive of the aims of the Bill. I know from having lived in a lively farming community that the theft of ATVs and other farming equipment happens on a fairly regular basis and can have a devasting financial effect on the small farms often found in rural villages. Theft of any sort affects the victims. If that theft affects the way in which a victim carries out the activities that provide their livelihood, that raises the crime much higher up the scale, and something should be done to both prevent the crime in the first place and deal with returning the stolen property afterwards. The noble Lord, Lord Wasserman, raised the issue of personal and property safety. The Bill, while not being a panacea for all rural crimes, would certainly help towards addressing some of the issues that farmers face. We support it, and we look forward to the Minister's response.

12.24 pm

Baroness Twycross (Lab): My Lords, I welcome the opportunity to speak in this debate and thank the noble Lord, Lord Blencathra, for sponsoring the Bill in this House. It presents a much-needed opportunity to reduce rural crime, and Labour is pleased to support it. I thank the noble Lord for his openness in sharing information on the Bill and for the background to its introduction in the other place, both in advance of today's debate and in his speech today.

I thought it was very helpful, in light of the genuine cross-party consensus on the Bill, that the noble Baroness, Lady Randerson, raised concerns, and I look forward to the Minister's response to them. Like the noble Lord, Lord Holmes, I would like to see this introduced swiftly, but with due consideration of some of the potential issues and unintended consequences that have been highlighted today.

This is not the first time that the need for greater regulation on the issue of quad bikes has been raised through a Private Member's Bill. In addition to the previous work by the honourable Member for Buckingham in relation to this, the honourable Member for Bradford South raised it in her Quad Bikes Bill last year. The Bill before us today presents an opportunity for a common-sense approach to be taken forward. Labour would welcome the security measures outlined in this proposed Bill. The NFU has particularly highlighted the benefit of fitting trackers and immobilisers, and of forensic marking, and I would welcome the Minister's comments on what measures the Secretary of State might opt for in the first instance and when that might become clearer.

The theft of all-terrain vehicles is a widespread issue in rural areas, as noble Lords have said today. Quad bikes and ATVs are a vital piece of equipment for many farmers and, as the National Farmers' Union highlights, they are used routinely for a range of essential tasks on farms.

NFU Mutual states—these figures have already come up in the debate today—that between 900 and 1,200 quad bikes or ATVs are stolen from farms every year. This is an issue that is increasing. Rural theft rose 40% between 2021 and 2022, costing the economy over £40 million. A lot of this theft is theft to order, often, as has been noted, by organised criminals. With most ATVs not having even basic, let alone sophisticated, security systems, they are simply too easy for criminals to steal—not least as, once stolen, they are extremely hard to trace. The noble Lord, Lord Wasserman, is right that optional extras are too often omitted, hence the need for the Bill.

Currently, quad bikes and ATVs tend to be difficult to replace. They are stolen for a variety of reasons. The NFU highlights both Covid and Brexit as issues—the lack of availability of ATVs in the UK market means that it can take between three and six months to replace a stolen vehicle. They are not cheap, and the cost of a replacement has also risen.

ATV theft is also related to anti-social behaviour and vandalism, which is a particular concern for both rural and urban communities. We should note that is not only farms and farmers that this legislation might help: my understanding is that it would also resolve issues relating to the theft of ATVs and quad bikes from those involved in the leisure industry such as caravan parks, which rely on them, as well as the emergency services.

I am pleased that the Government confirmed in Committee in the Commons that they will be looking at expansions to cover other farm and construction equipment. Beyond the theft of ATVs, tool theft is a significant concern for agriculture, as well as clearly being of particular interest to other sectors such as the construction industry.

Theft is driven by the strong second-hand market in power tools, as the noble Baroness, Lady Bakewell, highlighted. She noted that the insurance company Direct Line found that 65% of roofers, 58% of electricians and 55% of plumbers had had tools stolen. The Federation of Master Builders found that eight out of 10 builders had had tools stolen, causing losses of £10,000 and six working days to the average builder. The FMB also stated that tool theft was a mental health concern for builders, with 15% having suffered from anxiety caused by tool theft. Put simply, their livelihood depends on the security of their equipment.

As the noble Lord, Lord Blencathra, made clear, tool theft could also be covered by the Bill. It would be useful for the Minister to give additional detail on what the Government are considering by way of expansion of the scope of the Bill. That would significantly change its scope, and it would be useful to understand whether any intended changes would be included in the Bill or would come under other legislation. I agree with the noble Lord that details of the Government's consultation and its scope would be useful for this House to hear.

In addition, I would welcome the Minister's thoughts on how far the Government would meet the ask of the NFU to include other agricultural equipment, noting that agricultural vehicle theft, including of tractors and trailers, costs NFU Mutual more than four times what quad and ATV theft cost. I note the concerns of the noble Baroness, Lady Randerson, about definition and scope, and I agree that clarity would be useful.

The noble Lord, Lord Blencathra, also outlined the need for penalties for theft of equipment to act as a deterrent. This feels entirely proportionate. As I said at the outset, this is a common-sense Bill and I hope that other common-sense elements that could be incorporated at minimal cost are included. In so many ways, this could provide additional security and protection that is currently lacking and help tackle the scourge of rural crime.

12.30 pm

The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con): My Lords, I am grateful to my noble friend Lord Blencathra for bringing forward this Private Member's Bill to the House. I join him in paying tribute to Greg Smith MP in the other place for all his work on it. I also commend him on the eloquent and considered case he has made for the included measures and thank all those who contributed to this short debate and welcome their support.

I am delighted to be able to say that the Government support this Bill. As has been noted, it received cross-party support from the outset. My noble friend Lord Wasserman is quite right that the Government are determined to make our cities, towns, villages and rural areas safer. Our blueprint for cutting crime was set out in the *Beating Crime Plan* in July 2021, which outlined the concerted and wide-ranging actions we are taking to cut crime and make our society a safer place to live and work in.

To bear down on all forms of crime, this Government committed to recruiting an additional 20,000 officers across England and Wales by the end of March 2023. We have delivered on this manifesto commitment; 20,951 additional officers were recruited by the end of March 2023. A record number of officers are now in post, bringing the total number to nearly 150,000 across England and Wales, exceeding the previous peak in 2010 by 3,500. This means that there are now more police on the streets to tackle crime in all areas of England and Wales. That includes crime affecting rural communities, such as machinery theft, which this Bill is designed to prevent.

As all noble Lords have noted, the theft of agricultural machinery, in particular all-terrain vehicles, is of great concern. The Government recognise the significant impact of these thefts on both individuals and businesses and understand the distress and disruption caused when property is stolen. For example, the theft of an agricultural vehicle from a farmer can cause severe disruption to essential cultivation work, risk animal welfare and put livelihoods on the line. It is therefore essential to ensure that they are adequately protected. I was pleased to hear my noble friend Lord Blencathra describe the widespread support for this Bill from interested parties, including the National Farmers' Union and NFU Mutual. The principle of this Bill is very important: the Government expect manufacturers to play their part in protecting items from theft.

As well as the personal and practical consequences, there is a significant economic impact, as noted by the noble Baroness, Lady Twycross. As we heard during this debate, more than 900 quad bikes and ATVs are stolen every year. NFU Mutual's *Rural Crime Report 2022* put the total cost of insurance claims due to the theft of agricultural vehicles at £9.1 million last year. This figure includes more than ATVs; we know that other high-value machinery such as tractors and GPS systems are also targeted by organised criminal gangs. Of that £9.1 million, the theft of quad bikes and ATVs alone costs the UK £2.2 million. This is an unacceptably high amount.

To go into a little more detail on other types of machinery theft, figures provided by the National Police Chiefs' Council show that there has been a total of 626 thefts of large agricultural machinery so far in 2023. These figures include large or high-value machines such as tractors, excavators and diggers. In reply to the noble Baroness, Lady Randerson, the most I can do to clarify "large" here is to say that it means "big".

This is why the Government are taking action by supporting this Bill. Despite significant technological advancements made across the ATV market, the inclusion of basic security features on machines has been much slower. Fitting immobilisers and forensic markings as standard is inexpensive, and they are readily available. The Government do not wish unnecessarily to impose additional costs on individuals. The cost of fitting an immobiliser and forensically marking a machine is estimated to be under £200. This cost is far outweighed by the benefit of reducing disruption caused by theft.

The Government are focused on the prevention of crime. As we have heard during this debate, increased policing is not the only answer. Prevention is by far the most effective means of reducing these thefts and this Bill proposes simple action to achieve that. We need the most effective technology, such as immobilisers and forensic marking, to be rolled out and fitted as standard to drive down these preventable thefts.

My noble friend Lord Blencathra asked about databases. The Government have no intention of creating a single national database for the purpose of recording and retaining this information. The owner's information will be registered on the database maintained by the company whose forensic marking product has been used. For example, many companies, such as CESAR—which has been mentioned and I will come back to—Datatag, Selectamark and SmartWater operate databases to record forensic marking and owners' details.

In answer to the noble Baronesses, Lady Randerson and Lady Bakewell, the Explanatory Notes refer to CESAR as an example of a forensic marking scheme. The legislation, to be clear, will not endorse any particular product, product line or service. A number of forensic marking schemes are already widely adopted by the agricultural sector and construction industry. The secondary legislation will specify the standards of forensic marking which may be used—in order to set a minimum standard, not to restrict the market or stifle

[Lord Sharpe of Epsom]
innovation. I should also be clear that police officers are very aware of how to search for any stolen items using these databases. They are able to access these databases at any time in order to ascertain if they are dealing with things such as stolen ATVs.

The Government expect to see a real decrease in the theft of ATVs as a result of the measures in this Bill. The introduction of immobilisers and forensic marking as standard will help prevent them being stolen. Importantly, it will be harder for criminals to sell on stolen machinery, and that will have a deterrent effect. The Bill is a great example of government, law enforcement and industry working together to protect hard-working people from theft.

The Bill includes a power for the Secretary of State to extend its provisions via secondary legislation to other types of machinery, as has been noted. During the Commons stages, the Minister for Crime, Policing and Fire committed to consider extending the provisions to other equipment designed or adapted primarily for use in agricultural or commercial activities, including tradespeople's tools. Minister Philp recognised that the regulations would require careful consideration to ensure the technical detail is correct. The legislation must be practical and straightforward for manufacturers and dealers to implement, without causing a detrimental impact on businesses.

My noble friend asked about calls for evidence. I am very pleased, as has been noted by the noble Baroness, Lady Randerson, that the call for evidence was launched this week. It has been published on GOV.UK and will run for eight weeks. I am not sure why it is unfortunate that it was introduced only this week. Home Office officials will ensure that it is widely shared with those who may be affected by the legislation. That includes manufacturers, dealers, retailers, forensic marking companies, trade associations, tradespeople and law enforcement practitioners. I urge all interested parties to engage with this call for evidence and make their feelings and opinions known.

I have also been lobbied by the National Caravan Council, which should definitely engage with this, as should the Agricultural Engineers Association and others. The call for evidence includes questions about the feasibility of including handheld power tools and large agricultural equipment in the secondary legislation. We recognise that there is an overlap between equipment used in the agriculture, construction and land management industries, but we want to ensure that the legislation covers equipment that is vulnerable to theft and needs to be protected.

The Bill is broad in scope. It allows for these requirements to be extended to other equipment, as we have discussed, via secondary legislation. That is why this call for evidence is so important to engage with—to make sure, as I think has been noted, that we do not end up with unintended consequences.

The noble Baroness, Lady Bakewell, asked me about vehicle identification numbers. The fact is that criminals are very adept at changing a quad bike's identity to legitimise it for resale. In most instances, the VIN is replaced by false or cloned details, which can be harder to detect.

Regarding the forensic marking of tradespeople's tools, as has been noted, the Minister for Crime, Policing and Fire, Chris Philp, committed to consulting on that. Again, the appropriate way of consulting is through the call for evidence. I actively encourage all relevant stakeholders and interested parties to participate in the call for evidence.

I finish by reiterating my thanks to the noble Lord, Lord Blencathra, for bringing this Private Member's Bill to the House. I echo the thanks to the National Farmers' Union and to the National Police Chiefs' Council lead for construction and agricultural machinery theft, Superintendent Andy Huddleston, for all his work in developing the measures in the Bill. I hope to see the Bill receive Royal Assent, as I believe it can have a significant impact on these thefts; the Government are in full support of it.

12.40 pm

Lord Blencathra (Con): My Lords, I am grateful to all noble Lords who have taken part in this short but important debate. First, I thank my noble friend Lord Holmes of Richmond for his short but highly supportive speech. I thank the noble Lord, Lord Wasserman, for speaking in the gap. I agree entirely with him that preventing crime is a duty on us all—it cannot be left to the police alone—and that, where industry is not pulling its weight voluntarily by fitting immobilisers and doing forensic marking, legislation is, unfortunately, necessary.

The noble Baroness, Lady Randerson, raised some very important points. I know that my noble friend the Minister responded to her—he is completely in charge; I am not making policy here—but I stress to her that consultation will happen. Theoretically, other commercial activities are completely open-ended—a Home Secretary could wake up one morning with an aberrant wish to extend it to weird and wonderful things—but no regulations will be made unless there is full consultation first. Obviously, the police will also have an input.

I simply say this: if nothing has been stolen, there is no point doing the regulations. If a lot of things are being stolen, the industry will then come forward to say that it wants forensic marking too. I received a note this morning from the leisure industry worried about equipment; I responded in a short email saying, "Well, if you have a lot of kit being stolen, you may want to do this. If nothing has been stolen in the gigs you're doing around the country, I can't imagine the Home Secretary or the police wanting to do this". My final point to the noble Baroness is that the regulations will be subject to the draft affirmative procedure. They will not be bounced through under the negative procedure; they will come before both Houses of Parliament. If noble Lords and Members of Parliament do not think they are right, we will be able to say so.

I thank the noble Baroness, Lady Bakewell of Hardington Mandeville, for the very good points she raised; I am grateful for her support. As she noted, £46 million worth of tools were stolen in six months; that is about £240,000 every day. I commend her husband—he sounds like an excellent chap—because I am also one of those who cannot resist buying tools

which may be necessary one day. I assure the House that, once every 30 years, I have something in the back of the cupboard which is essential to fix something.

With all due respect to the National Caravan Council, the advice I received was that it may be slightly off the point on this matter. I do not think that the point it is making is relevant; it raises a valid concern, but I think that it has misjudged it slightly.

I am very grateful to the noble Baroness, Lady Twycross, for her highly supportive comments. She made an excellent speech—and not just because I agreed with it.

I knew that my noble friend the Minister would be supportive, but I am delighted that he set out the details of the consultation and the standards of the forensic marking, which answers the points raised by the noble Baroness, Lady Randerson. I am delighted to hear that the call for evidence has gone out this week—I had thought so, but was not sure—and that it will be widely shared. It is important that we get the details right. This is the chance for everybody in the industry, the police and so on to be able to draft the legislation; it will not be written up just by the brilliant civil servants in the Home Office. The consultation on the technical details is terribly important. All Governments are good at general policy-making, but sometimes they do not get technical details right, so this is a chance for the industry to have an input in the legislation. As I said—I am sorry for repeating this—the regulations will come before both Houses, and we will have a chance to say whether or not they are right.

I am very grateful to all noble Peers who have taken part and to my noble friend the Minister for his assurance. I will not thank everyone at this stage; if we get to Third Reading, I will thank those heavily involved then. I beg to move.

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

Child Support (Enforcement) Bill

Second Reading

12.45 pm

Moved by ***Baroness Redfern***

That the Bill be now read a second time.

Baroness Redfern (Con): My Lords, I am pleased to introduce the Child Support (Enforcement) Bill to this place. After gathering significant cross-party support in the other place—it was passed without Division—I am hoping that noble Lords will continue this and support these important measures. I am sure that, like me, everyone here recognises the important role this Government play in making sure that our children get the very best possible start in life. The Government's impartial support through the Child Maintenance Service—CMS—is especially crucial when there is a breakdown in the relationship between separated parents which then impacts on their children.

While it is not about taking one parent's side over another's, in those situations where parents no longer live together, ensuring that parents without the primary care of their children make regular financial contributions towards the support of those children is so important in keeping children out of poverty. That is why the Bill is such an important measure: it will not only improve the recovery of arrears from parents who have failed to meet their financial obligations to pay child maintenance, it will help to ensure that the CMS continues to deliver a modern, efficient and reliable service in which parents can have confidence. Perhaps most importantly, it will help in getting money to more children faster, because children should not have to suffer.

Before I move on to talk about the Bill in more detail, allow me to provide your Lordships with some further background to the CMS and the introduction of the Bill. The aim of the CMS is to encourage co-operation and collaborative parenting, in the form of family-based arrangements for separated parents in bringing up their children, but where necessary ensuring that they have the option of statutory maintenance arrangements through the CMS. Once parents are in the system, the CMS manages child maintenance cases through one of two service types: direct pay and collect and pay. For direct pay, the CMS provides a calculation and a payment schedule, but payments are arranged privately between the two parents. For collect and pay, the CMS calculates how much maintenance should be paid, collects the money from the paying parent and pays it to the receiving parent. Cases in collect and pay tend to involve parents where a more collaborative arrangement has either failed or not been possible to achieve. Paying parents on collect and pay are therefore considered to be less likely to meet their payment responsibilities.

The difference child maintenance payments make to children's lives is critical, so it is vital the Child Maintenance Service takes action to tackle payment breakdowns at the very earliest opportunity, to re-establish compliance and to collect unpaid amounts as quickly as possible. Where compliance is not achieved and the parent is employed, the CMS will attempt to deduct maintenance, including any arrears, directly from their earnings. Employers are obliged by law to co-operate with this action. CMS enforcement powers also allow for deductions to be taken directly from bank accounts, including joint and business accounts, either as a lump sum or a regular amount. This is a useful power where the parent is self-employed and taking deductions from their earnings is not possible.

Where such powers prove to be inappropriate or ineffective under current legislation, the CMS must apply to the magistrates' or sheriff courts to obtain a liability order before the use of other enforcement powers, such as instructing enforcement agents or sheriff officers, or even more stringent court-based enforcement actions, such as forcing the sale of property, disqualification from driving or holding a UK passport, or even commitment to prison.

This Bill will amend uncommenced primary legislation to enable the DWP to take further enforcement action without the need to apply to the magistrates' or sheriff courts, as obtaining a liability order through the courts

[Baroness Redfern]
is time consuming, instead allowing the Secretary of State to make an administrative liability order. This power, once enacted, will allow enforcement measures to be used more quickly against parents who have failed to meet their obligations.

While getting child maintenance to our children more quickly has to be of primary importance in introducing this power, it is also important that this Bill does not simply allow the CMS to forge ahead with its most invasive and stringent enforcement measures without there being some protections for paying parents. With that in mind, this Bill and any regulations developed in support of it will ensure that important protections are in place for parents. My noble friend the Minister will say more about that shortly, but it is important to reiterate that the provisions being introduced in this Bill and the supporting regulations will allow the CMS to move swiftly and appropriately to enforcement measures, without placing any additional or unreasonable constraints on a parent's ability to seek an appeal.

Finally, I should like to add that this Bill extends to England, Wales and Scotland. Northern Ireland has traditionally maintained parity with Great Britain by mirroring child maintenance legislation. In respect of administrative liability orders, Northern Ireland has similar uncommenced provisions to those in Great Britain, which it plans to commence, thereby enabling it to use and enforce administrative liability orders. However, due to the suspension of the Northern Ireland Assembly, it will not be possible at this time for it to amend its legislation to match the changes being made through this Bill.

In conclusion, as I hope I have been able to make clear, this Bill is of great importance to the future of children in separated families, and I am therefore privileged to be able to present it to the House. I hope that noble Lords agree with me that the essential improvements to enforcement processes within the CMS that it makes, which will get money more quickly to children, are measures we need to give effect to quickly. I therefore look forward to working with the Minister as we aim to secure the Bill's swift passage through the House. I beg to move.

12.53 pm

Baroness Stedman-Scott (Con): My Lords, I thank my noble friend Lady Redfern for sponsoring this important Bill in this House. The Bill is important, as it will help to ensure that action is taken to get money to children who desperately need it sooner rather than later.

When I first arrived in the DWP as a Minister, I found that one of my responsibilities was the Child Maintenance Service. I quickly found out that it was not the portfolio area that many Ministers were clamouring to take responsibility for. I suppose you could say that in some cases it might have been the hospital pass. Having said that, once I understood how important it was and how much children and families needed this money, I tried to get to grips with it—and, as some would say, I became quite obsessed with child maintenance. My first ministerial visit was to Gingerbread, and what a baptism of fire that was. I learned more in the couple of hours I spent there than I probably would have just by reading books and papers.

It became very clear to me that some paying parents would do anything they could to avoid accepting responsibility for their children. Noble Lords would not believe the lengths that people would go to in order to avoid doing it. I toyed with the idea of giving some examples. I was not going to, but let me give your Lordships one: getting your brother to do a DNA test to prove that you are not the father so you do not have to pay. That is outrageous. Of course, some hide income in other accounts as well. There are some people who genuinely cannot pay, and there are some who can but who mess about a bit, delay it and cause havoc in the home. But there are some people who shamelessly do everything they can to avoid paying their maintenance. I was not going to have that, and I know that my noble friend the Minister is not going to have that either.

The Child Maintenance Service has a range of tools at its disposal to ensure that it gets the rightful payments that are due. Equally, I should say that there are many parents who do pay—let others follow their example. Exactly how will the Bill improve the experience of child maintenance customers and speed up the process? How much time will the introduction of this administrative liability order save?

I make another plea to my noble friend. For those paying parents who are in dispute with the Child Maintenance Service—there are a fair few of them—I ask that the new liability enforcement orders will not be applied until their appeals have been resolved. As I have said, the Child Maintenance Service has a number of enforcement powers at its disposal. Can my noble friend tell the House what is being done to ensure that existing powers are being used effectively and, if possible, can he share with the House how many orders the Child Maintenance Service currently obtains? Securing payments from paying parents has an impact on the reduction of child poverty. Can my noble friend tell us the effect that child maintenance has on children growing up in poverty?

The Child Maintenance Service is not perfect, but I ask your Lordships to understand and appreciate the effort and commitment of the child maintenance team in using all its powers to secure funding. Please, do not underestimate the effort that is put in. As Minister Tom Pursglove said in the other place, the Child Maintenance Service

"is committed to delivering service and support to the highest standard and is working hard to transform itself into a more customer-focused, digital organisation, which I am sure is something we all welcome. Although there is still much more we can do, the CMS should no longer carry the stigma with which its predecessors were associated".—[*Official Report*, Commons, 17/3/23; col. 1119.]

I pay tribute to the child maintenance team, its leadership and its delivery, and especially to the financial investigation unit. If noble Lords spent some time with it, they would see how amazing it is at finding things that other people have not been able to find. At this point, I pay tribute to Arlene Sugden, who led the organisation and has now retired, Chris Smith, and Stuart Richards. If I owed money, I would not want him on my back—I can tell your Lordships that.

Finally, if your Lordships have not gathered already, I am fully supportive of the Bill. I hope that the whole House will stand four-square behind it. I know that there are many other changes that can be made to the Child Maintenance Service and lots of other things we wanted to introduce that have not got here yet. I hope my noble friend the Minister will get them here as quickly as possible, and then we will speed up the process to get more money to children who really need it.

12.58 pm

Baroness Bottomley of Nettlestone (Con): My Lords, what a formidable speech. I felt some sympathy for the Minister, having the previous Minister literally breathing down his neck. I think we know what this bodes for the future. I start with very warm congratulations to my noble friend Lady Redfern on the sensitive and thoughtful way in which she introduced the Bill. We should also thank Siobhan Baillie, the MP for Stroud, who has done a lot of work on it in another place.

We have heard a wonderful, magnificent example of a Minister who has become obsessed with her subject, which I completely understand. We know that, with my formidable noble friend Lady Stedman-Scott, she will not let this subject go; she will be making sure that this goes through. She was a Minister who, like many, did not govern by press notice but by heavy lifting, getting into the detail and seeing what really works. It is easy in government to think that a press notice is an implementation plan. That is not the case. Making something happen and making something change takes far more detail.

This is the most gripping, intractable and difficult subject. I go back as far as the Finer report, commissioned by Barbara Castle in the 1970s—a Labour report, but Barbara Castle did not feel that she could quite swallow the recommendations. I feel that I must share with the House the comments of Margaret Thatcher—another force, like my noble friend—on the Child Support Agency in 1990. I would like the House to discuss where we differ from these objectives:

> "We will set up a new child support agency … The whole process will be easier, more consistent and fairer. Our aim is to give the lone parent back her morale and her confidence. Then she will be able the better to use and develop her own abilities for the benefit of her children and herself".

Those words are slightly quaintly expressed, but we have been struggling over the decades—both Governments—as to how we can make this work better.

I have long been committed to issues that affect children and families. I started work for the noble Lord, Lord Field, at the Child Poverty Action Group, earning £12 a week. That work was particularly about the budgeting behaviour of families at or below the poverty line, on social security benefits. Many of them earned in their poverty; there were lots of different mechanisms. The key lesson that I learned from that is that poverty is debilitating and difficult in many ways, but that unpredictable income is almost worse. You can manage on a low income if you can be confident of the amount that will come through. It is much easier to plan, even on a meagre budget, if the income is consistent. Being unable to rely on a regular source of income creates acute tension, unhappiness and resentment. That is why it is critical that we try to make the maintenance payments reliable, regular and not a source of endless anxiety and unhappiness. It is a reason why I have long been a supporter of child benefit; it is the one benefit that women can rely on—and it usually is the women.

I also oversaw the implementation of the iconic Children Act 1989, steered through this House by the former Lord Chancellor Lord Mackay of Clashfern. Much of the legal work was done by the noble and learned Baroness, Lady Hale. The purpose was to safeguard and promote the interests of children; their interests should be paramount. Lord Mackay used to say that a "natural adjunct" to the Children Act was the Child Support Act. The tension has been to try to make the two Acts, the financial mechanisms and care mechanisms, work in parallel. As all are agreed, we have not reached the destination, but it is still the right place to aim for.

We saw how the Child Support Agency made way for the Child Maintenance Service. It is estimated that there are 2.3 million separated families in Great Britain, with 3.6 million children in those families, and that 60% of separated families have child maintenance payments. Parents in separated families receive approximately £2.4 billion a year in child maintenance payments; we are aware that these are essential to those families' well-being and financial security.

Children are expensive; children are demanding. They want what their peers have. Parents want to give their children the best they can. How well I remember when I worked for the Child Poverty Action Group how many mothers got themselves into terrible debt at Christmas shopping from catalogues. They would not let their children wear National Health Service spectacles. I from a more confident position was happy to buy nearly everything my children had from a jumble sale—second-hand bikes and toys—but the pride and determination that one's child will have the best one can give them is deeply entrenched and it is why these financial payments are so important.

Many in this House have experience of working with disadvantaged families. I know that the noble Baroness—whom I like to call my noble friend—Lady Sherlock, who is going to wind up for the other side, has long-standing engagement and commitment, as does my noble friend.

Preparing for this debate, I wondered whether I was getting out of date, so I talked to the best constituency caseworker I know. She expressed in strong terms her deep concerns about the ongoing functioning of the Child Maintenance Service. Dedicated caseworkers inevitably become close to those they help and identify with their anxiety and pain in grievous situations. We all understand that the break-up of a relationship is not only about poverty; it is about the end of a dream and it is almost like an amputation for some. It is fuelled with suspicion, hurt and resentment. There are many psychological and emotional factors, but the fact is that poverty, not being able to rely on an income, compounds all those difficulties.

[Baroness Bottomley of Nettlestone]

My caseworker noted a number of parents, usually fathers, doing everything they could to avoid paying maintenance, as my noble friend said: setting up companies to conceal income, refusing to pay, being devious and, in some cases, being absolutely dishonest. The children frequently then have the indignity and pain of seeing the absent parent driving around in a smart car, going on expensive holidays and treating subsequent children with relative luxury. All this reinforces why this Bill, while not being the total answer, has an important part to play.

Mention has been made of Gingerbread. The CAB is similar; it has endless evidence about these examples. In seeking redress or justice, the lone parent has to invest time, frustration and deep resentment, which can of course be cumulative and result in stress and even ill health. As I said, most mothers or fathers do everything they can to give their child the best possible upbringing.

The National Audit Office has said that it can take years before payments are made to receiving parents if the paying parent simply refuses to comply. Running on for years, it is a relatively *Bleak House* experience of fuelling emotions that nobody wants to have when trying to be a calm, civilised parent and creating a relationship, and one of respect, with the absent parent.

The House will be aware of the 2022 National Audit Office report on child maintenance. Encouragingly, parents now rely less on the state to help them to make maintenance payments—an objective of the 2012 reforms. It is estimated that one in three separated parents have a child maintenance arrangement for which the agreed maintenance is paid in full, but in 2022 the CMS reported that more than a third of parents paid no maintenance at all; of those who do pay maintenance, fewer than 45% pay more than 90% of the amount due. Cumulative arrears amounted to £493 million; the figure is estimated to reach £1 billion by 2031. It is evident that there has to be action and that there are ongoing problems with child maintenance collection and enforcement activities.

Research shows that 60% of single families living in poverty and not receiving child maintenance would be able to escape poverty if they were simply paid the money they are owed. How difficult it is to be a balanced, affectionate parent, having a good relationship with the other parent, while going through all this impossible difficulty and complexity. We have to make it easier.

The Child Maintenance Service has experienced falling compliance figures since 2021, following what had been a period of improving compliance. I appreciate my noble friend's comments about the Child Maintenance Service: the people in the organisation are dedicated and they care. They are at the receiving end of extremely emotional, often quite angry and maybe irrational people who feel that they have lost out, so they need the patience of a saint. I want to acknowledge the good work that the CMS is doing—but we have to do more.

Under current legislation, direct payment is the default option unless both parents request collect and pay. If the paying parent refuses to comply, as I have said, it can take years before payments are made to the receiving parent.

This Bill is not going to solve all the problems. We have discussed the different measures by which the CMS can ramp up enforcement and collection more quickly. Time is reduced pain; speed will reduce the agony faced by so many. Other measures in the Bill are not enormous but are important and will result in swifter, more effective action.

The Bill constitutes an important step to improve compliance and enable the CMS to do its work better. I doubt that it will be the last word on the subject but it is thoughtful, carefully prepared and practical. I certainly believe that it will improve the lives of affected children and families, up and down our country. I commend all those who have been involved.

1.11 pm

Lord Palmer of Childs Hill (LD): My Lords, I support the Bill and congratulate those who moved it in the other place and the noble Baroness, Lady Redfern, on moving it in your Lordships' House. This important issue should not have been left to a Private Member's Bill; I would have hoped that the Government would find government time to introduce it. But we are where we are, and I believe the Government support the Bill.

The debate in the Commons in December 2022 showed the need for the Bill. Members gave many examples from their constituency casework of the trauma in those cases. In your Lordships' House, we get only the occasional casework, as the complainant rightly consults their local MP, but I think that what we have heard is the tip of the iceberg. There are other cases that we, and even MPs, do not know about.

The Bill is an important measure to aid recovery of arrears from parents who fail to meet obligations to pay maintenance. The Child Maintenance Service has a difficult job. It was launched in 2012 to replace the Child Support Agency and I welcome the anecdotal accounts of how it is performing.

I understand that the Bill is trying to speed things up and I welcome descriptions of how it will streamline matters. However, can the Minister say whether there is recognition of when an absent parent literally cannot pay maintenance? That raises the question of how often these claims are reassessed.

It was a pleasure once again to follow the noble Baroness, Lady Bottomley—we seem to have made a habit of it today—and her trips through history. We had Baroness Nancy Seear earlier and Baroness Barbara Castle in this debate, and others too. It was a pleasure, and I certainly agree with the noble Baroness's words.

The noble Baroness, Lady Stedman-Scott, gave a virtuoso performance; she has been seriously missed from the Front Bench. She commented on how dreadful she had found child maintenance when she was a Minister. The thing is that most of us are not Ministers. We see some of this, but Ministers or even local MPs probably see a lot more than we ever realise. There were certainly many stories, all of which I believe, but they are all based on the breakdown of a marriage. When a marriage breaks down, there is often a lot of ill will. Who is guilty? Maybe both are, but there certainly is a problem. Who suffers? The children do, and the Bill is trying to rectify that. The noble Baroness,

Lady Stedman-Scott, told us how it will work and gave us all the statistics, which means I can shorten my speech somewhat.

We on these Benches heartily support the Bill. There has to be care that when the absent parent cannot pay, there is recognition of that, not driving them into mental illness or bankruptcy when they are not hiding assets. There must be care in introducing the Bill with regard to how the Child Maintenance Service will work, but we on these Benches support the Bill.

1.15 pm

Baroness Sherlock (Lab): My Lords, I thank the noble Baroness, Lady Redfern, for introducing the Bill and all noble Lords who have spoken. As we are in the business of confessing past connections, I should probably remind the House of a very distant time when I served as the senior independent director of the Child Maintenance and Enforcement Commission, and my time as the director of the National Council for One Parent Families, now joined with Gingerbread.

The noble Lord, Lord Palmer, mentioned that this is a Private Member's Bill but that it would have been nice for it to have found government time. It is not the only one. You wait a long time for a child support Bill, and at least two come along within the month. We currently have two child support Private Members' Bills going—one more and they could easily have found time for one government Bill, I should have thought. None the less, I am glad it is here and we have a chance to debate it, and I pay tribute to the noble Baroness, Lady Redfern, for bearing the responsibility so firmly.

It was a delight to hear the speeches today. It is good to hear the noble Baroness, Lady Stedman-Scott, back in this territory, released from the confines of government. When they say, "Let Bartlet be Bartlet", I say, "Let Stedman-Scott be Stedman-Scott", and let us have more of this passion from the Back Benches. It was also good to hear from the noble Baroness, Lady Bottomley, who I very much regard as my noble friend. I pay tribute to her: for so many years she has had a passion for standing up for children and families who are living in poverty and an understanding of how it is often women at the front line who just hold things together. When the budget is too tight, it is the women who go without food themselves, track down the cheapest things and do all it takes. I commend the noble Baroness for all her work and understanding over the years.

Child support systems operate in sensitive territory. It is in the space between parents who are no longer together and, as the noble Lord, Lord Palmer, said, are sometimes no longer talking to each other, and it is difficult. The reality is that some parents simply do not pay what they owe for their children, as the noble Baroness, Lady Stedman-Scott, illustrated clearly. I know it is difficult having a break-up, but no matter whose fault it was, you may walk away from your marriage or your relationship but you do not get to walk away from your children. You retain responsibility for your children, and they have a right to expect the support of both parents. The state also has an interest, because, as the noble Baroness, Lady Bottomley, and others explained clearly, child maintenance has an important role in reducing child poverty. I will not rehearse that, but there is a public interest for all of us in having a well-functioning child maintenance system. We on these Benches fully support any measures that will help to get non-resident parents, the paying parents, paying what they owe to support their children.

Concerns have been expressed about the performance of the Child Maintenance Service both here and when the Bill was debated in the Commons, but I think there is general agreement that enforcement needs to be stepped up and, in particular, speeded up. Given that, we welcome the provisions of the Bill, which should give extra tools and speed up the use of tools that are already there.

The noble Baroness, Lady Redfern, explained very clearly what happens if a parent fails to make payments as directed: the CMS can use deduction from earnings orders, or DEOs, to try to get the money back in. If they fail, they have to go to a magistrates' or sheriff court to get a liability order before going to the next level of enforcement agents, stopping people having passports, or whatever.

This Bill changes that situation by amending the uncommenced provisions in Section 25 of the Child Maintenance and Other Payments Act 2008. When those amended provisions are commenced, the Secretary of State will be able to make administrative liability orders which will certify the debt that is owed by the paying parent and allow the CMS to take those further enforcement actions without going to court.

I have some questions of clarification. I say at the outset that I am not asking these questions to make difficulties or because I do not support the Bill. Some of them are questions I might in other circumstances have asked in Committee, but Committee stage may prove to be an unnecessary delay to the passage of the Bill, so I hope the House will indulge me in asking some of those questions now.

First, the 2008 Act allowed for some of its provisions to be commenced by SIs at different stages, but can the Minister explain why these provisions were never commenced? Is there a reason why the Government did not do so, for example, when child support was reorganised wholesale a decade ago? Secondly, I am interested to understand the reasons for the change in approach from that set out in the uncommenced provisions of the 2008 Act.

I am sure other noble Lords will have found it quite hard to get to the bottom of what the Bill is doing. The Bill amends the provisions of the 2008 Act; those in turn amend the 1991 Act. However, the provisions that the Bill amends were never commenced. One of the results of that, I presume, is that, if you go on to legislation.gov.uk and look up the 1991 Act to try to trace through what this will do, you will find that the clauses being amended are not there; they do not exist. I can only assume that the reason for that is that they were never commenced. Perhaps the Minister could tell me that.

I had to get the help of a clerk. In the absence of that or a Keeling schedule, the only way to work out what the Bill will do is to take the 2008 Act, lay it on

[Baroness Sherlock]
top of the 1991 Act, lay the Bill on top of the 2008 Act and then trace through what the end result will look like. I did that because I am sad.

Noble Lords: Oh!

Baroness Sherlock (Lab): A little less mirth at this point, if you do not mind; I am not that sad!

I suggest that if this happens again, although it is an unusual set of circumstances, offering a Keeling schedule to all the sad people around would be a good idea at the outset. It might save us all a lot of time.

There is an added complication, in that, at Second Reading in the Commons, my honourable friend Matt Rodda MP asked why it was necessary for the regulation-making powers in the Bill to be so broad. The Minister, Mims Davies, responded in Committee:

"I know that Baroness Stedman-Scott wrote to him on this point".—[*Official Report*, Commons, Child Support (Enforcement) Bill Committee, 1/3/23; col. 10.]

I could not track down the letter in the Library or anywhere else, but a letter was issued on Wednesday this week under the signature of the noble Viscount, the current Minister. I understand that it is to be placed in the Library; I would be grateful if he could confirm that for the record. I am grateful to him for sorting that out. It is a very helpful letter, now that I see it. I am simply saying this on the record so that anybody coming after me who wants to trace the proceedings through will know where to find the relevant papers if anyone else out there is as sad as me and wants to do this in due course.

The effect of all this is that I struggle to be completely clear about what the Bill is doing, so I will ask a few questions. They might be stupid questions because I might have misunderstood it, but I would be grateful to get clarity on the record for now.

As well as moving to administrative liability orders, the big change seems to relate to the process of appealing a liability order. Section 25 of the 2008 Act allows appeal against an order to the First-tier Tribunal. I think that the Bill changes that to a right of appeal to a court. Can the Minister set out the reasons for that change?

I am also not completely clear about the position in relation to a court being able to query the amount of a child support liability. In that letter to Matt Rodda dated 17 May, the noble Viscount said:

"It is also currently the case with court issued liability orders—the magistrate or sheriff cannot question the underlying maintenance calculation".

Indeed, Section 33(4) of the 1991 Act says:

"On an application under subsection (2), the court or (as the case may be) the sheriff shall not question the maintenance assessment under which the payments of child support maintenance fell to be made".

I am sorry; I did say that I am sad.

I think the reason for this is that, at the moment, the matter would need to be dealt with on appeal at the First-tier Tribunal. The letter also says:

"The quantum of the debt is dealt with via the Appeals Tribunal—a paying parent can ask the Child Maintenance Service to reconsider any calculation, within 30 days of the calculation decision being made, through the mandatory reconsideration process".

I am not sure whether that refers to the current situation or to that which will obtain after the Bill takes effect. So I ask the Minister: at the moment—that is, under the previous Act—is it the case that, if the Secretary of State goes to court to get an order, the court cannot question the amount of the liability but the parent can go to the First-tier Tribunal to appeal either the amount or the imposition of a liability order?

I also need help working out what happens after the Bill takes effect. New subsection (4), to be inserted by Clause 4(2), says:

"On an appeal under regulations under subsection (3), the court must not question the maintenance calculation by reference to which the order was made".

Can the Minister clarify whether, once the Bill takes effect, the parent can appeal the imposition of the liability order to a court but not the amount of the liability? If so, how will a parent be able to appeal the amount of a liability order in future? Will it be only through mandatory reconsideration, or will there be an appeal route thereafter? I am not objecting to these provisions, just seeking clarity on them.

Finally, Section 33(5) of the 1991 Act says:

"If the Secretary of State designates a liability order for the purposes of this subsection it shall be treated as a judgment entered in a county court for the purposes of section 98 of the Courts Act 2003".

Can the Minister say whether that will still apply to administrative liability orders issued by the Secretary of State?

Having said all of that technical stuff, we certainly do not want to oppose the Bill. Labour wholeheartedly supports the principle that both parents should support their children, that non-resident parents should pay child maintenance and that there should be enforcement for those who fail to pay, especially those who go to the steps that the noble Baroness, Lady Stedman-Scott, reminded us of. I am sorry to say that a considerable number of other examples are out there.

It is clear that enforcement of child maintenance obligations needs to be improved. The Bill should make a contribution to that end by speeding up the process by which non-resident parents can be made to pay what they owe. I hope, with the noble Baroness, Lady Bottomley, that we will in future see a further reduction in those who are not paying all that they owe, and that more children will eventually get the support of both of their parents, as they have every right to expect. For now, I simply thank all noble Lords who spoke today for some excellent speeches. I thank the noble Baroness, Lady Redfern, for her work in this House and Siobhan Baillie MP in the other. I look forward to the reply.

1.25 pm

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Viscount Younger of Leckie) (Con): My Lords, I congratulate my noble friend Lady Redfern on her excellent introduction to the Bill and for initiating this important debate on Child Maintenance Service processes. As has been

said, it has the full backing of His Majesty's Government, and it gives me great pleasure to speak in support of it today. I will say something about my role, just to reassure the House: far from being a hospital pass, it is generally a great privilege to take on. There is a lot to do in this respect on the Child Maintenance Service, and I want to take forward many of the initiatives and changes that my noble friend Lady Stedman-Scott commenced.

There were a number of questions from the noble Baroness, Lady Sherlock, and I am very grateful for some advance notice of them. I may not be able to answer all of them, but I will do my best. I will answer most of them towards the end of my remarks.

As has been said, this is ultimately about helping children who have faced a particularly traumatic experience. Parental separation can be devastating for children. The work of the CMS cannot entirely put that right, but it can help to give those children a much better start in life that they otherwise would not have had. That is why the Child Maintenance Service exists. I am particularly grateful to my noble friend Lady Bottomley for giving us some history and context, going back to two redoubtable ladies, Barbara Castle and Margaret Thatcher.

Let me start by giving the Bill some of my own context. The purpose of the CMS is to facilitate the payment of child maintenance between separated parents who cannot reach their own agreement. In the financial year ending 2022, it is estimated that there were 2.5 million separated families in Great Britain. In the three-year period covering the financial years from 2020 to 2022, it is estimated that parents with care in separated families received a total of £2.6 billion annually in child maintenance payments, through both private and CMS arrangements. These payments helped to keep around 160,000 children out of poverty each year, a subject raised by my noble friend Lady Bottomley. I hope this has helped to answer one or two points she raised.

I understand how complex and traumatic separation can be for families, and we know that the vast majority of parents want to do the right thing and provide financial support for children they no longer live with. This is a challenging job undertaken in very difficult circumstances; these points have already been made by some other Peers in this short debate. CMS staff work incredibly hard to collect maintenance so that separated families receive the financial support they are due.

My noble friend Lady Redfern so eloquently explained how the CMS manages cases through one of two service types, and how it will take action to re-establish compliance and collect any unpaid amounts that have accrued. For parents who choose not to comply with their obligations, the CMS will attempt to deduct their maintenance and any arrears directly from their earnings. This is done via a deduction from earnings order or request, and employers are obliged by law to take this action. Where parents are self-employed, deductions can be made directly from solely held, joint and business bank accounts.

The aim of enforcement is to recover money needed to support children, as mentioned earlier, not to punish paying parents. However, where parents refuse to pay and all other avenues have been exhausted, the CMS can apply to the magistrates' court, or sheriff courts in Scotland, to obtain a liability order. This enables the use of more stringent enforcement powers, such as instructing enforcement agents and other court-based enforcement actions.

However, the liability order process is now outdated, and making an application to court in each case is administratively burdensome. Currently, applications to court for liability orders typically take about 20 weeks to process, meaning five months where no tangible activity can take place to get that money where it is needed. Moreover, the debt will accumulate, putting the parent further into debt and making it harder to exit that spiralling situation.

This Bill, through my noble friend, amends existing powers which, once commenced, will allow the Secretary of State to make an administrative liability order where the paying parent has failed to pay an amount of child maintenance, without the need to make an application to court. This means that the CMS can react quickly and start those crucial first steps on the enforcement journey much sooner, which will substantially speed up the enforcement process, as was raised by my noble friend Lady Stedman-Scott in her eloquent speech. I applaud her, adding to the complimentary comments made by my noble friend Lady Bottomley. She has made vital important improvements to the CMS. She was a staunch advocate for its work securing money for children, as she said.

Most paying parents want to do the right thing and support their children, but we recognise that some of those parents might be struggling. I was struck by the important comments made by the noble Lord, Lord Palmer, who highlighted that some of them genuinely struggle and that there is a sensitivity involved in ensuring that we remember that. The noble Lord asked how often assessments are revalued if paying parents are struggling. Parents can report changes of income at any time. Where the change is greater than 25% of the income recorded in our system, we will alter the liability. He will know that the calculations are reviewed annually. In these tragic cases where parents cannot afford to pay their arrears because of other debt, which does happen, in most circumstances the CMS will aim to agree an affordable and sustainable payment arrangement which settles the outstanding arrears within two years. The CMS can also signpost paying parents to relevant organisations if there is a declaration of hardship. I say again that these are very sensitive issues. I add my comments to those of noble Lords concerning those on the front line for the Child Maintenance Service, who do their best in these difficult circumstances.

However, rest assured, as I know that the noble Baroness would wish me to say, we will not hesitate to use our enforcement powers wherever necessary for those relatively few parents who will find every which way not to pay. We are targeting our use of enforcement agents and liability orders more effectively, and the processes are more efficient. To answer a question raised by my noble friend Lady Stedman-Scott, in the year to December 2022, the CMS was granted 9,600 liability orders in England and Wales. The CMS has

[Viscount Younger of Leckie]
worked to target the use of liability orders more effectively. Processes are now more efficient and on average the CMS is collecting more money per liability order in process. To ensure that these powers are used proportionately, the Bill will stipulate that they will only be used where a deduction from earnings order is inappropriate or has been ineffective. The Bill will also allow the liability order to be varied if, for example, the amount of arrears upon which the liability order is based is subsequently found to be incorrect because investigations have revealed further details about a paying parent's finances which were divulged to the CMS previously.

Further protections will be made available through secondary legislation, which will give parents the right of appeal while setting out some parameters around the appeal process—including the period within which the right of appeal may be exercised, the powers of the court in respect of those appeals, and for a liability order not to come into force in specified circumstances. I will say more about secondary legislation in response to the questions raised by the noble Baroness, Lady Sherlock.

The appeal provisions through secondary legislation will be reflective of powers already in use and working well for other child maintenance enforcement measures, such as those which allow for deductions directly from a parent's bank account. Where a valid appeal has been made, the CMS will not act on a liability order until the appeal has been resolved by a court. I hope this answers the question raised by my noble friend Lady Stedman-Scott. They will also reflect current provisions for liability orders by preventing the court questioning the maintenance calculation as part of the enforcement process. Where a parent disagrees with the calculation, there are already alternative routes they can take. They can ask the CMS to reconsider it through the mandatory reconsideration process and subsequently appeal to the Tribunals Service if they are dissatisfied, or they can report a new change of circumstances, which could lead to a new calculation.

To develop the secondary legislation on the Bill, my department will consult and engage with stakeholder groups, as well as other government departments, such as the Ministry of Justice, and the devolved Administrations, where appropriate, to ensure that parents are suitably supported. The secondary legislation will follow the affirmative procedure, so this House will be able to debate the proposals put forward.

My noble friend Lady Bottomley touched on enforcement improvements, and I shall go a little further and reassure her. The House will know that the CMS has made improvements to enforcement processes to increase the effective use of powers. This includes simplifying deductions from earnings and increasing efficiency by reducing the manual intervention required, and the CMS is also making better use of deductions from bank accounts. This has increased the volume of deductions and means that money is being collected more quickly for children even before the Bill. Working in partnership, the CMS has improved court processing times by introducing virtual court presenting and electronic exchange of documentation. Only 8% of the total maintenance due to be paid since the start of the CMS remains to be collected through collect and pay. Just to put this in context, this was as high as 17% in March 2015.

My noble friend Lady Bottomley also touched on paying parents—there was a theme anyway about paying parents and some of them avoiding their obligation to pay. I say again that we are aware of a small number of parents whose maintenance liability is inconsistent with their financial resources. Cases involving complex income or suspected fraudulent behaviour can be looked into by the FIU, the financial investigation unit. This is a specialist team that can request information from a wide range of sources to check the accuracy of information that the CMS is given.

The noble Baroness, Lady Sherlock, asked about Section 33(5) of the 1991 Act. I can give her some assurance—it may be that I have to follow up with more detail—that this power is not used because, since 2015, regulations have allowed the CMS to share information directly with credit reference agencies. The Bill does not affect those data-sharing provisions and the CMS will retain the means of disclosing information to credit reference agencies when required.

The noble Baroness also asked why the provisions that the Bill amends are not shown in the 1991 Act on GOV.UK. I may have to follow up with a letter on this, but they are not on GOV.UK in the 1991 Act because they are uncommenced. I think that is what the noble Baroness said, but I will look at my reply and see if I can enhance what I have just said.

I have a very short reply to the noble Baroness's very important point about the missing letter to Matt Rodda: yes, we have written and, yes, it is now deposited in the Library, so I hope that is helpful for the House in general.

The noble Baroness, Lady Sherlock, asked a broader question about what the Bill actually does. I think she knows what the Bill does, but she focused on the commencing of administrative liability orders and the appeal routes, and I will say a little more about that. One of the questions was why the provisions were not commenced in 2012. We considered commencing these powers in the past, but the powers as originally drafted included a right of appeal to the First-tier Tribunal. This would be an expensive option for the Child Maintenance Service and would create unnecessary demand for the Tribunals Service. Linked to that is the question of why there is a change to the appeal route; I think this is central to the questions she raised. Our intention is now to commence these powers with certain changes we are making through the Bill, including replacing the requirement to create a right of appeal to the First-tier Tribunal with a more appropriate court-based appeal. Provisions relating to appeal rights will be set out in regulations, so there is more discussion to be had on this and I hope that provides some help.

I am aware of the time. I hope the House recognises the importance of this Bill; it has the full support of His Majesty's Government and I very much welcome it.

1.40 pm

Baroness Redfern (Con): My Lords, I thank all noble Lords who have contributed to this important debate and the Member for Stroud, Siobhan Baillie, in

the other place. Importantly, I also thank the Public Bill Office and officials in the Department for Work and Pensions for their guidance. This Bill will achieve administrative efficiencies for the Child Maintenance Service, not just for the taxpayer. It will introduce a quicker and cheaper process to pursue enforcement for people who are waiting for money. That money will be collected for more children, providing them with the financial support they need to get a good start in life, although we must do much more. I acknowledge that the CMS does an incredibly challenging job in very difficult circumstances.

I thank my noble friend the Minister for his contribution and direct responses to the queries posed today. I also thank all noble Lords who have spoken. I hope that, with continued cross-party support, this Child Support (Enforcement) Bill will continue through the House. I beg to move.

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

Water Safety (Curriculum) Bill [HL]

Second Reading

1.42 pm

Moved by ***Lord Storey***

That the Bill be now read a second time.

Lord Storey (LD): My Lords, I declare my interest as a patron of the Royal Life Saving Society, which I thank for being so supportive, along with Swim England and other organisations. I also thank those Peers who are speaking and those who have contacted me to say how much they support this Bill, and a number of MPs who have, sadly, had a tragic drowning in their constituencies.

Every year, the Royal Life Saving Society has its honours presentation event, an occasion for it to thank its thousands of volunteers and present awards to individual members for their service to the society. It is a truly life-affirming occasion at which you see the selfless dedication of young and older volunteers from all over the UK. Just before the Covid pandemic, the honours presentation was held at Worcester Cathedral. It was packed full of volunteers, and there was a real sense of occasion and excitement. I saw a young woman come down the side-aisle looking lost and forlorn. She went into one of the side-chapels, 10 minutes before the presentations were due to start. I thought she might be lost, so I went to speak to her. She was praying in the chapel. As I started to move away, she rose to her feet and I said, "Are you here for the event?" She then told me about how her son, a very competent swimmer, had drowned.

Between 2017 and 2021, there were 1,272 drownings in the UK. On average, that is more than 250 drownings every year. In 2021, there were 277 drownings, of which approximately 40 were under the age of 19, and over 80% were male. Drowning remains one of the largest subgroups of trauma-related fatalities among children.

Behind every statistic, of course, a life has been lost, but the statistics can perhaps guide us to the actions that need to be taken. The statistics also revealed in a detailed analysis of 240 accidental fatalities that 49% of those who lost their lives were classified as swimmers, demonstrating that being able to swim is in itself not a guarantee of being able to stay safe in all types of water. Naturally, it should be celebrated that in England swimming has been a statutory requirement of the PE national curriculum since 1994, but since that time we have seen a huge reduction in swimming facilities available to schools, and of course Covid has had an alarming impact on the number of children and young people being able to learn how to swim. Pre-Covid, one in four children was not hitting the statutory "can self-rescue" standard. The most recent data shared with the 2022 Active Lives survey showed that only about 34% of children from low-income families could swim 25 metres unaided. Access for children from low-income families and ethnically diverse communities is not equitable. Children need enhanced education beyond the current curriculum for school swimming and water safety to build their resilience and reduce the risk of drowning. Swimming is incredibly good for your physical and mental health and well-being, and it is an activity you can do at any age, from any background and with any ability. Most children learn to swim outside school but, for some, primary school will be the only opportunity they have to learn these vital life-saving skills.

Swimming is not just about being able to have fun in the water with family and friends, it is about knowing what to do if someone gets into trouble in the water—if a strong current takes your friend away from the edge of the water, or if they fall in when running by a river or canal. Let me give the House a recent example of somebody who is a very competent swimmer. I am talking about my wife, a former PE teacher. This time last week she went to the David Lloyd leisure centre—other gyms are available—and was swimming down the lane. In the slow lane, there were two swimmers practising swimming. They had their paddles on and they had the equipment at either end. As Carole swam down, one man created a wave and she at that moment had opened her mouth to breathe. The water went into her mouth, and she could not breathe. She tried desperately. She could not breathe through her nose, and she did not know what to do, but she had remembered the advice was always to keep calm, and she kept calm. She slowly, heaving for breath, keeping calm, got out the water. The lifeguard came along and put her in the recovery position. He actually said, "Miss, your lips are going blue". Having remained calm, she got up and walked away. When she came home, she said she had something to tell me and I of course was quite shocked. That shows that water accidents can happen at any time in any situation, and it is so important that people know exactly what to do.

This simple little Bill is so important to the lives of people as it will help ensure equal access to water safety education for all children. The aims of the Bill must be secured as a complement to, rather than a replacement for, in-water school swimming lessons, which are essential to support children to learn the physical swimming and water safety skills which are so

[LORD STOREY]
vital should they find themselves in trouble in the water. We have an opportunity to ensure that every generation, whichever type of school they attend and whatever background they come from, is guaranteed to be taught basic water safety skills and the potential dangers to be aware of and to look for. We have to work together to make this happen. I beg to move.

1.49 pm

Baroness Berridge (Con): My Lords, I am grateful to the noble Lord for bringing forward this important issue for consideration, and for doing so in such a sensitive manner. While swimming is important as a form of exercise, unlike other forms of PE it is literally life-saving. Perhaps I am not the only noble Lord who remembers carrying around a soggy pair of pyjamas for the rest of the school day; they were used to ensure that you could tread water in your clothes for long enough for the fire brigade to come and rescue you. In the 1980s, swimming lessons were about population maintenance rather than technique.

It is welcome that, by 31 July this year, schools in receipt of the primary PE and sport premium will publish the percentage of their pupils in year 6 who meet each of the three swimming and water safety national curriculum expectations. But could my noble friend the Minister outline how many schools are in receipt of the premium? Will there still be a gap in the data? For instance, if schools had to apply for this premium—and they may have had to do that, as there is a site at GOV.UK—some may not have done so, which would of course lead to an incomplete set of data being collected. However, if the money was distributed directly to schools via the DfE, it would probably mean a complete dataset for year 6. Without such comprehensive data, it is not possible to assess whether there is any difference in the capability of the children to swim between maintained schools, where it is part of the national curriculum, and children in academies, where it seems not to be. Again, there are conflicting items on websites about that, but I think that is the case.

When Sport England collected data from schools in England for its Active Lives study, which the noble Lord mentioned, it showed that only 76% of year 7 children can swim 25 metres unaided. While the importance of the freedom of academies and free schools has long been debated, it has never been absolute. The handling of public money has always been monitored and, arguably, academies have more accounting requirements than maintained schools. But in terms of curriculum, the academies have never had freedom on how to teach a child to read, for instance. The phonics screening test has meant that academy primary schools have used that method. On that note, it is good news that children in England are now the best at reading in the western world, having risen from eighth to fourth place in the Progress in International Reading Literacy Study.

I will return to matters in hand. Academies have other duties, such as safeguarding, so I really do not think that making swimming compulsory at both primary and secondary levels, as the Bill proposes, is an unreasonable restriction on their freedoms. But perhaps the most important reason why it needs to be made compulsory, to which the noble Lord alluded, is the racial disparities as to whether people in England can swim. In October 2020, Danielle Obe, the then interim chief executive of the Black Swimming Association, said:

> "The launch of the Black Swimming Association was seen as a beacon of hope to drive more inclusion, participation, diversity and safety for BAME communities in aquatics, set against the startling statistics that 95 per cent of black adults and 80 per cent of black children in England do not swim".

Two years later, in October 2022, Swim England conducted a survey with 4,500 completed questionnaires, using online and face-to-face means to collect data. While 14% of adults in white communities cannot swim 25 metres unaided, that rises to 49% of ethnically diverse communities. Also, according to the Royal Life Saving Society, nearly 34% of Asian children cannot self-rescue.

There are many reasons for this disparity. If parents cannot swim, they are less likely to teach their children to do so. Then there is the cost of swimming, which can give the perception that it is a middle-class pursuit, as well as the time that it takes to get to the swimming baths; if you are working a number of part-time jobs, it is just impossible. Then there is the lack of culturally appropriate swimwear. New fashion designers are stepping into this gap and designing swim caps suitable for chemically relaxed hair, braids and natural black hair. It is wonderful that a swim cap has finally been approved for use in highest level of competitions for natural black hair, and inspirational that Alice Dearing became the first black female swimmer to be selected to represent Great Britain, at the Tokyo Olympics. His Majesty's Government have lauded their collection of this kind of data on racial disparity—but surely the figures I have cited mean that action is needed. The Bill would be one small way to rectify this injustice.

1.54 pm

Baroness Morris of Yardley (Lab): My Lords, I am very pleased to support the Bill from the noble Lord, Lord Storey. I congratulate him not only on bringing the Bill forward but on his long history of work in this field. This comes as yet another attempt to improve our performance in this area, and it is very welcome.

I also agree with everything the noble Baroness, Lady Berridge, said; I will emphasise some of the points she raised. This is one of the issues that, strangely, we all agree on; I suspect that no one will say that children do not need to swim or to know about water safety. We all want to do better, and we all know that we are not doing as well as we can. Those of us in the Chamber today very often find ourselves in other education debates where there is a difference of opinion on pedagogy, philosophy or perception, but that does not exist here; we are all on the same side. Given that, you would think that we would solve the problem collectively. It is one of those strange cases where, although we are all on the same side, and Governments of all persuasions, I think, have tried to do things, there is still a problem.

I pay tribute to what the Government have done, having looked at the action they have taken in recent years. They have made a good attempt to solve the problem, but it is no good rehearsing that if, as the noble Baroness, Lady Berridge, said, the figures show that one in four children cannot swim when they leave key stage 1 in primary school—and that figure is worse for children from some ethnic groups. When looked at the data, I could not see the figures on gender as well as ethnicity, but I suspect that, within some ethnic groups, the gender difference is even greater.

It is also one of those things that, I suspect, we are not better at than when I was a child—I have no evidence for that but the noble Baroness, Lady Berridge, referred to it. I too remember the pyjamas and trying to inflate them to save your life in difficult circumstances. My memory—this is instinctive—is that, when I was a child at a council estate primary school, we went to the swimming baths. We went once a week—it took half a day—and most of us could swim. We did not go for one term only but went throughout our time at primary school. It is hard to understand why we have not made progress in this area, when we have progress in every other educational area, and even though we all agree on it. It is a mystery. I hope that the Minister will be able to make some comments, not so much on what we have done—that is great—but on the reality that we have not done enough. It is a matter of life and death.

Although we have the national curriculum and the PE and sport premium, what is true and evidenced is that some schools are not following the national curriculum but there are no consequences. Some schools are not publishing the statistics on whether they are supporting swimming through the PE and sport premium fund, but there are no consequences. I always like to look at the subjects or aspects of our work that we prioritise and then shift the argument. If that were true of teaching children to learn to read and write—or of their development in not being able to walk, talk or socialise—we would do something about it. People across the board, over 20 years, have thought they have done enough but the statistics show that that is not the case. Why is what we have done not good enough, and what else can be done?

Although I am not putting this forward as a serious suggestion, it is worth thinking about whether this is a child safety issue rather than a curriculum issue. If we think of it in that light, as a safeguarding issue—because it saves lives—and if we compare what we do with schools on safeguarding issues with what we are doing with swimming, we will see that there is a huge disparity. As the Minister will know, if a school does not have its paperwork in order on safeguarding or does not have a safeguarding register of sixth-form students off site at lunchtime, it would fail its Ofsted inspection. However, we do not even know whether a school teaches the part of the national curriculum on swimming, or whether any of its PE and sport premium finance is going towards swimming. If we started looking at it as a child safeguarding issue because it saves lives, I wonder whether we might find some different answers and make progress.

I am grateful to Swim England for its briefing, which I found very helpful. What it really impressed upon me, which I had not given much thought to, is that this is about both swimming ability and water safety knowledge. The noble Lord, Lord Storey, spoke about people who can swim and still drown. So, understanding the tides and knowing what to do in different situations in water is very important.

When I look at the national curriculum and the three things that children have to be able to do, I am not sure that they cover water safety knowledge. Two definitely do not, and the only one that could possibly cover it is:

"Perform safe self-rescue in different water-based situations".

But that is more about swimming than not going into the water because you understand about tides. Does the Minister accept that this is about both swimming ability and water safety knowledge? Could she give us her view as to whether she considers water safety knowledge to be included in the national curriculum?

I have a few more points that I would be grateful for answers to. It does not make sense not to collect the data. It is no good knowing that one in four children leaves primary school not being able to swim if we do not know who they are and which schools they attend. That is what we do in other areas; we know which schools are underperforming in reading and numeracy. If I was to ask the Department for Education whether it could tell me, of the schools in Birmingham—where I did some education work—which ones are not performing well at swimming, and what the backgrounds of the children who cannot swim are, I am not convinced that it could offer an answer. Collecting that data would mean that the interventions we then make can actually be targeted.

As a necessary first step, that just makes sense. If a child cannot read and write by the end of key stage 2, we would not say, "That's fine; you don't have to do any learning about it in key stages 3 and 4". We would say, "You're going to have to continue with this, because it's a very important skill that you've not yet mastered". In that way, the Bill is very necessary and can provide a structure for the next stage of the work.

2.02 pm

Baroness Sater (Con): My Lords, I thank noble Lords for allowing me to speak in the gap today. I also thank the noble Lord, Lord Storey, for bringing the Bill to the House. I will speak very briefly, and I refer to my relevant interests in the register.

We have heard, very powerfully, that learning to swim is an essential life skill and saves lives. We know that PE is a statutory requirement in primary schools, and within that there is a component on swimming and water safety. We have heard quite a lot about that today, so I will not go into any more detail. I support fellow noble Lords in requesting more information from my noble friend the Minister on data and recording.

I want to bring up one important issue. I stress the increased risks and concerns surrounding the economic challenges facing pool facilities, which are leading to the closure of pools and leisure centres. We must acknowledge and welcome the recent funding that the

[Baroness Sater]
Government have given to support swimming pools with their increased energy costs. However, there are still the ongoing pressures of the costs of transporting children to and from swimming pools, their lessons and hiring the pools, which have all substantially increased since the cost of living crisis. I would be most grateful to hear my noble friend's thoughts about how we keep and maintain the facilities and keep the costs down for the many schools that are struggling.

We must make sure not only that these swimming lessons and the life skills that we have all talked about are prioritised within every primary school's PE and sport premium funding but that the increased help and guidance to access appropriate funds are given where needed. School pool facilities must be made available, however difficult this is, to all primary schools so that these essential swimming lessons are delivered.

I said I would be very brief, so I finish by agreeing with everyone here today that no child or adult should ever come to harm from not being able to swim. I hope that the Government continue to find effective and workable solutions to ensure that every child leaving primary school can swim and self-rescue.

2.04 pm

Lord Addington (LD): My Lords, this is one of those debates in which you agree with everybody who has spoken. Usually, there are patches and caveats, but I do not think there are any today. The fact is that safety around water is essential. The first building block is probably learning to swim, and you must have somewhere you can learn to swim. The reason we do it in swimming pools is that they are warm, safe and monitored. Some people will get into trouble in swimming pools, but it is probably not the most dangerous place. A dangerous place might be the sea or a river you have accidentally entered, where there are tides or, more importantly—I do not think anybody has mentioned it—where it is cold.

Hypothermia connected to water makes everything so much more dangerous. Indeed, when you are walking, there is an old adage "Cold and wet equals dead." Hypothermia kills; if you go into hypothermia you cannot swim. The Bill gives us a chance to look at the whole thing. If there is a cold, tidal river, or something with steep banks and you are walking along it and fall in fully clothed, particularly in winter clothing, your situation is incredibly dangerous. What does the person in the water know? What do the people outside know? How do they deal with this? How do they enter into it? That is the sort of knowledge that is required.

I too suffered the pyjamas while swimming. It might have given a rough idea, but it was probably not the best procedure. There are so many sports—this touches on the comments made by the noble Baroness, Lady Berridge, about the social divide attached to this—you cannot do if you cannot swim. Canoeing, rowing or any form of yachting—you are not going to do these without some knowledge of swimming or of what to do when things go wrong. Most sports would do some teaching on it, but we need to get that basic knowledge.

There is even something called dry drowning. If you get water in your lungs, it restricts the lungs, and you can have a bad reaction up to 72 hours later. I thank my researcher Ella Gibbs, a qualified lifeguard, for pointing this out to me. If we know about these risks and somebody has a splash in the water and they feel fine, but then they have a bad reaction and we know what is going to happen, we can react properly. That package of knowledge is what we have to take on board. If we do not have that, we are going to miss things and these incidents are going to happen.

You may never stop an idiot teenager dancing around the edge of a river, but at least you can make sure the others will know how to react, where to call for help and how to shout advice. If they know it is simply a case of trying to float, that you will not beat the current so do not try because you will get exhausted and cold, and that type of knowledge is there, then everybody stands a better chance of either getting themselves out or someone getting to them in time.

I hope the Minister will respond positively here to Members. The amount of educational knowledge in the Chamber is quite frightening, but there is the idea that a school can do something in this field. It can also not do something and not be pulled up on it. In this day and age, that is fairly shocking and really should not be happening.

I hope the Minister can give us a positive answer. It is a small step but one that could be added to the education system quite easily. I know everybody says that about 100 different things, but this is one that carries its weight. Can the Minister say how, if we are not going to do these things in the Bill, which would be a good vehicle, we will do it otherwise? How will we stop these gaps in knowledge and reporting? That is essential to this.

I thank my noble friend for bringing this forward, and noble Lords who have given him formidable support here. I am very proud to associate myself with this cause. The Bill might be the easiest way forward on this occasion, and we need to do something.

2.09 pm

Baroness Twycross (Lab): My Lords, I declare an interest as London's Deputy Mayor for Fire, as the issue of water safety—and water rescue—is part of the work of all fire and rescue services, including the London Fire Brigade. I commend the noble Lord, Lord Storey, for his efforts and campaigning on water safety and also commend the work of the Royal Life Saving Society.

The noble Lord raises vital points about the potential tragic consequences of children and young people not having the knowledge and skills that will keep them safe in and around water. It is absolutely right that we should ensure that children have the skills and understanding they require to stay safe. He also highlighted in his speech that behind the shocking statistics on death by drowning lie tragic individual stories of loss that could have been avoided. With over 400 people drowning accidently in the UK and Ireland every year, and many more suffering life-changing injuries, there is clearly an argument for looking at what more can be done to promote safety. As my noble friend Lady

Morris said, everyone agrees that we need more water safety; we need everyone to keep safe in and around water.

This is a timely debate. As we come towards the summer with the weather—hopefully, at some point—improving, more young people will be tempted to take risks with outdoor swimming. A key risk that people need to be aware of is cold water shock, which can happen when people jump into cold water on hot days, and the danger that it poses. Tragically, it sometimes takes publicity about a death to trigger awareness of these risks in the media. Last summer, we saw some tragic incidents, and many local areas made extensive efforts to raise awareness during the extreme heat incident, including fire and rescue services, councils and voluntary sector organisations working in this area.

I would be grateful for a commitment from the Minister that the Government will include promoting national and local awareness of the risks of outdoor swimming and of being in and around water in their planning for safety over the summer. I am sure that she would agree that partnership working through different agencies, such as the drowning prevention strategy led by the Tidal Thames Water Safety Forum, can also play a vital role, not least in prevention of suicide by drowning—I apologise for moving away from the main subject for a moment—which is one of the key causes of death by drowning in adults. What more will the Government do to help facilitate partnership working of this nature to promote water safety knowledge for people of all ages?

This is not to underestimate the role of schools, which the Bill is clearly focused on. As Deputy Mayor for Fire, I had the privilege of meeting a young boy who had used the RNLI advice to "float like a large starfish" and had avoided drowning as a result until he was rescued. He had learned this through his school doing what schools are already required to do. My personal memory of what my school taught me reflects what has been said already by noble Lords, including the noble Baroness, Lady Berridge, about soggy pyjamas. I was in fact unaware of the current advice, which is perhaps a lesson in needing to make sure that adults as well as children are taught basic information around water safety. Organisations such as Swim England work with the RNLI and other local delivery partners and provide valuable support and resources to schools. It is clear from Swim England's research that active learning works best. A remarkable 99% of children undertaking lessons through its Swim Safe programme since 2013 retain the message through to the following year.

It is already the case, and it is right, that all schools must provide swimming instruction in either key stage 1 or key stage 2. I cannot see why this swimming instruction would not or should not include wider, accurate information around water safety. The Government have said that they want to improve the number of children leaving primary school having achieved the goals of the current curriculum: to perform safe self-rescue; to swim at least 25 metres; and to be able to do a number of types of strokes. This is also right.

My noble friend Lady Morris was right that successive Governments have attempted to improve outcomes in this area. However, with the number of pools in the UK already falling—as has been noted by previous speakers—and expected to decrease by 40% over the next eight years, does the Minister have confidence that this will be feasible? Are the Government monitoring and addressing the closure of public—or publicly available—swimming pools? What practical measures do they intend to take to prevent further closure of swimming pools and increase access by schools to swimming pools, so that schools do not have to travel too far to provide access to this vital life skill to children?

As a number of speakers today have said, I also highlight that, despite the intention in relation to outcomes that are already in existing legislation, children from less affluent backgrounds are half as likely as their peers to be able to swim 25 metres. This is scandalous and the issue has been highlighted by both Swim England and the Royal Life Saving Society. As has also been noted, this divide exists in relation to ethnicity as well. While 80% of white British children aged seven to eight can swim a 25-metre length, the figure falls to around 50% for black children and to less than 60% for ethnically Asian children. There are similar inequalities for self-rescue. How are the Government addressing the specific barriers that lower-affluence and ethnic minority children face staying safe in water?

Swim England has also highlighted issues with the data available for schools. This has been noted by other noble Lords, including my noble friend Lady Morris and the noble Baroness, Lady Sater. Swim England gives the example that over half of schools in the Black Country do not publish the data required on swimming and water safety performance. Put simply, I cannot see how the Department for Education can adequately monitor or enforce the requirement to publish this information. As it is simply not being adequately monitored or enforced, the department cannot know if schools are meeting their existing requirements on swimming and water safety. Can the Minister commit to doing everything in her and the Government's power to ensure that this data gap is addressed? Does she accept my noble friend Lady Morris's point that this should be addressed as a safeguarding issue, with the accompanying pass/fail measure that that would include?

I accept the point made by the noble Lord, Lord Storey, that being able to swim is, by itself, not always sufficient knowledge to ensure water safety. While I am sympathetic to the aims of Private Members' Bills, Bills intended to add things to the national curriculum always pose a question of what will be taken out to make room for the new subject matter, so I would be interested in the noble Lord's thoughts on whether the existing legislation and national curriculum requirements would meet his aims if the department enforced them effectively. I would also welcome the clarity requested by my noble friend Lady Morris on whether the Minister thinks that the existing curriculum could or would meet these aims, if it was carried out effectively.

[Baroness Twycross]

It is clear from this debate and comments that the House is of one view: water safety is an absolute priority. I look forward to the Minister's response on the questions raised in the debate and I will follow the progress of the Bill, led by the noble Lord, Lord Storey, with interest.

2.18 pm

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, I am not sure whether it is a declaration of interest, but I am an open-water swimmer who swims every morning in the Serpentine, so I am familiar with many of these concepts, including swimming in very cold water. The noble Baronesses opposite look doubtful, but I recommend it to the House.

I offer my congratulations to the noble Lord, Lord Storey, on securing a Second Reading for the Bill and for the very sensitive way in which he introduced it. I agree with the noble Baroness opposite that this is a very important issue. My right honourable friend the Minister for School Standards will be meeting the All-Party Parliamentary Group on Water Safety to discuss this further.

While I must express reservations about the contents of the Bill, the Government support the teaching of both swimming and water safety to all children during their time at school, as the noble Lord, Lord Storey, rightly highlighted.

The recent terrible deaths of young children who drowned emphasise the importance of teaching children about water safety from a young age. The national curriculum for physical education states that, by the time they leave primary school, children should be able to perform safe self-rescue in a variety of water-based environments, swim a minimum of 25 metres unaided and perform a range of strokes.

A key theme of many of your Lordships' speeches was the need to address gaps in delivery and in the data to give us all confidence that our schools are delivering on the national curriculum in this area. A 2022 departmental survey reported that 80% of primary schools surveyed were providing pupils with swimming and/or water safety lessons, with no variation seen among different types of primary schools.

My noble friend Lady Berridge and the noble Baroness, Lady Morris, both questioned whether academies might be delivering at a different level from local authority-maintained schools, but there is no evidence to support that suggestion. The most common reason given by primary schools not currently delivering swimming or water safety lessons was that they were scheduled for later in the academic year; so, while I absolutely acknowledge and welcome the probing from your Lordships, we do not see this as a serious issue.

The noble Lord, Lord Addington, and other noble Lords asked for more clarity on how we would improve the quality of data in this area. I am always sympathetic to the aim of improving our data. We are introducing a new digital tool, to which my noble friend Lady Berridge referred, to support schools with their reporting requirement. We will publish further information on that tool when refreshed guidance on the PE and sport premium is published this summer.

In relation to the suggestion from the noble Baroness, Lady Morris, about whether this should be regarded as a safeguarding issue—with her permission, I think we need to go away and reflect on that; it could have big implications for other things with safeguarding aspects that are not conventionally seen as safeguarding issues.

The noble Lord, Lord Storey, and the noble Baroness, Lady Morris, asked what resources were being made available in relation to water safety. With support from the department, the National Water Safety Forum has launched new water safety resources for pupils in key stages 1 to 3, which teach children how to be safe in and around water, including frozen water. These were launched in June 2022 during National Drowning Prevention Week. The noble Baroness, Lady Twycross, asked whether the Government would support continued work in this area. I assure her that we are in discussion with the National Water Safety Forum as part of its Respect the Water campaign, and we will be working with the forum in drowning prevention week again this year.

The noble Lord, Lord Storey, and other noble Lords highlighted the fact that pupils from lower socioeconomic groups are less likely to be able to swim. The Government share the noble Lord's concern about this. That is why we are working with Swim England and the Royal Life Saving Society UK to support more children to learn how to swim and how to be safe in and around water; this will also happen through the DfE-funded holiday activities and food programme this summer.

In relation to children from black and minority-ethnic groups, Inspire 2022, which is one of the legacy projects from the Commonwealth Games in the West Midlands, is seeking to increase participation in black and minority-ethnic communities. That is funded through Sport England and brings together Swim England, the Association for PE, a number of local partnerships and the Black Swimming Association.

The noble Baroness, Lady Morris, mentioned the differential in gender as to which children were able to swim or not. She might have meant it also in relation to the intersection of ethnicity and gender. I do not have the data on that with me; if it is available, I will happily write to her. The data overall does not show a great difference between boys and girls. Boys are slightly more likely to be able to swim between the ages of one and 11, but there is no material difference.

Secondary schools are free to organise and deliver a diverse and challenging PE curriculum to suit the needs of their pupils. As the House has acknowledged, there is no statutory requirement on secondary schools to provide swimming lessons, but the secondary PE curriculum sets out that pupils should build on and embed the physical development and skills that they learned in key stages 1 and 2 and become more competent and expert in their technique. Obviously, swimming and water safety lessons are one way of doing that.

The noble Baroness, Lady Twycross, asked particularly about swimming lessons outside school and the role of leisure centres and community pools. Of course, they provide really important opportunities for children to learn to swim. Some 20.7% of all children participated

in swimming activities outside of school once a week or more in 2021-22—that is about 1.5 million children. Obviously, the Covid pandemic had a huge impact on community leisure centres, including public swimming pools, and that is why in the Spring Budget we announced more than £60 billion to safeguard public swimming pools in England as a first step to future-proof the sector, which I think was something that my noble friend Lady Sater also asked about.

The other aspect on water safety is through the PSHE curriculum. Schools can use their personal, social, health and economics programme to equip pupils with a sound understanding of risk and with the knowledge necessary to make safe and informed choices, which is of course an important part of water safety.

I want also to touch briefly on our partnership work with the sector. As I have already mentioned, we are working in partnership with members of the National Water Safety Forum, in particular the Royal Life Saving Society UK and Swim England. We were very pleased to accept an invitation from the National Water Safety Forum to sit on its education subgroup. That will help the department to improve the dissemination of resources and messages to schools. Together, we are supporting more schools to teach primary and secondary pupils important aspects of water safety such as, as we heard from the noble Lord, Lord Addington, cold water shock, rip currents and keeping safe near frozen water. We have also supported the National Water Safety Forum to make available new, free water safety resources, which I mentioned earlier, for pupils in key stages 1 to 3.

Just before I close, I hope with permission of the House that I can very briefly acknowledge and thank one of the officials in the Department for Education, Peter Whitelaw. I am not sure if you can be a rock in the Box, but he has been, and is today, a rock to all Ministers in the department; I know that my noble friend Lady Berridge will agree with me. He goes to the Ministry of Justice, and we wish him every success and thank him for his five years of support to Ministers.

In closing, I hope I have set out the three ways His Majesty's Government are taking action on water safety. The first, of course, relates to the requirements to teach swimming in primary schools. The second is our support for leisure centres and community provision of swimming. The final one is the crucial partnerships that we have, in particular through the National Water Safety Forum. For these reasons, I believe that there is no need to amend the current legislation in regard to the national curriculum providing pupils with additional knowledge regarding water safety and prevention of drowning, but we very much share the House's sentiment about the importance of this issue .

2.30 pm

Lord Storey (LD): My Lords, I am grateful for your Lordships' hugely important contributions. I thank the Minister for her, as usual, very detailed reply. It was very strong on swimming but less strong on water safety itself. She said that schools "can" use PSHE, but it is a "can" and it is not happening. The Bill tries to say that every child, irrespective of the school they go to, should have lessons on water safety.

The noble Baroness, Lady Berridge, rightly pointed to the issues facing black and Asian swimmers—the poor levels of the ability to swim. I remember the pyjamas and paddling in the water, but I also remember the hot mug of Bovril after taking part.

The noble Baroness, Lady Morris, raised two important issues. The first was the low figures on ethnicity. She suspected, as do I, that it will be an even lower number for women; I think she is going to look to see whether that is the case. Secondly, it had never occurred to me that we should bring the issue of safeguarding, which is so important to all of us, to swimming and water safety as well.

Baroness Morris of Yardley (Lab): May I intrude for 20 seconds to clarify the record? I thank the noble Lord very much and it is good that he is looking at that. I was clumsy in implying that I would want schools to fail their Ofsted inspection if a child could not swim. I would not want anyone to read that and think that that is what I said. I apologise if that was the impression I gave.

Lord Storey (LD): I do not think that we thought that even for one moment.

The noble Baroness, Lady Sater, rightly raised the issue of costs, which have soared and made it difficult for schools to find suitable swimming venues.

As usual, my noble friend Lord Addington brought a new dimension. I had not thought about hypothermia, but of course if you teach water safety, hypothermia and cold water shock, which the noble Baroness, Lady Twycross, raised, are hugely important. Again, we should consider local awareness.

One of the things that stands out from the figures is university students, who are away from home and excited, particularly in the summer. The number of young men in particular at university who get into difficulty in water is quite alarming. Sadly, some of them drown. So maybe universities need to give some advice.

The Minister mentioned that the all-party parliamentary group is meeting the Minister next week. That will be an opportunity to understand some of the issues.

I perhaps need to say that the Bill will run out of time; it will not go through the process, sadly. However, to reflect on the point that the noble Baroness, Lady Morris, and my noble friend Lord Addington made, we are all agreed on this, so why can we not just make it happen, for all the reasons we have said? All right, there might be some little differences between us, but this is hugely important. It is not my Bill in that sense; it is our Bill. We should do everything we can to achieve this. I beg to move.

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

House adjourned at 2.35 pm.