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HOUSE OF COMMONS
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PARLIAMENTARY DEBATES

(HANSARD)

Wednesday 22 March 2023

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The House met at half-past Eleven o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Speaker's Statement

Mr Speaker: I have a short statement to make. Today marks the sixth anniversary of the death of PC Keith Palmer, who died in the line of duty protecting this Parliament from terrorist attack. His sacrifice will not be forgotten. May I express on behalf of the whole House our sympathy with his family, friends and colleagues on this sad anniversary?

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Belfast Agreement Anniversary

1. **Robbie Moore** (Keighley) (Con): What steps his Department is taking to mark the anniversary of the Belfast agreement. [904192]

9. **Gerald Jones** (Merthyr Tydfil and Rhymney) (Lab): What steps his Department is taking to mark the anniversary of the Belfast agreement. [904200]

The Secretary of State for Northern Ireland (Chris Heaton-Harris): Mr Speaker, may I associate myself and everyone in the House with your comments about PC Keith Palmer on this anniversary? May I also remind the House that yesterday marked 30 years since the IRA's Warrington bomb? My thoughts are with those who were affected by this atrocity, which caused the death of two young children, Tim Parry and Johnathan Ball, and injured 54 others. It is a reminder of the terrible cost of the troubles and of the vital importance of maintaining peace and improving political stability in Northern Ireland, and I am grateful to all those who continue to promote peace and reconciliation in our society.

Last week, I visited the United States for the St Patrick's day celebrations, and I am keenly aware that that the eyes of the world will be on Northern Ireland in the month ahead as we prepare to mark the Belfast/Good Friday agreement's 25th anniversary. A host of events, big and small, civic, private and public, are being organised, many by Queen's University Belfast, to mark this important anniversary.

Robbie Moore: The 25th anniversary of the signing of the Belfast/Good Friday agreement is significant, not just in the history of Northern Ireland but for the whole of the United Kingdom. How will my right hon. Friend's Department ensure that this historic moment is recognised appropriately in every part of the country?

Chris Heaton-Harris: I agree with my hon. Friend that this historic moment is an achievement not just for Northern Ireland but for the entire United Kingdom. We have an educational initiative that is going to offer young people across the United Kingdom an opportunity to engage with the anniversary by learning about the journey to the agreement and its crucial role in providing peace and prosperity in Northern Ireland. Obviously, 25 years on, we are no less committed to achieving that aim.

Gerald Jones: The Good Friday agreement is undoubtedly one of the proudest moments of the last Labour Government, and the Labour party is proud of its part in it and of the work of Tony Blair, Mo Mowlam and many others. Strand 2, on the North South Ministerial Council, is often overlooked, so can I ask the Minister whether, as we move forward with the Windsor framework, the bodies involved will have an important role to play in improving prosperity in Northern Ireland, and how he sees that developing?

Chris Heaton-Harris: All three strands of the agreement are vital, and all need to be working, but the hon. Gentleman is completely right to say that strand 2 and the council are very important as we move forward from this point. Twenty-five years of peace and stability have flowed from the signing of the Belfast/Good Friday agreement, and I would like to think, as we look forward, that we will have not just peace and stability but prosperity for the next 25 years.

Mr Speaker: I call the shadow Secretary of State.

Peter Kyle (Hove) (Lab): Thank you, Mr Speaker, and may I associate myself with your important words about PC Keith Palmer?

It has been reported that the Police Service of Northern Ireland has requested 330 officers from other UK forces for support during the forthcoming presidential visit by President Biden next month. Can the Secretary of State confirm that his Department will continue to work closely with the PSNI during this challenging period and anticipate any assistance that it might need?

Chris Heaton-Harris: We have a number of big visitors coming to Northern Ireland to mark this important anniversary, and I know that the PSNI is remarkably well organised in preparing for this. Of course the Government will happily support the PSNI in its endeavours.

Peter Kyle: I am grateful for the Secretary of State's words. The PSNI will also need support after Air Force One departs. Due to a funding shortfall, officer numbers will soon fall to a record low. In fact, there will be 800 fewer officers than agreed in New Decade, New Approach. Does he think this is fair for a force that faces unique challenges on a daily basis?

Chris Heaton-Harris: First, I pay tribute to all the officers in the Police Service of Northern Ireland for all the work they do across communities, and to the Chief Constable. He has brought in community policing, of which most of us will be cognisant in our own areas but which is almost new in Northern Ireland. As the hon. Gentleman knows, policing is devolved to the Executive. I am well aware of the Chief Constable's asks in this area, and I am talking to him about them.

Stormont Brake

2. **Scott Benton** (Blackpool South) (Con): What the criteria are for using the Stormont brake. [904193]

The Secretary of State for Northern Ireland (Chris Heaton-Harris): I encourage my hon. Friend to attend today's debate, in this Chamber, on the regulations implementing this powerful democratic mechanism. In short, 30 Members of the Legislative Assembly from two political parties may use the brake if there is anything significantly different about a new rule, whether in its content or scope, and if its application will have a significant impact on everyday life that is liable to persist in Northern Ireland.

Scott Benton: Even if a significant number of MLAs object to a proposal from the EU, the decision to veto it will still rest with the UK Government, and there will no doubt be an institutional reluctance to use the veto, as it would be met with retaliatory action from the EU. Given the likely impact on UK-EU relations and wider trade, it is surely very unlikely that the Stormont brake will ever be used, even if MLAs want it to be triggered.

Chris Heaton-Harris: With respect, my hon. Friend underestimates the power of this mechanism. The Government will be under a legal obligation to trigger the brake where the conditions under the Windsor framework are met. Compared with the Northern Ireland Protocol Bill, this is a significant advancement because the remedial measures he talks about, should the EU choose to take them, would be proportionate and would have to relate to NI-to-EU trade, whereas under the Northern Ireland Protocol Bill it would have been across the piece.

Nobody wants to use this mechanism for trivial reasons but, once it is triggered, the regulations set out that the Government must not agree a rule at the Joint Committee if there is not cross-community support for it in the Assembly or if it creates regulatory borders within the United Kingdom, unless there are exceptional circumstances such as Stormont not sitting or a foot and mouth disease outbreak, or something of that nature.

Jim Shannon (Strangford) (DUP): Does the Secretary of State agree that, rather than an emergency brake, this is more like a handbrake? A handbrake will stop, rather than slow, a moving car. The only brake on acceleration can come from the EU, which retains complete control over Northern Ireland and, by extension, over the will of this House, which it should not. That is both a tragedy and a travesty.

Chris Heaton-Harris: Essentially, if the Assembly says no to something, the presumption is that the Government would veto it. Without this measure, Northern Ireland would continue to have full and automatic dynamic alignment with EU goods rules, with the Northern Ireland Assembly having no say and no veto on the amendment or replacement of measures. The Stormont brake is a very good thing.

Northern Ireland Businesses: Access to UK Market

3. **Alexander Stafford** (Rother Valley) (Con): What steps the Government is taking to ensure that businesses in Northern Ireland have full access to the UK internal market. [904194]

The Minister of State, Northern Ireland Office (Mr Steve Baker): The Windsor framework restores the free flow of trade from Great Britain to Northern Ireland. The agreement guarantees unfettered access for Northern Ireland's businesses to the UK market on a permanent basis, and we have secured alternative arrangements that remove any proposed requirement to provide export declarations or equivalent information for goods moving from Northern Ireland to Great Britain.

Alexander Stafford: Rother Valley has many amazing businesses, especially butchers such as G. Lomas in South Anston, Grays of Thurcroft, Stuart Saunders in Maltby and Lawns Farm in Morthen. I want everyone to try their products. What assurances can the Minister give me that everyone, no matter where they are in the United Kingdom, can taste Rother Valley sausage?

Mr Baker: I am delighted to confirm to my hon. Friend that residents of Northern Ireland will be able to enjoy the sausages produced by the great businesses in his constituency. The framework ends the ban on chilled meats, such as sausages and seasoned lamb joints, meaning that supermarket shelves in Northern Ireland will be able to stock the products that customers want and have bought for years.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): But the reality for my constituents, and businesses such as McCartney's delicatessen in Moira, is that although they can bring in sausages from Yorkshire or any other part of the UK that are made to British standards, the sausages they make in Northern Ireland, part of the UK, have to be made to EU standards, because EU law applies to all manufactured goods in Northern Ireland. So why is it right to bring sausages from Great Britain to Northern Ireland and sell them in Northern Ireland, but it is not right to sell British sausages made in Northern Ireland in Northern Ireland?

Mr Baker: I understand the force and passion with which the right hon. Gentleman makes this point, but he knows that what we have done is reduce the extent of EU law in Northern Ireland to the absolute minimum consistent with keeping open an infrastructure-free border with the Republic of Ireland. I appreciate that this is a compromise that for many people will go too far, but I believe it is the right decision in these circumstances.

Mr Speaker: I ask Members, please, to take notice of the questions.

Sir Jeffrey M. Donaldson: Thank you, Mr Speaker. The reality is that Northern Ireland's place within the UK internal market has not been fully restored by the

Windsor framework, because EU law applies to all manufactured goods in Northern Ireland, despite the fact that of £77 billion-worth of goods manufactured in Northern Ireland £65 billion are sold in the UK. All of those goods must comply with EU law, regardless of where they are sold. Can we not get back to the proposals in the Northern Ireland Protocol Bill, which mean that UK law applies unless a business wants to trade with the EU, in which case it must follow EU law?

Mr Baker: On the proposal for dual regulation, that was not what constituent businesses in Northern Ireland wanted. At some point, even unrelenting figures such as myself do need to compromise and give the voters what they want. I recognise that compromise is extremely difficult. We are in a position where we have an opportunity to move forward together. The right hon. Gentleman knows, as I do, that the manufacturing of most of the kinds of goods to which he is referring is done to international standards. So given all the circumstances, this is a reasonable compromise for Northern Ireland.

Investment in Northern Ireland

4. **Theresa Villiers** (Chipping Barnet) (Con): What steps his Department is taking to help increase investment into Northern Ireland. [904195]

The Minister of State, Northern Ireland Office (Mr Steve Baker): The Northern Ireland economy has the ingredients required for economic success: exceptional talent, creativity, innovation and a healthy spirit of private sector entrepreneurship. Last week, the Secretary of State was delighted to visit the United States, and next week I will be visiting the USA and Canada to promote the excellent investment opportunities in Northern Ireland. We are, of course, also planning an investment summit.

Theresa Villiers: One way to attract foreign direct investment is by creating the right regulatory climate. The Minister has been a strong advocate for post-Brexit regulatory reform to make our rules more competitive, targeted, agile and modern. So when does he think we will get to the position where we can do that in Northern Ireland, in the same way that Brexit allows us to do it in Great Britain?

Mr Baker: My right hon. Friend and I have walked a long way in these various battles together and she knows very well what she asks me. On goods, we have to make sure that we can keep open an infrastructure-free north-south border, but the unique position of Northern Ireland is that on services regulation it will be subject to UK law and UK trade agreements. So where we have comparative advantage, particularly in Northern Ireland on issues such as fintech, we will be subject to UK law and UK regulation and have access to global markets through the kind of trade agreements and services that it is in all of our interests to strike, in order to serve the comparative advantage of the whole UK. This is the unique opportunity now facing Northern Ireland, and I want us all to seize it in every way we can.

Mr Gregory Campbell (East Londonderry) (DUP): Northern Ireland now has the highest percentage accessibility of gigabit-capable broadband in the UK, with a figure twice that of the Republic of Ireland and one of the highest in the world. Will the Minister ensure that the energy infrastructure is such to complement that, thereby offering one of the best inward investment and indigenous business opportunities anywhere in the world?

Mr Baker: The hon. Gentleman will know that energy is devolved. I hope that he will join me in doing everything possible to ensure that the maximum investment can be made in Northern Ireland. He knows exactly what he and his colleagues need to do to help me to serve him and serve Northern Ireland: restore the devolved institutions.

Mr John Baron (Basildon and Billericay) (Con): Does my hon. Friend agree that in restoring the balance of the Belfast agreement the best approach is to pass the Windsor framework today in this place, and that we have to be pragmatic and open our eyes to the many opportunities, courtesy of inward investment, that will then follow for the benefit of all communities in the Province?

Mr Baker: I agree strongly with my hon. Friend. The reality is that the Windsor framework is a dramatic improvement on the protocol. I do not think that anyone can reasonably argue otherwise. Of course, it includes compromises. Neither I, my right hon. Friend the Secretary of State nor the Prime Minister is suggesting that it does not. The question that everyone needs to answer is whether this is a step forward for Northern Ireland. I am absolutely sure that it is, and I agree with my hon. Friend.

Stephen Farry (North Down) (Alliance): Tourism spending is also very important. The Minister will be aware that the Northern Ireland Tourism Alliance is very concerned about the application of the forthcoming electronic travel authorisation to the sector in Northern Ireland, given our unique marketing and unique offer. Will the Minister work with the Home Office to try to find a practical solution to that problem?

Mr Baker: I am well aware of the case the hon. Gentleman makes. Of course, we are in conversation with Home Office colleagues. The Government's position is that we are determined to make sure that tourists understand that they will need to comply with UK immigration requirements to visit the UK, and that means that they will need that travel authorisation to go to Northern Ireland. I am aware of the concerns of tourism authorities north and south, and indeed the concerns of the Irish Government. We continue to take those seriously as we talk with the Home Office.

Mr Speaker: I call the SNP spokesperson.

Richard Thomson (Gordon) (SNP): Jonathan Haskel, an external member of the Bank of England's Monetary Policy Committee, has estimated that Brexit has resulted in the loss of approximately £29 billion of business investment to the UK as a whole. Does the Minister believe that the Windsor framework will undo the proportion of the damage that has been done to the Northern Irish economy? If so, why does he consider the market access that that framework underpins to be good enough for one part of the United Kingdom but not good enough for the rest of us?

Mr Baker: I am honoured that the hon. Gentleman should think that, on the fly, I would be able to do my own economic modelling on that subject. It is undoubtedly the case that the political turmoil of the last several years has been unhelpful. I say to the hon. Gentleman—and this should be a salutary lesson to everybody on his party's Benches—that it is extremely important that when the public vote for a thing, they get the thing they voted for. The public voted for the whole UK to stay together in a once-in-a-generation referendum on Scottish independence, and then the UK as a whole voted to leave the European Union—and that is what we will deliver.

Troubles-related Crime

5. **Mark Fletcher** (Bolsover) (Con): What steps his Department is taking to support people affected by troubles-related crimes. [904196]

The Secretary of State for Northern Ireland (Chris Heaton-Harris): The Northern Ireland Troubles (Legacy and Reconciliation) Bill, which continues its passage through Parliament, will establish an independent body to conduct reviews of troubles-related deaths and serious injury, with the primary objective of providing information to families, victims and survivors. The Bill seeks to ensure that the process for dealing with the past focuses on measures that can deliver positive outcomes for as many people affected by the troubles as possible.

Mark Fletcher: Legacy is an extremely complex and sensitive issue. In setting up an effective information recovery process, we must ensure that power is in the hands of victims and their families rather than the perpetrators. What consultations have the Department had with victims and their families, to ensure that the right balance is achieved?

Chris Heaton-Harris: My hon. Friend is absolutely right that legacy remains a highly complex and difficult issue. The Government are absolutely determined to deliver mechanisms that deliver better outcomes for those most affected by the troubles, including victims and their families. I know that no solution we will ever find will be perfect or easy, but we are working tirelessly to find a practical way forward via the legacy Bill. As for engagement, I and my ministerial colleagues have had over 60, nearly 70, engagements with groups and individuals, and we continue to meet people on a regular basis.

Mr Speaker: I call the shadow Minister.

Chris Elmore (Ogmore) (Lab): The Government have made some changes to the legacy Bill during its passage through this House. If the changes are not enough and all Northern Ireland parties vote against it again on its return to the House, will the Secretary of State commit to a different approach, as reconciliation cannot be imposed on Northern Ireland?

Chris Heaton-Harris: I welcome the hon. Gentleman to his place and hope that all is well with the shadow Minister he is replacing, the hon. Member for Gower (Tonia Antoniazzi). The hon. Gentleman has big shoes to fill, but that is a good start. I thank him for noticing what is going on in the other place, where we have already tabled amendments that seek to address a number of key issues raised by the stakeholders we have been meeting, including compliance with the European convention on human rights, strengthening the commission's independence, sanctions for individuals found guilty of lying to the commission, and stronger incentives for individuals to engage with the commission. We will table more such amendments on Report, when I hope we can get everybody on board, or at least to acknowledge that we are doing a decent job.

Belfast Agreement: Human Rights

6. **Ellie Reeves** (Lewisham West and Penge) (Lab): What discussions he has had with Cabinet colleagues on human rights commitments in the Belfast agreement. [904197]

The Minister of State, Northern Ireland Office (Mr Steve Baker): The UK Government are steadfastly committed to the Belfast/Good Friday agreement and the institutions and rights established by it. We recognise the importance of the right safeguards and equality of opportunity provisions within the agreement to the people of Northern Ireland, and the Secretary of State discusses the subject regularly with Cabinet colleagues.

Ellie Reeves: The Good Friday agreement led to peace in Northern Ireland and enshrined human rights in Northern Irish law, yet the Tories' Bill of Rights is nothing but a rights removal Bill. Does the Minister recognise that the proposed Bill would therefore be a breach of an international agreement, the Good Friday agreement?

Mr Baker: No, not at all. I confess that I thought the hon. Lady was going to ask me about the Bill of Rights provisions in the agreement itself, but she ought to know that the parties have been working together towards that Bill of Rights and it will need consensus to deliver a framework in Northern Ireland. Of course the UK continues to be committed to the ECHR.

Windsor Framework: Economic Competitiveness

7. **Martyn Day** (Linlithgow and East Falkirk) (SNP): Whether he has made a comparative assessment with Cabinet colleagues of the potential impact of the Windsor framework on economic competitiveness in (a) Northern Ireland and (b) the rest of the UK. [904198]

10. **Kirsten Oswald** (East Renfrewshire) (SNP): Whether he has made a comparative assessment with Cabinet colleagues of the potential impact of the Windsor framework on economic competitiveness in (a) Northern Ireland and (b) the rest of the UK. [904201]

13. **Ms Anum Qaisar** (Airdrie and Shotts) (SNP): Whether he has made a comparative assessment with Cabinet colleagues of the potential impact of the Windsor framework on economic competitiveness in (a) Northern Ireland and (b) the rest of the UK. [904204]

The Secretary of State for Northern Ireland (Chris Heaton-Harris): The Windsor framework restores the free flow of trade from Great Britain to Northern

Ireland through a green lane, guarantees Northern Ireland businesses unfettered access to the UK market on a permanent basis, and offers a whole host of other benefits.

Martyn Day: The Prime Minister described Northern Ireland as

"the world's most exciting economic zone",

being in the UK market and having access to the European market. Does the Secretary of State agree with that assessment? If he does, does that not mean that the rest of the UK's nations are at a disadvantage, being less exciting for only being part of the UK market?

Chris Heaton-Harris: I thank the hon. Gentleman for acknowledging what a good deal the Windsor framework is. As the Prime Minister has said, Northern Ireland will now be in the unique position of not only being part of the UK internal market—the fifth biggest market in the world—but enjoying the EU single market. As part of the UK, Northern Ireland's businesses and consumers are able to benefit from the new trade agreements that we are able to negotiate and the new UK regulatory regime for trade and services that we can have outside the European Union.

Kirsten Oswald: By the Secretary of State's and the Prime Minister's own admission, Northern Ireland is in a better economic position than the rest of the UK because of its place in the European single market. The Prime Minister also said that would lead to more companies investing in Northern Ireland, but that will not be new money. If companies are investing more in Northern Ireland, that means they will be investing less in the rest of the UK. Would the Secretary of State see that as a win-win?

Chris Heaton-Harris: I think the hon. Lady has completely missed the point. There is a huge amount of inward investment that wants to flow into Northern Ireland from outside these isles—and, yes, we should be welcoming inward investment into Northern Ireland, because prosperity builds on the peace and stability that the Belfast/Good Friday agreement has brought for the last 25 years. That is why we should all welcome the Windsor framework.

Ms Qaisar: Scotland, like Northern Ireland, rejected Brexit. Both were dragged out of the EU despite voting to remain. Yet Northern Ireland has retained access to the EU single market and the economic benefits it brings. Does the Minister agree that Scotland should have a similar deal in order to be as economically competitive as Northern Ireland?

Chris Heaton-Harris: With the greatest respect, the positions of Northern Ireland and the other nations of the UK are, as I have said before, not completely comparable. Northern Ireland is undoubtedly a wonderful place, but it has a complex and troubled history—we have talked about the wonders of the Belfast/Good Friday agreement, which is marking its 25th anniversary. It also has a land border, the only one between the UK and the EU. That has brought added complications, so the Windsor framework is in place to safeguard the achievements of the Belfast/Good Friday agreement and the hard-won gains of the peace process. It recognises those unique circumstances, including the all-Ireland dimensions of economic life between Northern Ireland and Ireland and the need to avoid a hard border.

Dr Neil Hudson (Penrith and The Border) (Con): I strongly support the Windsor framework and welcome the veterinary and sanitary and phytosanitary measures. Can my right hon. Friend update the House on progress towards securing the long-term supply of veterinary medicines in Northern Ireland, and smoothing the safe movement of animals between GB and Northern Ireland to include not only pets but farm animals and horses?

Chris Heaton-Harris: My hon. Friend knows a great deal about this subject. As he knows, a grace period on veterinary medicines is in place until the end of December 2025. I would like to think that the new atmosphere that has been created between the United Kingdom and the European Union as we move forward has demonstrated that we can talk and negotiate about these things. We fully expect to be in a position to address all his concerns in good time.

Mr Speaker: Before we come to Prime Minister's questions, I point out that live subtitles and a British Sign Language interpretation of proceedings are available to watch on parliamentlive.tv.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [904267] **Jo Gideon** (Stoke-on-Trent Central) (Con): If he will list his official engagements for Wednesday 22 March.

The Prime Minister (Rishi Sunak): This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Jo Gideon: Tomorrow is the National Day of Reflection, a Marie Curie-led initiative bringing together communities across the UK to remember family, friends, neighbours and colleagues we have lost. Will the Prime Minister join me in thanking Stoke-on-Trent City Council for supporting my call for a post box to heaven in Carmountside cemetery?

On the second anniversary of the tragic death of my constituent, two-year-old Harper-Lee Fanthorpe, who swallowed a button battery, will the Prime Minister thank her courageous mother, Stacy, for leading the campaign to raise awareness of the dangers of button batteries, and will he back my call for legislation to ensure greater product safety?

The Prime Minister: Of course I join my hon. Friend in thanking Stoke-on-Trent City Council. I am very sorry to hear of Harper-Lee's tragic case, and my thoughts are with her friends and family, particularly her mother, Stacy. We are aware of the concerns about button batteries. The law is very clear that products available in the UK must be safe. The Office for Product and Safety

Standards has published guidance for manufacturers on exactly that, and it is working with the Child Accident Prevention Trust to educate parents and childcare professionals on button battery safety.

Mr Speaker: I call the Leader of the Opposition.

Keir Starmer (Holborn and St Pancras) (Lab): Today we remember the innocent lives lost six years ago in the terror attack on Westminster bridge. Among those tragically killed was PC Keith Palmer, who sacrificed his life to protect others. Police officers up and down the country work tirelessly every day to keep us safe, and we thank them for that. But as we saw this week, those brave officers are being let down. Dame Louise Casey found institutional homophobia, misogyny and racism in the Metropolitan police. I accept those findings in full. Does the Prime Minister?

The Prime Minister: I join the right hon. and learned Gentleman in paying tribute to PC Palmer and, indeed, to all the other police officers who have lost their lives serving and those who do so much to keep us safe.

I was appalled to read the descriptions of the abhorrent cases of officers who have betrayed the public's trust and abused their powers. Let me be clear: that is and was unacceptable and should never have happened. We have taken a series of steps already, and the Government will also now work with the Mayor and the Metropolitan Police Commissioner to ensure that culture, standards and behaviour all improve. At the heart of this matter are the people whose lives have been ruined by what has happened, and I know that the whole House will agree with me that it is imperative that the Met works hard to regain the trust of the people it is privileged to serve.

Keir Starmer: I take it from that answer that the Prime Minister does accept the Casey findings in full, including the institutional failures. Nobody reading the Casey report can be left in any doubt about how serious this is, or doubt for a second that it is restricted to the Met. The report lays bare how those unfit to join the police are aided by patchwork vetting systems that leave the door open. If the Government backed Labour's plan for proper mandatory national vetting, we could end the farce that sees different police recruitment standards in different forces. Will he back that plan so that we can make speedy progress?

The Prime Minister: There is no need to back that plan, because we are already taking action to tackle the issues raised in the Casey report. Two months ago, I met Dame Louise Casey and the Metropolitan Police Commissioner and we introduced a series of measures. For example, the College of Policing is currently updating the statutory code of practice for police officer vetting that all forces legally have to follow; all police forces are in the process of checking their officers against the police national database; and in weeks His Majesty's independent inspectorate will report back on its reinspection of all forces' vetting procedures. These steps will of course not undo the terrible damage done previously, but we owe this action and more to the victims and survivors to ensure that such tragedies never happen again.

Keir Starmer: The problem with the Prime Minister's answer is that what he refers to is not mandatory. How can it possibly be right to have different standards for recruitment in different police forces? No wonder the Casey report criticised what Dame Louise calls the Government's "hands-off" attitude to policing over the last 13 years, but let us call it what it really is: sheer negligence. The report also exposes chronic failures by the police to deal with rape cases, with officers using "overstuffed…or broken fridges" to store rape kits from victims. On his watch, the rape charge rate is 1.6%, yet the Government still have not backed Labour's plan to have proper, high-quality rape and serious sexual offences units in every police force. Why not?

The Prime Minister: What Louise Casey also says is that primary public accountability of the Met sits with the Mayor of London. She described that relationship between the Mayor and the Met as "dysfunctional". I hope that when the right hon. and learned Gentleman next stands up, he will confirm to the House that he will also take up these matters with the Labour Mayor of London so that he plays his part.

The way rape victims were treated by the criminal justice system was not good enough. That is why the Government published an ambitious rape review action plan. It is right that we have extended Operation Soteria across all police forces in the country. We have also tripled the number of independent sexual violence advisers, improved the processes of collecting phone evidence and cross-examination, and, since 2010, quadrupled funding for victim support services. That is a Conservative Government doing everything we can to support victims and tackle predators.

Keir Starmer: People are fed up to the back teeth with a Government who never take responsibility and just try to blame everyone else—*[Interruption.]* If Government Members are proud of the fact that over 98% of rapists are never put before a court, let them shout about it. They should be ashamed of themselves.

The truth is simple: after 13 years of Tory Government, crime is out of control and people are paying the price. Before Christmas, the BBC reported the shocking case of a woman in Armthorpe, who had been beaten with a baseball bat by burglars three years ago. No one had been charged with that burglary, and she could not sleep at night. Under this Government's watch, tragically, that is not an unusual case. Can the Prime Minister tell us what is the charge rate for theft and burglary across the country?

The Prime Minister: Actually, since 2019, neighbourhood crime is down by 25%. The Leader of the Opposition rightly asked about what is happening with rape cases, so let me tell him that we are on track to meet our target of doubling the number of rape cases that are reaching our courts. Since the rape review action plan was published, we have seen police referrals double and charges double, and last year there was a 65% increase in rape convictions. Importantly, we also changed the law to ensure that rapists spend more time in prison. But what did Labour's shadow Policing Minister say? "Prison doesn't prevent crime." That tells you everything you need to know about the Labour party. You cannot trust them to keep Britain safe.

Keir Starmer: The Prime Minister stands there and pretends that everything is fine. He is so totally out of touch. He needs to get out of Westminster, get out of Kensington—*[Interruption.]*

Mr Speaker: Order. Today is a big day in the House, and a very important day. We do want to make progress. Holding us up is not advantageous to any of us.

Keir Starmer: Mr Speaker, he needs to get out of Westminster, get out of Kensington—and I do not mean to Malibu, but to the streets of Britain. He needs to go there, tell people it is all fine and see what reaction he gets. The answer that he did not want to give, although he knows it, is 4%. So 96% of theft and burglary cases are not even going before the courts. Burglars are twice as likely to get away with it now as they were a decade ago. The Government should be ashamed of that record. That cul-de-sac in Armthorpe has apparently seen 10 burglaries in 18 months, but only one of them has resulted in a prosecution. So rather than boasting and blaming others, why does the Prime Minister not tell the country when he is going to get the theft and burglary charge rate back to where it was before they wrecked policing?

The Prime Minister: First of all, let me say that North Yorkshire is a lot further away than north London. *[Interruption.]*

Mr Speaker: Order. I like the lines as well, but I would prefer to hear them rather than the jeering. *[Interruption.]* Now, we are going to make progress. Mr Shelbrooke will be buying the teas in the Tea Room if he is not careful.

The Prime Minister: And they will be Yorkshire teas, Mr Speaker.

Since the Conservatives came to power, crime is down 50%, violent crime is down 40%, and burglary—the right hon. and learned Gentleman mentioned burglary—is down 56%. Why? Because we have recruited 20,000 more police officers, we have given them the powers to tackle crime, and we have kept serious offenders in prison for longer. All that the Opposition have done is vote against greater protections for emergency workers, oppose tougher sentences for violent criminals, and they are failing to give the police the powers they need. It is the same old Labour: soft on crime, soft on criminals.

Keir Starmer: The only criminal investigation that the Prime Minister has ever been involved in is the one that found him guilty of breaking the law. I have prosecuted countless rapists—*[Interruption.]*

Mr Speaker: Order. I am determined to hear these exchanges, whether from the Leader of the Opposition or the Prime Minister. *[Interruption.]* Sorry? I think you might be the first customer for tea, Mr Cairns. We keep having this little problem; we will have no more. Please, let us get through this and just show some respect to both people at the Dispatch Boxes.

Keir Starmer: Thank you, Mr Speaker. I have prosecuted countless rapists and I support tougher sentences, but you have to catch the criminals first, and when 98% of rapists are not even being put before the court, that is a massive failure of the Government. If the Prime Minister wants to go to Armthorpe, which is in Yorkshire, why does he not go to that cul-de-sac, when he gets out and about in Yorkshire, and ask about those 10 burglaries that have not been prosecuted? The reality is that after 13 years of Tory government, they have done nothing on standards; neighbourhood policing has been shattered; and burglars and rapists walk the streets with impunity. It is the same every week from the Prime Minister: whether it is the cost of living crisis, crime running out of control or the state of the NHS, why is his answer always to tell the British people they have never had it so good?

The Prime Minister: Let me just address the issue that the right hon. and learned Gentleman raised, because I said at the time that I respected the decision that the police reached, and I offered an unreserved apology. For the avoidance of doubt, at the moment that that happened, there was a full investigation by a very senior civil servant, the findings of which confirmed that I had no advance knowledge about what had been planned, having arrived early for a meeting. But he does not need me to tell him that; he has probably spoken to the report's author much more frequently than I have. *[Interruption.]*

Mr Speaker: Order. Look, the Prime Minister needs to answer the question. *[Interruption.]* I do not think we need any more. Let us keep it that way.

The Prime Minister: We are getting on. We are halving inflation by paying 50% of people's energy bills and freezing fuel duty. We are cutting—*[Interruption.]*

Mr Speaker: Order. The same goes for those on the Opposition Benches. Mr Gwynne, I do not need any more from the Back Benchers here either. Let us calm—*[Interruption.]* Mr Fabricant, not again. Seriously, today is a very big day. Some important decisions are going to be taken, so please, I want to get this House moving on.

The Prime Minister: We are also cutting NHS waiting lists by resolving pay disputes and by getting doctors back to work, and we are stopping the boats with a new Bill to tackle illegal migration. That is a Conservative Government delivering on the people's priorities.

Q2. [904268] **Holly Mumby-Croft** (Scunthorpe) (Con): I thank my right hon. Friend the Prime Minister for the efforts he has made to support the UK's steel industry. We remain very concerned about job losses at British Steel in Scunthorpe, so will he today reassure my constituents in north Lincolnshire that we will never see the end of UK steelmaking under his watch?

The Prime Minister: The UK steel industry can have no greater champion than my hon. Friend. I know this must be a concerning time for British Steel employees, and we stand ready to work with her to support them. She is right that industrial sectors, including steel, have been able to bid into competitive Government funds worth £1 billion to help support them to cut emissions and become more energy efficient, and the Government's recently announced British industry supercharger fund can help boost competitiveness in the UK's key energy-intensive industries. I look forward to working with her to ensure a thriving steel industry in our United Kingdom.

Mr Speaker: I call the leader of the Scottish National party.

Stephen Flynn (Aberdeen South) (SNP): I would like to begin by paying tribute to PC Palmer, who so tragically lost his life in defence of this Parliament and, indeed, what we all stand for—democracy. What worries the Prime Minister most about Brexit right now: is it the likely 4% hit to UK productivity, or is it three former Tory leaders planning to vote down his deal this afternoon?

The Prime Minister: The Windsor framework represents—

Mrs Theresa May (Maidenhead) (Con) *rose*—

Mr Speaker: Just to help the Chamber, I understand it is two former Prime Ministers.

The Prime Minister: The Windsor framework represents a good deal for the people, families and businesses of Northern Ireland. It restores the balance of the Belfast/Good Friday agreement and ensures Northern Ireland's place in our precious Union. What I would say to the hon. Gentleman is that I was more intrigued to see the words of his own party's president, who just this past week described his party as being in "a tremendous mess".

Stephen Flynn: The reality is that while Westminster is once again consumed by the damage being caused by Brexit, the public at home are facing the biggest fall in living standards ever, the highest tax burden since the end of the second world war and inflation at 10.4%. When are the Conservative party and, indeed, the Labour party going to realise that Brexit cannot work?

The Prime Minister: The actions that this Government are taking are ensuring that fully half of most families' energy bills are being supported by this Government. We are also making sure that we are delivering for people by cutting NHS waiting lists. That is something we are happy to work with the Scottish Government to learn and share best practice with them on. But we are also delivering on the people's No. 1 priority, which is to stop the boats and end illegal migration.

Q4. [904272] **Tom Randall** (Gedling) (Con): Gedling's unemployment claimant rate has declined significantly over the last decade, but there are still vacancies to fill and specific groups to help. On Monday, the Employment Minister and I visited Arnold jobcentre, where Kelsie and her team are welcoming local employers to speak directly to jobseekers and a dedicated 50-plus work coach is getting more people from that bracket into work. Would my right hon. Friend join me in congratulating the staff at Arnold and other jobcentres across the country on the proactive work that they are doing and, when time allows, would he come to visit Arnold jobcentre in person to see the great work it is doing?

The Prime Minister: I thank my hon. Friend and join him in thanking all the staff at Arnold jobcentre for their hard work. I shall keep his kind invitation to visit in mind. He mentioned the over-50s, who my right hon. Friend the Chancellor described as more experienced workers. He was right to focus on them because, together with the Secretary of State for Work and Pensions, we are putting in place a range of measures to help support them to return to and stay in the labour market. That will not only help us continue to bring inflation down, but support those people to have healthy, productive, fulfilling lives.

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba): The UK Government recently confirmed that Scotland generated and sent south 35 billion kWh of energy in 2021. That number will rise to 124 billion kWh in less than eight years' time. For this multibillion-pound bounty, Scotland will see no revenue and no manufacturing or supply chain jobs. In our land of energy plenty, why should our people be cold and hungry and businesses failing as a result of his Government's robbery? What has the Prime Minister to say in defence of this naked exploitation of Scotland's people and resources?

The Prime Minister: Actually, this Government are a strong supporter of Scotland's North sea oil and gas industry. It is the economically illiterate policy of, I think, almost all Opposition parties to prohibit any new exploration of fossil fuels in the North sea, which would have us pay billions of pounds to foreign energy companies and then ship that energy here, with twice the carbon emissions. It is a completely absurd policy that is bad for our security and bad for our economy, and that is why we are better off with the Conservatives in charge.

Q7. [904275] **Bob Seely** (Isle of Wight) (Con): The Island has been getting a better deal in recent years. I thank the Prime Minister for that, because before he was the Prime Minister, he worked with me in different roles when he was in government to make that happen, and I am grateful. However, the Island remains the only sizeable island in the UK without a fixed link and separated from the mainland by sea that does not receive a funding uplift to support local government services. This injustice has been ongoing now for 50 years. All the evidence shows that it costs more to provide local services on an island than on the mainland. Will the Prime Minister work with me and his Ministers to overcome this injustice this year?

The Prime Minister: I thank my hon. Friend for his continued campaigning on behalf of his constituents. It was a pleasure to spend many happy childhood holidays on the Island, and I enjoyed visiting him more recently there as well. Isle of Wight Council will benefit from a 10% increase in its funding in cash terms for the next financial year and has been awarded an additional £1 million in recognition of the unique circumstances of the Island, as my hon. Friend points out, but I will ensure that he gets a meeting with the Minister for local government—the Under-Secretary of State for Levelling Up, Housing and Communities, my hon. Friend the Member for North East Derbyshire (Lee Rowley)—to carry on the good work that he and I started, and to make sure that his local constituents get the support that they need.

Q3. [904271] **Graham Stringer** (Blackley and Broughton) (Lab): We now know from *The Daily Telegraph*'s lockdown files that, during covid, at the very heart of Government science was not being followed and rational discourse had been abandoned. This had dire consequences for children's education, mortality rates among the elderly, the economy and access to the health service. Lessons must be learned, but we cannot wait 10 years for the

independent inquiry to tell us what we should do next time when the inevitable epidemic arrives. Will the Prime Minister agree to a short-term, focused inquiry that can give us recommendations, so that we do better next time?

The Prime Minister: As with any public inquiry, the process and timing of the inquiry stages are for the independent chair to decide. As Baroness Hallett has set out, she intends to gather written evidence throughout this year, with public hearings also starting this year. The inquiry held a preliminary hearing in February that covered pandemic preparedness and resilience, and it has set out dates for preliminary hearings into core political and administrative decision making across the UK throughout this month. Most importantly, as the hon. Gentleman will recognise, it is an independent inquiry, and it is for the independent chair to set the terms.

Q8. [904276] **Jerome Mayhew** (Broadland) (Con): More than 1.5 million people living outside London stand to be impacted by the Mayor's new London-wide ultra low emission zone. Labour and the Liberal Democrats are all for the ULEZ charge; they do not care about the cost of living crisis. Does my right hon. Friend agree that the best way to protect commuters and small businesses from the spread of this unfair, £12.50-a-day tax is to vote Conservative on 4 May?

The Prime Minister: My hon. Friend is absolutely right. He failed to mention that just this week, Labour in Wales has introduced plans for further road charging as well, increasing cost pressures for the public and businesses. I urge Opposition parties to listen and to stand up for the public and small businesses, just as the Conservatives do.

Q5. [904273] **Hannah Bardell** (Livingston) (SNP): When my wee brother was diagnosed with ulcerative colitis eight years ago, it is fair to say that it turned our lives upside down. I am incredibly proud of the man he is and all that he has achieved while living with that life-limiting condition. My Livingston constituent, Steven Sharp, manages local football team the Fulshie in Stoneyburn. He has Crohn's disease and he lives with a stoma. He is like many of our constituents up and down the UK who are living with a life-limiting condition and trying to provide for their families, while holding down a job, with a condition and disease that wreaks havoc on their body. Given that one in four people wait more than a year for diagnosis, will the Prime Minister and the House support the campaign to Cut the Crap and get people diagnosed early for Crohn's and colitis? Will he meet me and my constituent Steven, to consider what more can be done for awareness, research and funding?

The Prime Minister: I thank the hon. Lady for her question, and pay tribute to her brother and to Steven for everything they are doing to raise awareness of this issue. I would be happy to meet her and Steven. This is something I am familiar with. It is a very difficult condition for people to live with, and it is right that they get the support and attention they deserve. I look forward to that discussion with her.

Q9. [904277] **Sir Jeremy Wright** (Kenilworth and Southam) (Con): My constituent, Jamie Scott, spent four weeks in a coma, and remains seriously disabled as a result of a covid vaccination. He and his family continue to believe that mass vaccination is the right policy, but it must surely also be right to ensure that the tiny minority who are seriously injured as a result are properly compensated. In the absence of court cases, it is in no one's interest to litigate. The current limit on compensation is £120,000, even for very serious and lifelong injury, and anyone who is disabled by less than 60% gets nothing at all. That cannot be right. Will my right hon. Friend look urgently at changing that?

The Prime Minister: It is important to start by recognising the importance of vaccines in protecting us all, not least the fantastic roll-out of the covid vaccines across the UK. I am very sorry to hear about the case my right hon. and learned Friend raises. In the extremely rare case of a potential injury from a vaccine covered by the scheme, a one-off payment can be awarded. That is not designed to be a compensation scheme, and it does not prevent the injured person from pursuing a legal compensation claim with the vaccine manufacturer. We are taking steps to reform vaccine damage payment schemes, by modernising the operations and providing more timely outcomes, but of course I would be happy to talk to my right hon. and learned Friend further about that.

Q6. [904274] **Kate Osborne** (Jarrow) (Lab): New inflation stats this morning show that food inflation is at 18%—the highest in 45 years. Millions are living in food and fuel poverty because of this Government's failures and political decisions to enable grotesque profiteering at the expense of our communities. How on earth can the Prime Minister claim that his plan is working, or is it, in his eyes, a success that so many people are struggling with their weekly food shop?

The Prime Minister: Figures recently published show that since 2010, there are 2 million fewer people living in poverty thanks to the actions of this and previous Conservative Governments. Of course, no one wants to see people struggling with week-to-week bills, which is why it is so imperative we stick to our economic plan. As the Office for Budget Responsibility said, we are on track to halve inflation by the end of this year. That is the most important thing we can do to ease the burden on people. In the meantime we have a range of programmes, whether free school meals or the holiday activities and food programme, to provide support to the most vulnerable families who need our help.

Q11. [904279] **Shaun Bailey** (West Bromwich West) (Con): With £60 million to improve transport links from Wednesbury to the rest of the Black Country, £4 million for Wednesbury high street, and last week, in the most important part of the Budget, the £22.5 million to level up Tipton town centre, the Government have put a vote of confidence in my communities, one they have not had for nearly 50 years. Delivery will be absolutely key on those projects. Will my right hon. Friend ensure, using his good offices, that we deliver them on time and realise the potential of my communities in Tipton and Wednesbury?

The Prime Minister: I pay tribute to my hon. Friend for his tireless campaigning on behalf of his local communities. I am delighted that we are investing across the west midlands, particularly in places like Wednesbury and Tipton. We will work with him to ensure those investments are indeed delivered, working with local councils, Transport for West Midlands and the West Midlands Combined Authority. The investments will transform people's lives and spread opportunity in his area. He deserves enormous credit for making that happen.

Q10. [904278] **Ian Mearns** (Gateshead) (Lab): Households in Gateshead have seen their energy bills triple over the last two years. They have not just endured the energy unit price increase; daily electricity standing charges have gone up from an average of 22p in 2019 to 58p from next month, an increase of 155% in standing charges—over £200 a year. To many of my constituents, particularly those in low-income households, that seems like a company tax just for having the temerity to be connected to the network. These schemes will continue long after energy support schemes have ended. Will the Prime Minister commit to ending the regressive increases in standing charges and instruct Ofgem to return them to 2019 levels, or even end them completely?

The Prime Minister: Thanks to the Chancellor, the Government are providing support to a typical household of around half its energy bill over the winter. That support was extended in the Budget and will be worth £1,500 to a typical family, but we went further for the most vulnerable families. The Chancellor announced that we will end the discrepancy in unit charges for those on prepayment meters, something many in this House have called for, and provide generous cost of living payments worth £900 to the most vulnerable families.

Martin Vickers (Cleethorpes) (Con): Two of my constituents, Adrian and Carol Ellis, are my guests in the Gallery today. Sadly, in 2021, their son died by suicide. George was a member of the Yorkshire Regiment. He had become depressed following one of his comrades taking his own life. In memory of George, Adrian and Carol set up a support group, which marries up one veteran with another to enable them to talk and, hopefully, help them. The support group is called Getting Emotions Out, after George. Will the Prime Minister join me in offering condolences to Adrian and Carol, and support for the work they are now doing?

The Prime Minister: I join my hon. Friend in sending my condolences, and those of the whole House, to George's friends and family. I thank his parents for the brave work they are doing to raise awareness of veterans' mental health. Support is available for anyone experiencing suicidal thoughts, including from the Samaritans helpline. Thanks to the excellent work of the Minister for Veterans' Affairs, my right hon. Friend the Member for Plymouth, Moor View (Johnny Mercer), we are working specifically to support veterans' mental health through Op Courage. That is a bespoke mental health and wellbeing service for veterans in the NHS, backed by considerable funding which was increased in the recent Budget. That fully integrated service will be launched next month. Again, I pay tribute to George's parents for all the incredible work they are doing.

Q12. [904280] **Alison Thewliss** (Glasgow Central) (SNP): My constituent Maryam Amiri came to the UK from Afghanistan on a spousal visa back in 2016. The Home Office has just refused her renewal and advised that she should return to Afghanistan. Maryam is an educator who is due to start a university course in September. She is a valued community activist and a vocal opponent of the Taliban. She is married to a man who worked for British forces and her family is currently being persecuted in Afghanistan. She has been trying to get them here since Afghanistan fell. Can the Prime Minister think of any barriers or hardships Maryam might face in returning to a country where there is not even any means of applying for a visa? Will he personally intervene, as the Minister for Immigration, the right hon. Member for Newark (Robert Jenrick) is yet to reply, despite my raising this matter three weeks ago?

The Prime Minister: Obviously, it would not be appropriate for me to comment on an individual's visa case, but I will ensure that the hon. Lady gets a response from the Home Office on that particular case.

Selaine Saxby (North Devon) (Con): Will the Prime Minister pay tribute to and congratulate my constituent Max Woosey, best known as the boy in the tent, whose three-year adventure camping outside is drawing to a close? To date, he has raised more than £750,000 for the excellent North Devon Hospice. Will my right hon. Friend wish everyone taking part in his final adventure, a camping festival at Broomhill Estate, great success?

The Prime Minister: I join my hon. Friend in paying tribute to Max and everyone else taking part in this fantastic initiative. I congratulate them on raising such a considerable sum of money for a very worthy local cause, and I look forward to hearing how the rest of it goes. Very well done.

Q13. [904281] **Alan Brown** (Kilmarnock and Loudoun) (SNP): The Treasury receives an additional £65 billion in revenue from Scotland's oil and gas, but it has allocated only £20 billion to carbon capture and there is nothing for Scotland. It has cut the renewable energy budget by a third. It has allocated only £10 million to Scotland's world-leading tidal stream, and has failed to back pumped storage hydro, yet it wants us to contribute our share towards the £35 billion Sizewell C nuclear power station. Is it not the case that within the Union, Scotland is the energy but Westminster takes the powers?

The Prime Minister: We are not only supporting Scotland's North sea oil and gas industry but providing £20 billion of funding for further carbon capture and storage. We want to work with and provide clarity for Acorn on its future path. The hon. Gentleman raised tidal power; I am pleased to tell him that it is now included in the contracts for difference allocations. There has been 40 MW of new tidal stream power from four projects across Scotland and Wales in the last year. That is this Government delivering energy security across the United Kingdom.

Points of Order

12.37 pm

Selaine Saxby: On a point of order, Mr Speaker. Yesterday, the hon. Member for Twickenham (Munira Wilson) raised the issue of investment at one of my excellent North Devon schools, without prior notification of me or the school. Having spoken directly to the school and local education authority this morning, it appears that the information presented was, at best, misleading. The school has an extensive works programme and plans to expand its capacity. The timing of future works is being determined around the best interests of the pupils and the staff, with professional advice, and is certainly not held up by a lack of funding. As a former teacher, I find it deeply disturbing that Liberal Democrat MPs are prepared to use schools outside their constituencies as political pawns in this place. Might you advise how best to correct the record and ensure that this situation is not repeated?

Mr Speaker: I presume that the hon. Lady let the hon. Member for Twickenham (Munira Wilson) know that she was going to raise her point of order.

Selaine Saxby *indicated assent.*

Mr Speaker: I am grateful to the hon. Member for giving notice of the point of order. She assures me that she has given notice to the hon. Member for Twickenham. As she knows, the Chair is not responsible for the accuracy of Members' contributions in the Chamber. If a Member has made a mistake, I encourage that Member to correct the record at the earliest opportunity. The hon. Member has rightly put it on the record so that we all know the situation.

Alison McGovern (Wirral South) (Lab): On a point of order, Mr Speaker. Thank you for accepting my point of order. Just now, in response to a question about his pretence that living standards are getting better in this country, the Prime Minister replied that he is halving inflation—on the very day that we find out that inflation is, in fact, rising. As you said, Mr Speaker, today is an important day for this House. How can the Prime Minister correct the record?

Mr Speaker: I know the hon. Lady knows the answer to that. She has now put the situation on the record. As she knows, it is not a matter for the Chair but a matter for each individual to try to make sure they are correct.

Ian Paisley (North Antrim) (DUP): On a point of order, Mr Speaker. As you know, a substantive piece of Northern Ireland business about the Windsor framework will be debated today. The Government have indicated that it will be an indication of how this Parliament feels about the entirety of the framework, even though the debate is about just one component of the framework. Given that it will be signed over on Friday by the Foreign Secretary, why has the House been allocated only 90 minutes for a debate on this very important subject? That will not give Northern Ireland Members alone enough time to debate the issue, let alone the rest of the House. How can we fix this before Friday, Mr Speaker?

Mr Speaker: As the hon. Gentleman knows, I have no responsibility for the amount of time allocated. That is done by the Government, who own the Order Paper. I do not own the Order Paper. Obviously, the hon. Gentleman is down to speak in the debate, so I am sure he will want to raise the point at that time.

BILL PRESENTED

Water Quality (Sewage Discharge) Bill

Presentation and First Reading (Standing Order No. 57)

Jim McMahon presented a Bill to make provision about the monitoring of water quality; to set a target for the reduction of sewage discharges; to provide for financial penalties in relation to sewage discharges and breaches of monitoring requirements; to require the Secretary of State to publish a strategy for the reduction of sewage discharges from storm overflows, including an economic impact assessment; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 21 April, and to be printed (Bill 278).

Employment Equality (Insurance Etc)

Motion for leave to bring in a Bill (Standing Order No. 23)

Mrs Natalie Elphicke (Dover) (Con) *rose—[Interruption.]*

Mr Speaker: Order. Mr Graham, please! The Member was standing to address me. *[Interruption.]* It is no use holding up your hands. Take notice of what is going on. It is totally unfair to the Member. It is a ten-minute rule Bill—please wait. You are important, but not that important.

12.41 pm

Mrs Elphicke: I beg to move,

That leave be given to bring in a Bill to amend Schedule 9 to the Equality Act 2010, to prohibit age discrimination by employers in relation to the provision of insurance or a related financial service; and for connected purposes.

There are more workers working over the age of 65 than ever before. Nearly 1.5 million people, of whom around two thirds—a million workers—are employed, contributing 32 million hours of work in an average week. There has been a rapid acceleration in the shape and scale of older working. Sectors in which older workers are most likely to be employed are some of those which are particularly important to our economy and our communities. Around a quarter of such older workers are employed in healthcare, social work and education. The car industry and technical sectors also employ high numbers of older workers.

If we want people to have the option to work later in life, we have to give them the tools, support and legal protection that they need to do so. That includes protecting workers from discrimination solely on the basis of age. Age discrimination, like any other form of discrimination, is humiliating, demeaning and damaging. Right now, provisions in schedule 9 to the Equality Act 2010, introduced in 2011, make it lawful to discriminate on the basis of age in relation to health and insurance employment benefits.

Let me explain why that is wrong. I have a constituent, Stephen, who is in the Public Gallery today with his wife Marsha. Stephen is a train driver with Eurotunnel and has been since the tunnel first opened 30 years ago. Stephen worked on the building of the tunnel itself. At the age of 66, his statutory pensionable age, he did not get a birthday card from his bosses; he got a letter explaining that while it was not possible to sack him on grounds of age, Eurotunnel were terminating his health insurance, death in service and his income protection policy for long-term sickness and accidents.

Stephen is doing the same job at 66 that he did at 65, but now he does not get the same money's worth or terms and conditions in relation to his contract of employment. In simple terms, Stephen does not get equal pay and conditions to another, younger, worker, simply by reason of his age. If Stephen falls ill, he cannot get the same access to speedy private healthcare that other people working for the company can get. That includes in relation to a workplace injury. If, heaven forbid, he died, his wife Marsha would no longer have compensatory insurance through death-in-service benefits. However, he is doing exactly the same job as someone else. It is the same job he did before he reached retirement age that he is doing now.

The attitude demonstrated by Eurotunnel seems to me to communicate to Stephen and to the wider employment community in Kent that it thinks that a person who is older is worth less. Stephen has made it clear to me that he loves working at Eurotunnel and wants to carry on working at Eurotunnel, but he does of course feel let down. I have written to the chief executive of Getlink, the operator of Eurotunnel, to ask that it reconsider Stephen's case, not least in the light of his long service and commitment to the company. As of today, it has not yet done so, although it has said that it is discussing the matter with its insurers.

We need to tackle the issue if people are to stay in the workplace longer. We should tackle it because it is simply unfair and wrong. It needs to be tackled here in this place by changing the law, because—I want to be really clear about this—Eurotunnel is perfectly within its legal rights to act as it has done. It is entirely a matter for it whether it includes all workers fairly and equally or discriminates against those who have reached retirement age.

My Bill seeks to put that situation right for every older worker in this country by changing the law on workplace benefits so that older people are treated on the same basis as in any other part of their employment relationship. There was a time when a pregnant woman had to quit her job and just leave the workplace. Then there was a time when she did not have to lose her job, and it was said that if women were given paid maternity leave, they would not get jobs if they were of childbearing age. There are those who claim that this reform to end age discrimination would be costly to business, just as they used to say the same about women who went on maternity leave. As we know, however, employers found that retaining women in the workplace benefited not just mothers, but businesses themselves, which were able to retain the vital skills and knowledge of female workers.

In the same way, older workers have skills and knowledge gained over many years in the workplace. Treating older workers fairly will encourage them to stay and will benefit the companies that they work for. I remember a time when employers used to say that a woman did not need to work, did not need to get the same bonuses as a man or did not need to be offered overtime, because it was men who had the families to feed. We have outlawed that because equal pay at work is not about who is doing the work, but about what the work is. That applies every bit as much whether it is a younger or an older worker doing the same job.

Another excuse that has been given is that covering older people becomes more expensive for everyone because the premium for the company goes up. This is, of course, an absurd excuse. Applying that logic, would it be okay to exclude from employment benefits people who have a heart condition, cancer, a bad back, a disability or a chronic condition? Of course not. We would say that that was discriminatory and wrong, because it is.

Unless we tackle age discrimination, we will continue to have a working environment that is very difficult for people who are working in older age. An example of why the law needs to change is sitting here today in the Public Gallery: Stephen Horne, a man whose blood, sweat and hard work helped to build one of the great wonders of our time, the tunnel under the English channel

from the UK to France. Stephen, a working man treated badly solely by reason of his age, is my constituent, and I am promoting this Bill because I do not think that he should have been treated in this disgraceful and unacceptable way—and neither should any other older worker.

The support that I have received right across the House has given me real heart. The Bill has received incredible cross-party support; I thank my hon. Friends the Members for North Devon (Selaine Saxby), for Hastings and Rye (Sally-Ann Hart), for Southend West (Anna Firth) and for Blyth Valley (Ian Levy) and the hon. Members for Liverpool, West Derby (Ian Byrne) and for Birmingham, Selly Oak (Steve McCabe), as well as the Bill's sponsors and several others.

We are at our very best in this place when we come together to address injustices and right wrongs. I very much hope that Stephen's Eurotunnel law will be a turning point for protecting older workers in the workplace in the years to come. I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Mrs Natalie Elphicke, Caroline Nokes, Dame Diana Johnson, David Linden, Jim Shannon, Bob Blackman, Rachael Maskell, Marion Fellows, Henry Smith, Tony Lloyd and Marco Longhi present the Bill.

Mrs Natalie Elphicke accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 24 November, and to be printed (Bill 277).

Northern Ireland

12.51 pm

The Secretary of State for Northern Ireland (Chris Heaton-Harris): I beg to move,

That the draft Windsor Framework (Democratic Scrutiny) Regulations 2023, which were laid before this House on 20 March, be approved.

It is my usual practice to take as many interventions as I possibly can during a debate; however, this debate is on a statutory instrument and is therefore time-limited, so although I will take interventions, I will not take as many as I normally would. I will, with the leave of the House, try to mop up all the questions raised at the end of the debate.

The Stormont brake is at the heart of the Westminster framework. It addresses the democratic deficit, restores the balance of the Belfast/Good Friday agreement, and ends the prospect of dynamic alignment. It restores practical sovereignty to the United Kingdom as a whole, and to the people of Northern Ireland in particular.

Mr John Baron (Basildon and Billericay) (Con): As someone who served in the Province during the troubles and saw at first hand the pain and anger endured by all communities, may I ask whether my right hon. Friend agrees that the Windsor framework not only restores the balance of the Belfast agreement but offers the Province much greater prosperity by way of inward investment—and greater prosperity helps most situations?

Chris Heaton-Harris: I entirely agree with my hon. Friend. We are just coming up to the celebration of the 25th anniversary of the Belfast/Good Friday agreement, which has built peace and stability across Northern Ireland. I hope very much—as, I believe, does every single politician from Northern Ireland—that the next 25 years of the agreement, helped along by this Windsor framework, will bring to Northern Ireland an age of prosperity the like of which we have never seen before.

Several hon. Members *rose—*

Chris Heaton-Harris: I will give way first to the hon. Member for Strangford.

Jim Shannon (Strangford) (DUP): It is not often that I am called before the others, but it is always a pleasure.

The Secretary of State and I will have some differences of opinion on this, but does he understand our frustration about the Windsor framework, or, as we Unionists call it, the Windsor knot? It is not a deal that enjoys or receives Unionist support, because the United Kingdom is giving the European Union sovereignty over the courts and power over Northern Ireland. Let me say respectfully to the Secretary of State, because I am a respectful person, that it has been shoved through the House by the Government, the Conservative and Unionist party—with some dismay, I now question the word "Conservative", and where is the "Unionist"?—in a format that does not allow for scrutiny or due processes. Members on both sides of the House should take note of that and should vote against this statutory instrument, because it introduces a gravely important constitutional issue, and we are very concerned about it.

Chris Heaton-Harris: I thank the hon. Gentleman for his words, with which, however, I fundamentally disagree. I am a Unionist, and proud to be a Unionist. I believe that each of the four nations of our wonderful country makes it stronger, and I also believe that this is a massive step forward in terms of progress for not only Northern Ireland but the Union as a whole.

I disagree entirely with what the hon. Gentleman has said because the framework actually adds to the democratic scrutiny that is available. As one of Michel Barnier's former advisers put it, the mechanism

"does amount to a clear veto possibility for the UK government, directive-by-directive, at the behest of a minority in the Northern Ireland Assembly."

I think that people who know what they are talking about understand that this is a very, very good deal.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The right hon. Gentleman talks of prosperity. Seed potato growers in my constituency tell me that the framework is extremely welcome, because it means they can have access to the Northern Ireland market and in turn, via this mechanism, to the Republic of Ireland market. That is about the prosperity of my constituency, but perhaps this may lead to access to the Spanish and French markets, which could be useful in the future. I therefore believe that we should support the framework.

Chris Heaton-Harris: I thank the hon. Gentleman for his very, very pro-Unionist comments. He is entirely right. Through the protocol, seed potatoes and a host of other products were no longer available in Northern Ireland. The Windsor framework solves those issues and opens up market opportunities.

Colum Eastwood (Foyle) (SDLP): I am grateful to the Secretary of State for giving way to me. I thought I was going to have to do a whole lot of squats just to get in.

One of the criteria for using the Stormont brake, and for signing the Petition of Concern, is that Members of the Legislative Assembly

"must be individually and collectively seeking in good faith to fully operate the institutions, including through the nomination of Ministers and support for the normal operation of the Assembly."

Does this mean that Jim Allister will be precluded from signing the petition?

Chris Heaton-Harris: If the Assembly is sitting and he is sitting in it, which he would be as a fully elected member of his political party, I am absolutely sure that he could do that.

Mr Tobias Ellwood (Bournemouth East) (Con): I commend the Prime Minister and my right hon. Friend for the work they have done. Does it not show that when we build bridges, when we show pragmatism, when we work with our continental colleagues, we can provide results? Does my right hon. Friend agree that, along with AUKUS, the Paris summit and indeed the Budget, this is a return to the statecraft that we want to see in No. 10?

Chris Heaton-Harris: It is, without doubt, statecraft emanating from No. 10, and I pay tribute to the Prime Minister for everything that he does in that respect.

Several hon. Members *rose—*

Chris Heaton-Harris: I will continue for a bit, if I may. I will give way in a moment.

We all believe, as democrats here, that in a democracy people should have a say over any change in the laws under which they live, but under the old protocol, that was not the case. Changes to laws were automatically imposed on Northern Ireland whether it wanted them or not, and, like many other Members, I as Secretary of State for Northern Ireland considered that to be an unacceptable state of affairs. The Stormont brake not only ends that situation, but ensures that changes made to rules and regulations have the consent of both communities, thus asserting a fundamental principle of the Belfast/Good Friday Agreement.

Richard Graham (Gloucester) (Con): I am very grateful to my right hon. Friend, who has made all this progress hugely possible through his hard work. Does he agree that wherever we are starting from, it is clear to everyone who compares the Northern Ireland protocol with the Windsor framework that good progress has been made, that the framework is an improvement, and that it is strongly welcomed by most of the communities in Northern Ireland, and for that reason we should support it today?

Chris Heaton-Harris: Yes, I do believe that, and I thank my hon. Friend for making the point.

Stella Creasy (Walthamstow) (Lab/Co-op): The Secretary of State is making a powerful case about democratic scrutiny. In that spirit, will he confirm that in order to support the Windsor agreement, he will use his powers as Secretary of State to retain all the existing EU law that would otherwise be deleted by the Retained EU Law (Revocation and Reform) Bill by the end of this year? The European Union has written to us today warning us that if he does not do that, the agreement will be in doubt. This is not to do with the Stormont brake; it is the existing legislation that will be deleted by the sunset clause. The Secretary of State has the power to retain it. Is he going to do so, in order to support this legislation?

Chris Heaton-Harris: I am afraid I have not seen that letter; I know nothing of it. I believe that the Retained EU Law (Revocation and Reform) Bill will do a good job of work for the whole of the United Kingdom.

Mr Mark Francois (Rayleigh and Wickford) (Con): I fear that today we will respectfully have to agree to disagree. My right hon. Friend has described the brake on multiple occasions, including in BBC interviews, as a veto. Given that, if Stormont pulls the brake, UK Ministers may still not exercise the brake in exceptional circumstances—so it is down to ministerial fiat—and given that, even if they do, the EU can object and it will be referred to independent arbitration, where the UK could lose, that is a route to arbitration, isn't it? That is not a veto. Will he accept that?

Chris Heaton-Harris: One, it is a veto; two, it is a route to arbitration; and three, it removes any element of the European Court of Justice being relevant in this decision. So I think we have actually delivered on some of the things that my right hon. Friend and I have campaigned on over the years.

Hywel Williams (Arfon) (PC): In respect of grounds for seeking to apply the brake, in response to my written question to the Foreign Office on exports to Northern Ireland through the port of Holyhead, the Under-Secretary of State for Foreign, Commonwealth and Development Affairs, the hon. Member for Aldershot (Leo Docherty) replied:

"The Green Lane is open to all UK businesses where they import or sell goods that are not ultimately destined for EU market. This includes goods travelling from Wales to Northern Ireland in transit through the Republic of Ireland, using the procedure".

Can the Secretary of State confirm that that is indeed the case and elaborate, now or by letter, on how that procedure will work?

Chris Heaton-Harris: I thank the hon. Gentleman for his question, which I did not hear completely. The green lane will be open for goods travelling into Northern Ireland for consumption in Northern Ireland. There is a red lane for goods going into the Republic. If I misheard his question, I will write to him to clarify, if that is okay.

John Redwood (Wokingham) (Con): Why do EU laws apply under this agreement to businesses in Northern Ireland that are not trading with the EU? How many EU laws apply, and why can we not see a list of them?

Chris Heaton-Harris: It is less than 3%. This preserves access for Northern Ireland businesses to the single market, and yesterday I listed a whole host of different areas in which these EU laws are disapplied in Northern Ireland.

Jonathan Edwards (Carmarthen East and Dinefwr) (Ind): The Secretary of State is of course right to say that any political entity within a wider economic structure should have a say or some way of expressing its view on the rules and regulations of that economic structure. With that in mind, will the British Government be bringing forward a Senedd and Holyrood brake when it comes to the UK internal market?

Chris Heaton-Harris: I thought we already had it, but I will come back to the hon. Gentleman if that is not the case.

Julian Smith (Skipton and Ripon) (Con): Will my right hon. Friend reconfirm, first, that the Stormont brake stops and gives total control to the Assembly in Northern Ireland on any new EU law or regulation; and, secondly, that this deal has made huge strides on seed potatoes, VAT, state aid, customs and all the aspects of the protocol that we in this House have debated for so long?

Chris Heaton-Harris: I have to agree with my right hon. Friend.

Several hon. Members *rose—*

Chris Heaton-Harris: I think I should now continue with my speech, so that I can explain all this to the House.

The brake is triggered if 30 Members of the Legislative Assembly from two parties object to an amending rule or regulation. These MLAs can be from the same community designation, so they can, in theory and in practice, come from two Unionist parties, or indeed two nationalist parties. The exercise of the brake will require no other process and no vote in the Assembly. Once the brake has been pulled, the law will automatically be disapplied in Northern Ireland after two weeks. The EU can challenge the use of the brake only through international arbitration, after the law has been suspended, where the bar to overturn it will be exceptionally high.

The Stormont brake is one of the most significant changes that my right hon. Friend the Prime Minister has secured. It is a robust change that gives the United Kingdom a veto over dynamic alignment with EU rules but, just as importantly, the regulations we are debating today put the democratically elected representatives of the people of Northern Ireland in the driving seat when it comes to whether and when that veto will be used.

Ian Paisley (North Antrim) (DUP): I thank the Secretary of State for giving way. Could he answer, very clearly, this one simple question? Is it not the case that every single lorry that departs from the port of Cairnryan to Northern Ireland will have to have customs declaration papers for every product on that vehicle? Is it right that a vehicle travelling from one part of the United Kingdom to another part of the United Kingdom continues to be treated in that way?

Chris Heaton-Harris: Those vehicles will be using the trusted trader service. There will be 21 fields of information, mostly auto-populated, which will mean no certificates will be needed from vets or other third parties—

Ian Paisley: That is wrong.

Chris Heaton-Harris: I would say to the hon. Gentleman that I think I am right.

Mr David Jones (Clwyd West) (Con): When my right hon. Friend appeared before the European Scrutiny Committee yesterday, he promised to deliver the list of the 3% of EU laws he says will remain as a consequence of this process. Can he please tell us where that list is?

Chris Heaton-Harris: I gave the majority of that list in the course of those proceedings, and I said that I would write to my right hon. Friend, which I will do.

The old protocol had some measures that were aimed at giving it democratic legitimacy. The UK had a vote over any new laws that the EU wanted to add to the protocol, but that veto did not extend to amendments of laws that were already there, and crucially, there was no role for the Northern Ireland Assembly in deciding whether and when to use that veto. Of course, it contained the democratic consent mechanism, an important means of giving the Assembly the right to end the application of articles 5 to 10 of the old protocol. Those measures were important, and the Windsor framework maintains them, but they were not, in themselves, enough to address the democratic deficit.

Michael Fabricant (Lichfield) (Con): I wonder if my right hon. Friend could clarify something for me. He has spoken about the green channel for goods movements from Great Britain into Northern Ireland. This is a genuine question. As I understand it, the Northern Ireland economy produces around £77 billion-worth of goods, of which £65 billion-worth go to the rest of the UK. Is it not the case, though, that everything manufactured in Northern Ireland would have to meet EU standards, even if it is going to the rest of the UK?

Chris Heaton-Harris: I have made it perfectly clear that we are maintaining 3% of EU law in Northern Ireland. This is the bare minimum to maintain Northern Ireland's access to the single market, which just about every business I have spoken to in Northern Ireland, and that has made representations on this, is delighted to be maintaining. Indeed, I have been lobbied by individual Members from Northern Ireland to maintain access to both the UK market—the fifth largest economy in the world—and the EU market for goods.

Dame Andrea Leadsom (South Northamptonshire) (Con): I fully support what my right hon. Friend has done here. The Prime Minister and the whole of the Northern Ireland team have done a great job. Does my right hon. Friend agree that the Windsor agreement enables a huge opportunity in Northern Ireland not just to be a precious part of our United Kingdom but to be the target of enormous amounts of foreign direct investment because it will have the advantage of being an integral part of the United Kingdom as well as having open access to EU markets?

Chris Heaton-Harris: We are maintaining that 3% of EU law. My right hon. Friend has helped to answer the question that my hon. Friend the Member for Lichfield (Michael Fabricant) posed.

There will be a binding statutory obligation in domestic law on Ministers to pull the brake when a valid notification is provided by 30 MLAs. These regulations will add a new democratic scrutiny schedule to the Northern Ireland Act 1998 to codify the brake in domestic law. The UK Government must—let me repeat that: they must—notify the EU when a valid notification of the brake has been provided by MLAs. This is an important new function for Members of the Assembly, and it is vital that they exercise this new function with the right information and expertise. After consulting with Northern Ireland parties, these regulations provide for a standing committee of the Assembly to properly scrutinise the relevant rules.

Stephen Farry (North Down) (Alliance): I am treating today's vote as a recognition of the wider package and voting for it, with the Government.

The democratic scrutiny committee is new to the Assembly and will require a lot of resources, as will the necessity of engaging with Brussels on the development of new law from first principles. Will the Secretary of State have a conversation with the Assembly about the potential for new resources, to make sure it can fully do this job?

Chris Heaton-Harris: I very much look forward to having that conversation with a fully functioning Assembly and Executive.

Some have described this as a consultative role for MLAs, but it is not. It is a robust power for MLAs to stop the application of amended EU rules, a power that neither the UK Government nor the European Union can override, provided that the conditions in the framework are met.

Some have claimed that the EU must have some means of blocking the brake. These regulations demonstrate that the process is entirely one for the United Kingdom. The process is firmly and unambiguously within strand 1 of the Belfast/Good Friday agreement. There is no role for any institution outside the United Kingdom, whether that be the EU or anyone else, in determining whether the brake is pulled. It will be for the UK alone—for its sovereign Government, alongside elected MLAs—to choose whether the brake is pulled.

Some also claim that the Government might simply ignore the brake. These regulations make it clear that the Government have no discretion. MLAs cannot be ignored. Valid notifications of the brake must be notified to the European Union. The Government's actions will be subject to all the normal public law principles attached to decision making. For the avoidance of doubt, the regulations are clear that the prospect of any remedial measures by the EU cannot be a relevant factor in the Government's determination.

It is not enough simply to allow MLAs to temporarily halt the application of a rule, but then allow the United Kingdom Government simply to override them when the joint committee decides whether the rule should be permanently disapplied. So these regulations go much further and provide a clear, robust directive role to determine whether the Government should use their veto or not. Unless there is cross-community support in the Assembly, Ministers will be legally prohibited from accepting an amended or new EU law that creates a regulatory border between Northern Ireland and the rest of the United Kingdom, except in exceptional circumstances.

Let me be clear: "exceptional circumstances" means just that. The threshold for that exception is unbelievably high, and a Minister invoking exceptional circumstances must be able to defend that decision robustly and in line with normal public law principles. What is more, a Minister must account to Parliament where they have concluded that exceptional circumstances apply, or where they consider that a measure would not create a regulatory border. This represents one of the strongest statutory constraints on the exercise of ministerial functions under a treaty ever codified in our domestic law.

Colum Eastwood: Would the Secretary of State just confirm to the House: if there is no Stormont, will there be a Stormont brake?

Chris Heaton-Harris: The brake cannot even start to be a thing until Stormont goes back and the Executive function.

Aaron Bell (Newcastle-under-Lyme) (Con): I thank the Secretary of State for setting out how the brake will operate. Will he join me in urging those considering these proposals before the House today to note that, for many years, people said it was impossible to have an application to stop the ratchet of EU law and to keep Northern Ireland in the Union?

Chris Heaton-Harris: I absolutely agree with my hon. Friend. I was also told that this would be an impossible ask. Throughout my time in the European Parliament and, indeed, as chairman of an illustrious body of MPs in this place, I never thought this would be achievable, yet the Government have managed to achieve it.

These regulations could scarcely make things clearer. The overwhelming presumption is that, unless the Assembly says yes, the Government must say no.

Finally, as with any international agreement, if the EU considers that the UK has improperly pulled the brake, it may choose to initiate a dispute, but we need to be clear that any dispute could only arise after the rules have been disapplied in Northern Ireland, and the resolution of that dispute would be for an arbitration panel. The European Court of Justice would have no role in resolving a dispute.

These regulations make the case for functioning devolved institutions in Northern Ireland even more compelling. The measures will become operable only when the institutions are restored. Denying the people of Northern Ireland will not only deny them the basic right to an effective, stable Government but will deny them full democratic input into the laws that apply to Northern Ireland, and that denial cannot be justified.

These regulations give domestic legal effect to this democratic safeguard and restore the UK's sovereignty. We should consider carefully how we vote on this measure, without which Northern Ireland would continue to have full and automatic dynamic alignment with EU goods rules, with no say for the Northern Ireland Assembly and no veto on amending or replacing those measures. That is an intolerable situation, and I urge all hon. and right hon. Members to vote to end that full and automatic dynamic alignment. I therefore commend these regulations to the House.

Mr Speaker: I call the shadow Secretary of State.

1.15 pm

Peter Kyle (Hove) (Lab): My right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), the leader of my party, said in January that any protocol deal struck between the UK Government and the EU would, by definition, mean real progress in mitigating the problems caused by the original deal that they negotiated. He pledged that, in those circumstances, Labour would support such a deal. We will honour that pledge today. While the Government have once again been distracted by rebellion and infighting within their own party, thanks to the Labour party they can be sure that the national interest will be served today.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The hon. Gentleman is making an important point. For the last quarter of a century, the House has proceeded in relation to the peace process in Northern Ireland—and today is about the peace process, let us be quite clear about that—on the basis of bipartisan or non-partisan politics. For that reason, my party will be joining his and the Government in the Lobby.

Peter Kyle: I am grateful to the right hon. Gentleman for his intervention and for coming to a similar view to the Labour party. He is a Scottish MP, and I want to express my sympathies with those affected by the incident that is unfolding in Edinburgh, where a ship has capsized, injuring, we believe, 15 or more people. Our sympathies are with him and with the people of Scotland today.

The Government have said that today's vote is the main vote that the House will get on the Windsor framework. My speech will focus on why Labour supports the deal overall, but I will begin with the Stormont brake, which is the subject of the regulations before us today.

The democratic deficit was always one of the hardest parts of the protocol deal to reconcile. Of course, businesses and most people in Northern Ireland want to continue accessing the European market as well as the internal market, but the cost of this access was having no say on the rules that had to be followed. The Stormont brake will give representatives a say once devolved government is restored. It is impossible to argue that this is not an improvement on the current situation.

Thirty MLAs from two parties will be able to trigger the brake, but just as important is the new Committee of the Assembly that will scrutinise new laws affecting Northern Ireland. There are understandable concerns about how the brake will work in practice, but the best way of stress-testing it is through experience, and we can get that experience only by restoring Stormont. We all want to see Northern Ireland's devolved Government back up and running—I know that is what DUP Members want to see, too.

I will state the obvious before going further: Northern Ireland's economy has huge potential and is doing well. The Prime Minister eloquently explained why on his last visit to Northern Ireland, but he did not need to do so, because everyone who lives in or runs a business in Northern Ireland already knows. The challenges posed by the protocol go much deeper than market access, and that is what needs the most attention during this period of tortuous renegotiation.

Conor McGinn (St Helens North) (Ind): My hon. Friend was right to acknowledge that Unionism had legitimate concerns about the operation of the protocol. Does he agree that anyone looking at this objectively would say that those have been addressed, both by the EU and the UK Government? Further to that, the fundamental point is that businesses in St Helens—in logistics, the medical sector, manufacturing and agriculture—would give their right arm to have the opportunity that Northern Ireland has to access both markets.

Peter Kyle: I am grateful for my hon. Friend's intervention and pleased that he recognised the legitimate concerns of the Democratic Unionist party. All of us, right across the UK, want to see a devolved Administration in Northern Ireland up and running. That is what the purpose of this whole tortuous process has been, and we hope we can get this resolved soon.

John Redwood: So what is the point of rushing through a vote on this, given that it is the protocol and the agreement behind it that prevents Stormont from meeting, which means that the protocol would never be used?

Peter Kyle: The right hon. Gentleman makes the argument for why he should have voted against the protocol in the first place. Labour Members did oppose the protocol when it was imposed, but he voted for it. There are a lot of Members on the Government Benches whom I listen to with great interest, because they often contribute a lot of thoughtful insight into the way we debate, but let us just reflect on what he said in the run-up to the Brexit referendum and the promises he made to this country. This all came from his website, and I read it with great interest. First, he said that there

[Peter Kyle]

would be more growth in the economy. Secondly, he said that Brexit would rebuild our fisheries. Thirdly, he said that food would be cheaper. Fourthly, he said that our power would be cheaper. Fifthly, he said that we would have fewer unhelpful regulations—if that was the case, we would not be here debating this measure today, would we? Sixthly, he said that we would get a US trade deal. Seventhly, he said that our balance of payments would improve. There are many people who should be contributing to this debate, in a thoughtful way, but I am afraid that he is not one of them.

The challenges posed by the protocol go much deeper than market access, and that is what has needed most attention during this tortuous period of renegotiation. The Unionist concerns were mostly twofold, the first of which was that there were impediments to the flow of goods traveling across the Irish sea. Some products and shipments were more affected than others, which was having a disruptive effect on supply chains and the ability of retailers to keep their stores stocked in a manner familiar to pre-protocol shoppers. That, of course, led to the second source of concern: the existential impact that those impediments have to the free flow of goods within the United Kingdom, and what that means for Unionism.

Dr Neil Hudson (Penrith and The Border) (Con): Does the hon. Gentleman agree that the Government have made tremendous progress with the Windsor framework on veterinary, sanitary and phytosanitary measures? The securing of human medicines for the long term and the direction of travel on securing veterinary medicines up until the grace period ends shows what can be achieved through dialogue. It shows us all that we should be strongly supporting this framework deal.

Peter Kyle: It does show that negotiating and talking delivers more than rowing, but it also shows that people should think carefully about what they vote for in the first place.

It is a right enshrined in treaty that anyone in Northern Ireland who wants to identify themselves as British should be able to do so without impediment. I understand that, of course I do. If produce made in Sussex faced checks at the border with Hampshire, I would have something to say about it. I have also asked myself this: if the protocol checks were taking place between Ireland and Northern Ireland, instead of in the Irish sea, would nationalist communities be demanding action today? I believe that they would. So the demand for action is warranted; it is based on real concerns, not confected ones. The mystery to me has always been why the Government took so long to act. Why did they wait until the devolved authorities had collapsed before seeming to care?

By the time I was appointed to this job, the DUP had been voicing concerns about the protocol for well over six months—they were ignored. A month before I was appointed, the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) had published an article calling for article 16 to be triggered—it was met with silence. Then, in February, the Executive was collapsed, followed four months later by the Assembly. In all that time, there were no visits by the Prime Minister, and no meetings with party leaders, either in Northern Ireland or in Downing Street. Not a single statement was made to this House. As a result of that neglect—believe me, it is neglect—we are now faced with two problems. The first is solving the technical issues created as a direct result of the original protocol, negotiated by the Government and voted for by every Conservative Member. That protocol, I remind the House, was created, negotiated and hailed as a "great deal for Britain" by this Government at the time. Lest we forget, it was voted for by every single Member on their Benches, including those affiliated to the European Research Group faction.

Secondly, that period of neglect created a political problem that this Government are paying the price for right here today. Put simply, when the DUP was raising concerns about the protocol from within the devolved institutions, it was ignored by the Government in Westminster. When the DUP collapsed those institutions, it was rewarded with a prime ministerial visit and, ultimately, the renegotiation of the protocol. The message from the Government could not be clearer; the learned behaviour of dealing with this Government is that if you act functionally within the devolved Administration, you are ignored, but if you act outside the Administration, you are unignorable. In this period, the other Northern Ireland parties have been denied their place within the Government as well, through no fault of their own. So if you disrupt and act outside the structures of government, you get all the attention in the world. You even get a Prime Minister travelling abroad on your behalf to renegotiate a deal we had hitherto been told was not renegotiable.

Jim Shannon: This is not only about neglect or ignorance. Does the shadow Minister recognise that Tony Blair, the former leader of the Labour party, said that we cannot move forward without Unionist participation in this process and this framework? Bertie Ahern, another former instrument in the peace process, also said that we cannot ignore Unionism. Does the shadow Minister agree that Unionism cannot be ignored, and that our point of view has to be core to the whole issue of how we find a process to go forward?

Peter Kyle: I am grateful for the hon. Gentleman's intervention and for the opportunity to have this exchange, as it gives me the opportunity to say something. I can only speak for the Labour party, and for myself as the shadow Secretary of State, in saying that his party, as with every other party in Northern Ireland, will never be ignored by my party or a future Labour Government. As I am about to explain, it will be most rewarded, and will have most attention and agency in political life right across the UK, from a position within the devolved authorities. I understand the point he makes—Tony Blair and others were right—but these are all leaders who gave the attention to the DUP and every other party at the point at which they needed it. They did not wait until devolution had collapsed before paying those in Northern Ireland and their parties the respect they are owed and due.

James Sunderland (Bracknell) (Con): To give the shadow Minister some credit, he is excellent at articulating the problem. But what is his solution?

Peter Kyle: I am grateful for that, because we will be getting to it. *[Interruption.]* It is interesting that Conservative Members want me to speed up but they keep intervening.

I will get through the speech if they allow me to get to it. The hon. Gentleman makes the most blindingly obvious point here: my party will be voting in unanimity today, but his party is getting in the way of getting this across the line, because it is his party that is split over how to vote on the issue before us today. We are acting in the national interest; the Conservatives are riven with division.

People like me aspire to government because we want to deliver positive change, but those in the DUP now have to ask themselves, because of the way they have been treated by this Government: would a return to government mean relinquishing power? This inversion of the very principle of government, this absurdity, is a direct consequence of the manner in which Northern Ireland has been treated by this Government and the other Conservative Administrations over the past 13 years.

I want to be clear to Members who represent communities in Northern Ireland on what they can expect from a future Labour Government, to answer the point of the previous intervention. Let me reassure them that we have not forgotten the lessons of 25 years ago and the tough years following the peace deal. To me, those lessons are, first, that leadership matters. Tony Blair's first visit outside of London as Prime Minister was to Belfast. He visited five times in his first year as premier. He did not neglect Northern Ireland, and nor will my right hon. and learned Friend the Member for Holborn and St Pancras.

Secondly, we need to work towards a strong, trusting relationship with the Irish Government, because when our two countries work together closely, it eases the anxiety that some people in Northern Ireland feel regarding their Irish or British identities, and creates the conditions for economic progress across the island of Ireland.

Karen Bradley (Staffordshire Moorlands) (Con): The hon. Gentleman is absolutely right to say that the agreement 25 years ago would not have been possible without the sacrifices and statesmanship of so many, but will he acknowledge that it was John Major and his Government who started that process and that this is not a party political matter but something of which this whole House should be proud?

Peter Kyle: First, I thank the right hon. Lady for her time as Secretary of State for Northern Ireland. I readily acknowledge that many people made peace possible in Northern Ireland 25 years ago. We in this House will have the opportunity to debate those issues in a forthcoming general debate, and there will be plenty of opportunities to do so over in Belfast when dignitaries from across the world come to celebrate the great achievement of that time. John Major of course laid the foundations and, at the time and subsequently, all Labour leaders, including Tony Blair, paid great respect to his contribution. If I were to start listing the names of everyone, we would be here for a very long time indeed.

Thirdly, we need to have the same ambition for Northern Ireland as we do for every other part of our Union. For example, it is not good enough to roll out home heating support months after citizens in every other part of the UK have received it.

Fourthly, we should aspire to build respect among communities and be a voice for all communities here in Westminster. The last Labour Government positioned the UK as an honest broker for all of Northern Ireland, and so will the next.

Finally, Labour will never give up on Northern Ireland, however insurmountable the challenges might seem. Those involved in the negotiations 25 years ago have plenty of stories of frustration and moments of hopelessness, but perseverance is rewarded. It was then and it will be again today and into the future. It always is in Northern Ireland.

Although this deal is not perfect, it is an improvement, so in the interests of Northern Ireland and the rest of our country we will be voting for it today.

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Nigel Evans): As you can see, there is a great deal of interest in this debate, so may I please ask Members to keep their contributions short so that as many as possible can get in?

1.33 pm

Julian Smith (Skipton and Ripon) (Con): I welcome today's debate and vote. The Windsor framework has my full support. I also welcome the fact that the Labour party, the Lib Dems and almost the SNP, I think, are supporting the Government and the Conservative party today.

Those of us who have followed this issue closely probably never expected to be here debating a renegotiation of the treaty itself. It is a testament to the Prime Minister's determination and focus, and those of the Secretary of State, the Foreign Secretary and others, that they have been able to achieve that.

As someone who has been slightly traumatised by Brexit votes over the years, I am also delighted that this is the end chapter. Notwithstanding further improvements and changes, I think this chapter is one that probably all of us are delighted to be ending.

Sir William Cash (Stone) (Con): Notwithstanding what my right hon. Friend has said, may I suggest that this remains unfinished business as regards our leaving the European Union?

Julian Smith: Some things never change, but I pay tribute to my hon. Friend for his continued monomaniacal focus on this issue.

I also want to acknowledge the work done by hon. Members in Northern Ireland. Although I believe we will be in different Division Lobbies today, the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) spoke powerfully about the democratic deficit and the need for cross-community safeguards, which are now at the heart of the Stormont brake. As one of Michel Barnier's top advisers said, and as the Secretary of State has just told us, that has actually been a big victory for the Democratic Unionist party. The hon. Member for Upper Bann (Carla Lockhart) worked harder than anybody else to finally fix the issue of seed potatoes for her farming constituents, and the hon. Members for North Down (Stephen Farry), for Foyle (Colum Eastwood) and for Belfast South (Claire Hanna) have all engaged closely with businesses and Northern Ireland enterprises to find practical solutions. I believe that huge progress

[Julian Smith]

has been achieved, and we now need to maximise the potential for Northern Ireland to become one of the most attractive places in the UK to invest in.

I want to finish by talking about the Union. The greatest strength we have in securing Northern Ireland's place in the Union is the majority of people in Northern Ireland who support it. We must cherish, nurture and expand that support and consent at every opportunity. Recent polling has shown that there is huge support across Northern Ireland—above 70%—for the Windsor framework and for solving this issue, and in particular cross-community support for the access it provides to both the UK and EU markets.

I believe that if we can bank the wins in this deal and secure over time stable power sharing, we can look forward to decades and decades of overwhelming support for Northern Ireland remaining an integral part of the United Kingdom.

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Nigel Evans): That was a three-minute contribution from a former Secretary of State. If everyone follows that example, I am sure we will get a lot of people in.

1.36 pm

Richard Thomson (Gordon) (SNP): Perhaps I should begin by addressing the remarks made just now by the right hon. Member for Skipton and Ripon (Julian Smith), who said that he thought the SNP was almost ready to support this. I can say to him that he is almost right. We support the agreement—we welcome it and will vote in favour of it.

The mechanism set out in the draft statutory instrument provides what looks at first glance like a reasonably effective means of scrutiny in Stormont, although I have to say that, in terms of its function as a brake, it is questionable whether the brake lever is connected to anything. Only time will tell.

On the good aspects, we welcome the fact that at long last the UK Government have engaged constructively over a prolonged period with EU partners to come to an agreement that improves the protocol. We welcome that the protocol Bill has been abandoned, as it always should have been, averting the prospect of a catastrophic series of tit-for-tat trade reactions over the protocol, which would have been disastrous for all parts of the UK. The task now is for Ministers to start repairing some of the damage that has been caused in the intervening period.

From our perspective in Scotland, although this certainly restores access for Scottish producers to the Northern Irish market, it still leaves us deprived of equivalent access to the European single market. It is not my natural disposition to be a party pooper in any way, as I am sure the House will agree, but this only serves to make an already poor situation slightly less bad. A number of questions still need to be asked about how the UK Government will continue to try to improve trade conditions for other devolved nations in the UK; whether the Government can provide clarity over how the port at Cairnryan will operate and what infrastructure is needed; whether cows and sheep being transported between Northern Ireland and Scotland can qualify for the green lane; and how the UK Government are, in more broad terms, going to tackle the food security crisis that affects us all.

Occasionally in politics we are blessed with a rare flash of candour. We had one in the Budget speech last week when the Chancellor said, to great acclaim from our Benches:

"Independence is always better than dependence."—[*Official Report*, 15 March 2023; Vol. 729, c. 844.]

But we also had it from the Prime Minister when he went across to Northern Ireland to sell the benefits of this deal. I do not know whether the Prime Minister thought that, just because he was saying it in Northern Ireland, nobody in Great Britain, particularly in Scotland, would be able to hear what he had to say. He said that the framework would make Northern Ireland

"the world's most exciting economic zone"

because of access to both GB and EU markets. He went on to say that that very special position made Northern Ireland

"an incredibly attractive place to invest"—

no less than the world's most exciting economic zone. Just to make sure he does not feel left out, the Minister of State at the Northern Ireland Office, the hon. Member for Wycombe (Mr Baker), also said:

"What an extraordinary opportunity for Northern Ireland: dual access to both markets."

Of course, that very special position is precisely what the entirety of the UK had prior to Brexit. I certainly do not grudge Northern Ireland one iota of those benefits; I just wonder why Government Members, whatever views they take on this legislation, have been so utterly determined to deprive the rest of us of them.

1.40 pm

Sir William Cash (Stone) (Con): I believe in the real Union of the United Kingdom and the sovereignty of its Parliament here at Westminster. Articles 1 and 2 of the protocol clearly set out the principle of consent for Westminster and that the territorial integrity of the United Kingdom is fundamental. Consent and veto are different things.

We have left the EU and passed section 38 of the European Union (Withdrawal Agreement) Act 2020, guaranteeing the sovereignty of the United Kingdom Parliament, yet all laws passed before we left in relation to the single market still apply to the people of Northern Ireland, subjugating them to the EU, but do not apply to the rest of the UK.

There is no such thing as Northern Ireland sovereignty; there is only constitutional Westminster sovereignty. I am afraid I do not recognise the expression "practical sovereignty" used by the Secretary of State in this debate and in the letter he wrote to the Chair of the Joint Committee on Statutory Instruments on 20 March. Why should 2 million Northern Ireland citizens and voters for Westminster be treated differently from, say, the 2 million people of Birmingham, Liverpool or Manchester?

Chris Clarkson (Heywood and Middleton) (Con): My hon. Friend is making a powerful speech. Obviously, he is a subject matter expert and I know he has passionate views on this, but, listening to him, the phrase that comes to mind—a German one, I am afraid—is "pathologische Realitätsverweigerung", or pathological

denial of reality. The simple fact is that the lived reality in Birmingham and Manchester is entirely different. We are not against another national border. We do not need some form of alignment with a neighbour for the free movement goods and services. For example, I think there is a single milk processing plant on the island of Ireland. There has to be some kind of practical recognition of the difficulties and the lived reality.

Sir William Cash: The heading of the statutory instrument that we are discussing in this motion is "Constitutional Law", and I am sorry to say that what my hon. Friend says—some reference to pathological something-or-other—makes absolutely no sense in relation to constitutional law. We in this country operate a constitutional law that confers sovereignty upon the Westminster Parliament. That includes the people of Birmingham, Manchester, Liverpool and Northern Ireland, and it should do so equally.

Since Brexit, more than 640 laws, as we see each week in the European Scrutiny Committee, which I chair, have been passed already for Northern Ireland by the EU Council of Ministers: behind closed doors, in Brussels, by majority vote, without even a transcript. Can we imagine laws being passed in this country, in Westminster, without *Hansard*—without a transcript—and by majority vote? It is unthinkable.

Colum Eastwood: If memory serves me right, the hon. Gentleman voted for the protocol, which did not have a Stormont brake and had far more checks in it. Can he explain why he is voting against this?

Sir William Cash: Very simply, because we agreed that we would bring in the Northern Ireland Protocol Bill, which I will come on to in a minute. That is the difference. That Bill would have dealt with the situation. We in the rest of the UK have left the EU and so are subject to our own laws and not those of the EU, as we were for the last 50 years.

As I said to my right hon. Friend the Member for Skipton and Ripon (Julian Smith), this remains unfinished business. Pre-Brexit single market legislation continues in Northern Ireland. The Northern Ireland Protocol Bill dealt with the unacceptable imposition of EU laws, but that Bill is now being disposed of, to my very grave concern, although it was passed in this House by a majority of 72 on Third Reading, and most of the hon. Members here today—on the Government side of the House, anyway—voted for it.

The Windsor framework does not effectively disapply EU law as such in, for example, the customs regime, because that falls within the legal competence of the EU in relation to goods. If the UK purports to use its so-called veto—the Stormont brake—on this question, the EU will be able to get round it sooner or later on the green lanes and may invoke retaliatory measures. I am afraid I am not impressed by the expression "exceptional circumstances"—words mean what just we choose them to mean, as Humpty Dumpty said. The question is who is to be master—that is all—and I believe firmly that it will be the European Union.

One of my sadnesses about this whole business is that there really was a need for proper time to discuss alternative legal arguments in consultation with the Government. There are papers that have been produced in the last 48 hours and over the last few weeks—blogs and commentaries by distinguished lawyers—that clearly demonstrate that the arguments presented by the Government are not those agreed by other eminent lawyers. This is a point of law as well as a point of fact.

I am sure the question of democratic consent and the inadequacy of the Stormont brake will be addressed by DUP Members today. That question is as important for all of us as the main principle of the Union. The procedures have been rushed, and I simply cannot accept that it is right for a statutory instrument to be approved in this House today, when there is not yet a legal decision in the Withdrawal Agreement Joint Committee—that will not be until Friday, so we hear.

Furthermore, I now hear that the House of Lords, which is part of that Joint Committee, is not going to consider the statutory instrument until Wednesday 29 March, which is after the Withdrawal Agreement Joint Committee sits. The Government, in seeking approval of the statutory instrument today, are not doing so in synchronisation with the House of Lords. I find that manifestly unsatisfactory.

I am deeply concerned, too, that these procedures are not following the criteria of Standing Order No. 151 regarding the Joint Committee on Statutory Instruments. I think, if I may say so with great respect, that the Chairman of the Committee, the hon. Member for Newport East (Jessica Morden), should really be here today to explain its position. I was surprised to see a letter from the Secretary of State to the Chairman of that Committee dated 20 March.

Vicky Ford (Chelmsford) (Con): As one of the few Members of this House who was born and raised in Northern Ireland, I want to make it very clear that this is not about the Secretary of State's correspondence, but about the future of the people of Northern Ireland. The vast majority of them support the Windsor framework, as does the business community. They believe that the deal negotiated by the Prime Minister is much better than they ever thought possible. The people of Northern Ireland and, indeed, the people of the UK need to move on and focus on more important things.

Mr Deputy Speaker (Mr Nigel Evans): The hon. Gentleman has spoken for eight minutes now, and this is really a very time-limited debate, because it has to finish at 2.21 pm.

Sir William Cash: I am just about to conclude by saying that this debate is about the rule of law and constitutional law, as well as the very fair points that my right hon. Friend the Member for Chelmsford (Vicky Ford) has just made. I do not doubt the importance of the stability of Northern Ireland, having taken great interest in these matters for many years, but I insist that the constitutional position is not reflected by the arrangements in the Windsor agreement. I simply make this final point: the proof of the pudding will be in the eating.

1.48 pm

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): I will try to be brief, Mr Deputy Speaker, but you will appreciate that there is a lot the DUP would like to say today in very limited time. The regulations we are debating, known to many as the Stormont brake, touch on many important legal and political matters.

[Sir Jeffrey M. Donaldson]

At the outset, I thank the Prime Minister, the Secretary of State and others for their continued engagement with my party and for the efforts they have made. Although at this stage we may differ in our views on the Windsor framework, I am not here to question the motivation of Ministers in seeking to make improvements, but they must—and, I hope, will—continue to work with us and others to get the further improvements that we need to enable the restoration of devolved government in Northern Ireland.

To be clear, I want to see the restoration of devolved government in Northern Ireland. My party is a party of devolution; we believe that delivering effective government for our people is the best way forward, working alongside this House and this Parliament. That is where we want to get to, but we have to get it right.

I echo the comments of the hon. Member for Stone (Sir William Cash) about the rush to bring this statutory instrument forward. I have written to the Joint Committee on Statutory Instruments expressing my concern that we have not had adequate time for scrutiny of the instrument. The Government have indicated that we are not dealing just with the SI before us, but that this is also an indicative vote on the Windsor framework itself. It is therefore important that I reflect not just on what the Stormont brake does, but on where it fits in to the wider Windsor framework.

Fundamentally, for us the problem with the Northern Ireland protocol is the continued application of EU law in Northern Ireland in circumstances in which it covers all manufacturing of goods in Northern Ireland, regardless of whether those goods are being sold in the United Kingdom or to the European Union. I repeat the statistics that I quoted earlier at Northern Ireland questions: of all goods manufactured in Northern Ireland, the vast majority—some £65 billion out of £77 billion of goods manufactured—are sold in the United Kingdom. The solution must be proportionate to the difficulty, and the difficulty is the EU's desire to protect its single market and to maintain an open border on the island of Ireland. But the price for that cannot be that Northern Ireland businesses manufacturing goods for sale in the United Kingdom are inhibited in many ways from trading within their own market.

I say to the Secretary of State, in relation to the Windsor framework, that although improvements have undoubtedly been made, we have not yet fully addressed the fundamental problem of the continued application of EU law for the manufacturing of all goods in Northern Ireland. We believe that the real solution here is similar to that proposed in the Northern Ireland Protocol Bill, which was that, where goods are being sold in and staying in the United Kingdom, United Kingdom law and standards apply, and where goods are being manufactured by Northern Ireland businesses for sale in the Republic of Ireland or any other EU member state, EU rules apply. That is the solution that we are looking for. The Windsor framework does not deliver that solution.

Julian Smith: On that point, and in respect of any other improvements or changes that need to be made, does the right hon. Gentleman agree that the best way to exert influence now is for Stormont to return and to be the centre of what I am sure will be ongoing improvements and iterations in this area?

Sir Jeffrey M. Donaldson: I thank the former Secretary of State for his continued interest in Northern Ireland. I say to him simply that my Ministers in the Democratic Unionist party sat in Stormont for more than a year after the protocol was implemented. We pleaded with the Government—as the Opposition spokesperson, the hon. Member for Hove (Peter Kyle), reminded the House—to intervene and do something to help us with the difficulties that the protocol was creating, but the Government did not act. I had to take action, and it was our action that brought the EU back to the table. And yes, we have made progress as a result, but more is needed.

What more is needed? To deliver the pledge given by the Government in the New Decade, New Approach agreement to protect Northern Ireland's place within the internal market of the United Kingdom. Although the Windsor framework goes some way towards doing that in relation to the movement of goods from Great Britain to Northern Ireland, it does not deal with, for example, the real potential for divergence between EU laws that apply in Northern Ireland and UK laws that apply in Great Britain when the UK decides to change regulations that were formerly EU regulations.

There is a Bill before this House that will fast-track and significantly broaden the number of UK laws that will be changed where EU law is disapplied. That creates the potential for divergence between Northern Ireland and Great Britain. It harms our ability to trade with Great Britain, it harms the integrity of the internal market of the United Kingdom, and the Windsor framework does not address that problem, which we need to see addressed. I say to the right hon. Member for Skipton and Ripon (Julian Smith) that I want to see Stormont up and running, but we need the Government to deliver the commitment that they made when he was the Secretary of State to protect our place in the internal market of the United Kingdom.

John Redwood: Does the right hon. Gentleman agree that because the EU will have powers over things such as VAT and state aid in Northern Ireland, it will also have powers on a drag-through basis over the whole United Kingdom? Does the whole United Kingdom not need a veto?

Sir Jeffrey M. Donaldson: I agree with the right hon. Gentleman. That is why we need a solution that enables the United Kingdom Government and this Parliament to regulate the entirety of the United Kingdom internal market. That is the solution. I am not saying that where Northern Ireland businesses trade with the European Union, EU standards and rules should not apply; I am saying that we can allow for that. What I do not accept is a situation where every business in my constituency must comply with EU rules even if they do not sell a single widget to the European Union. That is wrong, because it harms our place in the internal market of the United Kingdom.

The Stormont brake seeks to address the democratic deficit that I have mentioned, and to an extent, it provides a role for Stormont to pull that brake where

changes to EU law occur, but I note that it does not give us any ability to deal with existing EU laws that impact on all manufacturing in Northern Ireland—laws that have been applied without our consent. To that extent, the brake cannot apply. It applies to amendments to EU law or changes new EU laws that are introduced.

I also note that in the proposed arrangements, it is available to the EU to take retaliatory action in the event that the UK Government apply a veto to a new EU law. That is a matter of concern to us in Northern Ireland, because retaliatory action could come in a number of forms. It could include the suspension of arrangements in the green lane, which would impact our ability to bring goods from Great Britain to Northern Ireland. We need to be clear that it is wrong for the EU to be able to intervene at that level in the free flow of goods from one part of the United Kingdom to the other. I highlight that issue as a real matter of concern to us.

Gavin Robinson (Belfast East) (DUP): Will my right hon. Friend give way?

Sir Jeffrey M. Donaldson: I will.

Mr Deputy Speaker (Mr Nigel Evans): Before you take this intervention, Sir Jeffrey, I remind you that you have now been speaking for nine minutes. Once you have resumed your seat, I will introduce a three-minute time limit to get as many Members in as possible. Please be cognisant of that.

Gavin Robinson: My right hon. Friend will know about the exchange that the Secretary of State and I had yesterday in the European Scrutiny Committee, where he was invited to indicate that the "exceptional circumstances" in paragraph 18 in the schedule to the Stormont brake regulations would preclude a material consideration being the EU retaliatory action to which my right hon. Friend has referred. The Secretary of State was quick to agree with that interpretation. May I ask, through my right hon. Friend, whether the Secretary of State will consider reaffirming the commitment that he gave yesterday? It features in paragraph 14; it does not feature in paragraph 16. Just to be clear: the Secretary of State would not be allowed to consider the threat of retaliatory action as "exceptional circumstances" when exercising a veto.

Sir Jeffrey M. Donaldson: I welcome what the Secretary of State said yesterday: that we must not allow the threat of EU retaliatory action to influence Ministers in exercising their powers under the Stormont brake. I also welcome the clear commitment the Prime Minister gave to me recently: that the application of the Stormont brake is entirely a matter for the United Kingdom. It is a strand 1 issue under the terms of the Belfast agreement and does not involve a role for the Irish Government in relation to these matters. That is a very important principle for us.

The Prime Minister has indicated to me that in this process the wishes of Stormont will be respected, but I have made it clear that in exercising the Stormont brake we are simply applying in our terms the potential of a veto by the United Kingdom Government on one aspect of EU law. This does not deal with all of the problem, and that is the difficulty we have. The continued application of EU law in Northern Ireland is what creates the problem in our ability to trade within the internal market of the United Kingdom.

It is important that the Government of the United Kingdom take stock of where we are now. I understand that the Foreign Secretary is to attend the UK-EU Joint Committee on Friday to sign off the Windsor framework, and that today's indicative vote in this House will be used as the justification for doing so. Surely though, our shared objective, as espoused earlier by the former Secretary of State for Northern Ireland, the right hon. Member for Skipton and Ripon (Julian Smith), is to see the political institutions in Northern Ireland restored; we need therefore to continue to engage with the Government to get this right.

My party is committed to doing that. We are committed to continuing to work with the Secretary of State and with the Prime Minister, but that has to be about delivering on the commitment given to protect Northern Ireland's place within the internal market of the United Kingdom, and to ensure that where EU law is applied to facilitate cross-border trade, it does not impede our ability to trade with the rest of our own country in the internal market of our own country. That is the bottom line for us, and until that is resolved, I cannot give the Government a commitment to restore the political institutions. It is what I want to do, but we need to get this right. I want Stormont to be restored on a sustainable and stable basis, where there is cross-community consent and consensus, but that does not exist at the moment. We need that consensus to be restored.

For our part, we will continue to work intensively to solve these issues, doing so in the knowledge that what has already been achieved was achieved because we were not prepared to accept the undermining of Northern Ireland's place within the Union of the United Kingdom—the economic Union of the United Kingdom. That is what we stand for. That is what we will fight for. We want to get it right, and we will work with the Government to achieve that.

2.2 pm

Karen Bradley (Staffordshire Moorlands) (Con): My right hon. Friend the Secretary of State knows that I rarely rise to speak in debates that he leads, not because I disagree with what he is doing but because I think it is important that predecessors do not comment too often on their successors' work. I know how hard the job of Secretary of State for Northern Ireland is. Today though, I rise to speak because I support wholeheartedly what he and the Prime Minister have achieved and want the statutory instrument to go through with the support of the overwhelming majority of this House.

Two weeks ago, the British-Irish Parliamentary Assembly, which I co-chair, met in Belfast to commemorate the 25th anniversary of the Belfast/Good Friday agreement. We met in the currently empty Assembly Chamber in Stormont. We met representatives of legislatures across the islands that make up the British Isles, and we reflected on the leadership that had been required to deliver that deal 25 years ago—leadership not just for a few weeks, but for years. People made sacrifices and went above and beyond, because they were prepared to

[Karen Bradley]

recognise that, while no deal is perfect, the result of achieving the Belfast/Good Friday agreement for the people of Northern Ireland and people across these islands was so significant that the sacrifices were worth making.

Sir Robert Neill (Bromley and Chislehurst) (Con): Does my right hon. Friend agree that another great virtue of this framework agreement, which is much to be commended, is that it enables us to resolve the issues in a way that does not lead us into breach of any of our international law obligations, as would have been the case had we proceeded with the Northern Ireland Protocol Bill? That has to be a win for the UK's reputation, as well as for the people of Northern Ireland.

Karen Bradley: I agree wholeheartedly. My hon. Friend always speaks with great wisdom.

When I was Secretary of State for Northern Ireland, it was clear to me that leaving the European Union without a deal would have been devastating to Northern Ireland—devastating economically and devastating to community cohesion. That is why as Secretary of State and subsequently I have tried to find a way to make sure a deal was reached that we could all get behind. We reached a deal whereby the whole United Kingdom left the EU together, but that deal was not acceptable—not to those on the Opposition Benches and not to many of my right hon. and hon. Friends. I recognise and acknowledge the reasons for that: they felt it would leave us too close to the European Union, and I fully respect their view.

Then, a deal was presented to us by the former Prime Minister, my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson). The deal had many faults, but I believed my right hon. Friend when he said that he wanted me to vote for it because it was important for the people of Northern Ireland. I was willing to do that, even though I knew that it would result in checks on goods in the Irish sea—that was clear in the agreement—because it was so important for Northern Ireland and because my Prime Minister asked me to vote for it.

Remember that when the Belfast/Good Friday agreement was drawn up and the Northern Ireland Act 1998 implemented, the United Kingdom and Ireland were both members of the EU. As a result, many of the issues did not have to be codified. We did not have to set out what happened to goods travelling to and from Northern Ireland, or set out rights, because those rights came from both of us being EU members. Leaving the EU means that some of those issues now need to be codified, and that can be done only through negotiation and accommodation being made by both sides. The Windsor framework demonstrates enormous accommodation on the EU side; the Stormont brake is an extraordinary thing for the EU to agree to. People around the world are looking at the agreement and congratulating my right hon. Friend the Prime Minister on what he has achieved.

My question for this House is this: what is the alternative to the Windsor framework? What do we think we will get? There is nothing better on the table. This is a significant step forward, and I urge my right hon and hon. Friends to vote for it.

2.7 pm

Hilary Benn (Leeds Central) (Lab): I confess that when I read the Windsor framework I was surprised, and pleasantly so, because as the Secretary of State told the House earlier, there were things in it that I did not think negotiation would manage to achieve. It is to the great credit of the negotiators, and to the great credit of the DUP, that they have achieved so much in this agreement. The EU has had to move a long way.

This proposal is very sensible. Leaving the European Union always confronted us with a choice in what to do about the border between Northern Ireland and the Republic. Apart from those who said, "That's not my problem. Leave it to the EU," everyone knew that some arrangement had to be put in place. The result was the protocol, but it did not work. The Windsor framework provides a way forward. In particular, the Stormont brake answers the point DUP Members make in this House about future EU legislation, because the brake is available.

Secondly, I wanted to respond directly to the point the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) made about existing EU law that continues to apply in the United Kingdom. Many pieces of EU legislation have applied in Northern Ireland as part of the United Kingdom for years. Have they had an impact on the ability of Northern Ireland businesses to trade with rest of the United Kingdom? No, they have not. They continue to apply in Great Britain because of EU retained law.

When the Government decide which of those pieces of retained law they want to dispose of or change through the Retained EU Law (Revocation and Reform) Bill, they have a choice about the extent to which they want to create divergence. I suspect that, by the end of this year, many of those pieces of legislation will still apply in Great Britain, because divergence creates problems. That is the point that the former Prime Minister, the right hon. Member for Maidenhead (Mrs May) made in a speech shortly after the referendum: divergence results in our having to make a choice.

The final point I want to make is that it is very striking that businesses will take decisions for themselves. There was a recent example: the EU decided to reduce the amount of permitted arsenic in baby foods. What did manufacturers in Britain do in response? They did not wait for the Government to say, "Well, we might or might not follow suit"; they said, "Henceforth, we will of course produce baby foods matching the EU standard", because they want to continue to be able to sell their products. Ultimately, businesses will decide the standard that works for them. This is a very sensible measure. I congratulate the negotiators, and I really hope the House will vote for it.

2.10 pm

Sir Geoffrey Cox (Torridge and West Devon) (Con): I think we must avoid the danger of hyperbole, and I hope I do not disappoint my right hon. and hon. Friends on the Front Bench by saying that I do not think we can characterise this instrument as the last word that will ever be spoken on this subject. However, it does represent material and real progress, and if my right hon. Friend the Member for Maidenhead (Mrs May) and I had seen a similar flexibility on behalf of the European Union three years ago in 2019, history might have turned out rather differently.

My right hon. Friend the Prime Minister has achieved considerable things with this agreement. No, it is not the last word. Yes, it is true that to any of those who prize the constitutional principles that my hon. Friend the Member for Stone (Sir William Cash) has spoken of, it will always leave a lasting sense of dissatisfaction that certain rules that apply in Northern Ireland do not apply on the mainland of Great Britain. However, Northern Ireland is a special case. It was already recognised to be a special case when the Good Friday agreement was introduced, and even then by the British-Irish agreement. The full and absolute sovereignty of the United Kingdom Government was abridged by the arrangements that were put in place in 1997.

For those of us who are Unionists, there will always be an aspiration to an ever-increasing proximity between us, but the stage we have now reached is that this agreement represents a significant and major achievement by this Government. I fully believe that it requires—compels, commands—the assent of every Member on the Government Benches, for it is a serious and significant improvement on the protocol as it was agreed in 2019. Why would we not at least agree to an improvement, even if we say at the same time, "It is not the last and final word"? So, looking back at the past few years with a degree of regret—perhaps nostalgia, even, for those times—I commend most strongly and urgently to this House the virtues and merits of this important and real staging post on the pathway to what I hope, ultimately, will be a final settlement.

2.12 pm

Colum Eastwood (Foyle) (SDLP): In the very short time I have, I will make a number of brief points. We do not like the Stormont brake, for a number of reasons. I would never have agreed the Stormont brake, because I think it damages and clouds the investor proposition; it has no specific role for the human rights or equality commissions; and the brake can be pulled before the committee can even finish its work on scrutiny. Most importantly, given the number of years I spent in Stormont, I think it is a very bad idea to give the DUP a veto over anything.

I also want to say something about some of the people in this House who will vote against this motion today—former Prime Ministers and members of the European Research Group, all of whom supported the protocol which had no Stormont brake and far more checks for businesses. They are more interested in internal Tory politics than they are in the wishes and interests of the people in Northern Ireland, and I urge the DUP to learn the lesson of the past few years. The people who the DUP Members can trust—the people who want to work with them—are sitting right here on these Benches. They are not over there on the Back Benches of the Tory party.

Sir Jeffrey M. Donaldson: I thank the hon. Member for giving way. I just want to say two things: first, the people we trust are the people who elected us to stand for them. Secondly, as the hon. Member will well know, the veto that was given to the DUP was given to us by the people of Northern Ireland, who voted in a referendum for the Belfast agreement. That includes a veto for Unionists, and therefore when he decries that, he is decrying the agreement that his party supported.

Colum Eastwood: And, of course, the agreement that the right hon. Member did not support.

We will vote for this motion, because it has been made very clear that this is a vote on the whole framework. We have been through many a negotiation in the past. We understand when the negotiation is done and a decision has to be made. There have been parts of every single agreement that we have not liked, but we have had to stomach them for the greater good of the people of Northern Ireland. We see the Unionist concerns; we see many of them—most of them—addressed in this agreement; and we are prepared to make the decision on that basis. However, let me make something very clear to this House: if the DUP still refuses to go into government after all of this, I can guarantee that more and more people will figure out that the best way to make the north of Ireland work is within a new Ireland. That is where this is going, and people should be very aware of that.

The right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson), the Secretary of State, and myself were all in the United States last week. We know that President Biden has appointed Joe Kennedy as an economic envoy to try to take full advantage of dual market access. We met investors and senior members of the US Administration who want to help us bring jobs to places such as Derry that have been left behind over many years. Dual market access is a huge opportunity that is right in our face—as somebody said earlier, people from around this House would give their left arm to have that opportunity for their own constituents. Despite some concerns that even I have with the agreement, why, oh why, would we give that up?

The most important thing to remember, though, is that it is done—it is over. The negotiation is finished. The British Government and the European Union are moving forward. They are moving on; they are dealing with other issues. It is now time to deal with the crisis in our health service, which is at the point of collapse, and to deal with the economic stagnation. It is time to get into Stormont, to do the work on behalf of the people, and to come back together again and work the common ground. There is no other alternative.

2.16 pm

Dame Andrea Leadsom (South Northamptonshire) (Con): I am a passionate Brexiteer, and I still think that our future outside of the European Union is the best possible thing for the United Kingdom, but above all else, I am a passionate Unionist. Like my right hon. Friend the Member for Skipton and Ripon (Julian Smith), it really does pain me that here we are again, having the same discussions that we had in the hung Parliament of 2017-19. Now, though, so many of us believe that the deal that has been struck with the Prime Minister, with support from Front Benchers and other passionate Brexiteers, is the best possible deal. At any time over the past seven years, if we had been offered this deal as the way forward as a United Kingdom, we would have bitten their arms off.

It seems to me the greatest pity that right hon. and hon. DUP Members are not going to support the deal today. It seems to me that this is a superb deal for people who live in Northern Ireland, and while I fully respect the views and knowledge of my hon. Friend the

[Dame Andrea Leadsom]

Member for Stone (Sir William Cash), I do think that the constitutional issue has to be taken as slightly—only very slightly—different from the issue that faces us today. Today, we are looking at a deal that will work so much better for the people of Northern Ireland and for our Union. As my right hon. and learned Friend the Member for Torridge and West Devon (Sir Geoffrey Cox) said, in all likelihood, this will not be the last we hear on this subject, but let us not make the perfect the enemy of the good: let us move forward as one United Kingdom and vote for this SI.

2.18 pm

Sammy Wilson (East Antrim) (DUP): Let us be clear what we are debating here today: we are debating a lock, or a brake, that is necessary because the Government have allowed the EU to impose its law on part of the United Kingdom. The result is that we now have a border between one part of the United Kingdom and the other part of the United Kingdom, a border that is going to be reinforced very shortly by the building of physical posts that will be used to monitor trade between Great Britain and Northern Ireland. Goods that are going into Northern Ireland purely for consumption in Northern Ireland will be checked—100% will be customs checked, and one in 20 will be physically checked. Of course, that can be varied by the EU. What is the Government's answer to it? That Unionists can make a protest about it and sign a petition of concern. By the way, if there is anything that will destabilise the Northern Ireland Assembly, it is the constant use of the petition of concern. Members from other Northern Ireland parties behind me will confirm that.

First, there is a limit on what can be done and, secondly, despite the Secretary of State saying that he would be bound to listen to petitions of concern from Unionists, in fact he would have no option to. Whole sections of the framework tell us the grounds on which he can refuse a petition. Even if he does accept it, he then has to go to the Joint Committee and exercise a veto, which he knows will lead to material impacts for the United Kingdom, and of that we can be absolutely sure. If it is a choice between disrupting relations with the EU or accepting legislation—ironically, this Windsor framework is presented on the basis that it will normalise relations with the EU—how likely is it that we are going to pick a fight with the EU over the implementation of some EU law in Northern Ireland? The truth is that this is not a Stormont brake; it is a Stormont fake. It should be rejected by this House. It does not protect the Union, it does not protect democracy in Northern Ireland, and it will not get the Assembly back and running again.

Mr Speaker: With 20 seconds, I call John Redwood.

2.20 pm

John Redwood (Wokingham) (Con): The Government should not put this measure to a vote now. This will not work. It cannot work as a brake, because Stormont will not meet because of it. It gives amazing powers to the European Union—

Mr Speaker: Order.

2.21 pm

One and a half hours having elapsed since the commencement of proceedings on the motion, the Speaker put the Question (Standing Order No. 16(1)).

The House divided: Ayes 515, Noes 29.

Division No. 197] [2.21 pm

AYES

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Afolami, Bim
Aiken, Nickie
Aldous, Peter
Ali, Tahir
Amesbury, Mike
Anderson, Fleur
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Ashworth, rh Jonathan
Atkins, Victoria
Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Bardell, Hannah
Barker, Paula
Baron, Mr John
Baynes, Simon
Beckett, rh Margaret
Begum, Apsana
Bell, Aaron
Benn, rh Hilary
Benton, Scott
Beresford, Sir Paul
Betts, Mr Clive
Bhatti, Saqib
Black, Mhairi
Blackford, rh Ian
Blackman, Bob
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Blunt, Crispin
Bonnar, Steven
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Bradshaw, rh Mr Ben
Braverman, rh Suella
Brennan, Kevin
Brereton, Jack
Brine, Steve
Britcliffe, Sara
Brock, Deidre
Brown, Alan
Brown, rh Mr Nicholas
Browne, Anthony
Bruce, Fiona
Bryant, Sir Chris
Buchan, Felicity
Burghart, Alex
Burgon, Richard
Butler, Dawn
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Cairns, rh Alun
Callaghan, Amy *(Proxy vote cast by Brendan O'Hara)*
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Carter, Andy
Cartlidge, James
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Churchill, Jo
Clark, rh Greg
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cowan, Ronnie
Cox, rh Sir Geoffrey
Coyle, Neil
Crabb, rh Stephen
Crawley, Angela
Creasy, Stella
Crosbie, Virginia
Crouch, Tracey
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Daly, James
Davey, rh Ed
David, Wayne
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davis, rh Mr David
Davison, Dehenna
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam

Dixon, Samantha
Djanogly, Mr Jonathan
Docherty, Leo
Docherty-Hughes, Martin
Dodds, Anneliese
Donelan, rh Michelle
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Doughty, Stephen
Dowden, rh Oliver
Doyle-Price, Jackie
Drummond, Mrs Flick
Duffield, Rosie
Duguid, David
Dunne, rh Philip
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Eastwood, Mark
Edwards, Jonathan
Edwards, Ruth
Efford, Clive
Elliott, Julie
Ellis, rh Michael
Ellwood, rh Mr Tobias
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Eustice, rh George
Evans, Chris
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Farron, Tim
Farry, Stephen
Fell, Simon
Fellows, Marion
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Flynn, Stephen
Foord, Richard
Ford, rh Vicky
Fox, rh Dr Liam
Foxcroft, Vicky
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Furniss, Gill
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Patricia
Gibson, Peter
Gideon, Jo
Glen, rh John
Glindon, Mary
Goodwill, rh Sir Robert
Gove, rh Michael
Grady, Patrick
Graham, Richard
Grant, Peter
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Andrew
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Halfon, rh Robert
Hamilton, Fabian
Hamilton, Mrs Paulette
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Hardy, Emma
Harper, rh Mr Mark
Harris, Carolyn
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, Helen
Hayes, rh Sir John
Heald, rh Sir Oliver
Healey, rh John
Heappey, rh James
Heaton-Harris, rh Chris
Henderson, Gordon
Hendrick, Sir Mark
Hendry, Drew
Henry, Darren
Higginbotham, Antony
Hillier, Dame Meg
Hinds, rh Damian
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Holden, Mr Richard
Hollern, Kate
Hollinrake, Kevin
Hollobone, Mr Philip
Holmes, Paul
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, rh Jeremy
Hunt, Tom
Huq, Dr Rupa
Hussain, Imran
Jack, rh Mr Alister
Jardine, Christine
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, rh Dame Diana
Johnson, Gareth
Johnson, Kim
Johnston, David
Jones, Andrew
Jones, Darren
Jones, Fay
Jones, Gerald
Jones, rh Mr Kevan
Jones, rh Mr Marcus
Jones, Ruth
Jones, Sarah
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
Keegan, rh Gillian
Keeley, Barbara
Kendall, Liz
Kinnock, Stephen
Knight, rh Sir Greg
Kniveton, Kate
Kwarteng, rh Kwasi
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Lavery, Ian
Law, Chris
Leadbeater, Kim
Leadsom, rh Dame Andrea
Levy, Ian
Lewell-Buck, Mrs Emma
Lewer, Andrew
Lewis, Clive
Liddell-Grainger, Mr Ian
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Chris Elmore)*
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Long Bailey, Rebecca
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Lucas, Caroline
Lynch, Holly
Mackrory, Cherilyn
Maclean, Rachel
MacNeil, Angus Brendan
Madders, Justin
Mak, Alan
Malhotra, Seema
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Maskell, Rachael
May, rh Mrs Theresa
Mayhew, Jerome
Maynard, Paul
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McCartney, Jason
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Miliband, rh Edward
Milling, rh Amanda
Mills, Nigel
Mishra, Navendu
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Monaghan, Carol
Moore, Robbie
Mordaunt, rh Penny
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, David
Morris, Grahame
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Murray, Ian
Murray, James
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Newlands, Gavin
Nichols, Charlotte
Nici, Lia
Nicolson, John *(Proxy vote cast by Brendan O'Hara)*
Nokes, rh Caroline
Norman, rh Jesse
Norris, Alex
O'Brien, Neil
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Opperman, Guy
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
Owatemi, Taiwo
Owen, Sarah
Pawsey, Mark
Peacock, Stephanie
Penning, rh Sir Mike
Pennycook, Matthew
Penrose, John
Percy, Andrew
Perkins, Mr Toby
Phillips, Jess
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Powell, Lucy
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Qaisar, Ms Anum
Quin, rh Jeremy
Quince, Will
Raab, rh Dominic
Randall, Tom
Rees, Christina
Reeves, Ellie
Reeves, rh Rachel

Reynolds, Jonathan
Ribeiro-Addy, Bell
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robinson, Mary
Rodda, Matt
Ross, Douglas
Rowley, Lee
Russell, Dean
Russell-Moyle, Lloyd
Rutley, David
Sambrook, Gary
Saville Roberts, rh Liz
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shah, Naz
Sharma, rh Sir Alok
Sharma, Mr Virendra
Sheerman, Mr Barry
Shelbrooke, rh Alec
Sheppard, Tommy
Siddiq, Tulip
Simmonds, David
Skidmore, rh Chris
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, rh Chloe
Smith, Jeff
Smith, rh Julian
Smith, Royston
Sobel, Alex
Solloway, Amanda
Spellar, rh John
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stevenson, John
Stewart, Iain
Stone, Jamie
Streeter, Sir Gary
Stride, rh Mel
Stringer, Graham
Stuart, rh Graham
Sturdy, Julian
Sultana, Zarah
Sunak, rh Rishi
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Derek
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Throup, Maggie
Timms, rh Sir Stephen
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trickett, Jon
Trott, Laura
Tugendhat, rh Tom
Twigg, Derek
Twist, Liz
Vara, rh Shailesh
Vaz, rh Valerie
Vickers, Martin
Vickers, Matt
Wakeford, Christian
Walker, Sir Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Wallis, Dr Jamie
Warburton, David *(Proxy vote cast by Craig Mackinlay)*
Warman, Matt
West, Catherine
Western, Matt
Whately, Helen
Wheeler, Mrs Heather
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittaker, rh Craig
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williams, Hywel
Williamson, rh Sir Gavin
Wilson, Munira
Winter, Beth
Wood, Mike
Wragg, Mr William
Wright, rh Sir Jeremy
Yasin, Mohammad
Young, Jacob
Zeichner, Daniel

Tellers for the Ayes:
Andrew Stephenson and Steve Double

NOES

Afriyie, Adam
Berry, rh Sir Jake
Bone, Mr Peter
Bridgen, Andrew
Campbell, Mr Gregory
Cash, Sir William
Chope, Sir Christopher
Clarke, rh Mr Simon
Donaldson, rh Sir Jeffrey M.
Drax, Richard
Duddridge, Sir James
Duncan Smith, rh Sir Iain
Francois, rh Mr Mark
Gullis, Jonathan
Holloway, Adam
Jenkyns, Andrea
Johnson, rh Boris
Jones, rh Mr David
Kruger, Danny
Lockhart, Carla
Mackinlay, Craig
Offord, Dr Matthew
Patel, rh Priti
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Robinson, Gavin
Shannon, Jim
Truss, rh Elizabeth
Wilson, rh Sammy

Tellers for the Noes:
Ian Paisley and Paul Girvan

Question accordingly agreed to.

Resolved,

That the draft Windsor Framework (Democratic Scrutiny) Regulations 2023, which were laid before this House on 20 March, be approved.

Public Order Bill

Consideration of Lords message

Clause 11

POWERS TO STOP AND SEARCH WITHOUT SUSPICION

2.40 pm

The Minister for Crime, Policing and Fire (Chris Philp): I beg to move, That this House disagrees with Lords amendments 6B to 6F.

The Bill is about giving the police the tools they need to tackle the highly disruptive protest tactics that we have seen in recent months, which have blocked ambulances, delayed passengers making important journeys, stopped children getting to school and prevented patients from receiving critical medical care. We have seen our capital city, London, being held to ransom. It cannot be right that a selfish minority committed to causing as much disruption as possible continue to get away with it. These actions are not only impacting the public, but diverting the police away from the communities they serve; in October and November last year, something like 10,000 hours of Metropolitan police time were taken up. That is why the Bill is so important.

We have had some back and forth with the other place, but there is now only one remaining issue to resolve between us. It concerns the power to stop and search without suspicion, which has been extended through the Bill to enable the police to search for and seize articles related to protest activities. It is worth saying that, before that power can be exercised, it requires a police officer of the rank of inspector or above to have a "reasonable" belief that a number of offences may be committed in the area concerned. It further requires that officer to believe that the conditions being imposed, and the authority to carry out these searches, are necessary to prevent the commission of offences. Moreover, the power lasts for only 24 hours and is capable of extension for another 24 hours at the most. Therefore, the power is to be used only where it is reasonably suspected an offence may be committed, only where it is believed to be necessary, and only for a time-limited period. Those are important restrictions on the way the power can be used.

Stop and search is a vital tool used to crack down on crime and protect communities. We see it as appropriate, in the face of large, fast-paced environments where it can be difficult for the police to reach the level of suspicion required for a suspicion-led stop and search, for them to have this power available as well.

Jim Shannon (Strangford) (DUP): I am old enough to remember when a policeman used his initiative and intuition to suspect that a crime was probable, or could be caused or had been caused. Does the Minister feel that the Bill ensures that a policeman can still use his initiative to ensure that those who are carrying out crimes can be detained with the suspicion of cause, rather than without evidence?

Chris Philp: My hon. Friend makes a good point. Police will often suspect that crimes may be committed, but in a particular case an individual may not reach the suspicion level and, in those circumstances, these rules will apply. I completely agree with his point.

Kit Malthouse (North West Hampshire) (Con): Can the Minister confirm, as an illustration, that, if a demonstration is about to take place by a group who use a particular tactic—gluing themselves to the road, for example—the police may use this power to intercept individuals with glue in their pockets, before they carry out an activity such as gluing themselves that occupies enormous amounts of police time, often puts them and police officers in danger, and causes enormous inconvenience? In those circumstances, will the police be able to use this power to get ahead of the problem?

Chris Philp: The way my right hon. Friend puts it is good. It is in exactly those circumstances, where the police are concerned that one of the specified crimes may be committed, that they can use this power. Those crimes are specified in clause 11(1), and include offences under section 137 of the Highways Act 1980—that is wilfully obstructing the highway—offences under section 78 of the relatively new Police, Crime, Sentencing and Courts Act 2022, which involve

"intentionally or recklessly causing public nuisance",

and various offences under the Bill, which include causing serious disruption by

"tunnelling…being present in a tunnel… obstruction etc of major transport works",

interfering with critical national infrastructure, as well as "locking on", which I think is the point made by my right hon. Friend.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): This was raised the last time we had this debate, but the Minister mentioned the crime of nuisance. The threshold for that is incredibly low. An inspector could be concerned that there was a chance that someone would commit this offence by being seriously annoying or inconveniencing somebody, and then we let loose suspicionless stop and search of hundreds, potentially thousands, of people, for no further reason than that. Is that not a ludicrously low threshold for triggering these search powers?

Chris Philp: I am not sure I entirely agree. The offence of intentionally or recklessly causing public nuisance is set out in section 78 of the Police, Crime, Sentencing and Courts Act 2022, and I do not accept the characterisation of that offence as simply a minor one. Causing huge inconvenience to other members of the public is not something that this House should treat lightly, particularly as we have seen examples in recent protests of ambulances not getting through, and of people unable to get their children to school or to attend medical appointments. I am not sure I accept that characterisation.

A number of changes have been proposed in Lords amendments 6B to 6F. They first propose a higher level of authorisation for suspicionless searches. By the way, the other place is not disputing the principle; it is simply seeking to change some of the thresholds, one of which would involve changing the authority level in a way that would be inconsistent with the use of searches under section 60 of the Criminal Justice and Public Order Act 1994 in other contexts.

Another change relates to the time periods. As Lord Hogan-Howe, a former commissioner of the Metropolitan police, pointed out, the use of the power has to be practical and reducing the time threshold to

[Chris Philp]

just 12 hours would limit the ability of police forces to use these powers in a meaningful way. We should take seriously the opinion of the noble Lord who used to be the Met commissioner.

The changes proposed in the other place would also require a chief superintendent to provide authorisation for this matter, when an inspector is acceptable under the existing section 60. I think that overlooks the urgency and speed with which these protests can unfold, and the speed at which decisions need to be made. It also has potential to cause confusion if there is a different level of seniority here, compared with the well-established section 60.

Finally, the amendments proposed in the other place would set out in statute a requirement for the forces to communicate the geographical extent of an order. The Government recognise that communication of any power is important for understanding and transparency. I am aware that most forces already communicate their section 60 authorisations—I have seen that happen frequently in Croydon and it is gratefully received when it happens. But, for consistency, it is important to keep these new powers as close as we can to existing legislation, although the Government encourage forces to communicate any use of this power, in the way they already do for a section 60 order, where it is operationally beneficial to do so. There is a lot to be said for consistency, which is why I respectfully encourage Members of this House to gently and politely disagree with the other place in their amendments 6B to 6F.

Sarah Jones (Croydon Central) (Lab): Stop and search is a crucial tool, as we all agree. Its normal usage is based on intelligence around a crime or a potential crime, based on proper suspicion, and applied for the right reasons. In our country, we use stop and search with suspicion to look for weapons, drugs and stolen property. Under particular circumstances, we use suspicionless stop and search—a section 60, as we call it—to search people without suspicion when a weapon has been used, or where there is good reason to believe there will be a serious violence incident. The Government are introducing suspicionless stop and search for potential protests, an overreach of the law that the police have not asked for and which pushes the balance of rights and responsibilities away from the British public.

Yesterday, we debated Baroness Casey's report into the Metropolitan police. It is an excoriating report that, among much else, calls for a fundamental reset in how stop and search is used in London. I was pleased to hear the Prime Minister today accept all the findings and recommendations in the report. The report states:

> "Racial disparity continues in stop and search in London. This has been repeatedly confirmed in reports and research. Our Review corroborates these findings."

It is ironic that the day after the report was published the Government are trying to pass laws that risk further damaging the relationship between the police and the public by significantly expanding stop and search powers way beyond sensible limits.

Kit Malthouse: The hon. Lady says these measures may damage relations with the public. The vast majority of the public feel very strongly that their lives have been severely impacted by these protests, so giving the police the tools to get ahead of them may in fact command widespread public support, notwithstanding the issues of protest. I wonder what her solution might be to the problem of people who persistently come to protests and glue themselves to all sorts of surfaces, thereby causing enormous disruption to other people's lives, disproportionate to the issue they are protesting about.

Sarah Jones: I thank the right hon. Member for his intervention. We do not disagree on some of the struggles here—we never have. We have never said that it is not a problem in terms of major infrastructure, getting around the country and so on. Our argument has always been, first, a series of existing laws is in place that enables the police to do their job. Secondly, the use of injunctions could have been made easier—we put that case forward in earlier stages of the Bill—so that we could get ahead of some of these problems. But fundamentally, we disagree with the premise that extending these powers, which are used at the moment for serious violence, to this loose definition of potential protest is helpful, or anything the police will necessarily want or use.

Clause 11 will introduce wide-ranging powers for the police to stop and search anyone in the vicinity of a protest, including any of us who happen to walk through the area. The Government's knee-jerk reaction to introduce sweeping powers that will risk further damaging policing by consent is not the way forward. Members in the other place passed very sensible changes to raise the threshold for the powers in clause 11 to be used. To the Minister's point that they are not disputing the principle, they have already disputed the principle—we have had that argument and they have, rightly, as is their role, moved on. So they are trying to contain what they think are the problems with these measures. All we ask is that the Government accept these sensible minor tweaks to clause 11.

Lords amendments 6B to 6F would raise the rank of the officer able to authorise the power to stop and search without suspicion for a 12-hour period to a chief superintendent. The Minister argued that we need consistency. I do not accept that argument. There are all kinds of different levels of all kinds of different things across the law that we can all understand. Because this is a more significant intervention for potentially a lesser crime, the amendment is relatively reasonable.

Lords amendment 6C removes "subsection (ii)", which means the power could be used for the anticipation of "causing public nuisance" such as merely making noise. Without this change, every time music is played outside Parliament anyone could be stopped and searched without suspicion. Baroness Casey suggests that

> "as a minimum, Met officers should be required to give their name, their shoulder number, the grounds for the stop and a receipt confirming the details of that stop."

Lords amendment 6F would insert:

> "The chief superintendent must take reasonable steps to inform the public when the powers conferred by this section are in active use."

That is important because communication failures are a common factor in problematic stop and searches.

A recent report from Crest Advisory, examining the experience of black communities nationally on stop and search, found that 77% of black adults support the

use of stop and search in relation to suspicion of carrying a weapon. So, in the poll, the black community absolutely agrees that we need the power to stop and search. But less than half of those who had been stopped and searched felt that the police had communicated well with them or explained what would happen. That less than half of those who had been stopped and searched felt that the police had communicated well to them or explained what would happen shows how important it is to make sure people are communicated with when these strong and impactful powers are used by the police. If we imagine that in the context of clause 11, where anyone can be stopped, including tourists who might have got caught up in a crowd and not know what is going on, there is a risk of a chaotic invasion of people's rights to go about their business.

We have discussed previously and at length the definition of "serious disruption". The Minister considers it

"more than a minor degree".

Would being stopped and searched for simply walking through Parliament Square when a protest is taking place disrupt his day more than a minor degree? The suspicionless stop and search powers being applied to protests are extreme and disproportionate. We have raised many times in this House the warnings from former police officers that they risk further diminishing trust in public institutions.

After the devastating Casey report, it is hard to see how public trust in the Metropolitan police could suffer more. Ministers were unable to offer any solutions to bring the reforms we desperately need in policing, but they could at least try not to pass laws that would risk making trust and confidence in the police even worse. Clause 11 will create powers that risk undermining our Peelian principles even further. When Ministers say that it would only be in very unusual circumstances that the powers would be used, I want to stress, why bother? Why bother, when to deal with disruptive protests the police could already use criminal damage, conspiracy to cause criminal damage, trespass, aggravated trespass, public nuisance, breach of the peace and obstruction of the highway? The Minister knows I could keep going. Many protestors have been fined and many have gone to prison using those powers. Thousands of arrests are already made using existing powers, but the Bill is apparently justified by an impact assessment that says it will lead to a few hundred arrests only. The powers are there for the police to use.

Disruptive protests have a serious impact on infrastructure and on people's ability to go about their daily lives. Over the course of the passage of the Bill, we have spent many hours on new ways to ensure the police have all the levers they need. We tried to introduce sensible amendments on injunctions. The Government's response to the problem is a totally disproportionate headline-chasing response that is, depressingly, what we have come to expect. Gone are the days when the Government were interested in passing laws that could fix problems or make things better. The truth is that the Government's disagreement with the sensible narrowing amendments from the other place will create more problems than it will solve. I urge the Government to think again and to back these common-sense amendments from the other place.

Mr Deputy Speaker (Mr Nigel Evans): I can now announce the result of today's deferred Division on the draft Criminal Justice Act 2003 (Home Detention Curfew) Order 2023. The Ayes were 290 and the Noes were 14, so the Ayes have it.

[The Division list is published at the end of today's debates.]

Mr David Davis (Haltemprice and Howden) (Con): I will be brief because much of what I have to say agrees with the Opposition spokesperson, the hon. Member for Croydon Central (Sarah Jones).

I remind the House that the biggest curtailment of stop and search in modern times was in 2010, when my right hon. Friend the Member for Maidenhead (Mrs May) was Home Secretary. The reason she did it, in large part, was the feeling that nearly all the stop and searches were in the Met—there were only about 50 in Scotland one year, but thousands down here—and ethnic minorities felt that they were targeted at them. The way they were pursued made race relations in the capital worse.

3 pm

Sarah Jones: On that point, I remind the right hon. Gentleman that every year that the former Prime Minister, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), was Mayor of London, the number of stop and searches went down.

Mr Davis: I suspect that my right hon. Friend the Member for North West Hampshire (Kit Malthouse) wants to intervene on that point.

Kit Malthouse: I am grateful to my right hon. Friend. What he says is incorrect. At the time, we were dealing with a huge spike in knife crime in London, which was disproportionately reflected in the black community. Young black men were dying on an almost daily basis and, sadly, the vast majority of the perpetrators were also young black men. There was definitely a campaign to try to eliminate weapons from within that community, which worked. In 2008, 29 young people were killed in London, and by 2012 that was down to eight, so the campaign was successful. During that period and up to about 2016, confidence in the Metropolitan police rose to an all-time high of 90%, including rising confidence among minority communities in the capital. I am afraid that my right hon. Friend's basic premise is not correct.

Mr Davis: I have allowed my right hon. Friend to make his point, but the simple truth was that the reason for the Home Secretary of the day curbing stop and search was concern about its impact on ethnic minorities. He is also right that the biggest number of victims of knife crime came from ethnic minorities, so I take his point. My answer to him—and the general concern here—is that bad policing is not improved by bad law, which is what I think this is.

That brings me to the Casey report. The hon. Member for Croydon Central was right to cite the criticism of the Metropolitan police. The report said that there were numerous examples of stop and search being carried out badly. There were examples where officers

"justified carrying out a search based on a person's ethnicity alone".

That should not apply under any circumstance. There were examples where officers

"Had been rude or uncivil while carrying out a search"

[Mr David Davis]

and

"had used excessive force, leaving people (often young people) humiliated, distressed, and this damaged trust in the Met".

Those are all bad things from our point of view.

We all want—I include the Opposition—the disgraceful trend in modern demonstrations brought to an end. It is designed not to demonstrate but to inconvenience—there is a distinction. But the Bill is a heavy-handed way of doing that. The Minister tried to say that the Lords had accepted the principle. They had not. What they have sought to do with these amendments is leave the tool in the hands of the police but constrain it in such a way that it is used more responsibility.

The Lords amendments will change the level of seniority required to designate an area for suspicionless search from inspector to chief superintendent or above. Whatever Lord Hogan-Howe says, that is not a crippling amendment. Changing the maximum amount of time for which an area can be designated from 24 hours to 12 hours is not crippling but practical. While my right hon. Friend the Member for North West Hampshire was doing his job in London, I was on the Opposition Benches as shadow Home Secretary, dealing with a number of Metropolitan Police Commissioners. That is a perfectly practical change. Changing the level of seniority required to extend the authorisation by a further 24 hours to chief superintendent is, again, a practical change.

We talk about suspicionless stop and search. What does that mean? It means the right to stop and search innocent people who have no reason to be stopped and searched whatsoever. We are handing the discretion to a police force that has been called upon to reset its approach to stop and search. The Government are doing almost precisely the opposite of what Casey is calling for. The final amendment states:

"The chief superintendent must take reasonable steps to inform the public when the powers conferred by this section are in active use."

Those are all practical changes. The smart action of the Government is to accept them, carry on and try to improve on the Metropolitan police that we have today.

Stuart C. McDonald: I will be brief because I agree entirely with the two previous speakers. There should be no suspicionless stop and search powers anywhere near a Public Order Bill. It is pretty grim that removing clause 11 entirely from the Bill is now off the table. All we are debating, in essence, are a few inadequate safeguards, yet still the Government are not listening to or understanding the concerns of those who will be stopped and searched.

As we have heard, yesterday the Casey report spoke about the UK's largest police force needing a fundamental reset on stop and search, because it was being deployed at the cost of legitimacy, trust and therefore consent. Among the report's stark conclusions was that enough evidence and analysis exist to confidently label stop and search a racialised tool.

Suspicionless stop and search is a counterproductive, disruptive and dangerous police tactic for a whole host of reasons. Yet here we are, the day after Casey, and the Government still insist on handing out a ludicrously broad and totally disproportionate power to do just that. It is not good enough for the Government to say that the use of the powers will be restricted, as the Minister in the other place sought to do. The same Minister said that the whole reason for keeping public nuisance in the scope of clause 11 was that it was an offence committed so frequently. Suspicionless stop and search to prevent the possibility of someone being seriously annoying or inconveniencing someone would almost be funny if it was not so deadly serious. The Government should at least get public nuisance out of the scope of the clause.

The Minister said that he was trying to seek consistency on the rank of the authorising officer, but it is comparing apples and oranges if the Government think that a power to tackle nuisance has to be consistent with the power to tackle serious violence. It is also selective because, as was pointed out in the other place, no-suspicion stop and search powers in relation to terrorism require a far higher rank before they can be authorised.

I will finish my brief contribution with the Casey report, which states:

"We heard that being stopped and searched can be humiliating and traumatic. Yet we could find no evidence of the Met considering how this would impact on how those who had been stopped would use the police service".

The Government's insistence on this power means that exactly the same criticism can be levelled at them. They do not recognise the serious disruption caused by suspicionless stop and search. The fact that they have been so tin-eared to concerns raised is pretty worrying. The Lords amendments are the barest minimum that we can do to restrict a severe and draconian power, and we should support them.

Wendy Chamberlain (North East Fife) (LD): It is three in a row, as I agree and associate myself with the remarks of the previous speakers. It is important to look at the Lords' amendments in the light of yesterday's Casey report. Throughout my involvement with the Bill, I have always tried to look at it as a former police officer, although not a former Metropolitan Police Commissioner. I have always tried to think about the Bill from the perspective of the police officers who will be required to carry out the powers in it, and from the capacity perspective—the capacity of officers to go and do these duties and to be trained to carry them out.

On the first point, I refer to page 86 of the Casey report, which states:

"The lack of comprehensive workforce planning and prioritisation…throughout this report also makes for a weak approach to learning and development. Officers regularly said that they had to keep their own records and that they were not held centrally."

Can the Met say how many officers it has currently trained in public order, whether in basic command units doing aid training or in tactical support groups? When the Bill is enacted and police come to court, the defence will ask officers what training they had in these powers, so that is a valid point.

The second bit is about capability. If officers have not attended the training but are then abstracted to attend a protest, do they actually have the skills at all? I want to pick up on page 131 of the report, which mentions tactical support groups and their use across London. It states:

"While they can be tasked to carry out policing functions in a BCU area, they are not accountable to the BCU chain of command. This can undermine a BCU's attempts to own its very extensive patch, and to be fully accountable for policing there, both to the Met and to the public."

It goes on to say:

"We were told that specialist teams tended to have rigid attitudes to their style of policing. 'TSG come here not knowing the area…they come late, allegedly go to the gym on job time…they annoy the community, and arrest people who probably didn't need to be arrested anyway… My colleagues think it suppresses crime. I don't think it's worth the community upset, it poisons the relationship with the community.'"

Those comments have been made by some of the core teams that will be enacting these powers.

My third point goes back to the comments I made last time we discussed these Lords amendments. Whether a police officer is attending an incident or a spontaneous protest, and whether they are a police constable attending by themselves or taking directions from a silver public order commander in relation to a planned protest, they are still exercising those powers and making those decisions. We must look at the stress placed on police officers who are juggling all those multiple demands. Again, I refer to page 90 of the Casey report:

"The reality of policing means that most of the time, police officers are in threat perception and threat management mode."I suggest that when people are policing in those kinds of modes, the strain they are under means that making good decisions, potentially about complex legislation, becomes more challenging.

I agree with the comments have been made about clause 11 being removed in its entirety; indeed, my colleagues in the other place continued to support that. We also support the new amendments that we are considering. In terms of arguing whether they are reasonable or not, I say this: they reflect the safeguards and the BUSS—best use of stop and search—scheme, which was introduced in 2014 and scrapped by the former Home Secretary in May 2022. What is proposed in the amendments has previously been utilised by the police, so I do not see why they cannot continue to do so.

Chris Philp: I do not wish to repeat everything I said at the beginning, but I want to pick up on one or two points made in the course of this short debate. The first point relates to policing's position on this power. The shadow Minister, my constituency neighbour the hon. Member for Croydon Central (Sarah Jones), said that the police had not been calling for this. I politely draw her attention to what was said by His Majesty's inspectorate of constabulary and fire and rescue services, which is run by a former chief constable:

"On balance, our view is that, with appropriate guidance and robust and effective safeguards, the proposed stop and search powers would have the potential to improve police efficiency and effectiveness in preventing disruption and making the public safe."

I do not want to reiterate yesterday's extensive debate about the Casey report, which has been referred to, but I will say one or two things about the use of stop and search in that context. First, when I discussed stop and search with Sir Mark Rowley, the commissioner, a few days ago, he pointed out that between 350 and 400 knives are removed every month from London's streets using stop and search. I think that is an extremely important contribution to public safety.

In her report, Baroness Casey referred to academic research from the United States that found that the use of stop and search led, on average, to a 13% reduction in crime. For the sake of balance, it is important to keep those points in mind.

It is fair to say that a very small proportion of stop and searches result in complaints. That has been the case particularly since body-worn cameras have been used, because the officer knows that when conducting a stop and search the whole thing is being recorded. Some of the bad practice that may have been prevalent 10 or 15 years ago is much less likely to occur when both parties are aware that the stop and search is being recorded.

Rehman Chishti (Gillingham and Rainham) (Con): Of course stop and search has a role to play, but it has to be applied appropriately and under the right criteria. As a barrister who has prosecuted and defended cases, and having been a member of the Home Affairs Committee, may I ask the Minister a question specifically about stop and search? How many individuals from diverse communities who have been stopped should not have been stopped in the first place? We need to have that data to know how to look at legislation moving forward. At the end of the day, we have to carry communities with us and ensure there is appropriate community cohesion. What is the figure?

Chris Philp: In whatever context, stop and search has to be done in a respectful and appropriate way. That is why body-worn cameras are so important. As I pointed out a moment ago, only a tiny fraction of stop and searches result in a complaint these days.

To conclude, we have recently seen protesters use tactics, often covertly, that are deliberately and exclusively designed not to protest as a way of communicating a message, but to cause intentional disruption to other members of the public going about their daily business, including children trying to get to school and patients trying to get to hospital. These well-designed and proportionate measures will help the police protect the public and allow them to go about their daily business, while also allowing the right to protest. Therefore, I respectfully invite colleagues to disagree with Lords amendments 6B to 6F.

Question put.

The House divided: Ayes 296, Noes 229.

Division No. 198] **[3.15 pm**

AYES

Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack

Brine, Steve
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Cairns, rh Alun
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Daly, James
Davies, Gareth
Davies, Dr James
Davison, Dehenna
Djanogly, Mr Jonathan
Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Donelan, rh Michelle
Dowden, rh Oliver
Doyle-Price, Jackie
Drummond, Mrs Flick
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Ellwood, rh Mr Tobias
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Ford, rh Vicky
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Girvan, Paul
Glen, rh John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Gullis, Jonathan
Halfon, rh Robert
Hammond, Stephen
Hancock, rh Matt
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henderson, Gordon
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkinson, Mark
Jenrick, rh Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
Keegan, rh Gillian
Knight, rh Sir Greg
Knight, Julian *(Proxy vote cast by Craig Mackinlay)*
Kniveton, Kate
Kruger, Danny
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leadsom, rh Dame Andrea
Levy, Ian
Lewer, Andrew
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Mayhew, Jerome
McCartney, Jason
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Nokes, rh Caroline
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, rh Jeremy
Quince, Will
Raab, rh Dominic
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robinson, Gavin
Robinson, Mary
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shannon, Jim
Sharma, rh Sir Alok
Shelbrooke, rh Alec
Simmonds, David
Skidmore, rh Chris
Smith, rh Chloe
Smith, Greg
Smith, Henry
Smith, rh Julian
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stevenson, John
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vara, rh Shailesh
Vickers, Martin
Vickers, Matt
Walker, Mr Robin
Wallis, Dr Jamie
Warburton, David *(Proxy vote cast by Craig Mackinlay)*
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, rh Craig
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wood, Mike
Wright, rh Sir Jeremy
Young, Jacob

Tellers for the Ayes:
Steve Double and Andrew Stephenson

NOES

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Ali, Tahir
Amesbury, Mike
Anderson, Fleur
Ashworth, rh Jonathan
Bardell, Hannah
Barker, Paula
Beckett, rh Margaret

Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, rh Mr Nicholas
Bryant, Sir Chris
Buck, Ms Karen
Burgon, Richard
Butler, Dawn
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy *(Proxy vote cast by Brendan O'Hara)*
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davis, rh Mr David
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dixon, Samantha
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Doughty, Stephen
Duffield, Rosie
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Farry, Stephen
Fellows, Marion
Ferrier, Margaret
Flynn, Stephen
Foord, Richard
Foxcroft, Vicky
Furniss, Gill
Gibson, Patricia
Glindon, Mary
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hanvey, Neale
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Chris Elmore)*
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Maskell, Rachael
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Newlands, Gavin
Nichols, Charlotte
Nicolson, John *(Proxy vote cast by Brendan O'Hara)*
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
Owatemi, Taiwo
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Qaisar, Ms Anum
Reed, Steve
Rees, Christina
Reeves, Ellie
Ribeiro-Addy, Bell
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, Jeff
Sobel, Alex
Spellar, rh John
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Twigg, Derek
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
Walker, Sir Charles
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Williams, Hywel
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Noes:
Navendu Mishra and Gerald Jones

Question accordingly agreed to.

Lords amendments 6B to 6F disagreed to.

Ordered, That a Committee be appointed to draw up Reasons to be assigned to the Lords for disagreeing with their amendments 6B to 6F;

That Chris Philp, Scott Mann, James Sunderland, Aaron Bell, Sarah Jones, Gerald Jones and Stuart C. McDonald be members of the Committee;

That Chris Philp be the Chair of the Committee;

That three be the quorum of the Committee.

That the Committee do withdraw immediately.—*(Jacob Young.)*

Committee to withdraw immediately; reasons to be reported and communicated to the Lords.

TRADE (AUSTRALIA AND NEW ZEALAND) BILL (PROGRAMME) (NO. 4)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Trade (Australia and New Zealand) Bill for the purpose of supplementing the Orders of 6 September 2022 (Trade (Australia and New Zealand) Bill: Programme), 22 September 2022 (Trade (Australia and New Zealand) Bill: Programme (No. 2)) and 12 December 2022 (Trade (Australia and New Zealand) Bill: Programme (No. 3)):

Consideration of Lords Amendments

(1) Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

Subsequent stages

(2) Any further Message from the Lords may be considered forthwith without any Question being put.

(3) The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Jacob Young.)*

Question agreed to.

Trade (Australia and New Zealand) Bill

Consideration of Lords amendment

Clause 2

FURTHER PROVISION ABOUT POWER

3.30 pm

The Minister of State, Department for Business and Trade (Nigel Huddleston): I beg to move, That this House agrees with Lords amendment 1.

This Government amendment, tabled in the other place and agreed to, rectifies a minor and technical typographical error in the Bill, and clarifies the power available to Ministers of the Crown or a devolved authority under clause 1. The amendment inserts a single word, "different", in clause 2(1)(a), making it clear that regulations under clause 1 may make different "provision for different purposes or areas".

The intention of the provision overall is to make clear that if it were wanted, the Government procurement chapters could be implemented differently for different types of procurement or in different sectors. The Government do not anticipate relying on this flexibility for the initial set of regulations implementing the procurement chapters, because the chapters will be implemented in the same way for the procurement subject to those chapters. None the less, it is important to retain the flexibility should the need arise in the future—for instance, if it were necessary or expedient for regulations to make provision implementing an amendment to the chapters in one way for utilities and a different way for local government.

The flexibility is also reflected in regulations that may be made to implement trade agreements within the scope of the Trade Act 2021. Section 4(1) of that Act similarly provides that regulations

"may…make different provision for different purposes or areas".

However, I assure the House that any regulations made under the Bill can be made only for the purposes described in clause 1, namely implementing the Government procurement chapters and/or dealing with matters arising out of or related to those chapters.

Gareth Thomas (Harrow West) (Lab/Co-op): Last week the Office for Budget Responsibility published figures on trade which changed the context for this debate on what is an apparently innocuous amendment from the other place. According to the OBR, we now face two years of declining exports, with a huge 6.6% drop in British exports this year, a further drop next year, and then an average growth in our exports of less than 1% for the next three years. We are reaping the results of the Conservatives' failure to negotiate a better trade deal with the European Union or complete a trade deal with the United States, and the impact of significant cuts in support for attendance at trade shows and access to overseas markets is now all too obvious.

This amendment, and the debates in the Lords, strike me as a big missed opportunity—not for want of trying by Opposition colleagues—to start attempting to put things right. Abolishing the Department for International Trade and moving the deckchairs around in Whitehall is not going to hide away the Conservatives' dismal

record on trade and economic growth. We are lagging behind the rest of the G7 on exports to the world's fastest growing economies in the G20, and nothing that the Minister has said so far, this afternoon or in previous debates, is going to improve the situation any time soon.

I do not want to detain the House too long, but while the amendment might involve the insertion of only one word in the Bill, the difference it makes does matter, both for what it does and what it does not do. Although there is support across the House to increase trade with our friends in Australia and New Zealand—particularly on the Labour Benches, not least because both countries are now led by progressive Labour Governments—there has also been widespread concern, among hon. Members and certainly outside the House, about what Ministers have negotiated, particularly in the trade deal with Australia. As I say, this amendment feels like a missed opportunity to begin to address those concerns.

We know that Ministers decided to throw British farmers under the bus, ignoring the concerns of the National Farmers Union. We know that the Prime Minister could have intervened, but did not. And we know that the desperation to get any deal meant that too much negotiating leverage was given up. One of the questions that the amendment raises is whether its wording in any way helps to offset, even just a little, those significant negotiating failures by the Government. We on the Labour Benches warned Ministers that the Australian deal would be used as a precedent by the other countries with which Ministers are negotiating, and as the Minister knows, that is exactly what is happening. The weaknesses in the deal that his predecessors negotiated are now being used to demand further concessions in our current negotiations, particularly by the countries with big agricultural interests.

I have considered carefully whether this amendment helps us to find any comfort following the devastating analysis of these trade deals offered to the House by the right hon. Member for Camborne and Redruth (George Eustice), when he explained, back in November, that we

"gave away far too much for far too little in return".—[*Official Report*, 14 November 2022; Vol. 722, c. 424.]

He also said that

"the value of the UK agri-food market access offer was nearly double what we got in return".

I have also considered carefully whether this amendment from the other place improved the scrutiny by Parliament, or even the scrutiny of how the regulations bringing into effect the procurement chapters of these trade deals are implemented. If the amendment had forced Ministers to consult with and in the nations and regions of the UK before the regulations were introduced, it would have been extremely helpful. After all, surely one of the most important lessons from these two trade deals is that the process of parliamentary scrutiny for trade deals is not fit for purpose.

Granted, Ministers in the Department for International Trade were busy disagreeing and attacking each other at the time, but when the then Trade Secretary failed to turn up eight times to give evidence before the International Trade Committee on these deals—and despite that, would not extend the time for the Committee to report on the deals to the House—it became clear that something was very amiss with the system of scrutiny. It is hardly surprising that the International Trade Committee has been abolished by Ministers, but instead of improving the scrutiny of trade negotiations, or even just the regulations implementing the procurement chapters of the negotiations, the amendment makes things a little easier for Ministers.

John Spellar (Warley) (Lab): Will my hon. Friend confirm, notwithstanding the absurdities of the previous Trade Secretary, who was more concerned with a photo opportunity than a proper deal, and some of the other difficulties, that our position is that it is enormously important that we have good trading and all other relations with our great allies in Australia and New Zealand, particularly after we recently strengthened and deepened our strategic relationship through the very welcome AUKUS deal?

Gareth Thomas: My right hon. Friend, as ever, makes a hugely important point. Australia and New Zealand, as I said earlier, are important allies of this country with whom we have crucial security interests as well as trade interests. I accept that anything that helps to maintain and strengthen those relationships is very positive, but I am sure he would agree that we need to learn the lessons from how Ministers carried on those negotiations, particularly with the Australians.

Given the specific context of the Bill and the focus on implementing the procurement chapters of the two trade deals, it is a struggle to see how this amendment will help to improve the implementation of the supposed better access to our partners' procurement markets.

The leading procurement expert Professor Sánchez Graells set out clearly in his evidence to the other place, and indeed to this House, his concerns that the Australia deal worsens the protections for British businesses competing in the Australian procurement market. We are entitled to ask ourselves whether this amendment helps to address that concern in any way. Sadly, I do not think it does.

Professor Sánchez Graells also made clear his view that the benefits of the trade deal in terms of access to Australia's procurement market have been significantly exaggerated. The noble Lord Purvis and Labour Lords also picked up on that point in the debates in the other House, but the one Lords amendment that the Government backed does not address this concern. What the amendment does, if anything, is ever so slightly increase Ministers' powers to implement regulations, wherever and however they want.

Given how Ministers excluded some groups from the negotiations—including trade unions—given the disregard for the legitimate interests of our devolved nations, and given the failure to negotiate commitments on climate change or proper protections for specialist British brands such as Stilton cheese or Scotch whisky, Ministers' apparent determination to try to claim a little more freedom to implement the procurement chapters does not encourage any sense that they have learned lessons from what has happened.

I have one specific question for the Minister on the implementation of these trade deals. It would be very helpful for small businesses across the UK if he set out the Department's plan to support small businesses that want to access the Australian and New Zealand markets and take advantage of the trade preferences in these two deals.

[Gareth Thomas]

We will not seek to divide the House, but this amendment is a reminder of the Government's woeful performance on trade and exports, and of the desperate need for a new Government determined to lift up the living standards of everyone in this country, not just the already very wealthy, by delivering more exports and sustained economic growth.

Anthony Mangnall (Totnes) (Con): I congratulate the hon. Member for Harrow West (Gareth Thomas) on taking such a great deal of time to find some contention in a single amendment that adds only the word "difficult." I am afraid my remarks will be somewhat shorter.

The whole basis and value of this Bill, and of what the Lords have sent back to us, is in taking the opportunities presented to us by our trade agreements. It is undoubtable that, through the Australia and New Zealand trade deals, new trade opportunities have been delivered. We have to be clear about how those values have offered themselves, whether through defence agreements, through creating new digital partnerships, through joining new blocs such as CPTPP, through exploring the idea of the Gulf Co-operation Council, through signing memorandums of understanding with American states and trade agreements with Israel or through finding ways to join up with India to unlock services and industry opportunities for our country and our businesses.

The hon. Gentleman spoke about how we might be able to help small and medium-sized enterprises. Well, only this morning the Department for Business and Trade held an event in the Attlee Suite of Portcullis House on how we can help SMEs achieve their true value and potential beyond our borders. I hope we see more of those events, because it is essential that we find ways to help our small businesses reach new markets.

I will come on to procurement and the amendment in a second, before I stray too far, but it is relevant to talk about the value of these trade deals. All too often, we are told that they are not of enough value to the UK economy, which is to presume that our trade deals are static and that no one takes advantage of them when they are brought into force. After they are brought into force, we always see them grow.

On the International Trade Committee, I always cite the example of the North American free trade agreement. The expectation when NAFTA came into force was that it would be of very little benefit to the signatories' economies. In fact, the opposite was the case. It grew steadily over time and has evolved into what it is today under a different name. We should look not at the current forecast value of these trade deals but at how we can encourage businesses in each and every one of our constituencies, from Totnes in south Devon to Harrow West and Northern Ireland, to take full advantage.

We talk about procurement a lot and we are trying to shape it in a meaningful way in this House. So far, we are doing very well, with the Procurement Bill. However, as the Minister has rightly said, this is the chance to take the benefit of procurement opportunities that vary. Where there are differences—it will not just be in defence, as it might be in utilities, services, industry and so on—this will allow us to take the opportunity that comes with that range.

I do not think there is going to be much disagreement on this Lords amendment. At last, it shapes a Bill that—

3.45 pm

John Spellar: Do we not have to be careful on public procurement and recognise the world as it is, notwithstanding agreements? Even when we were a member of the EU, we found that other countries gave considerable preference to their own producers within procurement. Our civil service and Treasury resolutely, adamantly and stubbornly refuse to support British industry, including small and medium-sized enterprises, and so when they go into the world market, they hear, "If you are not good enough for the British Government, why are you good enough for us?" They are being constantly undermined, even now, on small modular reactors.

Anthony Mangnall: I am grateful to the right hon. Gentleman for that. We have accepted in many instances the terms of the World Trade Organisation and the carve-out measures within them, so we are very compliant in many areas where we can be, for example, in this instance, a little more protectionist in respect of some of the key technologies we are developing in this country. There is a bit of give and take on that point. We do recognise it in some areas, although perhaps not to the extent that he would want to see.

As I was saying, I do not disagree with this Lords amendment, which is a perfectly simple one. There is always a lot in a word, but this will give us the opportunity to take full advantage in our trade deals and through procurement.

Richard Thomson (Gordon) (SNP): Out of all the potential amendments that could have come back along the corridor from the other place, this is not one that would have been top of my list. Let me surprise the Minister by saying that this is a very good trade deal—for those viewing it from Australia or New Zealand. It is not such a good trade deal—it is a pretty lousy one—for those viewing it from Scotland. We are dealing with a single-word amendment, and I can think of many farmers in my constituency who could probably sum up their views of this deal in a single word—none of their words would be parliamentary, I hasten to add.

I hear what the hon. Member for Totnes (Anthony Mangnall) has to say about this not being a static arrangement, but even then it still requires a great deal of catching up in order to make up the ground here. The UK Government's own analysis shows that the trade deal with New Zealand will bring in an increase of 0.03% of GDP over 15 years, with a figure of 0.08% of GDP from the Australia deal, all while the UK trade and co-operation agreement with the EU leads to a 4.9% fall for the UK over the same period.

The Scottish National party has a simple yardstick on trade deals: we will support those that are good and oppose those that are poor. Nothing that has come back alters our view of this particular deal.

Nigel Huddleston: I shall be brief. I thank Members for their contributions today. We have had two glass half empty responses and one glass half full one. That does not surprise me at all, because I am still waiting for the Opposition to support one of our trade deals. It is

important to remember that the Australia and New Zealand deals benefit every nation and every region of the UK. I am disappointed to hear what the hon. Member for Gordon (Richard Thomson) said, because the attitude of the Scottish whisky manufacturers might be slightly different, as huge benefits will likely come from these deals.

As I said in my opening speech, this Lords amendment is a minor and technical one. It ensures clarity on the point that the power in the Bill can be used only to implement and deal with cases arising as a result of these free trade agreements. Again, the Government do not—

Gareth Thomas: I realise that the Minister probably does not have much more to say, but may I take this opportunity to press him to set out the plan to help small businesses benefit from the trade preferences in these deals?

Nigel Huddleston: The hon. Member is being slightly too impatient. I said that my speech would be short, but it is not too short. There are a couple of comments that I will come on to.

On the amendment, the Government do not anticipate relying on this flexibility for the initial set of regulations implementing the procurement chapters, but it is nevertheless important that the flexibility is retained should the need for it arise in the future.

I will respond to comments made by hon. Members. I have already mentioned the economic benefits of the Australia and New Zealand trade deals. They will generate billions of pounds of economic activity, to the benefit of UK businesses and, of course, the people we represent. This will lead to more jobs, which is why it is unfathomable that anybody would vote against this.

The scrutiny that we give Bills stacks up pretty well compared with other parliamentary democracies and, of course, is based on CRaG—the Constitutional Reform and Governance Act process—which I remind Opposition Members was developed and implemented during the time of the last Labour Government. If they do not like it, they are criticising their own legislation.

On protections to support the most sensitive parts of the UK farming community, we have secured various measures across both deals that are collectively available for 15 to 20 years for the most sensitive products. We have engaged, and continue to engage, with the farming industry. Of course, these and the many other deals we are negotiating are also ensuring that we are fit for the 21st century. We are no longer in a world where all we do is ship widgets from country A to country B via the countries closest to us. Services, particularly those delivered digitally, are now vital to the UK economy. They represent 80% of the UK economy and it is absolutely vital that they form a key part of our trade deals, as is the case with these two deals with Australia and New Zealand.

On support for businesses, of course, as the Secretary of State has said many times, we need to not only deliver on the deals but make sure that businesses, large and small, right across the country are able to benefit from them, so we will continue to support small and medium-sized businesses. My hon. Friend the Member for Totnes (Anthony Mangnall) highlighted this morning's export showcase event, at which MPs and Lords were surprised at the extent to which support is already, and will continue to be, available, whether in training, export support services or UK export finance. That is not just for big businesses; it is for small and medium-sized businesses as well. There will be extensive support because we want all businesses, large and small, to benefit from these deals.

The Bill's measures might be technical in nature, but they will make a real difference for people right across our constituencies and right across the United Kingdom.

Lords amendment 1 agreed to.

UK INFRASTRUCTURE BANK BILL [*LORDS*] (PROGRAMME) (NO. 3)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the UK Infrastructure Bank Bill [*Lords*] for the purpose of supplementing the Order of 1 November 2022 (UK Infrastructure Bank Bill [*Lords*]: Programme), as varied by the Order of 1 February 2023 (UK Infrastructure Bank Bill [*Lords*]: Programme (No. 2)):

Consideration of Lords Message

(1) Proceedings on the Lords Message shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

Subsequent stages

(2) Any further Message from the Lords may be considered forthwith without any Question being put.

(3) The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Jacob Young.)*

Question agreed to.

UK Infrastructure Bank Bill [*Lords*]

Consideration of Lords message

Clause 2

OBJECTIVES AND ACTIVITIES

3.53 pm

The Economic Secretary to the Treasury (Andrew Griffith): I beg to move, That this House agrees with Lords amendment 3B.

The Lords proposed amendment 3B in lieu of Commons amendment 3. As the UK Infrastructure Bank Bill reaches the final stage of its passage, I am pleased that it will also include nature-based solutions explicitly.

Members will recall that in previous debates I noted that nature-based solutions were already included in the inclusive definition of infrastructure, and as such we did not think it necessary to add them explicitly to the Bill. The Government have, however, reflected on that position and we recognise the strength of feeling on the matter across both Houses. I am therefore pleased to say that we support the Lords amendment in lieu, and I hope that colleagues across this House will do so, too. We think that the amendment strikes a careful balance, making it clear that nature-based solutions are within the bank's remit without being overly prescriptive and limiting the bank's opportunity to invest.

I thank hon. Members for their contributions to this Bill. I am pleased that, on such an important Bill, we have reached consensus. UKIB has transformative potential, which I know is recognised and supported on all sides of the House, and the changes made to the Bill show how effective Parliament is in scrutinising legislation. This Bill is the final stage in establishing the bank as a long-lasting institution, establishing in statute its key objectives of tackling climate change and supporting regional and local economic growth.

Madam Deputy Speaker (Dame Eleanor Laing): The question is that this House agrees with the Lords in their amendment 3B. I am going very slowly in case anybody appears on the Opposition Front Bench—or, indeed, in case anybody currently on the Opposition Front Bench wishes to address the matter. No? Then we will move to the SNP spokesman.

Stewart Hosie (Dundee East) (SNP): I just have a small point. The SNP supports this Bill and the intention to create the UK Infrastructure Bank, with its objective to help tackle climate change. However, it is worth putting on record very briefly that both the original Government amendment 3 and amendment 3B in lieu from the other place—while the latter does keep "nature-based solutions" in the wording of the Bill—seek to remove

"structures underpinning the circular economy"

from the infrastructure that the Bill is designed to support in its objectives of tackling climate change and meeting the target for 2050.

I am sure people interested in such matters will look rather askance at that. How on earth can we have a UK Infrastructure Bank Bill, with highly laudable objectives to tackle climate change and meet the Government's own targets, only then to have both the Government and the other place actively remove investment in infrastructure to support the circular economy—which, for goodness sake, must be part of the solution—from the Bill? We are not going to oppose the amendment, because the Lords amendment is marginally better than the original Government amendment, but it is worth putting on record that the removal of the words

"structures underpinning the circular economy"

from the Bill strikes me as somewhat perverse.

Richard Fuller (North East Bedfordshire) (Con): I find myself in the unusual and extremely uncomfortable position of agreeing with what the SNP spokesperson has just said. It is a condition that I hope will be quickly removed so that I can assert my usual sound Conservative principles.

There is an important point here, which I know the Minister is aware of, and which is not specific to this Bill. It seems a little odd, if we are looking at the next 10 or 20 years of our investment in infrastructure under the terms of the new Infrastructure Bank, to omit explicitly one of the foundational aspects of infrastructure from the Bill. I know my hon. Friend the Minister will have already reviewed that and he will say, I think correctly, that there is nothing in this Bill to stop support for investment in the circular economy infrastructure. However, I think it is important to have voices at this stage of the debate who can say that clearly, so that those who will now take forward the Infrastructure Bank know that, even if it is not in the Bill, the importance of creating the foundation of the circular economy is explicitly one of the things we anticipate and hope that the bank will do.

Ruth Cadbury (Brentford and Isleworth) (Lab): On behalf of the Opposition, I would like to say that we support this amendment. As other speakers have said, it improves on the text of the Bill, so we are happy to support it.

Andrew Griffith: I thank the hon. Member for Brentford and Isleworth (Ruth Cadbury) for the Opposition's support. Indeed, the Bill has been characterised by support from across the House for this important institution, which, I remind the House, is already up and running. Today, I am pleased to say, we are putting it on a statutory footing.

I have heard the comments made by the right hon. Member for Dundee East (Stewart Hosie), as well as by my good and hon. Friend the Member for North East Bedfordshire (Richard Fuller), who helped to pilot the Bill through its early stages. I will make the point that my hon. Friend expected me to make: the language in the Bill is inclusive rather than exclusive. His point is well made and understood.

On behalf of this House, we wish the institution well as we put it on a statutory footing. We in this House all look forward to hearing how it fulfils its objectives of levelling up and adding to the transition to net zero.

Lords amendment 3B agreed to.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

ECONOMIC CRIME (ANTI-MONEY LAUNDERING) LEVY

That the draft Economic Crime (Anti-Money Laundering) Levy (Amendment) Regulations 2023, which were laid before this House on 27 February, be approved.—(*Jacob Young.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

DEFENCE

That the draft Service Police (Complaints etc.) Regulations 2023, which were laid before this House on 23 February, be approved.—(*Jacob Young.*)

Question agreed to.

Small Businesses in Railway Arches

Motion made, and Question proposed, That this House do now adjourn.—(*Jacob Young.*)

4.1 pm

Helen Hayes (Dulwich and West Norwood) (Lab): I have sought this debate to bring to this House a number of serious issues affecting small business based in railway arches.

There are more than 5,200 railway arches across the country. They have historically provided affordable workspace for a wide range of businesses. They were sold by Network Rail on a 150-year lease in 2019 to Telereal Trillion and Blackstone Property Partners, which established the Arch Company to manage them. Sixty per cent. of those arches are in London, and they are typically clustered around key urban centres and near major transport hubs. There are 324 arches in my Dulwich and West Norwood constituency.

The Arch Company reported a £45 million profit in the 2021-22 financial year. I would be grateful if the Minister could reflect on that figure as I set out some of the issues that railway arch-based businesses in my constituency are currently facing. The issues are twofold. First, I will raise the impact of a recent rent review process on a number of car mechanic businesses based in my constituency. Secondly, I will raise a number of wider issues arising from the Arch Company's lettings policy in the Brixton and Herne Hill areas of my constituency.

Turning first to the impact of the recent rent review on small businesses, I have been contacted by several car mechanics who run businesses based in railway arches in the Loughborough Junction and Camberwell parts of my constituency. Those are long-standing small businesses that typically employ two or three staff and usually take on apprentices. This sector is under pressure at present as a consequence of changes in the market for vehicles and the increase in electric vehicles on our roads. There has been a drop in traditional business, and there is a need to learn new skills, which comes at a cost. The customers of those businesses are also under financial pressure. Many have older vehicles, which are essential for their work, and they are facing a cost of living crisis—they cannot afford to pay more for vehicle maintenance.

The car mechanics—several of whom I know were hoping to be in the Public Gallery but have been caught out by the business concluding early—all tell of the same experience: the Arch Company has sought to double their rent. I know that the Arch Company has argued that the level of rent those companies have been paying is low—below market level—but the market rent for car mechanic businesses based in railway arches has been established for a long time, and the business model of those businesses is based on it. If a proposal for a rent increase effectively smashes the business model of a whole sector, that cannot be allowed to pass without challenge.

Ruth Cadbury (Brentford and Isleworth) (Lab): My hon. Friend is describing the experience of businesses in her constituency that are tenants of Network Rail. She might be interested to know that Transport for London provides quite a different kind of service and relationship

[Ruth Cadbury]

with its tenants. It is estimated that 99% of tenants in railway arches under tube lines are small and medium-sized enterprises. TfL paused rents when businesses were no longer trading during the pandemic. Laura Sevenus Swimming Tuition and W6 Gym are two examples of small businesses in my constituency that benefited and are now thriving thanks to a positive partnership approach by TfL. Does she agree that that is the right way to go and that maybe Network Rail can learn lessons from TfL?

Helen Hayes: I am grateful to my hon. Friend for that intervention because she highlights very clearly the contrasting approach Transport for London takes to businesses in exactly the same physical circumstances, and how it is possible to run a different model that both benefits businesses and secures rental income for the landlord.

The car mechanics in my constituency have described the Arch Company as being difficult to negotiate with. They try to call the office, but the telephone is not answered. They receive an unexpected visit to their premises, and feel intimidated. The Arch Company will not engage with them as a group of businesses, despite their often being co-located on the same street of railway arches.

What car mechanics in my constituency have experienced has all the hallmarks of a rent maximisation approach, which has little regard for the individual small businesses it affects and which risks traditional light industrial uses being squeezed out in favour of gentrifying businesses that can pay a higher rent, regardless of the importance of the existing businesses in terms of the livelihoods they provide and to the customers they serve.

The National Audit Office investigated Network Rail's disposal of its railway arches to the Arch Company. It found that, although the sale itself achieved value for money and the achievement of Network Rail's own objectives, it was

"concerning that tenants as stakeholders did not form part of the aims of the sale and that they were only fully considered late in the process."

The sale places no residual obligations on the Arch Company with regard to existing tenants or rental levels. The Arch Company does have a tenants charter, but this is a voluntary document that is not enforceable. The NAO further concluded that, in the future, there should be much more engagement with stakeholders affected by such a sale, and that any Government Department engaged in a sale should consider whether to place explicit customer protections in the contract of sale.

I understand that, following my interventions, the Arch Company has stepped up its engagement with some of the car mechanic businesses, and has agreed a new lease with a zero rent increase for one of them. I will take the opportunity afforded by this debate to urge the Arch Company to do the same for all of these businesses, so that they are protected in the medium term, have the time and space they need to recover from the impacts of the pandemic and to reskill where needed for the age of electric vehicles, and can continue to afford to offer highly valued apprenticeships.

The second issue I am raising with the Minister today is the impact of Network Rail and the Arch Company's policies on two town centre areas in my constituency, Brixton and Herne Hill. In both cases, the difficulties began prior to Network Rail's sale of the arches. Back in 2015, Network Rail announced that it needed to complete major works to two lengths of viaduct and planned to terminate the tenancies of businesses occupying the arches and evict them. A very effective community-led campaign, which I supported, ultimately secured the right to return for these businesses and protection from a cliff-edge rent increase, stepped over seven years.

The works dragged on and on. What was supposed to be a year turned into two years, and then five, creating enormous "dead zones" in both town centres, reducing footfall and making it very hard for businesses neighbouring the arches to trade. The works started to come to an end just as the pandemic took hold, meaning that the trading environment for returning businesses was very challenging. The situation was then made even worse in Brixton by the failure of Network Rail to notice during the preceding four years of major works that there was a significant structural problem with the northbound platform at Brixton station, which overhangs Atlantic Road, where many of the arches are located. This resulted in a further year or more of scaffolding and vacancy.

Once all the scaffolding was removed, the viaduct along Atlantic Road and Brixton Station Road looked—well, exactly the same as it did before. Almost seven years of appalling damage done to the economy of Brixton town centre, and Network Rail had not bothered to remove the buddleia growth, fix the brickwork or improve the lighting. It had even created a new problem: in wet weather, dirty rainwater now drips down from the northbound platform on to shoppers on Atlantic Road. It has felt as if Network Rail has been treating Brixton with total contempt. Following my intervention, it has agreed to do some additional works to improve environmental quality in the area, but frankly that is too little, too late after years of damage to our local economy and community.

Many of the refurbished arches in Brixton and Herne Hill still stand empty: by the Arch Company's own figures, 25% of the arches in my constituency are currently vacant. The Arch Company says that it is open to approaches from start-up businesses and organisations that cannot afford to pay full market rent, but whenever I or the local ward councillors have approached the company on behalf of a business willing to rent an arch, no lease has been forthcoming. I know of two organisations, both of which would make a brilliant contribution to Brixton town centre, that would like to rent an arch, but both have only been offered levels of rent far above what they can afford.

I bring these issues before the House today because railway arch-based businesses make a significant contribution to local economies and local communities, providing goods and services and creating local jobs. The very nature of this estate has been that it provides affordable space, but in disposing of the arches to the Arch Company, Network Rail essentially cut those businesses adrift, placing them outside of Government regulation and at the mercy of the lettings policy of an entirely private organisation.

We should be doing all we can to protect and nurture small businesses during difficult economic times. As such, I ask the Minister the following questions. First,

what representations has he made to the Arch Company in relation to the rent increases being faced by its tenants? Does he think the doubling of business rents in a single step during a cost of living crisis is an acceptable way to treat small businesses? Will he consider what protections can be given to long-standing railway arch-based businesses from unmanageable rent increases? What support is available for car mechanic businesses to gear up to maintain electric vehicles? Finally, will he work to strengthen the duties of Network Rail to consider and mitigate the economic impact of its operations and to maintain its estate properly? We owe it to the thousands of business owners, employees and customers to ensure that railway arch-based businesses are treated fairly and supported to thrive.

4.11 pm

The Minister of State, Department for Transport (Huw Merriman): It is a pleasure to serve under you in the Chair again, Madam Deputy Speaker, and I congratulate the hon. Member for Dulwich and West Norwood (Helen Hayes) on securing this debate on small businesses in railway arches. As she has said, small businesses are the lifeblood of the UK economy, providing jobs and driving innovation. I am pleased that the railway supports those businesses through high-quality accommodation in railway arches. In the hon. Member's constituency alone, there are 300 arches in use by businesses, ranging—as she has mentioned—from mechanics to retail and food. I would just like to add that I am very sorry indeed that her constituents—the mechanics she mentioned—are not able to be here due to the timing of the debate. I am sure they will be able to watch and see that they have been well represented by the hon. Member, and I hope they will note my response with interest.

To help improve the state of the railway arches and fund improvements to the railway, Network Rail sold leases for many of its railway arches to the Arch Company Ltd —or Arch Co, as I will refer to it. As part of that sale, Network Rail sold over 5,000 properties on 150-year leases, generating over £1.4 billion, which was invested back into the railway. As the hon. Member for Dulwich and West Norwood has set out, running a business in a railway arch is not always plain sailing, and I am aware of some issues that have occurred in her constituency that Network Rail has engaged with her on.

While arches offer businesses access to affordable property in prime locations, they remain part of the railway. Network Rail will sometimes require access to undertake safety-critical maintenance work. Network Rail is aware of the need to balance the safe and efficient operation of the railway against the needs of Arch Co's tenants. To help businesses remain trading, Network Rail tries to examine vacant arches, working closely with Arch Co to understand vacancies and planned refurbishment programmes. On occasion, access will be required to undertake safety-critical arch examinations in tenanted arches. Network Rail works with Arch Co and its tenants to undertake examinations at times that will be less disruptive to the individual businesses, including trying to work outside of business hours and working around tenants' fixtures and fittings.

Since it acquired the leases, Arch Co has been engaged in what it calls Project 1000—its plan to invest £200 million to bring 1,000 empty and derelict spaces into use by 2030. Arch Co plans to create space for 1,000 businesses, supporting approximately 5,000 jobs in urban areas in England and Wales, including major works in London, Manchester and Leeds.

Network Rail has worked closely with Arch Co to agree standardised designs that streamline landlord consent processes and minimise risk to the railway. This has allowed Arch Co to accelerate its enhancement programme and support its tenants in the arches to evolve and meet current market demand. Network Rail prioritises the undertaking of arch examinations during the refurbishment process to minimise disruption and enable tenants to maximise trading periods between examinations.

I know that the hon. Member has campaigned for the protection of those owning businesses in the arches. Network Rail seeks to support businesses that are disrupted by its works. It will cover rent payments for the period of disruption and will look to return arches in an improved condition. Further support from Network Rail to cover additional costs incurred by tenants is considered on a case-by-case basis.

While Network Rail and Arch Co work hard to ensure that businesses can return to their arches, there are exceptional occasions when businesses may have to leave permanently. No tenants have been permanently removed from the arches since February 2019, and any tenant facing removal would be entitled to a statutory compensation element, depending on the terms of their lease. Where possible, Network Rail will work with Arch Co to identify suitable alternative accommodation within either Network Rail's or Arch Co's portfolio. To support effective business planning for tenants of arches, Network Rail access is subject to a minimum of either 60 business days' or six months' notice, dependent on the nature of the access. Network Rail and Arch Co try to give more than the minimum notice period, and the 12-month forward rolling plan for arch examinations and specific communications plans is much more the case for larger projects. In emergency circumstances, Network Rail has the right to immediate access where prior notification is not possible. Network Rail liaises with the businesses and Arch Co to keep them updated in such circumstances.

When Network Rail transferred its leases to Arch Co, rent arrangements, protections and notice periods were transferred unchanged. That included all provision for rent reviews, with any increases tied either to market level or the retail price index. Before and since the transfer of the arches to Arch Co, many neighbourhoods where railway arches are situated saw dramatic regeneration, increasing the value of properties. Even during this time, very large increases in rent have been an exception. I note the points made by the hon. Member, but with the arches having been transferred from Network Rail to Arch Co, some of the matters she has raised are a matter for Arch Co.

To support those whose leases were transferring, Network Rail and Arch Co worked with tenants to develop a tenants charter, which commits Arch Co to being an accessible and responsible landlord, providing environments to help its customers to thrive, working with its customers and creating positive social and economic impact. If the hon. Member feels that that tenants charter has not been accorded to, I will of course look at the requirements on Network Rail from that tenants charter to assist her and her constituents.

[Huw Merriman]

The hon. Member also referred to Atlantic Road. I have positive memories of the time I spent working in Brixton. I spent five years as a youth centre staff manager and trustee for two youth centres on Coldharbour Lane, and I used to walk past the arches that she talked about. I want to see for myself—not just for those reasons—the issues that she talked about on Atlantic Road. I would be pleased to join her in her constituency, meeting her constituents and business owners on Atlantic Road so that I can see and hear for myself.

In conclusion, I thank the hon. Member for securing this debate. It has raised a number of key issues that show how important it is that small businesses in the UK have access to safe, reliable and affordable premises. Railway arches represent an excellent opportunity for those businesses to get affordable premises in prime locations, and I hope I have demonstrated Network Rail's commitment to work alongside tenants where access is required. I hope I can find out more when I join the hon. Member, if she will have me, in her constituency to see for myself.

Question put and agreed to.

4.19 pm

House adjourned.

Deferred Division

CRIMINAL LAW

That the draft Criminal Justice Act 2003 (Home Detention Curfew) Order 2023, which was laid before this House on 8 February, be approved.

The House divided: Ayes 290, Noes 14.

Division No. 196]

AYES

Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Braverman, rh Suella
Brereton, Jack
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Churchill, Jo
Clark, rh Greg
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davis, rh Mr David
Davison, Dehenna
Djanogly, Mr Jonathan
Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drummond, Mrs Flick
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Ellwood, rh Mr Tobias
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, rh Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Girvan, Paul
Glen, rh John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Gullis, Jonathan
Halfon, rh Robert
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henderson, Gordon
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Holden, Mr Richard
Hollinrake, Kevin
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
Keegan, rh Gillian
Knight, rh Sir Greg
Kniveton, Kate
Kruger, Danny
Lamont, John
Largan, Robert
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Liddell-Grainger, Mr Ian
Lockhart, Carla
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
May, rh Mrs Theresa
Mayhew, Jerome
Maynard, Paul
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Milling, rh Amanda
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mumby-Croft, Holly
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Nokes, rh Caroline
Norman, rh Jesse
O'Brien, Neil
Opperman, Guy
Paisley, Ian
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, rh Jeremy
Quince, Will
Raab, rh Dominic
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Robertson, Mr Laurence
Robinson, Gavin
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shannon, Jim
Sharma, rh Sir Alok
Shelbrooke, rh Alec
Simmonds, David
Skidmore, rh Chris
Smith, rh Chloe
Smith, Greg
Smith, rh Julian
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, Iain
Streeter, Sir Gary

Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunak, rh Rishi
Sunderland, James
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Michael
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vara, rh Shailesh
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Mr Robin
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, rh Craig
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Wilson, rh Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Sir Jeremy
Young, Jacob

NOES

Bone, Mr Peter
Chope, Sir Christopher
Drax, Richard
Hollobone, Mr Philip
Jenkyns, Andrea
Latham, Mrs Pauline
McPartland, rh Stephen
McVey, rh Esther
Mills, Nigel
Offord, Dr Matthew
Patel, rh Priti
Smith, Henry
Swayne, rh Sir Desmond
Tomlinson, Justin

Question accordingly agreed to.

Westminster Hall

Wednesday 22 March 2023

[Mr Virendra Sharma *in the Chair*]

Special Educational Needs and Disabilities: Specialist Workforce

[Relevant documents: e-petition 607849, Make SEND training mandatory for all teaching staff; e-petition 591092, Require School SENCOs to be fully qualified for the role; e-petition 587365, Require all school staff receive training on SEN children.]

9.30 am

Geraint Davies (Swansea West) (Lab/Co-op): I beg to move,

That this House has considered a specialist workforce for children with special educational needs and disabilities.

It is a great pleasure and privilege to serve under your chairpersonship, Mr Sharma. I am the chair of the all-party parliamentary group on speech and language difficulties, which is supported by the Royal College of Speech and Language. I first pay tribute to Lord Ramsbotham, who did so much for the group over so many years, after an illustrious career in the Army and then the Prison Service. He certainly added great value.

Something like 50% of poorer children arrive at school with a speech delay, and in an average-sized class, which is 30 across Britain, something like two or three children have a speech delay of two to four years. Obviously, we are here to talk about the wider totality of special educational needs, not just speech and language, but it is worth mentioning that early intervention on speech and language would massively improve school performance, and thereby increase future tax revenues and reduce social costs, prison costs, justice costs and so on, so we really should think about that. In the wider totality, early intervention is a very good idea.

This debate, which I commissioned, comes partly on the back of a letter that I wrote to the Minister on behalf of 16 all-party groups, calling for the Department for Education and the Department of Health and Social Care to work in collaboration on special educational needs. We have now had the special educational needs review, and I was very pleased that in January the Minister agreed to speak to me. I am looking forward to confirming that date for a meeting with her and representatives from the all-party groups on autism, on cerebral palsy, on childcare and early education, on children who need palliative care, on disability, on dyslexia and other specific learning difficulties, on eye health and visual impairment, on muscular dystrophy, on oracy, on penal affairs, for the prevention of childhood trauma, on psychology, on social mobility, for special educational needs and disabilities, on speech and language difficulties, and on stroke. A very wide range of MPs is interested in this issue in one way or another.

On top of that, the SEND in The Specialists coalition, with which the Minister will be familiar, sent a letter in parallel to ours with the support of 114 organisations—I will not read them out—which has now grown to 128. The debate also comes on the back of a number of written questions I have tabled on specialist workforce, and another letter from 22 all-party groups about funding for speech and language therapy.

The Government have announced the plan for special educational needs and disabilities and alternative provision for England, and I hope the Minister will set out a bit more detail on that in this debate. I know there is a steering group planned for 2023, which aims to complete by 2025. As far as parents and people engaged with this issue are concerned, the sooner, the better.

The Minister will be aware that there have also been three petitions. One is about mandatory training for all teaching staff engaged with special educational needs, again to ensure identification and early intervention.

As for parliamentary activity, I am very pleased that the Chamber Engagement Team got in touch with me about this debate and asked people to send in their experiences. I was more than pleased that 1,800 responses were received from parents, practitioners, and other adults who have engaged with the system, wherever they live, and faced similar challenges across the piece. Those challenges generally included huge waiting lists for support for their children. Obviously, the longer the delay, the more it costs to get people back on track and the greater the struggles in adulthood and the impact on life chances.

There is a second issue about the threshold for getting support: how ill is someone, or are they ill enough, as it were? "Ill" is probably the wrong word here, but is someone's condition sufficient to satisfy the criteria for early intervention? A lot of parents feel neglected, unsupported and not understood. They probably think there is some sort of differential diagnosis; I do not know.

There is also an issue about fighting for diagnosis itself to start with, and often when there is a plan ready to go, the support is not in place to deliver it. Clearly, many people have to resort to going private, which sometimes means worse provision, but obviously at a cost, as they have to pay for it.

There is a special issue, which the Minister will be aware of, for girls and young women, who might be misdiagnosed as having mental health problems. Good plans are put in place, but are not followed through, or people are deprived of their plan owing to changes being made, perhaps to resources, so the vital education to give them the platform they need to succeed in later life is not provided.

People can also be ping-ponged between different services, which causes confusion, delay and uncertainty, and sometimes there are issues over sharing information from specialists with the school. The information has to go through the parents, rather than the school, and if a second language is involved, effective delivery can be impeded.

There is also an issue about coming up with feasible plans, which are not optimal plans owing to lack of resources, where people say, "We would like to do this, but we can't, so we will do that. It's not quite what is needed, but it's all we can afford."

Obviously, there were also a lot of positive replies, because there is a galaxy of excellent people out there doing their best to provide an excellent service to meet these needs. However, they are finding it difficult to cope. I do not want in any way to criticise the people in

[Geraint Davies]

the special educational needs service who are doing such a fine job and need our support, but there is postcode lottery, because where someone lives determines how good a service they receive, according to resources and the availability of skilled staff. In some places, there are good networks where people have a good experience of different specialisms working together optimally to deliver excellent outputs for those in need; in other places, the experience is not so good.

I will not go through a list of specific examples, but the people who wrote to me were clearly saying, "We need funding, early intervention, a joined-up system, training for teachers and an evidence-based approach, particularly in relation to behaviours that appear in girls and young women." Early intervention is of primary concern for the economy, but also with respect to releasing parents who often cannot work because they are looking after their children owing to the fact that the service is not there to deliver for the child. That means parents staying at home who could be at work. We are thinking about growth and how we manage the economy, so that is another consideration.

Let me turn to the reaction to the special educational needs and alternative provision plan. Various sectors have criticised the plan's lack of urgency and ambition. Nobody is saying that what is in the plan is not commendable, but a crisis has been building for many years and we need to get on with addressing it. Therefore, this is another opportunity for the Government to listen to our concerns and to build the support to drive forward with greater speed.

Many people have commented that they have been waiting years for the Government to act to fix the broken special educational needs system. They are now saying, "Well is this all it is? We need more sooner." That includes the SEND in The Specialists coalition of 128 organisations that I have mentioned. They are talking about the number of specialists, rising demand, and the new demands after covid. Certainly, the Royal College of Speech and Language and the surveys that we have commissioned have found that, interestingly, middle-class parents who had children with speech and language difficulties often saw an improvement in their child's performance. That is because the parents would be at home, working from laptops, and spending quality time with the children. There is an issue there about having more flexible working more generally in the economy, as it would help productivity, and perhaps reduce costs and encourage better targeting.

In contrast, of course, the poorer children did not fare so well. Perhaps they had a single parent who was on a zero-hours contract, who did not have much time to spend with the child, and who did not have proper internet access that they could afford—there is an issue there about universal wi-fi clouds that the Government might want to think about. During covid, poorer children fared a lot worse in general; and specifically, those with speech and language difficulties deteriorated quite quickly. It is certainly worth considering that differential output. Perhaps I will send this research to the Minister.

This debate is about just one aspect of the plan, which is the specialist workforce. We welcome the Government's commitment to work in a collegiate way alongside children, young people, families and other providers in the SEND system. The Departments for Education and of Health and Social Care set out a clear timetable for SEND workforce planning. We have a steering group that will move forward by 2023.

Wearing my speech and language hat, let me welcome the Early Language and Support for Every Child pathfinders, and the early identification and support for children with speech and language difficulties. The royal college is pleased that it was involved with the NHS and the Department for Education in that scoping, and I hope that it will continue to be involved in the Department in the future through the alternative provision specialist taskforce.

Let me lay out the main commitments that I am looking for from the Minister. First, we want a commitment to have the meeting with the signatories of the 16 all-party groups that has been promised and also a commitment by the Government to speak to the all-party group on speech and language difficulties in a separate meeting about what is happening, so that they can be quizzed by those in the industry. Secondly, we want a commitment to give the SEND in The Specialists coalition a place on the SEND workforce steering group, as it is important that the industry is engaged with the civil service and the Departments to get the best, most practicable plan possible.

Thirdly, we want the Government to commit to come up with a plan on how they will improve access to the specialist workforce for children, young people and families right now. We have talked about the 2023 and 2025 milestones, but, obviously, children grow up very quickly and they need that support now. Perhaps the Minister can elaborate on precisely what is happening in the meantime to bring forward tailored support. We want to see a broad approach—a holistic approach—to the definition of the SEND specialist workforce, because there are quite variety of people involved. Then there is the issue of recruitment and retention, on which the Minister may wish to touch. There is an issue about people leaving the service from the NHS and from the profession generally. We need not only to recruit and train enough people to build a force, but to stop people leaving by providing them with acceptable and enjoyable working conditions.

Finally, on behalf of the 1,800 people who have written in, I wish to question the Minister about funding and the Government response to our funding letter of 2021, which I mentioned earlier. The Government then said that the right funding was fundamental to accessing speech and language therapy. Will the Minister elaborate on what she thinks will be sufficient funding for a SEND workforce plan, to ensure that the speech and language therapy workforce is trained, developed, retained, supervised and supported to develop the necessary clinical specialisms and leadership roles? Will she mention something about student numbers coming into the workforce, and also address some of the reasons why people are leaving the workforce?

Perhaps the Minister could also say what her expectations are for accountability and local systems coming together on joint provision. How do we ensure accountability and make sure the resources are there to enable all children and young people with special educational needs and speech, language and communication needs and/or swallowing needs get timely access to the speech and language therapy they require? That would include

provision for children and young people who need special educational needs support, as well as those with education, health and care plans.

I am glad to see a large number of Members here who want to get involved in the debate, so I will end my comments there. I look forward to a response from the Minister.

9.46 am

Sally-Ann Hart (Hastings and Rye) (Con): It is a pleasure to speak under your chairship, Mr Sharma. Many young children have faced an array of social and developmental challenges as a result of covid-19, and children with special educational needs and disabilities have been deeply affected due to the lack of services accessible for their needs during this time.

Every week, I have at least one constituent come to see me, pleading for support for their child with special educational needs, which are often undiagnosed because they cannot get an education, health and care plan or an appointment with child and adolescent mental health services. The formative years of a child's life are essential for their development, and without changes and improved support for these specialist services, children with SEND will be exposed to bullying, mental health issues, isolation and disadvantages later in life and in the workforce.

SEND in The Specialists highlighted how we need to incentivise employment into the special needs workforce, as well as retain those already in it. Improving recruitment and retention is vital to provide the specialist teachers and staff that we need for our children and young people. Many schools need more assistance for these children. For schools to remain inclusive, it is essential to have specialist and supportive frameworks in place to keep more children in mainstream education.

I enjoy visiting the primary and secondary schools across Hastings and Rye. It is the best part of this job. I speak to the pupils and staff. One young primary school teacher was telling me recently that she has four young children with challenging SEND needs in her class. Without the support of teaching assistants and named teaching assistants, it would be impossible to control the class and provide for the needs of these children, let alone the rest of the class, especially if the TAs and NTAs are off sick or leave because they, too, find it extremely challenging.

Inclusion is not always the best thing for the child with special needs, nor the rest of the children in the class. Both miss out on education. We have to face the fact that while mainstream inclusion is important, some children need a high level of specialist support, which can only be provided in special needs schools or in alternative provision.

We need more SEND and alternative provision across Hastings and Rye, especially AP for secondary-aged children. We have a significant number of primary and secondary-aged children with high-level needs. It is very difficult to access EHC plans, and the waiting list for CAMHS locally is now two years. It is just not good enough. Early intervention is vital in ensuring that the right support is given at the right time, so that each child with SEND can fulfil their potential and become full, active and productive members of our communities.

I welcome the Government SEND and alternative provision improvement plan published earlier this month, which will help to deliver new standards to improve identification of the needs and expectations of the level of support that would be available in local areas. The plan creates additional funding of more than £10 billion by 2023-24, which is an increase of more than 50%, to support and help young people with SEND. It is also encouraging that the improvement plan will create a new leadership special educational needs national professional qualification—a SENCO NPQ—which will ensure that teachers have the training that they need to provide the right support for children. That is in addition to expanded training for staff, but we need those staff.

To address the demand levels, it is necessary to deal with the backlog, which is a consequence of the pandemic. Ofsted highlights that speech and language therapy has one of the longer waiting lists and that there are reductions in the service provided. The impact of covid-19 has only exacerbated those problems: demand for speech and language therapists increased after the pandemic because of the additional 94,000 children with speech, language and communication needs in 2021-22. Young children and teens rely on that therapy as an essential way to develop social and articulative skills; if their needs are not dealt with effectively, that section of society could be isolated.

Matthew Pennycook (Greenwich and Woolwich) (Lab): I thank the hon. Member for allowing me an intervention. I intervene purely because the issue that I hear most about from parents of SEN children is the lengthy waiting time for speech and language therapists, which is in part due to workforce shortages. The improvement plan is welcome in the sense that it talks about improving access, but does she agree that we need more therapists now, precisely because of the impact that delays have on children in the system, as my hon. Friend the Member for Swansea West (Geraint Davies) pointed out?

Sally-Ann Hart: I agree with the hon. Gentleman. I was going to say that all primary schools that I visited in Hastings and Rye have highlighted the need for speech and language provision for younger children coming to school following covid. It is essential. They are behind with oracy and communication skills, and that impacts on their ability to access learning. Our local primary schools have provided that provision themselves, and they work to help and support our local children.

A number of charities are already working to provide help and support for certain children with special needs. For example, Auditory Verbal UK is making great progress in helping to implement specialist early interventions to support deaf babies and children in learning to talk and listen. Roughly 80% of children who attend at least two years of the charity's pre-school programme achieve the same level of spoken language as their hearing peers. Through Government investment, the charity would be able to aid considerably more deaf children to reach the same level. It is a great charity that supports not only deaf children but the whole support system. A number of charities, third-sector groups and volunteers work with children who have important issues that need to be addressed.

Mr Robin Walker (Worcester) (Con): Does my hon. Friend agree that investment to support organisations such as Auditory Verbal UK and the therapies that it can provide is excellent value for money? If children are

[Mr Robin Walker]

reached with the right support early on, they can engage in mainstream education and benefit from it much more than if they are left with those needs on entry into primary school.

Sally-Ann Hart: I completely agree. We could not function as a country without our voluntary sector—it is one of the wheels that keeps the country going—but we need to invest in it, so that it can save lots of money in the long term. That is absolutely right.

A specialist SEND workforce will make positive changes to our country. We must ensure that we allow a space for those children with special educational needs and disabilities to reach their full potential in society.

Mr Virendra Sharma (in the Chair): I intend to call the Front-Bench spokespeople at about 10.40 am, and we have about nine speakers. I will not set a time limit now; I leave it to hon. Members to discipline themselves.

9.54 am

John McDonnell (Hayes and Harlington) (Lab): I declare an interest, Mr Sharma—my wife is Dr Cynthia Pinto, chair of the committee on the Division of Educational and Child Psychology, and she is active in the Association of Educational Psychologists, so you can imagine what our breakfast conversations are like. I welcome the Minister, who has had responsibility for disabilities in the past, which gives her an understanding of some of the issues we face. She has also been a Parliamentary Private Secretary in the Treasury, so she knows where the money is buried, which is extremely helpful. I thank Professor Vivian Hill from the Institute of Education at University College London, who has provided a number of us with briefings on educational psychology.

I want to draw attention to the issues facing educational psychologists. The chief inspector of education identified that the demand and need for educational psychology services from schools and families, to support early intervention and preventive work, has significantly increased. The inspector's report also identified that there is a huge geographical variation—to which my hon. Friend the Member for Swansea West (Geraint Davies) referred—in access to EPs, and noted that 60% of local authority EHCP assessments are not being completed within the 20-week timeframe as required.

Alternative provision has been mentioned. The Ofsted report last November identified that more children are being referred to alternative provision, but often because of the lack of access to specialist services in mainstream schools. Let us look at the stats on the increased numbers of education, health and care plans being issued. During 2021, 93,000 initial requests were made for assessment for EHCP—up from 76,000 in 2020. It is the highest number since data was first collected in 2016. His Majesty's chief inspector of education reported that 1.5 million pupils were identified with SEND in 2022—an increase of 71% on the previous year; I found that staggering. The number of EHCPs has also grown by 51% since 2014-15. I think we are all experiencing that in our constituencies, as we receive representations from parents struggling to gain access to the planning processes.

Also interesting—I wonder whether others have experienced this—is the significant increase in the number of SEND tribunals, which becomes incredibly expensive for the local authorities. This is worrying. It is interesting that Professor Hill has identified this from the various statistics that have been brought out, and it was raised in a debate in the main Chamber a couple of months ago about the unmet mental health needs of children and young people. A record number of children and young people are being referred to NHS services for mental health difficulties. In the previous debate on this issue, MP after MP reported the issues and demand on CAMHS that are overwhelming it; that is increasingly worrying.

An increased number of children and young people are being permanently suspended or excluded from school. Some Members might have listened to the reports this morning about the number of "ghost" children, who are no longer in school. The figure of 20% was absolutely staggering. Covid has obviously had an impact, and there is a continuing impact on mental health, but local authorities struggle to maintain levels of support services for families in particular.

I also found interesting the evidence that local authorities struggle to recruit educational psychologists. The recent local government ombudsman report shows that 70% of local authorities are now struggling to recruit EPs. The Government have recognised that; it is one issue that is being addressed in the future of our workforce plan for skilled workers and the recruitment of staff. It has also been recognised that the recruitment of staff from overseas can assist us during this period while we struggle to recruit.

Many local authorities are now relying on locum cover from private providers but, as hon. Members will appreciate, that can be extremely expensive compared with direct investment. Educational psychologists have raised with the Government the issue of adequate funding of the services overall, which my hon. Friend the Member for Swansea West mentioned. Specifically for EPs, the Government responded in December with £21 million in additional funding, which was welcome. That will be for intakes from 2024, but the problem is that the core funding is inadequate—it has not been increased since 2020.

Let us look at the figures put out by the British Psychological Society, of which the Division of Educational and Child Psychology is a part. The announcement of £21 million for 400 additional educational psychologists is definitely a step in the right direction, but the BPS says that it really does not go far enough to close the workforce gap. The figure that I find shocking is that we are now at the stage where in 2017 there were about 3,000 educational psychologists working in England; on average, that is the equivalent of one educational psychologist for every 3,500 children and young people between the ages of five and 19. Again, there was one for every 5,000 for those between the ages of nought and 25—the plan period. Therefore, the demand is for a greater increase of investment in educational psychologists to increase the numbers because of the increasing demands.

I will raise one issue that is specific to my own patch, but which may be reflected in other constituencies. I have 2,400 refugees—asylum seekers—in hotels in my constituency, including many children, who go into local schools. I have toured the hotels and done advice surgeries in them, and what has been reported back

from the schools and from the discussions I am having with families is that a number of those children, who are largely from war zones, are suffering from post-traumatic stress disorder. That is placing an increased burden on individual schools. The teachers welcome rising to that challenge, but they need additional resources.

I would welcome a discussion with the Government—maybe all MPs have this situation in their constituencies—about what additional resources could be targeted at particular areas so that they can overcome this period, which I am sure will be temporary, but requires resources at the moment. The message is clear from the DECP and others: additional resources need to be specifically targeted at the recruitment and training of educational psychologists to meet this growing demand and, exactly as the hon. Member for Hastings and Rye (Sally-Ann Hart) said, to give children the life chances that they desperately need.

Mr Virendra Sharma (in the Chair): Looking at the time and the Front Bench, I would appreciate it if Members would stick to four minutes.

10.3 am

James Wild (North West Norfolk) (Con): I will keep to your timeframe, Mr Sharma. I welcome the opportunity to speak in this important debate, and I congratulate the hon. Member for Swansea West (Geraint Davies) on introducing it and on his work chairing the APPG.

One of my first visits as the MP for North West Norfolk was to Greenpark Academy in King's Lynn. The first issue that the headteacher raised with me was access to special needs provision and speech and language therapy for pupils who, at that school, often come from disadvantaged backgrounds. On a more recent visit to Whitefriars School, which has just been given a good Ofsted rating—it would have been outstanding if it had been a graded inspection—the school's special needs unit was making a real difference in helping children to improve communication skills, often from a very low base, as a number arrived at the school non-verbal.

From visiting those and many other schools across my constituency, particularly in rural parts of North West Norfolk, the need to provide improved support is clear. The ability to communicate is fundamental for children to make friends, learn and realise their potential. The evidence is also strong that without the right support to help people with speech and language needs, children are at increased risk of poor educational attainment, mental health issues and poor employment outcomes.

Today's debate is taking place because the current access to speech and language therapy needs to improve dramatically. Figures from the Royal College of Speech and Language Therapists that were shared ahead of the debate show that over 67,000 children were on a waiting list for speech and language therapy, with more than a third waiting over 18 weeks. As we have heard, many more are waiting over a year or, indeed, two years. That situation is not acceptable; covid has made it worse and we need to address it. Given those real challenges, I welcome the SEND and AP improvement plan that was published earlier this month, with its focus on speech and communication issues. There is a welcome new commitment for a joint DFE and DHSC approach to SEND workforce planning, although I hope the timetable set out in that paper can be accelerated.

That join-up, which is the holy grail in Government, across health, education and social care at national level is vital. As the royal college points out, that has to be accompanied by sufficient funding to train, retain and develop the workforce. DFE—again in partnership with NHS England, which I welcome—is pioneering pathfinders for early language and support as part of the £70 million change programme. I previously raised with the Minister the potential for Norfolk and Waveney to be one of the nine pilot areas. I look forward to meeting my integrated care board shortly to discuss what we might be able to bring there. I would welcome further opportunity to discuss that with the Minister, and more information about the process for selecting those areas.

Matt Hancock (West Suffolk) (Ind): I agree with everything my hon. Friend has said, and would add Suffolk to the list of places that would like to be a pathfinder area. Does he agree that early intervention is vital, even though there are now more EHCPs than there were? The earlier that support for children starts, the more likely a positive outcome; getting that support is vital.

James Wild: Indeed, I do. My right hon. Friend has done a lot of work in this area, not least with his private Member's Bill.

The plan has a welcome focus on expanded training, including: 5,000 early years staff gaining accredited qualifications; an increase in the capacity of specialists, with two more training cohorts of educational psychologists; and the new leadership level SENDCO qualification. I am glad to see that it also commits to publishing the first of three best practice guides, including for Nuffield early language intervention, which has made a real difference in a number of my schools in Norfolk.

Finally, I welcome the new deal that provides £70 million in additional funding from the Department, in conjunction with Norfolk County Council, which will help to increase funding for special educational needs places. It will develop more specialist resource bases and AP in mainstream schools, which I hope will include schools in North West Norfolk, as well as building two more special schools.

In conclusion, getting this right is vital because children have only one opportunity when it comes to their education. We need to do all we can to help them realise their potential. The focus now must be on implementing those plans.

10.7 am

Richard Foord (Tiverton and Honiton) (LD): It is a pleasure to serve under your chairship, Mr Sharma. SEND services in Devon have been in serious crisis for a long time, probably three or four years, with the situation deteriorating lately. Last year, Devon County Council apologised for failing to improve SEND services, and promised that things would improve and that it would redouble its efforts. We are continuing to see a problem around a lack of political leadership and of oversight at the council. My postbag is heavy with correspondence from constituents who are at their wits' end trying to get the support and educational placements that children need.

The wait times for assessments are far beyond the statutory 20 weeks. The lack of educational psychologists is leaving families uncertain, having to juggle work

[Richard Foord]

commitments and looking after their child at the same time. It is definitely leading to people being outside of the workforce who would otherwise be fulfilling an important role in it. The looming threat in Devon of these services being placed in special measures, or removed from the council's remit, shows that things must change. The promise of more money in the forthcoming council budget is welcome. The Government's recent announcement of a new SEND school at Cranbrook is again welcome, but we need to ensure that taxpayers' money is being spent effectively to deliver the SEND placements that our children deserve.

I have had constituents contact me to highlight situations where a child is allocated a placement that is wholly unsuitable for them, and the child cannot take it up but remains on the school roll, with the funding also remaining assigned to that school. We need to ensure that money follows the child and that appropriate frontline services are delivered regardless of where the child then moves. I have seen for myself in East Devon that SEND pupils are being taught in cupboards and storage rooms, and I know that that is not unique to my part of Devon, because I have also seen it reported on the BBC. We should not allow that to continue. I cannot help but admire the parents who are pushing Devon County Council and the Government on this. Devon SEND Parents and Carers for Change staged a protest at county hall in Exeter last month, and they are trying to shine a spotlight on some of these failings.

It is not all gloom; there are some examples of best practice. My constituent, Danielle Punter, has written books and a blog—autability.co.uk—with tips on education and support in understanding neurodivergence. Danielle pointed out last month that when partial school closures happen as a result of lockdown or strikes, it is often special needs school pupils who are most affected, because those schools need to be fully staffed in order for children with a high level of SEND requirements to get the best possible care, otherwise they need to stay at home. In short, we need to get to grips with some of these repeated failures, particularly in Devon, and that will require political leadership and political oversight.

Mr Virendra Sharma (in the Chair): I am now formally introducing a four-minute time limit.

10.11 am

Peter Gibson (Darlington) (Con): It is a pleasure to serve under your chairmanship, Mr Sharma, and I congratulate the hon. Member for Swansea West (Geraint Davies) on securing this important debate. This issue is of concern to many of my constituents in Darlington. Indeed, 77 people from my constituency signed the e-petitions relating to the debate. I welcome the announcement last week of a new school in Darlington and thank Councillors Jonathan Dulston and Jon Clarke for their work on that. This additional provision of 48 places for SEN children in Darlington is much needed.

However, Darlington faces serious problems with CAMHS. The delays in getting people assessed are significant. It impacts my case load and delays access to services for young people in my constituency. It is hugely important for Darlington parents and children that we speed up the woefully inadequate waiting times for CAMHS assessments by Tees, Esk and Wear Valleys NHS Foundation Trust. As Ministers are aware, we cannot overestimate the challenging circumstances that TEWV service users and their families face. More than 300 under-18s in Darlington are awaiting an autism assessment, and more than 20% of them have been waiting almost three years. That is just not good enough. In the absence of a diagnosis, these families' lives are on hold, and these children's lives are not progressing as they should.

I continue to engage regularly with TEWV and the families of special educational needs children in Darlington, including through my autism forum on Facebook, to ensure that their voices are heard and to push for us to take more action to reduce these backlogs, which are so damaging. I do, however, welcome the recent announcement that Darlington has secured additional funding of £6.19 million for special educational needs provision in the town, to address the growing needs in our community and tackle the high cost of out-of-town provision. I also warmly welcome the recent SEND and alternative provision improvement plan, which commits to increase spending on children and young people with such needs by more than 50% to over £10 billion by 2023-24.

I have tabled several written questions to the Department for Education in the past about its records for SEN training among teaching staff, and I was disappointed to learn that it does not keep records of the extent of such training. However, the recent news of expanded training for staff in early years provision, with special educational needs co-ordinators and educational psychologists, will, I hope, go some way to addressing that gap.

This is a personal issue for me. Like many people across the country, I have family members with special educational needs, and I have seen directly the work that parents must put in to secure the necessary support. It cannot be right that the most vocal parents or those who know the system are the ones who secure the right provision for their child. I have seen parents in my constituency surgery who have been pinging from local authority to CAMHS to schools to healthcare providers, which makes them frustrated, angry and bewildered. We really need to do so much better.

In conclusion, the SEND and additional provision improvement plans are good steps on the way, but we must ensure that the actions that are set out in them are delivered, and we must make the systems absolutely centred on the child—not just paying lip service to that idea, but really breaking down the silos in health, education and Government to truly deliver, end the excessive waits, and give the kids a chance.

10.15 am

Jim Shannon (Strangford) (DUP): It is a real pleasure to speak in this debate. I thank the hon. Member for Swansea West (Geraint Davies) for securing this debate and leading it, and for setting the scene so well, as he often does. It is nice to see him down here with us in the Chamber, instead of up there in the Chair; that has been a pleasure today.

There have been ongoing issues relating to provision for special educational needs. Children with SEN rely heavily on routine, consistency and specialised support.

Many people in my constituency contact me in relation to these issues; most notably, I am contacted about staffing issues. So I will focus on staffing issues today, including serving staff not receiving the adequate support and training to assist pupils with SEN.

I believe that we must do all we can to ensure that children are given an equal and fair start in life, so it is great to be here today to discuss that. I welcome the Minister to her place. She does not have to answer any of my questions about this issue, because we have a Minister in Northern Ireland with responsibility for this issue. However, I wanted to come here today to support the hon. Member for Swansea West and others who have spoken, because the things that have been spoken about here today are the very same for us in Northern Ireland. There is no difference; each other's problems are replicated.

I will speak briefly on Northern Ireland, because I always like to give a taste of the situation there. In Northern Ireland, 67,000 children have some form of SEN, which is a fifth of the school population, and 19,000 children have received a statement about their need for additional support, which is a 20.3% increase on what it once was.

This issue is about the staff we have, including those who have received the basic SEN training for already qualified teachers to act in the event of sickness. Unfortunately, staffing numbers are down in Northern Ireland. I say this with all the provisos that I have as a Unionist, but we need a functioning Assembly that can take such things on. We must ensure that our Governments are allocating sufficient funding to train SEN-specialised teachers, so that the pressure is taken off teaching staff who are not specialised in SEN teaching and communication with children who have SEN.

The Education Authority in Northern Ireland also disclosed that the number of educational psychologists has decreased by 24% in less than five years—what a massive drop for us back home—from 140 to 106. The Northern Ireland Commissioner for Children and Young People also made 40 recommendations for improvement. The petition was signed by 29,000 people who called for SEN training to be made mandatory for all teaching staff, which is also recommended by the commissioner.

Some of the things that we are asking for are the things that others are asking for, and I know that the Minister will respond. And whatever the Minister responds to about the situation here will probably also give us an indication of where we need to be in Northern Ireland. Although the petition was centred around the English education system, it is crucial that any decision taken in relation to SEN training for teachers follows through to the devolved nations. My request to the Minister specifically is to ensure that the recommendations and answers that she gives in this debate are conveyed directly to the Education Authority and the Northern Ireland Assembly, because what we can learn from this debate can be a lesson for us all.

We are also living in a world where assessments for SEN are unfortunately taking considerable time, as we must ensure that children are assessed accurately, so that they can receive the right amount of support and specialist care. I ask for that to be done as well.

Once this debate has been completed, where do we go next? We must take the relevant steps to ensure that a sufficient workforce is there. We must encourage our young people to take degrees in this area and make such degrees accessible to them. It is about making sure that teachers are trained, in place and can do the job. This is the effort that we go to and that they go to. Such teachers deserve to be under the least amount of pressure possible. So I call upon the Minister to engage with all regional Governments within the United Kingdom of Great Britain and Northern Ireland in order to come to a joint decision on how the issue of a specialised workforce can be tackled.

10.19 am

David Johnston (Wantage) (Con): It is a pleasure to serve under your chairmanship, Mr Sharma. Whenever we receive petition data, I do what I am sure we all do: I look at where my constituency ranks for number of signatures. For the first time in my three years as an MP—unless I have missed one—my Wantage and Didcot constituency was No. 1 for this petition. I think that reflects the problems going on at Oxfordshire County Council at the moment, as I receive almost daily complaints from parents and schools about emails not being answered, the phone not being picked up and EHCPs returned with the wrong child described on the plan.

While the county council would suggest that that is all about funding, some of those issues are not about that. Putting the wrong child on an EHCP when it is returned to a parent is not about funding. Actually, if the amount of money that is spent on tribunals by the county council was spent on the service, we would have a better service overall. As it happens, there is more money going into the system—an extra £2.6 billion—which will mean 50% higher spending in 2023-24 than in 2019-20. However, the issues are not just about funding.

In any organisation, there is always a debate about specialist versus generalist: whether we should have one person who is responsible for everything, the advantage of which is expert knowledge, or whether everybody should be responsible, so that they do not shirk that responsibility. That is true in this area too. It is right that the Government are reviewing the mandatory requirement for the national award for SENCOs, because parents clearly do not feel it is working in quite the way it should. I also warmly welcome the forthcoming apprenticeship pathway for those with sensory impairments.

However, it is also right to look at initial teacher training. Of course, there is initial teacher training and an expectation that all teachers should have some understanding and be able to handle children with special educational needs. But, again, it is absolutely clear that many parents do not feel that that is the case. While there are children who need specialist schools and other specialist provision, we know that children staying in mainstream education leads to better outcomes: they have better social skills; they have more independence; they have fewer behavioural problems. Having children with special educational needs in the classroom also improves other children's tolerance and understanding.

The Government are absolutely right to pursue both those tracks. We are fortunate to have in the Minister a great advocate for children with SEND and their parents. She is working with the Department of Health to try to grip these specialist workforce issues, but also to help all teachers to feel more confident about dealing with children who have special educational needs, so that the first resort is not to try to push them somewhere else.

[David Johnston]

I look forward to working with the Minister to achieve the Government's aim of getting the right support in the right place at the right time.

10.23 am

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve with you in the Chair, Mr Sharma. I congratulate my hon. Friend the Member for Swansea West (Geraint Davies) on leading today's debate and concur with all comments made by colleagues across the room.

It is a fight, and it is always a fight, to get the right support in the right place at the right time—that is what parents have consistently told me. That is why we are here today. We have serious concerns about the timing of the Government's proposals. Already, we are hearing about a specialist workforce group being set up, but it will be two years before we see that workforce plan delivered. On top of that, we have the training time to get those specialists in place to provide the support for young people, and timing is of the essence.

Time is of the essence for parents in my constituency, too. I think about the parents who came to see me because their child goes to specialist provision in the morning, but in the afternoon, is left to play with Lego; or the child who was confronted in their school environment because they did not make eye contact, and was told off and given detention for not doing so; or the parents whose child, who has autism and is non-verbal, despite meeting all the thresholds for an EHCP assessment, has been denied that assessment by their local authority. Children miss out time and again.

Let me speak about one child whose needs were not recognised in primary school. We raised our concerns frequently, but the teachers did not identify his dyslexia and memory and processing issues until the last term of year 6. He did not get the right support and fell further and further behind. His experience of school was horrendous: he had self-esteem issues by year 2 and signs of anxiety in year 3, and he told us that he would rather die than go to school in year 4. In years 5 and 6, the impact of his school experience was huge. Thankfully, he has now had the opportunity that he should have had when he started school, or even pre-school. It is always a fight for parents.

I am also here to fight for the workforce. It needs to be recognised, organised and supported. We are creating family hubs, but we had Sure Start. We brought people together across the professions to work together and wrap the services around the child. We need to reinstitute that. Labour did it, and we will do it again, because we know the importance of that inter-working.

I particularly want to speak up for teaching assistants, who are at the forefront of providing day-by-day support to young people. They know their children and are attuned to their needs. However, in a school in York, their contracts have been reduced to just term-time working, rather than full-time. They are therefore not able to afford to go to work any more. Teaching assistants should be recognised as the professionals that they are for the skills that they bring, and they should be rewarded with the pay they deserve. They work incredibly hard, giving children confidence on a day-to-day basis. Many children with special educational needs identify with their teaching assistant more than anyone else, and yet they are on minimum wage, term-time contracts. It is frankly disgraceful. When the Minister puts a workforce plan together, I ask her to put teaching assistants at the forefront and to recognise the professional skills they bring in supporting children at their time of need.

Mr Virendra Sharma (in the Chair): I call Robin Walker. As he is the Chair of the Education Committee, I will relax the four-minute time limit.

10.27 am

Mr Robin Walker (Worcester) (Con): I am honoured, Mr Sharma. That is most kind and unexpected.

I thank the hon. Member for York Central (Rachael Maskell) for what she just said about teaching assistants. The right hon. Member for Hayes and Harlington (John McDonnell) declared an interest in relation to his wife's role. My sister is a teaching assistant in a special educational needs setting, and I think the work they do is absolutely heroic. She has faced all sorts of challenges in her work, including assault by pupils. Teaching assistants turn up day in, day out to do that work, not because it is well paid—it is not—but because they are absolutely passionate about supporting the children. As we heard from so many hon. Members, this is all about children's life chances.

I warmly congratulate the hon. Member for Swansea West (Geraint Davies). We have had many lively exchanges over many issues over the years, but on this issue we are absolutely as one. He presented his case extremely well.

I am Chairman of the Education Committee, and this issue touches on so many of our inquiries, so I am very grateful to you, Mr Sharma, for slightly relaxing the time limit so that I can speak about all of them. As my hon. Friend the Minister knows extremely well, we are in the midst of conducting an inquiry into early years and childcare. Yesterday, we heard from SEND specialists in that space of the enormous benefit of providing the right specialist workforce at the right time—that early intervention in the early years, which Members from both sides of the House have talked about.

It is important that we remember that this can start in the early years. There is huge benefit in getting speech and language therapy in front of the right children in the early years. I was grateful that the hon. Member for Swansea West started his speech by talking about the importance of that. In my constituency, when I started as an MP, there was a real problem with the availability of speech and language therapy. I am told now by the royal college and by experts that we are one of the best areas in the country for that provision, and that is extremely welcome, but there is still more need.

We heard from Speech and Language UK yesterday that, with the right support and training, teaching assistants can deliver interventions that can help to reduce the demand on specialist speech and language therapists and allow them to focus on the children with genuine complex special needs. It is really important that we get our support right in that respect.

In my constituency I have a wonderful primary special school called Fort Royal, which serves the community extremely well. Tragically, and I think wrongly, that school has lost its specialist assessment centre—its nursery.

That is not for any planning reason, but simply because the primary school is so overwhelmed by demand and has a constrained site, that they have had to create space for statutory provision of primary places at the expense of early years and nursery provision. That is not a good situation. I am hearing from nurseries and early years settings across my constituency that they are facing pupils whose needs they cannot easily meet as a result of that.

I am glad that Worcestershire Children First has listened to the concerns that I and others have raised about provision, and has agreed to commission a new specialist assessment centre. In the meantime, there is real pressure in that space, and there are children who are missing out on some of the support that they should be getting. I want to make sure that the local improvement and inclusion plans, which the improvement plan rightly talks about, include the right provision for early years and nurseries.

The improvement plan, which the Minister has been instrumental in delivering, has some very welcome initiatives. Those include the local inclusion plan, national standards, new specialist places—I warmly welcome the decision to approve an all-through autism school in south Worcestershire, which will benefit my constituents—and better support in mainstream education. We have heard some interesting exchanges about the importance of mainstream versus specialist education. The reality is that we need both—and we need more of both. We need support for pupils with special educational needs throughout the mainstream system, and we need more specialist places.

I join the right hon. Member for Hayes and Harlington in recognising the Minister's expertise in this space. She is the first Minister I have heard at the Dispatch Box recognising the rising tide of need that we see in the system. That recognition is important as we address the need for specialists.

The improvement plan also talks about the transition to adulthood. Another inquiry that the Education Committee is in the process of concluding is on careers education, information, advice and guidance. In the course of that inquiry we have heard that SEND pupils, and pupils in alternative provision, are not always getting the high-quality careers advice and guidance they need to improve their life chances and get good outcomes. I have seen some excellent examples of this being done well. I recently visited the special Westminster School in Rowley Regis, and saw the work that they are doing there with the Black Country careers hub to support and mentor SEND pupils into careers with employers such as DPD. There was some interesting partnership work going on.

I have a fantastic primary pupil referral unit in my constituency, Perryfields Primary PRU, which I recommend the Minister visits. It was one of the best visits I did as a Minister—it just happens to be in my constituency. The school does a fantastic job of meeting the needs of primary pupils. Regency High School, also in my constituency, does some really good work with children with complex needs, trying to prepare them and support them into work. The Government rightly want to ensure that people with disabilities have the opportunity to work. In order to do that, we need to get the right support and careers advice and guidance to people early.

As we have already heard, life chances for young people with SEND can be hugely improved with the right support. Getting speech and language therapists and teachers of the deaf in early, as well as auditory verbal therapy, is really important. Getting the right teacher training for dealing with children with autism and other conditions for teachers and teaching assistants is vital.

As the hon. Member for Swansea West and the hon. Member for Tiverton and Honiton (Richard Foord) mentioned, there has been a huge impact from the pandemic on children with special educational needs. It is right that we invest in the sector to ensure that that is made up. When I was at the Department, we spent a lot of time, money and effort focused on catching up. If we can spend money on early intervention and supporting children earlier on, it will do more than catching up belatedly. We should continue to look at how we make the case for that.

We have heard about the delays to diagnosis; I spoke in a recent debate on that. I will meet Worcestershire Children First shortly to talk about some of our problems with the umbrella pathway in Worcester. One issue that we came across was that the health system was subjected to a cyber-attack, which has further delayed some of the desperately needed diagnoses for children. Any support that the Department can provide to protect systems' cyber-security and ensure that those issues do not arise would be extremely welcome.

I have four quick asks of the Minister before I sit down. The first is the meeting that the SEND in The Specialists campaign requested. It sounds as though that is likely to be granted, but I would certainly welcome it. Secondly, I would like a commitment to keep on investing in continuing professional development for mainstream teachers and to see what more can be done through the initial teacher training and early career framework processes to make sure that we recognise that every teacher is a teacher of SEND children. Thirdly, I would like a commitment to working with the Department of Health and Social Care to improve access to the specialist workforce and to make sure that the NHS workforce plan takes into account the rising demand in this space, which the Minister has recognised. Finally, I would like a commitment to looking carefully at early years and ensuring that local inclusion plans include the right specialist support, which can make such a huge difference to children's life chances.

10.36 am

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Sharma. I am grateful to my hon. Friend the Member for Swansea West (Geraint Davies) for securing this important debate on the specialist workforce for children with special educational needs and disabilities. I pay tribute to all the all-party parliamentary groups that work in that area for their important contribution in gathering evidence and raising concerns. I am grateful to every hon. Member who has spoken today.

We have heard a remarkable consensus this morning on the dire situation that faces many families with a child with SEND, on the rapid growth in need, and on the urgency of the need for more support. My right hon. Friend the Member for Hayes and Harlington (John McDonnell) highlighted the link between unmet

[Helen Hayes]

need and mental health referrals, school exclusions and school non-attendance. He rightly highlighted concerns about the significant unmet need and the trauma experienced by children and their families who live in initial accommodation for asylum seekers across the country.

The hon. Member for Hastings and Rye (Sally-Ann Hart) pointed to the impact of the pandemic in worsening speech and language delay. I recognise that issue from my constituency, but it is being raised by primary schools across the country. She also highlighted the important innovative technique of auditory verbal, which, as other hon. Members said, can be delivered at low cost and used by parents and non-specialists, as well as specialist support staff in schools.

The hon. Member for Worcester (Mr Walker), the Chair of the Education Committee, spoke about the importance of intervention in the early years. My hon. Friend the Member for York Central (Rachael Maskell) emphasised the significant impact of long delay on families' ability to access support, and the vital work of teaching assistants, who often go unrecognised and under-rewarded. We also heard from many other colleagues, and there is wide consensus on the subject.

There are 1.5 million children with SEND in the UK. The number of children on an education, health and care plan is up by 50% since 2016. Those with SEND are overrepresented among pupils eligible for free school meals, black pupils and looked-after children. The support for many children with SEND is insufficient. Parents often have to battle for a diagnosis, then they battle again for support, often multiple times at each stage of their child's education.

I pay tribute to everyone who works with children with SEND: speech and language therapists, SENDCOs, specialist teaching assistants, educational psychologists, specialist teachers of the deaf and of visually impaired people, and many others. It takes dedication and commitment to train as a specialist, who often act as the gateway to the whole of a child's education. The work of SEND specialists is vital, but it often goes unseen and unrecognised.

Research from the Disabled Children's Partnership is damning. In response to a recent survey, seven out of 10 parents said that their disabled child's health had deteriorated because of lack of support. Only one in three disabled children have the correct level of support from their education setting. Only one in seven families have the correct level of support from social care, only one in five have the correct level of support from health services, and only one in five felt that they received the support needed for their child to fulfil their potential.

That overall context disguises a huge diversity of need. SEND needs include autism, ADHD, speech and language delay, vision impairment, hearing loss, foetal alcohol syndrome, cerebral palsy and Down's syndrome. That means that detailed workforce planning is required. There must be staff working in mainstream education and health settings who can identify and diagnose additional needs as soon as they are evident, available support in every school for children with needs that occur commonly, and specialist support available to draw down for low-prevalence conditions when they occur.

Securing a specialist workforce matters. For mainstream settings to be truly inclusive, teachers must have knowledge of and access to a broad range of specialist skills. Recently, I visited a secondary school and met the brilliant team who support children with special educational needs. Their care and commitment to every single child was inspiring, but they spoke about how hard it is to obtain a diagnosis for children whose needs had not been fully identified earlier in their education because of a shortage of educational psychologists.

Specialist support is vital to keep children in school. Children with additional needs are over-represented in the data on school exclusions and in alternative provision. Ensuring the right support is available can help to avoid exclusions, but for 13 years the Government have failed to plan for the SEND workforce. The number of specialist teachers of the deaf has declined by 19% since 2011, and there are more than 67,000 children on the waiting list for speech and language therapy. There are simply not enough therapists to meet the need. There is a national shortage of educational psychologists, with 70% of local authorities having to rely on agency staff.

Behind those sobering figures are children—children whose needs are not being met, who are unable to access education, whose mental health is declining because they are not properly understood at school, and who are simply disengaging from education. Alongside each child are parents and families—parents who spend hours each week fighting for support, who are being called at work to pick up their child from school, who are suffering the distress of knowing their child is unhappy and not fulfilling their potential, and who, like the parents I met in my constituency recently, feel that they need to give up work so as to educate their children at home.

The shortage of professionals and the lack of support result in unacceptably poor outcomes for children with SEND. The Government recently published their response to the SEND and alternative provision Green Paper. The Opposition welcome the fact that the Minister has listened to Labour's call for a focus on the early years. Identifying children's needs early is vital, and the evidence is clear, but the Government have not said how they will build SEND diagnosis and support into an early-years sector that is fragmented and diverse, and within which nurseries in particular take widely varying approaches to inclusivity.

Families who have a child with SEND find it hardest of all to find suitable childcare, but allocating more money to a broken childcare system without reform, as the Government have announced this week, will not deliver a step change in the availability of SEND support, particularly as 5,000 childcare providers have closed since 2021.

The SEND and alternative provision improvement plan has the aim of reducing the number of EHCPs through improving support in mainstream schools, but the Government have not set out a clear plan to achieve it. There is no overall workforce plan. Meanwhile, the Government are expanding the number of special schools, which are needed, but there is weak data on which types of school are needed, and where, and no detailed plan to improve the inclusivity of mainstream schools.

A fundamental weakness of the Government's approach is that it is characterised by pilots, rather than a national roll-out, and progress is set to be far too slow. Much of

the plan will not come into effect until 2025 or 2026, leaving families to continue to struggle in the meantime, and more children going through the whole of their education journey without the support they need.

Children with SEND and their families need a workforce plan to deliver the support they need, wherever they live in the country. A Labour Government would work with professionals and families to deliver a SEND system that works for every child.

10.44 am

The Parliamentary Under-Secretary of State for Education (Claire Coutinho): It is a pleasure to serve under your chairmanship, Mr Sharma. First, I congratulate the hon. Member for Swansea West (Geraint Davies) on securing a debate on this incredibly important subject. It is wonderful to see so many people in agreement about what is needed, and to have seen the expertise on show today. I hope people can see from our SEND and alternative provision improvement plan the seriousness of the Government in trying to respond to the needs of children with special educational needs and disabilities across the country.

The hon. Member rightly talked about the importance of early language, which we know feeds into children's overall learning and literacy. He talked about the importance of education and health working together, and I am pleased to say that we jointly published that report, and that the Department of Health is very much working hand in glove with us on the plans. He also spoke about the importance of all-teacher training, which is crucial, early identification and getting a diagnosis, and recruitment and retention. I confirm that I would be delighted to meet with him, and we will talk about dates. I shall touch on some of those subjects in my speech.

I have had the privilege to meet some of the galaxy of professionals, as the hon. Gentleman said, who support children and young people with SEND. Whether they are in early years, schools, colleges, health and care settings, or specialist and alternative provision, those are some of the best visits that I do; it is a joy to meet a group of people who are so dedicated, skilled and passionate about meeting the needs of their children and young people. Hon. Members mentioned investment in the specialist workforce a number of times, and I am keen to engage with all the charities and organisations that have expertise in this issue as we take our plans forward to the next stage.

The SEND and alternative provision improvement plan is meant to support the entitlement set out in 2014 through a much clearer local and national focus on the strategy for how we can plan to meet those needs, whether that is through best practice guides for teachers or local inclusion plans, which mean that each area will have to assess and work out how to meet those needs. The funding has increased by more than 50% over the last few years. The idea is that all those parts of the system will be looked at and will hopefully work better together to meet rising need, improve access and build confidence in the system. A number of Members talked about the fact that there is not enough alternative provision, that there is not enough early years support or that there is something specific in their area such that needs are not being met. I hope that the whole system change that we have set out will go a long way to addressing those issues.

Through our consultation process, we heard too many stories from families who are frustrated by the system and battling to access specialist support. We also heard that reform is not possible without a strong, capable workforce with a specialist skillset. I want to assure everyone that we have taken those comments on board and are working hard to make the reforms a reality.

I want first to talk about the specialists who work so hard to provide extra support. They will be key to ensuring that we can do what we need to do for these young people. The right hon. Member for Hayes and Harlington (John McDonnell) rightly mentioned the importance of educational psychologists and children getting through the EHCP process. He mentioned that educational psychologists can provide professional advice to children and young people and drive better life outcomes. I completely agree with his emphasis on them. He is also right that I used to be a Treasury PPS; I had fewer opportunities to agree with him then, so it is nice to be able to do so today. We have announced an additional £21 million to train more educational psychologists. We increased the number of people coming through the system in 2020 and, because of the training time, some of those people are coming through now. He is right that this issue will be crucial in ensuring that we can meet needs.

It is also important—I will touch on this later—to improve broader teacher confidence. In the case of something such as speech and language support, if we had better confidence and evidence-based interventions in mainstream settings, we would have a reduced need for educational psychologists and EHCPs.

John McDonnell: All of us will assist the Minister through representations to the Treasury about the required early investment that eventually saves money further downstream. I am happy to engage in any lobbying of Treasury Ministers to get that message across, as some of them have not yet fully grasped it.

Claire Coutinho: I thank the right hon. Gentleman, but I would slightly disagree with him. When I was in the Treasury in 2019, I worked on the increase, which we are starting to see, in the high needs funding block, which has gone up by 50%. There is also the £2.6 billion that we are spending on specialist places and the £20 million, which I have mentioned, that we have set out for educational psychologists. We have backed a lot of reforms with funding over the past few years, but I will gladly work with him on anything in this area.

We have also committed to working with the Department of Health on a joint approach. The hon. Member for Swansea West talked about engaging with the specialist sector in health, and we are definitely planning to do that. We do not want to reinvent the wheel; we want to work with people who have expertise in this area.

Access to speech and language therapy has rightly been mentioned. I know the hon. Member for Swansea West has a deep expertise in that, and I am particularly passionate about it. In the improvement plan, we announced that we will partner with NHS England to include early language and support for every child pathfinders within our £70 million change programme. My hon. Friend the Member for North West Norfolk (James Wild) mentioned meeting to discuss that, and I would be delighted to do so. The plan for those pathfinders is that they will trial

[Claire Coutinho]

new ways of working to better identify and support children with speech and language communication needs. We are also looking at family hubs. We have support for Nuffield early language intervention in primary schools, and we are putting support in place with home learning environments. In 2020, there were 620 acceptances to speech and language therapy programmes in England. That was an increase of 28% from 2019. We are working with the NHS on a long-term plan, which will look at therapists, and we are also working on the steering group that we will set up this year.

On the mainstream workforce, my hon. Friend the Member for Wantage (David Johnston), whom I am meeting later today to discuss this issue, rightly said that inclusive schools make for an inclusive society. We will be looking at the initial teacher training framework and early career framework, but, importantly, we are setting out best practice guides, starting with autism, mental health and wellbeing and early language, to ensure that the wider workforce all have that specialist ability as well. It is really important to understand different conditions and what can be done.

Members have mentioned that we are introducing the new SENDCO NPQ, which will replace the existing qualification That will be Ofsted and Education Endowment Foundation assured. Members, including the hon. Member for York Central (Rachael Maskell), have mentioned teaching assistants. The Chair of the Education Committee, my hon. Friend the Member for Worcester (Mr Walker), mentioned his sister. Teaching assistants are vital. We are starting a research project to develop our evidence base on current school approaches, demand and best practice.

Mr Robin Walker: Our specialist schools face a challenge because they must have very large numbers of teaching assistants to provide individual support for pupils, so when funding increases to reflect pay awards in the teaching space, it does not keep pace with the increases for teaching assistants. In her conversations with the Treasury, will the Minister ensure that it understands that specific challenge and ensure that, as we see the welcome rise in the living wage, our specialist education sector is supported with the cost of that? They are very real costs and are needed.

Claire Coutinho: I will happily go away and look at that, but I would also make a point on the additional funding we have put into the mainstream sector so that it can cope with all sorts of rises in demands and costs.

As well as setting out best practice guides, we are training 5,000 early years special educational needs co-ordinators to help with early identification. One thing I have found from early-years settings is that there is a real desire to know more about this area. That is very welcome.

A couple of Members mentioned the transition stage into adulthood. I have visited some excellent places recently, including Weston College, which is a centre for excellence, and the Orpheus Centre in my own constituency, which is trying to build that sense of independence in our young people as they reach adulthood. We have also heard mention of teachers of the deaf, and I am really delighted that we have been working with the National Deaf Children's Society to deliver that apprenticeship, which will be very helpful, particularly because it attracts levy funding.

I would like to turn briefly to mental health, which has been a real challenge. We have been working very closely with the NHS on this. It is investing a lot of money for hundreds of thousands of extra children. We know this is a difficult area, which is why one of our first best-practice guides will be on this topic. We will also roll out mental health support teams in schools.

Geraint Davies: In mental health diagnosis, it is often thought that someone has a mental health problem when, in fact, they have a speech and language problem. Will the Minister think about ensuring that, when these assessments are made, particularly when people are actually incarcerated, speech and language therapists are on hand to ensure that there is no misdiagnosis?

Claire Coutinho: I will happily look at that, and raise it in my conversations with Health. That is quite right. There are lots of other issues as well, particularly autism in girls. A mental health challenge is often diagnosed when, actually, if the underlying autism were addressed, outcomes for young people would be improved.

I will close on this, so that the hon. Member for Swansea West has enough time. I am sure he will want to say quite a lot. Improving access to the right professionals, whether they are teachers, teaching assistants or the specialists we have talked a lot about today is a key part of our plans for reform. I thank everyone who has brought this matter forward for their detailed stories.

Jim Shannon: I was hoping the Minister might deal with this—I requested that she share conclusions in relation to the mainland with the relevant Department and with the Minister back home.

Claire Coutinho: I would be delighted to talk to the relevant Department and the hon. Gentleman's Minister about how we can share best practice. I know people rightly care about this area. Everyone here is grateful for the work of all the professionals across the education, health and care systems who work tirelessly to support our children and young people.

10.55 am

Geraint Davies: I have a surprising amount of time, but I will not take all of it. First, I would like to thank everybody who took part in the debate, with consensus about this massively important issue, which affects 1.5 million people across Britain. We welcome the Minister's sentiments. The point has been made that we need to speed up and deliver for the people who are seeing their children's life chances ebbing away in many cases, as we speak.

John McDonnell: Since my hon. Friend has a couple of minutes, one issue raised by the Minister was the role of the voluntary sector. I know he was speaking on behalf of a coalition of groups, but one issue we have not examined is the funding of those individual organisations. Many of us have concerns about the drying-up of funding from local government to the voluntary sector. We might now need to put that back on the agenda in discussions with the Minister.

Geraint Davies: We all know money is tight. As has been said, core funding to local authorities has been cut. It may be that many members of that coalition could do a lot more with additional funding, so that it would go further than it would by giving to it to other organisations. Clearly, that is not a perfect situation. We also heard about the importance of teaching assistants. It is a failure of budget management to reduce the amount of support for teaching assistants, who are on the frontline.

Coming back to the point about timing, voluntary organisations, teaching assistants and existing provision need to be supported now, as we support a strategy to move forward on training a specialist workforce. We are looking at designing what we hope will be a very good system as we move forward in the next couple of years. In the meantime, we need to deliver on the ground. I pay tribute to the 1,800 people who contributed to this debate. There would have been thousands more, if they had known about it. They want to tell us about their child. Everybody looking at their child's needs is frustrated, saying that Jane, John or whoever, has needs that are not being addressed, and the deterioration is clear.

We have heard examples of cases where the lack of early intervention meant greater intervention at higher cost later. As we have discussed, downstream we end up with lower life chances, lower tax revenues and higher social costs, a lot of which is avoidable. We need to work together to speed up the system. The people in this room and beyond would be happy to lobby Government about priorities and timing, to support the Minister to bring forward more ambitious and quicker action. That would support so many people and make such a difference to their lives. Thank you all.

Question put and agreed to.

Resolved,

That this House has considered a specialist workforce for children with special educational needs and disabilities.

Solar Rooftop Installations

11 am

Caroline Lucas (Brighton, Pavilion) (Green): I beg to move,

That this House has considered the matter of solar rooftop installations.

It is a pleasure to serve under your chairship, Mr Sharma. I am glad to have secured this debate about solar rooftop installations. Monday's report from the Intergovernmental Panel on Climate Change left us in no doubt about the urgency of tackling the accelerating climate emergency, and one of the fastest, most effective ways of doing so here in the UK is to step up plans to decarbonise our housing stock. In this short debate, I want to focus on rooftop solar in particular.

There is no doubt that the number of solar rooftop installations has soared in the last decade or so, and I applaud that achievement. I am also happy to applaud this Government's ambition to increase solar from its current capacity of around 15 GW all the way up to 50 GW by 2030 and then 70 GW by 2035. I am sure we are all united in recognising that achieving and, indeed, surpassing that target is vital.

Solar Energy UK estimates that, of the 15 GW of solar power capacity currently in place, around two thirds is on the ground, and the remainder is on residential and commercial roofs. This morning, I want to make the case for the installation of solar panels on all suitable new-build homes to be made mandatory and to explore how to overcome some of the obstacles to domestic solar.

Jim Shannon (Strangford) (DUP): I commend the hon. Lady for raising this issue. In my constituency, we are very keen to endorse this. Does she agree that solar roof panels can enhance the value of a property and that, for large families who use lots of hot water, the savings generated and the benefit to the environment can make the up-front cost worth while?

Caroline Lucas: The hon. Member makes my point beautifully. This is a win-win policy: it is good for householders and good for the environment, and it is good to get people's bills down too. I thank him for that intervention, with which I entirely agree.

Some 80% of the buildings that we will have in 2050 have already been built, and we must work hard to retrofit them with renewables, but the remaining 20% have still to be built, and maximising the deployment of on-site solar generation in new-build homes could be a real game changer. If we are serious about continuing and accelerating what has been achieved to date and generating a successful rooftop revolution, we should be mandating that all suitable new homes come with solar panels as standard. The Government have an opportunity to do that with the new future homes standard.

I echo the recommendation made by the right hon. Member for Kingswood (Chris Skidmore) in his net zero review that things be put in train to ensure that there are no delays to delivery by 2025. However, I would go further and argue that we do not need another consultation on whether to introduce a requirement for new homes to be built with solar, because we know that the British public are already behind the idea. A YouGov

[Caroline Lucas]

poll just a few months ago found that 80% of people across the UK would support the Government in making regulations to ensure that solar panels are the default on appropriate new-build houses. Only 9% were against that idea.

John Stevenson (Carlisle) (Con): I congratulate the hon. Lady on securing this interesting debate. It feels a bit like groundhog day, because in September 2017 I had a Westminster Hall debate on this very subject. Had the Government followed her suggestion, we would have 1 million new homes with solar panels today. Does she agree that making this compulsory would not only lead to 150,000-plus houses per year getting solar panels but would, in time, lead to price reduction, making it cheaper, and innovation?

Caroline Lucas: I pay tribute to the hon. Member for his leadership in this area. I am continuing, I hope, the great work that he did, and I agree with him entirely that there are so many wins. It makes economic sense for people, and it also makes sense for supply chains, because if they had the certainty of knowing that this was going to be a mandatory requirement, they would be able to gear up for it.

As I say, the British public are behind this idea—no wonder when, as the hon. Member for Strangford (Jim Shannon) has said, such a policy would save homeowners money. The figures that I have are that they would save between £974 and £1,151 a year on average on their energy bills. Solar Energy UK has found that installing a residential solar system on a new build property is 10% cheaper than retrofitting one.

There are a host of MPs from different parties behind this idea, including the hon. Member for Carlisle (John Stevenson), who tabled an amendment to the Levelling-up and Regeneration Bill that would make it a requirement for every home built after 1 April 2025. I agree with his analysis of the multiple benefits of such a policy, including for the economy, jobs, consumer bills and energy security.

For the avoidance of any misunderstanding, I completely understand—obviously—that not every individual site is suitable for solar panels. In their response to a recent petition on this issue that attracted over 15,000 signatures, the Government cited the importance of being able to tailor requirements to individual sites as one of the main reasons why they did not back the proposal that all new builds should be required to have solar panels as a condition of planning permission. However, clearly nobody is suggesting that solar panels should be put on roofs that are not suitable; it is simply being suggested that they are put on roofs that are suitable.

During an Environmental Audit Committee hearing last week, the Secretary of State for Energy Security and Net Zero put forward some other objections to this proposal. I think that they can all be countered successfully and I will take a little time today to try to do just that.

First, the Secretary of State said:

"We know that there are many different ways to skin a cat; decarbonisation, heat pumps, whether ground-source or air, could be a solution. If you start to say this is the only technology you can use and the only solution you use, you are in danger of losing out on a potentially better solution in that particular location."

That is what he said. However, insisting on solar panels is not akin to saying that they are the only renewables allowed, as the Secretary of State seems to think; in fact, nothing could be further from the truth. On a practical level, having solar panels to generate electricity for a home does not preclude, for example, having an air or ground-source heat pump as a renewable source of heat. Of course, solar panels are often used to help run heat pumps, because they are much cheaper and greener from an energy consumption perspective than using electricity generated by fossil fuel. From a legislative perspective, mandating solar panels on new homes is a bit like insisting that car manufacturers install seatbelts. It does not mean that they cannot also install a whole range of other safety measures.

Secondly, the Secretary of State expressed the concern that insisting on solar panels would push up the cost of a new home. However, under the Government's changes to part L of the building regulations and, indeed, the future homes standard, house builders already have to incorporate energy-saving and low-carbon heating technologies when they are constructing new homes, which will have a cost attached.

The average price for solar panels is around £5,000; if someone wants batteries on top, the cost is between £1,200 and £6,000, according to the Energy Saving Trust. However, that is a relatively small fraction of the cost of a new home and it would quickly be more than offset by the many benefits and cost savings across the economy, including lower bills for the householder, as the hon. Member for Strangford has indicated. There is evidence that solar panels add value to a house—an average of £1,800. In addition, there are ways for the Government to mitigate any increases for house buyers, which I will say a little bit more about shortly.

Moving on, the next obstacle that the Secretary of State came up with was that mandatory solar panels would apparently cause an additional housing crisis, because of the problems with global supply chains for things such as critical minerals. Again, that argument does not really bear scrutiny. Evidence given to the Environmental Audit Committee earlier this year made it clear that if there was the right political will it was perfectly possible to source materials outside China, where the current problems lie, and that alternatives to silicon exist, such as perovskite, which can be sourced and supplied outside regions of conflict, and at low cost, to the capacity of 30 TW. Our expert witness, Dr Case, the chief technology officer of Oxford PV, said to the Committee:

"It is not a material that would be a problem if we pushed forward with deploying this technology in the future."

Finally, another reason that the Secretary of State came up was that this proposal would stifle innovation. He said:

"To answer your question as to why we should not just simply mandate solar as the solution in, for example, the future homes standard, my answer would be that as soon as you do that, you take away innovation."

Again, that argument simply does not stand up to scrutiny. The Government have relied heavily on the smart export guarantee to drive growth and innovation, but Solar Energy UK has made it clear that we will need something more than that to reach 70 GW. Self-consumption makes much more sense, particularly with the economics of solar being where they are now, than selling the electricity that is generated back to the grid.

In its REPowerEU plan, the European Commission explains how the policies that it advocates, including the solar rooftop initiative, will make technologies such as solar more sustainable, as well as focused on innovation right across the value chains. There is also potential for mandatory solar on homes to generate the conditions for a regulatory sandbox, with the industry working alongside house builders to trial new innovations—something that the European Commission is, again, encouraging.

With the UK seeking to build 300,000 homes a year by the mid-2020s, the industry would have a steady market, creating the conditions for innovation, greater efficiency and therefore lower costs. That would be in marked contrast to the stop-start approach that the right hon. Member for Kingswood identified in his net zero review as a significant barrier to the investment needed to meet our renewables target.

At the risk of pre-empting the Minister's response, I want to say a few words about mandating versus the presumption that future homes will come with renewables baked in. Actually, I just want to say one word: predictability. From successive Governments since 2010 we have had the zero-carbon homes standard, the code for sustainable homes, feed-in tariffs, smart export tariffs, the energy company obligation and green homes grant. It is no wonder the net zero review found that lack of confidence in "inconsistent" Government is a huge barrier to renewables investment. That needs to change. As we know, house builders will build to the regulations.

The Government need to get fully behind solar and to help create the conditions for the industry to grow, for houses to be built with solar roofs by default, and for all that renewable capacity to be fully realised. As the Aldersgate Group highlights, providing regulatory clarity to business is also how to accelerate innovation. Governments should not just rely on markets. They need to continue to play a leadership role.

Rooftop solar installations are a British success story; when it comes to research and development, we are world leaders. Although there have been some ups and downs because of the stop-start policy framework, the rate of installation has rapidly improved in recent years. The Minister knows that last year saw more than 130,000 rooftop solar arrays installed in the UK—more than double the number installed in 2021. The industry estimates that we need a further doubling of the current pace of installation for consumer-scale systems to meet the solar power target set out in the Government's energy security strategy. To put it another way: we need an average of 4.3 GW per year of solar to be installed, compared with the 3.2 GW installed last year. That is clearly achievable if we step up the pace. In fact, it would be less than in 2011 and 2012, at the height of the feed-in tariff era. As I hope I have successfully argued, equipping every new home with the capacity to harvest the sun's abundant energy will drive the next stage of solar's growth.

In the meantime, I recognise that there are still some obstacles, most notably the restricted availability of equipment and an acute skills shortage. I want to say a little about each of those and propose potential solutions.

When the Secretary of State appeared before the Environmental Audit Committee last week he referenced capacity issues in supply chains. I understand those concerns and agree that steps must be taken to diversify and develop regional supply chains, including transparency standards, but that needs to happen anyway, whether or not new homes are automatically fitted with solar. That kind of requirement would spur things on.

Overcoming the skills shortage is equally important. It demands a skills and training revolution—a solar army. The industry estimates that the 70 GW target could take us to 60,000 jobs in the UK. The previous peak was in 2014, when solar had 20,000 employees. But those new jobs need people to fill them. At present, from manufacturing to construction and engineering, from maintenance to data analysis, there is a growing gap between what is required to deliver on solar and the skills base that is coming through our training and education pathways. Solar builders are also competing against the wind and automotive industries for workers.

Requiring solar on all new homes could create an extra incentive to address the bottlenecks and, for example, unleash the huge potential there is to retrain workers from the energy sources of the past, so that they can transition to the renewable sectors of the future. Around 70% of oil and gas jobs have some skill overlap with low-carbon roles, and across Europe there are examples of good practice in using the closure of coal-fired power stations as an opportunity to draw on a new potential talent pool. For example, more than 120 people from a coal-fired power plant near Rome are being given solar panel installation training right now. Others in the industry are setting up their own training centres; Svea Solar opened three in Sweden, Spain and Germany in 2022, for example, training around 600 people.

Here in the UK, London-based Solar Skills is an example of how industry is aiming its efforts at career switchers and secondary school leavers, with bootcamp-style introductory training workshops and online training, as well as interview opportunities with existing solar companies and the potential to progress on to apprenticeship schemes in London-based solar businesses. The Trafford-based Green Skills Academy is doing exactly as its name implies, offering a number of training courses in green technologies, including solar, to support Manchester becoming a zero-carbon city by 2038. From the global accounting firm PwC to the think-tank Green Alliance, there is consensus that more people must be attracted into green energy in order to deliver on the UK's targets.

I acknowledge that the Government are aware of the problem, but their response to date has been piecemeal. The Minister will know that the apprenticeship levy, for example, is still underspent. I hope he can say something today about an approach that is more joined-up, strategic and comprehensive.

I would also welcome the Minister's comments on how the Government will be tackling the traditional under-representation of women and ethnic minorities in the energy industry so that, as the sector expands, that does not become more pronounced and exacerbate the skills gap challenge. Working with the sector to ensure that the workforce receives regular training to keep up with rapid technical and legislative changes must go hand in hand with addressing the skills shortage. Will the Minister tell us whether that forms part of his discussions with the solar industry? All those issues

[Caroline Lucas]

need addressing if the pace of rooftop solar installation is to keep up with the demands of consumers and the climate crisis.

My last point is about finance. The organisation 100% Renewable UK has calculated that mandatory solar panels and heat pumps in new homes would add around £8,000 to the cost of a new home, with that amount decreasing as installations gather speed. That is no more than a 4% increase on average new house prices of, as I said earlier, around £180,000. Of course, if they wanted, the Government could offer interest-free loans for this technology. They have already said that they are looking at

"options to facilitate low-cost finance"

to make it easier for retail lenders to drive rooftop deployment. What progress has there been with solutions such as property-linked finance or green mortgages, which have been identified as tools to help consumers with the capital cost of installation, or with regulation, for example, to incentivise low interest rates for green mortgages?

When I asked the Minister about solar at the last Department for Energy Security and Net Zero oral questions, he said he wanted to "go further and faster". During last week's Budget statement, the Chancellor proudly proclaimed that he was fixing the roof while the sun was shining. Both of those signs are encouraging, so I hope the Government will back solar in an even bigger way, starting by making it mandatory on all suitable new homes. It is a win-win policy, lowering bills and those all-important carbon emissions, while massively boosting our thriving renewables sector, improving energy security, creating hundreds of thousands of good-quality jobs and helping to level up, all at no cost to the taxpayer. That is what a rooftop revolution looks like, and that is how to ensure targets get delivered.

11.18 am

The Minister for Energy Security and Net Zero (Graham Stuart): Let me begin by congratulating the hon. Member for Brighton, Pavilion (Caroline Lucas) on securing this important debate and giving such an impassioned, well-informed, moderate and fair speech. I say that all the more so because I think I chided her the last time we were in this Chamber. She has continued to be a champion for rooftop solar, alongside my hon. Friend the Member for Carlisle (John Stevenson), and that is a passion that I think we all share.

Deploying commercial and domestic rooftop solar is a key priority for the Government, and it is one of the most popular and easily deployed renewable energy sources, with 1 million homes now having solar panels installed. The hon. Member for Brighton, Pavilion graciously referred to the progress that has been made, and I was delighted to see that. There were 138,000 installations last year—nearly as many as in the previous three years combined. In addition, we have around the same level of solar capacity as they do in the sunshine-radiated country of Spain, and more than that of France, so, on a comparative basis, I think we have been doing pretty well. I have rehearsed this fact many times, but it is always worth sharing that just 7% of our electricity came from renewables in 2010, before we had a Conservative-led Government, and it is now heading towards half. I am proud of that.

However, I agree with the hon. Lady that that is not enough. If we are to fulfil our net zero pledges and Government aspirations in this area, we need to go further. Solar can benefit households and businesses by allowing them to reduce electricity bills significantly and receive payment for excess electricity generated. Warehouses, distribution centres and industrial buildings with high electricity demand can also offer significant potential for solar deployment, which can rapidly pay for itself through energy bill savings. Projects can be installed quickly and relatively cheaply, and that creates new local jobs and contributes to a green recovery.

The British energy security strategy affirms that the Government will aggressively explore renewable technologies, including rooftop solar, to contribute to a net zero-compliant future. As the hon. Lady said, the report out this week, which gives us the latest update on the science, shows even more starkly how important it is that we and others move in a net zero direction. We expect a fivefold increase in solar deployment to 70 GW by 2035. That builds on the 14.5 GW capacity already deployed across large-scale ground-mounted solar and rooftop installations in this country.

The Government already support rooftop solar through the smart export guarantee introduced in 2020, which the hon. Lady referred to. It enables households to receive payment for excess electricity generated, which is then sold back to the grid. In December 2021, the Government introduced an uplift in energy efficiency standards, which came into force in June 2022, and we expect that, to comply with the uplift, most developers will choose to install solar panels on new homes or use other low-carbon technologies such as heat pumps.

On the SEG, I was pleased to see just yesterday that an energy supplier, Good Energy—it is worth naming it for doing a good job—has launched a new market-leading smart export tariff for households with solar panels. It is "Power for Good", and it will pay 10p per kWh—significantly more than rivals. That is worth highlighting, because it is exactly the kind of competition we want to see for green consumers, and I believe it will also transfer into higher deployment.

In 2022, the Government removed VAT on solar panels and on solar panel and storage packages installed in residential accommodation in Great Britain. We are also providing fiscal incentives to encourage businesses to install rooftop solar—for example, through tax relief and business rate exemptions for installing and generating solar power. We also have the Government's energy efficiency schemes, such as the social housing decarbonisation fund, the home upgrade grant and the energy company obligation, all of which include solar panels as an eligible measure, subject to certain requirements. That all makes rooftop solar even more accessible.

As I said, whatever our record to date, we want and need to go faster. That is why, just last month, the Government published a consultation on changes to permitted development rights, seeking to simplify planning processes for larger commercial rooftop installations, and introduced a new permitted development right for solar canopies, enabling more solar installations to benefit from the flexibilities and planning freedoms that permitted development rights offer.

We have not stopped there. As part of the consultation on the future homes and buildings standards, which will be published later this year, the Government will explore

how we can continue to drive on-site renewable electricity generation, such as rooftop solar, where appropriate, in new homes and other buildings.

Notwithstanding the hon. Lady's understandable impatience—she says that we should just get on with it—in that consultation and that process this year, we have the opportunity to take forward the arguments that she and my hon. Friend the Member for Carlisle have deployed.

Caroline Lucas: Unsurprisingly, the Minister sings the praises of what the Government have done so far, but he does acknowledge that it will not be enough. I wish to come back to the industry estimate that we need a further doubling of the current pace of installation for consumer-scale systems to meet the Government's own target. Why are the Government setting their face against all the arguments that have been amassed about making solar mandatory? He has not said why he is against doing that. As well as having this debate just now, I wonder whether he would be prepared to meet me in the coming weeks so that we can get to the bottom of why the Government do not want to go down that road.

Graham Stuart: The hon. Lady anticipates what I was going to say, because I was about to suggest that I would be happy to meet her and discuss these matters. As she said, the Secretary of State gave a number of reasons at the Environmental Audit Committee as to why mandating might not be the right thing. The hon. Lady has addressed some of those by saying that no one is suggesting that solar should be imposed on buildings where it is not suitable. It is about defining that, making sure that it is right and talking to all the various stakeholders. That is why, if we were to choose to go down that route, we would need to go and talk to people and get their inputs as well. I am all ears, because, as the hon. Lady says, we want to drive this forward and to do so in the most appropriate way.

As I said, our record to date is pretty good comparably, but we must consider what we need to do. It is not enough to be in the lead. Looking at various assessments of policy, we may be just about the only economy that is aligned with net zero by 2050 at the moment, but to stay on track we have to move ever more ambitiously forward.

John Stevenson: I commend what the Government have done. They have done a huge amount over the past 10 or 12 years, which is entirely to their credit. Interestingly, genuine cross-party consensus is emerging and Members do support what is being suggested. I tabled an amendment to the Levelling-up and Regeneration Bill, which did not go to a vote, but if were to come back from the House of Lords as an amendment to the Bill, would the Minister, given that there is quite a lot of support across the House from all parties, look seriously at reconsidering the Government's position?

Graham Stuart: As I said, we are under a legal obligation to meet our net zero obligations, and we have set a target of that fivefold increase by 2035. We are open to argument, but we want to get the policy right. It is not our position that mandating solar on all appropriate roofs is the right policy now, but we are very open, and I am happy to meet the hon. Lady and others to discuss this further. I look forward to developing arguments to get this right, and I am sure that that is what we all want. It is not about an obsession with mandating; we want to do that which will most increase the take-up of solar in an appropriate way.

There is more to be done to meet the opportunities that rooftop solar provides. As an example, we and Ofgem recognise that connection costs and timescales can be a barrier to the deployment of rooftop solar. Currently, rooftop solar projects are required to contribute to any distribution network reinforcement needed to accommodate the connections but Ofgem has decided that, in future, for connection applications received from 1 April, rooftop solar projects will no longer be liable for such costs where the solar capacity is less than the demand on a site. Where the solar generation exceeds site demand, projects would still contribute less than they have previously. As well as reducing connection costs, this should accelerate connection times for rooftop solar.

I understand that up-front costs of solar might prevent households from installing, which is why the Government are working to facilitate low-cost finance from retail lenders for homes and small business premises, aligning with the recommendations in the Skidmore review on net zero. I meet regularly with financial institutions that have signed up to net zero and that are looking to work with us to come up with the right methods to provide the answer to the finance question, which was one of the hon. Lady's points.

I have very little time left, but let me look down at the questions that the hon. Lady gave me to see whether there is anything to which I can usefully respond. On skills, I entirely agree with her. I am the co-chairman of the Green Jobs Delivery Group. We have refined that, and we have met a number of times. We have reduced the membership to make sure that we are focused on action—action this day, as Churchill would put it—and that we get the data from industry so that we can carry that to the Department for Education and other colleagues to make sure we have the bootcamps, the apprenticeships, the T-levels and the rest of it to prepare people for what will be a significant pipeline of future jobs—good jobs, I hope. I liked the seatbelt analogy that the hon. Lady used, with one thing not necessarily being a barrier to another, but, of course, there is always a limited amount of capital available.

In conclusion, the Government have already taken decisive action to encourage the deployment of rooftop solar. We will strive to push even further over the coming year to make sure that rooftop solar plays an even more active part in meeting our decarbonisation targets. It helps to alleviate energy costs at this time, when energy security is at the top of the public mind, and it reduces reliance on imported energy.

I thank the hon. Lady for securing the debate, for the way that she has conducted it and for the arguments she has put forward. Working in conjunction with my hon. Friend the Member for Carlisle, I am sure we can meet and take this matter further.

Question put and agreed to.

11.30 am

Sitting suspended.

International Child Abduction

[Judith Cummins *in the Chair*]

2.33 pm

Judith Cummins (in the Chair): Before we start, I welcome members of the public to our proceedings. I remind Members here to err on the side of caution so as not to prejudice any live cases in this country.

2.34 pm

David Simmonds (Ruislip, Northwood and Pinner) (Con): I beg to move,

That this House has considered the matter of support for parents affected by international child abduction.

Once again, it is a pleasure to serve under you this afternoon, Mrs Cummins. The subject matter of this afternoon's debate encompasses some enormously difficult issues for our constituents affected, many of whom are with us today, arising, as it does, from matters of family breakdown and often a history of drawn-out and sometimes painful litigation.

I think I need to be clear that it is not for us, here in Parliament, to rehash the arguments on either side of individual cases, nor to seek to make any kind of judgment about the merits of the family and sometimes criminal proceedings that have played a part in the situation that our constituents now face. Having served as a magistrate myself, I have confidence in the due process of law in all of our courts, and in the soundness of their judgments in respect of my constituent and others. The purpose of the debate is to seek action to bring about the enforcement of the decisions of our courts in international law where due process has been followed but not consistently respected.

This starts as a matter drawn to the attention of the House in the Justice Select Committee's third special report of Session 2017-19, which covers the legal implications of Brexit for our justice system. The report highlights the risks of not having effective means to put into effect legal judgments where children have been abducted. As ample evidence and research demonstrate, the longer the duration of the abduction, the greater the negative impact on all concerned, so time is clearly of the essence.

I want to place on record my thanks to other Members —some are here to contribute to today's debate—in particular my right hon. Friend the Member for Witham (Priti Patel), who has similarly affected constituents and who has taken an active interest in the issue and helped me to understand how we might support our constituents more effectively. I appreciate that, due to a prior commitment relating to the Westminster bridge terror attack, she is unable to be here today, but she has made points that I have incorporated into my remarks. I am also grateful to my hon. Friends the Members for Wealden (Ms Ghani) and for Bolsover (Mark Fletcher), and the hon. Members for Hammersmith (Andy Slaughter) and for Putney (Fleur Anderson), who have approached me to express an interest in the matter because they have constituents affected by it.

In respect of the cases that have been brought to the attention of Members by constituents, it is important to state, without going into the detail of any of them, that due process in the UK has resulted in a parent having custody, sole or shared, of their child, and the children have then subsequently been removed without the consent of the parent—in the case of my constituent to Poland. As Members might be aware, one objective of the convention on the civil aspects of international child abduction, which was concluded at The Hague on 25 October 1980 and is known as The Hague convention, is to protect children in international law from the harmful effects of wrongful removal, or retention away from the parent with whom they should live, and to ensure that procedures are in place to ensure their prompt return to the state of their habitual residence. That convention, which entered into force on 1 December 1983, was ratified by all European Union member states.

Article 1(a) sets out

"to secure the prompt return of children wrongfully removed…or retained in any Contracting State".

Article 2 states:

"Contracting States shall take all appropriate measures"—

appropriate measures is an important phrase—

"to secure within their territories the implementation of the objects of the Convention."

It goes on:

"For this purpose they shall use the most expeditious procedures available."

It is important to note that The Hague convention is not the only legal basis that parents of abducted children may use. We hear Brussels II and IIa often mentioned as legal avenues that can be pursued, which are subject to the proceedings having taken place when the UK was an EU member state. Following the same principle as The Hague convention, it is essentially mutual recognition of the orders of each other's courts being embodied in the treaties that underpinned membership.

Mutual recognition requires each country to respect the integrity of due process in another's territory. Given the time-critical nature of child abduction cases, the so-called non-appealability, or finality, of such decisions is an important feature. As a matter of course, the UK respects such judgments, as do almost all the countries that are signatories to The Hague convention.

The Justice Committee's report states that child abduction is among the issues to which the Brussels II provisions apply. It refers to the very complex relationship with The Hague convention, but also sets out that the provisions take precedence in setting out a legal means to bring about a swift resolution of problems when they arise. The report goes on to set out what type of arrangements there might be and what expectations there would be of member states to ensure that those expectations were swiftly met.

Disappointingly, what is very clear is that many Members present have been contacted by their constituents once it is clear that what should be a transparent, straightforward and extremely swift process has not been followed by the authorities in another country—in my constituent's case, that was Poland—and they are seeking the assistance of the UK Government to enforce the law. This is not a request to go beyond anything that is already enshrined in law; it is simply a matter of enforcing the law that our international agreements recognise.

While there has been considerable ongoing engagement with the Foreign, Commonwealth and Development Office and Ministers, including meetings with, among

others, the Minister for Europe, my hon. Friend the Member for Aldershot (Leo Docherty), and the British ambassador to Poland, the response and assistance from the Polish authorities in particular has been very disappointing. That is particularly true at the local level, where the enforcement of court orders by the police and court-appointed curators is critical to ensuring the successful return of children. Unfortunately, the experience of my constituent is not unique. We can see from the number of Members present and those who have expressed an interest that there appears to be a common theme, particularly where the children have been taken to Poland.

On 26 January, the European Commission launched an infringement procedure against Poland by sending a letter of formal notice to it for its failure to fulfil its obligations under the Brussels IIa regulation. That infringement case concerns the non-conformity of Polish law with the Brussels IIa regulation, specifically to the provisions relating to the enforcement of judgments or orders that require the return of abducted children to their country of habitual residence. So, at EU level, the situation has reached a point where the Commission considers there to have been a systematic and persistent failure of the Polish authorities to speedily and effectively enforce the judgments to which they have committed under international law and order the return of abducted children to EU member states. This is not simply a problem affecting our constituents here in the UK; it is a matter of some moment across Europe.

Separately to this case, a matter has been heard in the European Court of Justice, where a Polish court of appeal asked the ECJ whether, in accordance with the Brussels II provisions and The Hague convention, it could provide an additional stage of appeal, which would in effect result in an automatic delaying tactic in Poland. It would mean that the enforcement of a final return order, which under international law should be expedited, would be at best delayed, on a simple request by one of the various authorities lodging such an appeal.

In January, the response of the advocate general of the European Union argued that, by adopting such a provision, the Polish legislature had exceeded the limits of its competence and had rendered the return proceedings ineffective. That is the source of the enormous frustration that so many of us are facing with our constituents. Due process of law in the United Kingdom and other countries has resulted in an outcome—an outcome where we are not required to judge the merits, but where we can have confidence in the due process of law—and yet that outcome is simply not being respected.

Given these cases before the European Union and matters that have been dealt with in the UK, it is perhaps not surprising that constituents are approaching their Members of Parliament. They have little faith that the due process of law will result in the relevant authorities delivering on the required court orders to return their children to the United Kingdom.

As well as the legal issues that I have set out, we need to recognise that the extensive delays and the enormous cost of engaging this process have placed a huge and sometimes nearly intolerable burden on many constituents. International law, and law in general, is there to ensure that justice is done and wrongs are put right. It is very clear to date that we are not seeing these significant wrongs put right.

The question then becomes: what recourse do our constituents have when they face such a situation? The legalities are very clearcut. It is highly likely that a case that was taken to the European Court of Human Rights would result in a finding against the Polish authorities, but that is of no comfort when the situation of the abducted children remains exactly as it was before, and a compensation payment and note of wrongdoing simply do not bring about anything like the resolution required by the affected families.

The proceedings brought by the European Union are likely to take a long time to reach a conclusion, and they will certainly test the limits of what power the European Union has when a member state simply refuses to abide by a treaty that it has freely signed. In the circumstances, we must pay tribute to the determination of all these parents—mums and dads—who are continuing to fight for the return of their children in a truly remarkable way. Yet we simply cannot treat each as an isolated case when there are so many consistent themes emerging.

I will move to my conclusion. While my right hon. Friend the Member for Witham set out to welcome the support that the Government have provided thus far, the fact is that in the case of her constituent, as well as a number of similar cases linked to other Members, the children are still overseas, despite court orders for their return, and there is still much work to be done to reunite them with their families here.

Poland is an old and important ally of the UK. Our friendship dates back many years, and my constituency and local area is home to many of Polish heritage. The nearby Polish war memorial in the Uxbridge and South Ruislip constituency celebrates our shared military endeavours in world war two. We should not face a situation where a trusted and valued ally refuses to reciprocate the respect that we show to the judgment of their courts, as required under international law. My ask of the Minister is this. We need to take seriously the plight of our constituents and their abducted children and, in the spirit of what is and will remain a strong and friendly relationship with an important ally, place the evidence before their Government and seek swift and just compliance, with the decisions arising from the due process of law, as our international legal framework requires.

Several hon. Members *rose—*

Judith Cummins (in the Chair): Order. Before I call our first Member, I remind Members to err on the side of caution in order not to prejudice cases that are live in this country.

2.47 pm

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve with you as Chair, Mrs Cummins. I congratulate the hon. Member for Ruislip, Northwood and Pinner (David Simmonds) on securing the debate and setting out, in his usual clear and methodical manner, the issues that we will deal with.

I know that other hon. Members, without crossing any sub judice rules, will want to talk about individual constituents' cases, and to use them, as I intend to, to illustrate this serious matter. I could not agree more

[Andy Slaughter]

with what the hon. Gentleman said; this is about where proceedings have taken place and due process has been followed, often at great expense, and where, almost invariably, one party is unhappy with the outcome—normally litigation—but resolves that simply by not following the rules and by taking children out of the jurisdiction. The question is: what happens then? Does the system work? If it does not work, how can we make it work?

I wish to focus on a rather specific area of the issue, with its own particular problems. I have given notice to the Minister and the shadow Minister that I will raise issues that specifically relate to the Turkish Republic of Northern Cyprus, where there are all the usual problems and more—that is, children being taken out of this jurisdiction to that jurisdiction without the consent of the responsible parent. Perhaps we should call it an unintended loophole as, because the children are taken to the TRNC—if I may call it that—against the direction of the courts, and because northern Cyprus is not a signatory to The Hague convention on child abduction, the systems break down almost immediately. Our Government rightly do not recognise the TRNC, but there is therefore no co-operation, even from stage one, in organising the return of the children, even though, as I say, due process has been followed. I appreciate that there are particular problems with other countries; Poland has been mentioned already. There are always problems in child abduction cases and I think that all Members present today will have dealt with quite a number of them, but with northern Cyprus we do not even get to first base.

The constituency case that has been brought to my attention, which I think illustrates the issue well, is that of a father whose children were taken to northern Cyprus in 2018. The two parents separated in 2011. Residence proceedings began for two brothers who were then aged four and two years old. There were seven years of litigation, which again is not uncommon, because one parent made it as difficult as possible for the court to do its work over that period. There were many court hearings and appeals, and much turmoil, and a final appeal decision in 2018 unambiguously granted custody to the father.

The children, who were four and two at the beginning of the process, were 10 and eight at the end of the proceedings in this country. They were then taken out of this jurisdiction and are now aged 15 and 13. They have spent most of their lives embroiled in litigation or its consequences, because on the day before the final appeal decision was handed down, and in knowledge of what that decision was likely to be, the mother fled to the TRNC with the two children, following a convoluted route that went from Scotland to Northern Ireland to the Republic of Ireland to Turkey and then finally to northern Cyprus. One can infer from those facts that she knew exactly what was happening and that there was a disregard for the law in this country. The father has not seen his children since and has had no contact with them. He continues to instruct counsel in northern Cyprus, again at further significant personal cost, to try to arrange some visitation rights. However, any attempts to have his children returned to him have encountered immovable barriers.

All the proceedings through all the UK courts are not taken into consideration. I think they will be read for reference, but clearly they do not apply in northern Cyprus. There is likely to be some bias towards resident rather than non-resident parents; clearly, neither the father nor the children is at fault for that. There is also no role for child welfare—that is, it is a pure consideration of rights of visitation. The whole process is starting again, with the time and the costs and everything else that that involves.

A return order is in place. The UK authorities, like the father, are aware of the children's location in northern Cyprus, but there has been no action. The courts in England and Wales recognise the father as the legal guardian of the children, but they are powerless to bring them home unless the mother co-operates with the return order, which all her conduct so far has shown that she will not, or unless—this is the point of my taking part in the debate—the UK authorities are able in any way to intervene. This is not an isolated case. As I am sure the Minister has been made aware, other parents face a similar ordeal to be reunited with their children with little or no support or guidance on how they to do that.

It is easy to find out, simply by internet research, that some organisations give advice and assistance to help those who wish to leave this jurisdiction to do so, and a number of parents have specifically gone to northern Cyprus because they know of the jurisdictional problems —or fracture—and that it is therefore a place where they can more easily escape the enforcement of judgments by UK courts. The Government should be particularly concerned about that, if there is an organised flouting of court orders that brings the whole process into disrepute. I am told that this has been going on for more than 10 years.

As I have said, there are now a growing number of cases—word gets round, people find out. In my experience, this is quite an unusual form of child abduction. It is going to a location with which the errant parent may have no connection. It is not, as is often the case, somebody taking a child back to their own country of birth, or where they have existing contact links or other family. This is about purely using a jurisdiction that is unlawful in the eyes of many countries, including the UK, in order to escape attention.

To be honest, it is not good enough for the Foreign, Commonwealth and Development Office to say that there is nothing that it can do about this, and, effectively, that is what it says. If we look up the TRNC on the FCDO website, we will see that there is a specific footnote to say that there is nothing that it can do in child abduction cases. That is not satisfactory. It may be that the Minister cannot give a full response today on what legislation or other steps would be needed, but I hope that this is at least the start of a dialogue that will look at that. I would like to hear from the Government what their thoughts are on this matter. I would also like the Minister's agreement that we can go away and look at the cases of children taken to the TNRC specifically against the rulings of the courts in this country.

Perhaps I should add that there is some below-the-radar contact between the two jurisdictions. There have been examples in serious criminal cases of co-operation between the law enforcement agencies of both countries. I am told that we recognise the qualifications gained through

the education system in northern Cyprus. I know that in this country property is advertised for sale in that area and, indeed, that many holiday companies in the UK will offer holidays there as well.

I understand the Government's dilemma that they do not want to give plausibility or credibility to a country that has been illegally occupied for a number of decades, but the fact remains that it is in people's humanitarian interests—and, it appears, in commercial interests, as well as, in some cases, law enforcement interests—for business to be done in that way. I would say that child abduction cases are certainly as serious a matter as commercial dealings and recognition of qualifications. It is clear that there are practical means, as well as some legal means, that can deal with this situation.

Before I conclude, let me suggest one or two other things that could be done. The first is that there is no legal aid available for non-Hague convention cases, which seems a double unfairness. Many parents fighting to bring their children home face huge pressures on their finances and, no doubt, some simply cannot afford to continue. Such proceedings can be ruinously expensive and can run on for years—often through deliberate delay in the courts. Unless there is some financial assistance—this should not be a matter of how deep people's pockets are—it may be that some families will never be reunited and children will remain separated from their parents.

I would also like the FCDO to look at how we engage specifically with individual countries and jurisdictions on the issue. Clearly, there is not a one-size-fits-all answer. It would be useful to have a clear procedure that applies to the TNRC as well as to other countries where there are particular problems. It would also help if there were a more proactive role for Government to work with parents in that position to identify pathways for the return of their children. To prevent what happened in this case, the Government could consider the suspension of children's passports during residence proceedings to limit the chance of children being taken abroad to avoid complying with court orders.

I will leave my remarks there. I am interested to hear what my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous) says. What I am looking for from the Minister is an acknowledgment that there are particular problems with the TRNC and such countries, and that they are not being addressed now. I would like some idea of what the Government think can be done. If there are other matters that can be raised in correspondence after this debate, then so be it, but I would like to see a willingness to engage with myself and my constituent, as well as other people who have been affected in the same way, to address the issue.

The problem has been going on for far too long now. It has been put into the "too difficult" column because of political and jurisdictional issues. However, as a consequence, court orders made in this country are being flouted, and, more importantly, children are growing up without seeing parents because one parent does not like the judgment they have been dealt. I hope we can make some progress today, although I realise it is the beginning, rather than the end, of the matter.

Judith Cummins (in the Chair): Order. I ask Members to keep their remarks to around seven or eight minutes, then we can get everybody in.

3.1 pm

Mark Fletcher (Bolsover) (Con): It is a pleasure to serve under your chairmanship, Mrs Cummins, and to follow the hon. Member for Hammersmith (Andy Slaughter). I pay tribute to my hon. Friend the Member for Ruislip, Northwood and Pinner (David Simmonds), who gave an outstanding introductory speech. He and I have spoken about the issue on a number of occasions, as we are two Members with constituents who are affected. It is an incredibly difficult and complex area. As he alluded to in his opening remarks, my right hon. Friend the Member for Witham (Priti Patel), who unfortunately cannot be in the Chamber, has been incredibly helpful, and has covered a lot of ground on this. We have followed in her slipstream to try and make progress in this incredibly complicated area.

Parental child abduction is a dreadful act that is unfortunately more common than we anticipate in our society. In such complicated and emotive cases, it is crucial that the welfare of children is at the centre of all our discussions. Too often, the legal and moral questions become a battle of wills between parents, and leave a vulnerable son or daughter displaced, manipulated and stranded from the life they were due.

I want to raise the case of my constituent John Fletcher, and his daughter Maya who was abducted by her mother to Poland in 2018. Maya was born in November 2014 and is now eight years old. Despite court orders in both the UK and Poland, Maya's mother took her to Poland in 2018. An appeal at The Hague found in favour of Mr Fletcher, yet the Polish authorities have not assisted in locating and returning Maya to the UK. He has tried his best to have the court's decision enforced multiple times since 2019, at great personal and financial cost, but to no avail.

The Polish authorities have not been co-operative and have given spurious reasons for their lack of assistance. Mr Fletcher believes that the Polish authorities are siding with the mother. As a result, Maya is currently residing with her mother in Poland, despite a court order saying she should be returned to the UK to live with her father. That is legally and diplomatically incredibly difficult.

I do not wish to return to the remarks of my hon. Friend the Member for Ruislip, Northwood and Pinner, and the way in which he outlined the legal situation, but I will touch on two areas. First, I am from Polish stock; my mother's father was very proud of being Polish and I have always had a great affinity with that country. As has been alluded to in more than one speech, Poland is a great ally of this nation on many fronts. I appreciate that we recently left the European Union—there was a bit of news about that—which has changed the relationship in some ways. Nevertheless, diplomatically, I feel that parental child abduction is one of the great sore points in our relationship with that great nation.

I appeal to the Polish authorities and indeed the Polish Government to take stock and think. If the shoe were on the other foot, would a similar reaction be acceptable? Various legal procedures have been followed by many of our constituents, yet they still are not getting anywhere. I am great friends with the Minister. I know that she is always assiduous in researching every debate that she responds to, but I ask her directly whether the Foreign, Commonwealth and Development

[Mark Fletcher]

Office is giving enough resources and priority to these cases. It feels to me as though we are finding officials at a very junior level, but the engagement that is necessary at a more senior level is perhaps being denied to our constituents.

I would also like to touch on what it is like emotionally for the parents involved. I mentioned the great financial and personal cost; Mr Fletcher sold his house, moved back in with his parents, moved jobs so that he can work more shifts and has gone out to Poland almost once every six weeks to try to retrieve his daughter. He spends every pound that he can gain on trying to return his daughter. It is really important to say that he loves his daughter very much. She is his world. He has lost not just his marriage, but the thing that came from his marriage that he is so fond of. When we have these debates, we must cover the technical, legal and diplomatic aspects, but we must also remember the individuals behind the stories.

I am not prone to hugging the constituents who come to my surgeries. I think I would have even fewer attendees if it was well known that I did. But I have to be honest; I spent half an hour with Mr Fletcher, who I had met previously, and I had nothing helpful to say to him beyond, "I will try and I will work with other hon. Members who are dealing with similar situations." In those circumstances, we need to remember those individuals. A hug is meaningless in a surgery unless I can stand here and tell the Minister that this is what we are facing and unless she can go back to her Department and all those officials who speak to the Polish Government and others on a regular basis and make it a priority, because Mr Fletcher really needs our help.

3.8 pm

Fleur Anderson (Putney) (Lab): It is a pleasure to serve under your chairship, Mrs Cummins. Thank you for allowing me to speak. I warmly congratulate my London colleague, the hon. Member for Ruislip, Northwood and Pinner (David Simmonds), on securing this hugely important debate. It will not be top of the headlines today, but this issue is of high importance to many families across the country. When we talk about crimes, we describe some crimes as being high in number but low in impact and others as low in number but very high impact, and that is what we are talking about today.

It has been a pleasure to work with the hon. Member for Ruislip, Northwood and Pinner on this issue. I hope this debate is a watershed moment for those parents suffering because of this injustice. I hope that it acts as a wake-up call to Government to right a wrong that was done—inadvertently, I believe—over the time of Brexit and can be put right.

We are talking about children who are settled in school, settled in their communities and with their families, including their wider family. I am here on behalf of a constituent who is a wider family member, not a parent. That shows the impact that child abduction has; it impacts not just the parents and the close family, but the wider family.

These children are seeing their mother and father on a regular basis in accordance with what the UK courts agreed and stipulated, but then, without the consent of one of the parents, the other parent suddenly, and illegally, takes the children, or the child, from that stable home and community, and relocates them in another country. Twenty-eight days pass and the children are still not home. At this point, under UK law, such actions become a criminal offence called parental child abduction. The parent knows where their children are and who they are with, and they know that a criminal offence has taken place and that their children have been taken illegally. They try all the legal procedures and remedies one by one, but they have been failed and let down by them, and then they are left without their children, without justice and without help and hope. I cannot imagine the despair felt by those families.

The sad reality is that, in 2021, over 1,200 cases involving child abduction were considered by the UK courts. That is not just a handful of children. But the core problem, and the reason why we are here today, is that Brexit left a gaping hole in the legal framework that is supposed to protect children and parents from this crime and ensure that children return to their settled homes. There is a human right to a family life—a human right to live with your family and, where this is not possible, the right to regular contact, which is being contravened by the situation at the moment.

Up until the withdrawal agreement, families could rely on the Brussels II regulation. That piece of EU law provided greater protection for victims of child abduction by ensuring the reciprocal enforcement of family court orders. In matters of child abduction, if the child is not returned under the 1980 Hague convention, the court in the country from which the child was abducted can make its own finding as to whether return is necessary, which is automatically enforceable in the other country. The process is generally quick and completed within a matter of weeks, and it enables that human right to be upheld, but this vital protection was stripped from the statute book after Brexit and has not been replaced.

The most frustrating thing is that, in the intervening years, the Government seem to have been tone deaf to the problem and have not yet worked out a solution, so I have been reading the views of the current Secretary of State in various pieces of correspondence. What he has said so far suggests that he has not really turned his full attention to the issue or worked hard to get a solution. For instance, he said that:

> "The Government is satisfied that the 1980 Hague convention provides an appropriate mechanism to seek the return of children wrongfully removed from the country of habitual residence."

However, I do not agree with that and neither do victims. It is not what we are seeing from families coming to us. It may be true of certain countries, but there is huge variation in how rigorously the convention is applied. The UK and Australia may be held up as examples of good practice in returning children swiftly, but some countries rarely return children promptly, if at all.

We have focused on Poland today, and I agree that Poland is a strong ally and a friend of our country. I have many Polish constituents who are a valuable part of our community, but Poland seems to be one of the problem countries in this regard. Estimates from Polish family lawyers suggest that less than 5% of all abducted children are returned, and a look at the latest publicly available data shows that the number of returns from Poland is consistently below the global average. Last year,

legislation was passed in Poland that allows the return of a child to be suspended if the prosecutor general, the commissioner for children's rights or the commissioner for human rights issues an extraordinary appeal to the Supreme Court. For whatever reason, there seems to be growing resistance in the Polish courts to return children under The Hague convention, which is why it is important to hold this debate now and to solve the problem before it becomes embedded.

It was very concerning to read the Secretary of State's view that the UK must respect the jurisdiction and laws of Poland. I agree that we must respect those laws, but the Polish courts need to respect the decisions of our courts and the rights and welfare of British children who have been taken from their home. The Government may well argue that additional protections exist in the form of the 1996 Hague convention, which reinforces the 1980 convention by underlining the primary role played by the authorities of the child's habitual residence in deciding on matters that affect the child in the long term. In short, it helps with enforcement, but there are big problems with this option too.

First, it is far slower, usually taking around a year to be processed. A year of young children's lives is a year far too long. Secondly, the 1996 Hague convention allows the country to which children have been abducted to exercise discretion. The destination country may choose to ignore this on domestic policy grounds. Therefore, in certain countries, where there is resistance to returns, the return of abducted children may be near impossible, and that cannot be justice.

The main takeaway from this is clear: ending our participation in the Brussels regulations has left victims of child abductions and our own courts worse off. I end with some questions to the Minister. Why are the Government dragging their heels on reinstating the Brussels regulations? Can she provide any good reasons for their doing so? Will she recognise the serious pitfalls and inadequacies in The Hague conventions? What discussions has she had with countries with a low return rate, such as Poland, and will she recognise the fact that that is the situation? How can we ensure that their courts respect decisions made in our courts? Will she meet hon. Members who are here today, in this debate, to look at the particular cases that we are raising? I implore the Minister to show common sense and justice, and restore Britain's participation in the reciprocal enforcement of court-ordered child arrangements under—

Judith Cummins (in the Chair): Order. This sitting will be suspended for 15 minutes for a Division in the House, or 25 minutes if two Divisions are expected.

3.15 pm

Sitting suspended for a Division in the House.

3.27 pm

On resuming—

Judith Cummins (in the Chair): Order. The debate may now continue until 4.17 pm. I call Fleur Anderson to conclude her remarks.

Fleur Anderson: Thank you, Mrs Cummins.

To conclude, the main takeaway is clear: ending our participation in the Brussels regulation has left victims of child protections and our own courts worse off. There was a legal regulation in place, but that legal regulation now needs to be put into our own UK law. There were supposed to be Brexit benefits, not exactly the opposite. Back in 2017, the Justice Committee said:

> "We recommend that the Government should seek to maintain the closest possible cooperation with the EU on family justice matters, and in particular to retain a system for mutual recognition and enforcement of judgments."

That is exactly we are talking about now.

Surely no one intended the UK's withdrawal from the EU to remove our country's ability to protect British children from abduction. The absence of this protection from the withdrawal agreement is yet another oversight in a deal that was far from "oven-ready" and that has exposed families such as that of my constituent, and of the constituents of other Members, to the pain and trauma of abduction. That cannot be left to diplomatic fixes and to the whim of which ambassador will work with us in another country; instead, there must be a legal fix for justice to be seen. It can and must be fixed.

3.28 pm

Dr Matthew Offord (Hendon) (Con): It is a pleasure to serve under your chairmanship for the first time, Mrs Cummins. I congratulate my hon. Friend the Member for Ruislip, Northwood and Pinner (David Simmonds) on securing the debate.

During my time as the Member of Parliament for Hendon, I have supported several parents in my constituency in cases of international child abduction. I have raised cases with the Foreign Office, Interpol and even the ambassadors of the countries involved. In every instance, apart from one, eventually we have been successful in getting the abducted children returned to the UK and reunited with their illegally deprived parent.

One case, however, remains outstanding—that of my constituent, Beth Alexander, and her estranged twin sons in Austria. Beth has been fighting for custody of her sons for the past 10 years. More recently, she has been fighting simply for contact, which she has been deprived of by Austria's courts. I do not suggest that the UK should dictate to the courts of another country how they should run their legal system, any more than I would accept another country dictating to us how to run ours, but I am shocked and indeed disappointed that the Austrian system has permitted this case to perpetuate to the point where my constituent has had little or no contact with her sons for a number of years.

Beth continues to seek access to her children, as all of us here would expect, but the Austrian judge overseeing the case has not only rejected Beth's legal efforts, but barred all contact between her and her children, saying that that would not be in the interests of those same children. That that should be happening in a fair, civilised country, which has signed The Hague convention on child abduction seems extraordinary.

The purpose of the convention is to secure the prompt return of children who have been wrongfully removed to, or retained in, a contracted state, back to their place of habitual residence. That is in order to protect them from the potentially harmful effects of international abduction by a parent, and to organise or secure the

[Dr Matthew Offord]

effective rights of access to the child. Regrettably, there seems to be an imbalance in the way in which contracting states apply the convention, and the deprived parent can find themselves confused by the process, sometimes in a country where they do not speak the language, are uncertain what actions they should take, and are at the mercy of foreign systems.

This afternoon, we have heard about different countries, including places occupied by foreign aggressors, in the case of Cyprus. In particular, I pay tribute to my hon. Friend the Member for Bolsover (Mark Fletcher) for raising the case of his constituent, Mr Fletcher, and his trials and tribulations. We need to be aware that parents will do anything for their children, and it must be an almost Kafkaesque nightmare to be unable to access their child, because of another state's legal system.

Contracting states should be required to be transparent in all their actions, but a real risk—as stated by other Members—is that the convention is used by some to protect the abducting parent's actions. If parents are to have confidence in the fairness of the convention, it is time to consider whether it is meeting its aims and purpose effectively. From the stories we have heard this afternoon, I do not believe that that is happening. The case of my constituent is a tragedy, and it is time that it is brought to an end.

3.32 pm

Mr Jonathan Lord (Woking) (Con): Thank you, Mrs Cummins, for the opportunity to speak in the debate. Like my colleagues, I believe that this is an important topic, and I commend my hon. Friend the Member for Ruislip, Northwood and Pinner (David Simmonds) for securing the debate.

First, I welcome the supporters of the group Hague Mothers, who are attending the debate. As we know, the 1980 Hague convention was intended to ensure the quick and safe return of children removed from their primary carers and taken abroad by their non-custodial parents. In that regard, the convention is highly effective. Hague Mothers, however, points out that about 75% of the parents brought before the courts are mothers with the primary care of their children, most of whom are fleeing domestic abuse or trying to protect their children from abuse.

There are limited options under the convention for mothers to oppose orders for the return of their children, and in most cases the courts decide that the child must return. The only defence available under the convention that could apply to domestic abuse is the article 13(b) defence that provides that the court may not order return of a child if the person opposing return establishes that

"there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation."

The courts of most contracting states interpret what constitutes a "grave risk" very strictly. Most cases of domestic abuse are not considered to give rise to a "grave risk" or "intolerable situation" for a child. In particular, it is almost impossible for mothers to prove that coercive and controlling behaviour, which has rightly been a criminal offence in England and Wales since 2015, constitutes the basis for an article 13(b) defence. Despite the Domestic Abuse Act 2021 stipulating that children who see or experience the effects of domestic abuse are victims in their own right, those same children can be and are returned to the country and often the care of the abusive parent.

Mothers escaping domestic abuse across borders are therefore left in the terrible position of having to choose whether to return with their children or to send their children back on their own. Most mothers decide to return and face continued, or worse, post-separation abuse; sometimes, they face destitution, homelessness, isolation or even criminal proceedings. They frequently have little or no family, social, financial or legal support, which provides a perfect context for continued abuse.

I want to bring the attention of the House and the Foreign Office to the case of my constituent Nataly Anderson, who is appealing for assistance from the UK Government in bringing her twin boys safely to the UK from Croatia.

Judith Cummins (in the Chair): Order. I take it that the hon. Member is not referring to a live case in UK courts.

Mr Lord: It is not a live case.

Nataly Anderson says that her British-Croatian twin boys, who are now nine years old, were taken back to Croatia on the pretext of a holiday by their father in 2016, just as the family had been establishing their life in England, including schooling for the children. She requests that the British Government escalate her complaint about Croatia with the bodies of the European Union, and warns that parental alienation claims can be used to cover up child abuse, including child abduction, to award custody to abducting or abusive parents, and to stop mothers and children moving to locations where they would have more favourable living conditions. She believes that is what has happened to her and her children in Croatia. She believes, further, that mothers and children who are not protected properly from domestic abuse have a human and legal right to asylum in another country, and that those rights should be upheld and enforced. She asks that the phenomenon of mothers and children fleeing across borders to escape from abuse be considered a humanitarian crisis and advocates for the approach advanced by the Hague Mothers project, as one that could be easily implemented and would do much to support the safety and welfare of mothers and children in this situation.

In her own words, Nataly Anderson says:

"This is now a child welfare matter. These are vulnerable children and it is unconscionable that the Croatian authorities have been violating their rights, wishes and welfare needs for so long. I am appealing for the urgent assistance of the UK Government in bringing my children safely home."

She requests that the British Government raise the question of her case with all the relevant bodies of the European Union.

I have been trying to help and assist my constituent. I am grateful to the Foreign Office and the Passport Office for correspondence I have received. I know how assiduous our Foreign Office, embassy and consular officials are and often can be, but I appeal to the Foreign Office Ministers to have one further look at this case. I will not take up any more time today, but this is an important debate and I have been interested to hear about the other cases that hon. Members have brought forward today.

3.39 pm

Ms Anum Qaisar (Airdrie and Shotts) (SNP): It is a pleasure to serve under your chairwomanship again, Mrs Cummins. I congratulate the hon. Member for Ruislip, Northwood and Pinner (David Simmonds) on securing this important debate. His contribution was incredibly reasoned and he set a very measured tone for the debate, which appears to have cross-party support. He referred to his constituent and the disappointing engagement from the Polish authorities. My thoughts are with the family and the child; I sincerely hope they are reunited.

I have been taken aback and moved by the stories raised by hon. Members from across the House about the cases that their constituents have faced. The Public Gallery is pretty full as well. We must do whatever we can to ensure that we prevent these horrific crimes. Although I do not have children, I can imagine that child abduction is every parent's worst nightmare, and that nightmare is worsened when there is an international dimension.

As the hon. Members for Bolsover (Mark Fletcher), for Hendon (Dr Offord) and for Woking (Mr Lord) highlighted, the horror of an abduction is only intensified by the serious logistical and legal difficulties that parents face in being reunited with their children—be it the need to seek consular support or reliance on the legal system of a different country. The hon. Member for Bolsover was completely correct when he said that we cannot lose sight of the fact that children and individuals are at the heart of this issue. I genuinely hope that John Fletcher is reunited with Maya soon enough.

This is a global issue, impacting families across the world. Each abduction, regardless of where it occurs, is one too many, and causes untold levels of suffering and misery. The charity Missing People estimates that the approximate number of children who go missing in the UK each year is 215,000. However, that is only a snapshot of a global problem. Many countries, particularly those in the global south, do not have readily available statistics. This is an under-recognised issue, which is difficult for Governments across the globe to monitor.

The transnational nature of these crimes means that they are challenging to deal with effectively. Save the Children produced some incredibly alarming and distressing—but at the same time, vital to know—statistics about the scale of global child trafficking. That is not necessarily what we are talking about today, but it is important to highlight. The charity estimates that at any given time, as many as 1.2 million children are being trafficked, of which two thirds are girls. Many of those children are trafficked for use in forced labour or sexual exploitation. One missing or abducted child is one too many. This international crisis warrants a co-ordinated and international response.

Although we are here to discuss support for parents on international child abduction, we cannot ignore the fact that the problem is exacerbated by Putin's illegal war in Ukraine. Just last week, we reached an extraordinary milestone, whereby the International Criminal Court issued an arrest warrant for Russian President Vladimir Putin for war crimes in Ukraine, including the unlawful deportation of children from Ukraine to Russia.

The anguish that is caused when a child is abducted is unimaginable. We must therefore use any available mechanisms to put an end to these abhorrent practices. Although we have conventions designed to tackle them, particularly The Hague convention on international child abduction, we still do not have universal adoption and ratification. Currently, only 101 countries have signed The Hague convention. As an international approach is needed, it is vital to ensure that countries that have not signed the convention, such as China, Kenya and Nigeria, do so.

If countries fail to sign up, families living in the United Kingdom lose the legal mechanisms to secure the prompt return of their child. As the hon. Member for Hammersmith (Andy Slaughter) stated, that has a significant impact on young children who are in the middle of custody battles between parents. We have recently seen that in Scotland, where a father has been unable to secure the return of his children. They are believed to be in north Cyprus, which, as non-signatory nation, has no obligation to co-operate with international authorities.

As the hon. Member for Putney (Fleur Anderson) stated, there is a wider impact. These are children who have lives here: they go to school here; they have friends and family here. The hon. Lady said that she was raising a case not necessarily involving an immediate family member, but where there had been ramifications on the wider family.

I urge the UK Government to use their position in the international community to push for the universal ratification of the convention. It is not a fix-all solution; some argue its biggest shortcoming is its failure to anticipate that many abductors will be victims of domestic violence fleeing their abuser. However, any shortfalls merely emphasise the need for Governments to implement robust legislative measures that would ensure that victims of domestic abuse are not punished for fleeing an abusive relationship, and not accused of child abduction or abandonment because they decide to remove themselves and their child from an abusive environment.

The hon. Member for Woking also raised the issue of abusive relationships and domestic abuse, and I hope the Minister will acknowledge that in her response. He spoke about Nataly, and her children, who were taken to Croatia under the pretence of a holiday. As I have said to other Members, I sincerely hope that they are reunited.

England and Wales have specific legislation designed to tackle international parental child abduction. In Scotland, it is covered by its own Act—an Act to which the Scottish Government are currently considering amendments. The SNP remains committed to the need for reform in this area to ensure that parents of abducted children have the support they so desperately need, which is so important. It was distressing to hear the hon. Member for Hendon raise the case of Beth Alexander, who is not allowed contact with her children in Austria. This is clearly an issue that is impacting people from all across these four nations.

We must do all we can to eradicate child abduction, especially when there is that international impact. I am glad that we are here today as cross-party colleagues pressing for action in this area. This debate has been incredibly important in raising an often under-recognised issue that has devastating consequences for families.

3.47 pm

Bambos Charalambous (Enfield, Southgate) (Lab): It is a pleasure to serve under your chairship today, Mrs Cummins. I start by thanking the hon. Member for Ruislip, Northwood and Pinner (David Simmonds) for securing this important debate and bringing his constituent's distressing case to light. I welcome the productive contributions that have been made throughout the debate, and am reassured by their positive tone.

The parental abduction of a child is one of the most painful experiences any parent can endure. It is a hugely distressing matter for the family members affected. On behalf of the Labour party today, I send my heartfelt condolences to anyone who has suffered this ordeal, particularly the constituents whose cases were raised by the hon. Members for Bolsover (Mark Fletcher) and for Woking (Mr Lord).

As the leading charity in this area, Reunite International, sets out so eloquently,

"The modern world is increasingly interconnected."

With the development of affordable international travel and new methods of instant communication with people across the world, it is only natural that relationships are becoming more and more international. Many children are born to parents who hold different nationalities, and some children are born in a country that is not the country of birth of either of their parents. Whole families relocate to new countries to explore new opportunities, and some parents end up living in different countries from their children for a variety of reasons.

Unfortunately, while this greater global interconnectivity can have its benefits, it also has its challenges and risks. For many parents, the increasingly international nature of their lives greatly adds to the unusual relationship tests and strains we all recognise and know—for example, when parents cannot agree on where they should live, when moving involves one parent giving up a promising career to support another, or when one parent does not want to move abroad at all. Naturally, for some, these trials and tribulations will eventually become too much, and relationships will break down and come to an end.

These situations are undoubtedly incredibly difficult, but in the majority of circumstances, the partners will come to a mutual understanding—a compromise—on who should accept the day-to-day responsibility of the child and what role the other parent will play in the child's life. If there is an irreconcilable dispute, it might in some cases be necessary for the courts to decide what arrangements should be put in place, bearing in mind the age of the child and what would be in their best interests. In thankfully very few cases where no compromise can be reached, one parent may resort to taking unilateral action to forcibly move their child to a different country, without the consent or knowledge of the other parent. That is what we consider as international parental child abduction.

It is quite difficult to gauge just how prevalent this problem is in the UK today, although some data does exist from the last few years. For instance, using freedom of information requests, the British charity Action Against Abduction found that 227 children were abducted by their parents in 2016-17 in England and Wales alone. As for international child abductions, the most recent statistic I could find from the Foreign, Commonwealth and Development Office comes from 2013-14—almost a decade ago—when 553 unique international child abduction cases were logged in the course of the year. However, it is difficult to get numbers on the scope of the problem today, which is disquieting for an issue of this importance.

To get a better sense of the problem, I spoke to the British charity Reunite, which informed me that it had logged 515 new abduction cases in 2022. Although that charity emphasises that that was not a perfect measure of the scope of the problem, it makes it clear that parental child abduction is a serious problem that requires a serious response, not only by us as a country but with our international allies.

Because there is no such thing as a "typical" family, there is also no such thing as a "typical" child abduction case. Yet in the broadest terms, an international parental child abduction occurs when a parent or other connected adult takes a child into another country against the wishes of another person who has a parental relationship with the child. That presents a unique enforcement problem, because the child is now in a country with different laws from those in the country that the parent who is making a claim to have them returned lives in. The hon. Member for Ruislip, Northwood and Pinner emphasised this situation in relation to Poland, as did my hon. Friend the Member for Putney (Fleur Anderson). These cases are serious and unique and require great care.

Luckily, the international community came together and, in an inspiring example of the international rule of law, created The Hague abduction convention in 1980. The convention standardises across countries rules for dealing with cases of child abduction and streamlines the procedure to reunite children with the parent who should have parental responsibility. Of course, as we have heard throughout today's debate, there are problems with that framework. Those were set out by my hon. Friend the Member for Putney and also mentioned by the hon. Member for Hendon (Dr Offord). Hon. Members have today presented the most serious problem: that too few countries have fully ratified The Hague abduction convention as we have done in the United Kingdom. Moreover, the specific rules regarding when a child becomes "habitually resident" for the purposes of the convention are not easy to understand and not always clearly applied. In some places, they are not able to be applied at all.

We heard from my hon. Friend the Member for Hammersmith (Andy Slaughter) about his constituent whose partner took their child to occupied north Cyprus, which is rightly not recognised as a state in international law and seems to have become a haven for those wishing to avoid law enforcement. My colleague suggested a number of measures, which I would ask the Minister to consider, but perhaps there needs to be a strategy for dealing with territories, such as north Cyprus, that are not internationally recognised as states.

Another problem, of course, lies with the support networks available to mothers and fathers who find themselves at the heart of child abduction cases. The FCDO can provide much-needed support to British nationals affected by international child abduction. Consular officers can advise left-behind parents of the most effective ways to contact the legal authorities of the country in question and make them aware of their parental responsibilities. Should that fail, the FCDO can liaise with local authorities and, with the permission of the UK courts, present

authorities with court orders served in the UK. Consular officers can also recommend lawyers who may be able to support the parent, should the case require specialist legal advice. Finally, consular officers can put families in touch with trusted organisations that have become expert in this area and can offer specialised support and mediation services. Yet we must remember the limitations of what support FCDO consular officers can offer.

Although the FCDO can offer support and advice, we must remember that it is not a law enforcement body and nor can it offer its own legal advice. Similarly, although the FCDO can draw the attention of foreign courts to legal orders issued in the UK, it is unable to enforce these orders in foreign courts. Likewise, it is unable to compel foreign jurisdictions to accept or comply with legal obligations, whether in national or international law. This leaves a gaping hole in our national response mechanism to these types of events, particularly when children are taken unlawfully to a country outside The Hague convention.

With that in mind, I look forward to hearing what the Minister feels the Government can do to improve the support that we can offer parents and families who have a child that has been abducted. What more can we do as a country domestically to support parents in this situation? Might the provision of additional funding to wonderful charities such as Reunite and Action Against Abduction, who are so brilliant in this area, be part of the solution? Should the Government be doing more with our international allies to revisit The Hague convention and update it, in order to close its loopholes and better reflect the realities of modern family life? Could the Government put more effort into increasing the ratification of The Hague convention to ensure greater global coverage of its provisions? Finally, will the Government follow Labour's lead in calling for a legal right to consular advice for British nationals in distress that would replace the current discretionary consular advice?

I thank colleagues from all parties for their thoughtful and measured contributions to this serious debate. As we have heard many times today, for a parent there is nothing more important than knowing that they will have continued and safe access to their child, whatever country they or their child find themselves in. The current international efforts to achieve this are laudable, but we all agree that more can and must be done to prevent more families from suffering the enormous pain of child abduction.

3.56 pm

The Minister of State, Foreign, Commonwealth and Development Office (Anne-Marie Trevelyan): I am grateful to my hon. Friend the Member for Ruislip, Northwood and Pinner (David Simmonds) for securing this debate on an important and difficult subject. I thank him for the work he does with the important and effective all-party parliamentary group for children.

I am grateful to other hon. Members for their contributions; they have represented their constituents with impassioned speeches. I fear that too many colleagues have felt as frustrated as my hon. Friend the Member for Bolsover (Mark Fletcher). Indeed, I have had a number of such cases in my time as an MP.

I will try to respond to all the points that have been raised, but to protect the interests of individual children I will limit my comments to Government actions so as not to share any personal information about specific cases. Hon. Members should continue to contact Ministers if they wish to discuss their individual cases in more detail, and my officials are always available to discuss details privately, or in writing if that is more appropriate.

International parental child abduction is heartbreaking and highly distressing for all those affected, and the UK Government take it extremely seriously. We are a party to The Hague convention of 1980 on the civil aspects of international child abduction, and we operate the convention with over 75 countries in order to facilitate prompt returns. Ultimately, of course, decisions about returns are a matter for the courts in the country to which the child has been taken. Such decisions will depend on a number of factors, including habitual residence, as colleagues have set out, and whether the child objects to the return. Decisions about the long-term future of the child are to be made where the child is habitually resident.

The UK has clear measures in place to seek to prevent international parental child abduction in the first place. Concerned parents can get a specific issue order or prohibited steps order to prevent a child from being taken out of the country. Our courts can order the Passport Office to temporarily not issue a British passport to a child at risk of abduction, and our police can issue a port alert if a parent is concerned that their child is likely to be taken abroad without their consent within the next 48 hours, and that will remain active for 28 days.

Our charity partner, Reunite International, which we part-fund, has published prevention guides to help parents to navigate the options and support available to them, and those have been translated into several different languages to assist families across the UK.

When a child with British links has been abducted and taken abroad, our consular staff across the world are trained to provide ongoing support to those involved—work that is incredibly challenging for them. I have met many on my travels and they are, to a man and woman, exceptional in their commitment to try to support and find solutions. They are able to provide families with practical advice about travel, local customs, services and procedures. Of course, they can put families in touch with partner organisations, such as Reunite International, with which we work closely, to offer such specialised support. Our staff can also facilitate in-country contact with relevant authorities and courts to ensure, for example, that those courts are aware of any UK court orders. Where appropriate, the FCDO can officially "express an interest"—that is a formal term—in a case with the relevant authorities in-country.

As colleagues have mentioned, where a child has been abducted to or retained in a country with which the UK operates the 1980 Hague convention, and an application for the child's return is made, the relevant UK central authority will liaise closely with foreign counterpart central authorities and the applicant until the final decision on return has been made.

As the hon. Member for Enfield, Southgate (Bambos Charalambous) has highlighted, the FCDO is not a law enforcement body, so there are limits to the steps that we can take. We cannot interfere in court proceedings in another country and we are unable to compel foreign jurisdictions to enforce UK court orders. Indeed, as my hon. Friend the Member for Hendon (Dr Offord) outlined,

[Anne-Marie Trevelyan]

it would not be appropriate to be seen to be trying to influence foreign courts by expressing a preference for a particular outcome. We cannot physically rescue a child from abroad, or get involved in any illegal attempts to bring a child back to the UK.

We recognise that not all countries with which we operate the 1980 Hague convention operate it effectively. There can be lengthy delays in the return of abducted children to the UK, and in those cases we lobby Governments at the most senior levels, and make it clear that the UK expects both the spirit and the letter of the convention to be enforced.

The hon. Members for Enfield, Southgate and for Hammersmith (Andy Slaughter) raised the issue of north Cyprus in particular. I am afraid that the UK does not operate The Hague convention with north Cyprus, with which we have no formal relationship, and it does not share any information with our high commission on minors subject to UK court orders. Our high commissioner is therefore unable to ensure that those minors are safeguarded.

If the UK does not operate the 1980 Hague convention with a country to which a child has been abducted, the FCDO is still able to provide some assistance. We can, of course, provide a list of English-speaking lawyers in-country and can give basic practical information about the customs and procedures of the country to which the child has been taken. If necessary, we can support and offer guidance on finding accommodation locally as parents try to find solutions. As I have said, where appropriate, the FCDO can express an interest in the swift resolution of court cases, but we cannot interfere with court proceedings.

The FCDO can also help with contacting the relevant in-country authorities and organisations when the left-behind parent is overseas. If that parent would like the FCDO so to do, it can contact the relevant UK police force to ask about progress in tracing an abducted child and find out whether they have contacted the police overseas to assist in finding that child or children.

I will try to tackle some of the specific issues about certain countries that have been raised by hon. Members, but only in a general sense, without highlighting particular cases.

Andy Slaughter: I listened carefully to what the Minister said about TRNC, and I am not sure whether she said that the police would talk to the law enforcement authorities there. As I have said, there clearly has been co-operation in a number of respects. Can she say any more about those contacts? I understand that we are not going to establish diplomatic relations, and I am not advocating that, but at the moment the prospects are bleak because there is literally no redress. Can she shed any more light on what can be done?

Anne-Marie Trevelyan: In answer to the hon. Gentleman's specific question, the reality, I am afraid, is that we do not have a relationship because that country is not formally recognised. We do not have any formal mechanisms with which to work.

In response to questions about specific countries, and without referring to specific cases, Poland is a close partner in many ways, as my hon. Friend for Bolsover set out, and especially in recent months as it has supported Ukraine following Russia's illegal invasion. We are working very closely together in lots of matters relating to that. It is one of the countries with whom we have the largest number of Hague return orders, and we recognise that Poland has not enforced the 1980 Hague convention return order on several occasions. As affected hon. Members will know, we have raised that with Ministers in the Polish Ministry of Justice at every available opportunity, and we will continue to do so. Indeed, the Minister for Security raised those cases with the Polish Ministry of Justice just a few weeks ago. We are also planning exchanges between our experts to share knowledge of the management of Hague return orders, and we are co-ordinating with other countries that share our concerns about Poland's enforcement of return orders.

A number of Members have raised the question of Brussels II. I am afraid the reality is that Brussels II does not provide a cure-all for these troubling cases, and current EU member states are still not able to solve similar cases through that mechanism. The reality is that we have non-return situations, which are difficult to manage.

We support countries that are struggling to enforce the convention owing to capacity constraints. For example, today in Brazil, our consular staff, along with a representative of our judiciary and staff from the Central Authority, which represents England and Wales, are participating in a knowledge-building conference on parental child abduction, which we are part funding. Delegates from the US, Canada, Australia and the UK will share knowledge that will help Brazilian judges to navigate parental child abduction cases and bring them to a swift conclusion. That builds on work we have undertaken over the past six months with our charity partner, Reunite International, which has provided training in mediation between parents as an alternative remedy to formal court processes for judges in Brazil.

In Japan, UK officials recently met legal representatives in a successful Hague convention return case, as part of our ongoing commitment to learn lessons on how different countries undertake Hague 1980 proceedings, in order to improve the support we provide to left-behind parents and to try to resolve more cases as needed.

Supporting British nationals overseas remains the primary public service of the Foreign, Commonwealth and Development Office. We continually seek to improve the professionalism, scope and nature of our assistance, in accordance with the Vienna convention on consular relations, and we compare our consular services with those provided by comparable countries.

The hon. Member for Hammersmith asked whether there is legislation we should consider, and I will ask my ministerial colleague, my hon. Friend the Member for Macclesfield (David Rutley), within whose portfolio the matter formally sits, to invite Members with concerns to perhaps discuss it with him at a policy level in due course.

Our expert consular staff at home and abroad work extremely hard to support victims of parental child abduction, and we take every case very seriously. We recognise absolutely that the situation is very distressing for those involved, and our staff work with empathy and do their very best to offer the help needed to resolve these cases as quickly as possible.

Consular staff are sadly not lawyers, medics, police detectives or social workers, but they try to do all they can to ensure that British citizens have the information and support they need to help them to deal with the incredibly difficult situation that they face. They use their expert knowledge of the countries in which they operate to try to help parents to navigate new legal systems, signpost them towards support services and ensure that ongoing support is provided to left-behind parents.

I know that, for every parent still waiting for the safe return of their child, this is an impossibly difficult situation. The FCDO, with all the resources we have, will continue to do what it can, in-country and with other countries equally frustrated by non-compliance with The Hague convention, to try to reduce the number of cases still on the books and bring those children home.

4.8 pm

David Simmonds: May I start by sharing an apology and a thank you for the patience shown by the many who have come to listen to today's debate? We have had to break off a number of times to vote, but it is great that Members have returned to the Chamber and continued to engage fully in proceedings.

I also say thank you to the hon. Member for Hammersmith (Andy Slaughter), my hon. Friend the Member for Bolsover (Mark Fletcher), the hon. Member for Putney (Fleur Anderson), my hon. Friends the Members for Hendon (Dr Offord) and for Woking (Mr Lord), and the hon. Members for Airdrie and Shotts (Ms Qaisar) and for Enfield, Southgate (Bambos Charalambous) for their contributions to the debate. I was heartened to hear from my hon. Friend the Member for Hendon that he had enjoyed some success in supporting constituents with returning abducted children to the UK. Particularly when dealing with such a difficult topic, it is really positive to hear examples of that.

The hon. Member for Enfield, Southgate referred to the challenges for parents where children have been removed to countries that have different laws from those that apply where the parent is habitually resident. In many of those cases, and certainly in my constituent's case, the country does not have different laws; it is part of an international legal framework, intended to mutually recognise each other's orders. However, the challenge is that there are examples of countries—some of which are part of that framework, such as Croatia, Austria and Poland, and some of which, such as the Turkish Republic of Northern Cyprus, are not—that are simply not fulfilling their obligations.

Due process is totally clear: a court has found in a particular way, and the challenge now is ensuring that the outcome of that legal process is respected. As the hon. Member for Putney referenced, some countries, such as the UK and Australia, are seen as exemplars for respecting their international obligations and ensuring that children are returned, usually within a six-week period of the order needing to be enforced. In Poland, the rate is around 5%, which demonstrates that there is a significant challenge, which is a consistent theme running through the cases of many in the Public Gallery today.

I will conclude by addressing a point that a number of Members have highlighted: the enormous burden that this situation places on family members. We have heard lots of examples of people, including my constituent, who had to sell their homes to finance the legal battle simply to enforce a legal judgment that should be respected under international law. We have heard examples of the effect of that on people's health and wellbeing, and on the wider family, grandparents and extended family members.

What is clear is that, while my constituent has my absolute deepest sympathy—as a father of young children, I feel for him—he does not need my sympathy. What he needs is for us to ensure that the political and diplomatic challenge of persuading countries that are our allies to carry out their obligations under international law happens. We must not allow a situation to persist for a moment longer where too many parents, who may be part of shared custody arrangements, have their children unjustly deprived of their loving care.

Question put and agreed to.

Resolved,

That this House has considered the matter of support for parents affected by international child abduction.

4.12 pm

Sitting suspended.

Family Court Reform and CAFCASS

4.30 pm

Taiwo Owatemi (Coventry North West) (Lab): I beg to move,

That this House has considered the Children and Family Court Advisory and Support Service and family court reform.

It is a pleasure to serve under your chairship, Mrs Cummins.

Family breakdown is never easy. Disputes are inevitable and often bitter. Children are caught in the middle of a tug of war between parents. In those conflicts, the Children and Family Court Advisory and Support Service, or CAFCASS, plays a key role. Child arrangements orders, prohibited steps orders and a host of other key rulings in the family courts often hinge on the reports provided by CAFCASS and the assessments carried out by its workforce. CAFCASS is in desperate need of reform, and it requires funding to protect children subject to care proceedings.

The Criminal Justice and Courts Services Act 2000 stated clearly the role of CAFCASS. First and foremost, it has a duty to safeguard and promote the welfare of children affected by family courts proceedings, yet it is falling far short of the standards required. In 2020, the Ministry of Justice published a damning report on the performance of CAFCASS. The findings were shocking, including failures running deep into every area of the organisation's work, poor handling of domestic abuse allegations, wilful disregard of children's voices and an obsessive pro-contact culture that puts unfit parents' demands ahead of children's best interests. That was the Government's own verdict.

The reality is that that is simply an exacerbation of a problem that has engulfed the family courts since 2010. The Government's cruel decision to remove legal aid from the majority of such cases has led to ugly and disordered scenes in courtrooms nationwide, as parents are forced to represent themselves without sufficient support or understanding of how the system is supposed to function.

Diminishing access to legal aid has only caused further delays in the courts, and denies victims justice. To address the backlog, the Government should properly fund civil legal aid and restore legal aid for early advice for family cases, so cases can be resolved more efficiently.

Bambos Charalambous (Enfield, Southgate) (Lab): There is often a financial disparity between parties. Sometimes, parties use the issue of parental alienation to drag things out longer and to add more expense to the disadvantaged party in those proceedings. Does my hon. Friend agree that it is time that CAFCASS, the courts and judges were better trained in the issue of parental alienation and how it is used as a tactic to prevent court cases dragging on longer than they need to?

Taiwo Owatemi: I absolutely agree, and parental alienation is an issue I will come to later in my speech. Reform is desperately needed.

Will the Minister outline what steps the Ministry of Justice is taking to increase the funding of legal aid? Will he update us on when we can expect the civil legal aid review?

Jim Shannon (Strangford) (DUP): The hon. Lady is right to bring this debate forward and to highlight the disadvantages of legal aid. Does she agree that when it comes to ensuring that every person in this great United Kingdom of Great Britain and Northern Ireland has the same opportunity of representation, the Government must step in to support those people who do not have money and cannot pay for the legal representation to which they are entitled? That should happen not only in England and Wales; the Minister should endeavour to have discussions with the devolved Administrations in Northern Ireland and Scotland so that people there have the same legal aid opportunities.

Taiwo Owatemi: Absolutely. Proper legal representation needs to be available to everyone in the United Kingdom.

The large backlogs in the family court are creating delays and uncertainty for families and, most alarmingly of all, for vulnerable children. No child should have to witness this sort of conflict, anger and grief played out before a judge. The children caught up in these cases are now suffering as a result of constant failings in leadership from Ministers in this Government.

The most damning aspect of our family court system is false accusations of parental alienation. Too often, as my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous) says, a wealthy parent can, in effect, purchase custody of a child through certain legal loopholes. Denounced by the United Nations as a "regressive pseudo-theory", parental alienation is an argument whereby one parent claims that another is making false abuse claims or is otherwise manipulating the child's view out of hostility towards their ex-partner. The concept has little to no evidence to support it, but is none the less often accepted, resulting in children being placed with an abusive parent.

I pay tribute to the team at the University of Manchester, whose recent research has revealed the dark and rotten roots of that commonly employed tactic. It was invented 40 years ago as a means of aiding perpetrators to cover up the physical and sexual violence to which they had subjected their spouses and children, yet in Britain the strategy is being given free rein in our family courts. Not only are utterly unqualified individuals being allowed to testify as supposed experts in such cases, but CAFCASS has overseen the rise in such false allegations.

I have spoken with many constituents about their treatment by the family courts. One case summarises everything that is wrong with CAFCASS: the dangers of parental alienation and the risks posed by a blind insistence on contact even when a parent is evidently unfit to have any responsibility over a child. My constituent married a foreign national a decade ago. They had one son, who is now eight years old. Until recently, he was being brought up by his mother in the comfort of a loving, caring home alongside his extended family. Having had the courage to escape the sexual and physical domestic abuse inflicted by her ex-husband, my constituent was granted sole custody of her son. Occasional contact with the father was enforced by the court and complied with by my constituent, despite the clear distress that those sessions caused to the child, yet, when the arrangements broke down, the father was able to launch false alienation proceedings against his ex-wife to remove the boy from her custody. That was supported every step of the way by CAFCASS. He has now succeeded in

depriving my constituent of her only child, despite the rigorous investigations by social services at Coventry City Council that concluded that she was an exemplary mother.

Thanks to the deeply imbedded pro-contact culture of CAFCASS, long since identified but allowed to run unreformed for years, an eight-year-old boy is now in the clutches of a man who beat and sexually assaulted my constituent throughout their marriage. Despite mountains of evidence proving his unfitness to have custody of the child, everything was pushed and CAFCASS took his side, placing the blame on the boy's mother.

What is perhaps most concerning is that despite the child's distress, a litany of domestic abuse and the detailed reports compiled by Coventry City Council in support of my constituent's parenting were all cast aside in the family courts. Deploying parental alienation allegations as his chief legal tactic, the boy's father has now won sole custody, leaving my constituent utterly bereft.

Bambos Charalambous: The interests of the child should be paramount—that was written into the Children Act 1989, many years ago—but there seems to have been a clear failure of that policy. Allegations of parental alienation often cause great distress not just for the parent, but for the child at the centre of the case. Does my hon. Friend agree that in cases such as the one she describes, CAFCASS needs to return to focusing on the paramount interests of the child?

Taiwo Owatemi: Absolutely. The role of CAFCASS is to protect the child during family proceedings, but it seems to be failing in that role.

The tragedy is being multiplied in the thousands nationwide. A self-reported survey suggests that allegations of parental alienation are made in up to 70% of family court cases in England and Wales. The scandal has been allowed to go on for far too long. It is time for CAFCASS and the family courts to be held accountable. When will the Government legislate to bar unqualified so-called experts from the family courts? When will guidance be published for judges on the admissibility of family alienation allegations as evidence in these cases?

Siobhan Baillie (Stroud) (Con): I cannot thank the hon. Member enough for securing the debate and I am only sorry that I cannot stay to give a speech myself. I had a long career in family law. I have acted for mums and dads, husbands and wives, and families where domestic abuse has ripped them apart, and I have seen courts used not only to help people, but to continue the abuse and control of some. What the hon. Member's constituents would have experienced, no doubt, is that a lot of the delay plays into the hands of parents who want to use the courts, in particular if they have the child living with them at the time. One thing I have been campaigning for is to get the Ministry of Justice and the Government to focus on keeping cases out of court, especially where litigants are in person, where it is safe to do so. That will free up court time to deal with the more complex cases that she is talking about more quickly and urgently, so that we have the resource and proper space for CAFCASS and people such as that. Does she agree that that is important, and will she join me for a coffee to discuss it? I would love to get her on board.

Taiwo Owatemi: The hon. Member speaks from her varied experience. Absolutely, I am more than happy to support her in her campaign and to have a cup of coffee to talk about it in further detail—*[Interruption.]* I am sure everyone in the Chamber would love to have a cup of coffee to talk about it as well.

I ask the Minister, why has CAFCASS remained largely unreformed almost three year after its shameful shortcomings were exposed for all to see? I wrote to the Ministry of Justice about my constituent's case on 2 September 2020. It is a damning indictment that CAFCASS has failed to make any progress in the matter. Will the Minister therefore meet me to discuss the case further?

Until the promised reforms of CAFCASS are completed, until parents can be sure of proper representation and support in the courtroom, and until the family courts start to put the needs of children ahead of the vanity of wealthy individuals who can rely on expensive solicitors to exploit a broken and underfunded system, the tragedies will only multiply. Inaction is no longer an option—frankly, it never was.

4.42 pm

Jess Phillips (Birmingham, Yardley) (Lab): I stand here to give a general primal scream on behalf of what I will say are thousands of cases that I have seen over the past seven years of victims of domestic abuse being, not to put too fine a point on it, abused by the family courts. We allow the system to go on largely in secret, shrouded in total secrecy, but it is opening up slightly now thanks to the efforts of some incredibly good investigative journalism and some incredibly brave victims of rape who allowed their cases to be the test cases to enable that transparency.

I cannot sit in front of another mother who has been beaten, raped, abused, coerced, and has had a court in our country take her children from her and given them to the man who raped, beat and abused her. It must be about five or six years ago that Women's Aid produced a report called, "Nineteen Child Homicides", which cites cases from the previous 10 years of 19 children murdered following the decision of a family court to place them with a violent and abusive father. I pay huge tribute to the families who were involved.

We are two years on from the harm review—it might be longer, but the covid years make it hard to remember how many years it has been; I am really only 39, because I do not count the covid years. Everyone working in this building was pleased to see the harm review, which came out of a very extensive piece of work by the Government. I take my hat off to them for doing it. However, it dodged one vital issue, which was raised by my hon. Friend the Member for Coventry North West (Taiwo Owatemi), to whom I am grateful for securing the debate: the issue of a pro-contact culture. We need fundamentally to undermine the idea that it is better for a child to have contact with both parents when one of them is abusive and violent. Often people will say to me, "These people aren't necessarily abusive and violent towards the children", but I think you are a bad father if you are abusive and violent towards the mother of your child. That is fundamental for me.

In the vast majority of cases that I have handled in my lifetime, which are into the tens of thousands, mothers want fathers to have some form of contact with, or access

[Jess Phillips]

to, their child. It is not until we come to the family courts that that becomes completely and utterly distorted, and women are cited for being insane. If I had been raped, beaten and abused for decades, I might take medication for anxiety. That has not happened to me, but I do take medication for anxiety, which could be used to remove a child from a mother. She will be called mad, hysterical or bad in a family court, even though social services might consider her to be an exemplary mother. In the family courts, fancy lawyers—as suggested by my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous), it is unfortunately still the case in the world we live in that men have more money than women—argue that women are mad.

We have allowed the situation to get to the point that any woman who tries to protect her child from a violent and abusive partner will be accused of parent alienation, which will work against her, so what we are now asking women to do is not safeguard their children in order to have access to them. There is a perverse incentive in the system that says, "If you and your children are being abused by this man, don't mention it, because if you do, you will have parent alienation thrown at you." There is absolutely no efficacy in what is being described as parent alienation.

On efficacy, I wish to point out that the people on whom we rely to make the judgment of parent alienation might as well be my milkman. That is literally how qualified they are. My milkman is a lovely fella who has six kids, and I would trust him more. We have specialists being paid huge amounts of taxpayers' money, and operating in courts across our country—with a specific focus, it seems, on the south, which I presume is because people have more money to spend on such things down here—who are not psychologists. It might as well be my milkman, but they are saying, "Yes, we're seeing signs of parent alienation", and there is no regulation of this. The head of the family courts division has made it incredibly clear that it is up to the Government to deal with this issue. It is up to the Government to ensure that there is regulation of expert milkmen—I feel like I am taking milkmen down now, but they are perfectly good people—and expert witnesses in our family courts.

Siobhan Baillie: It is always important to listen to the hon. Member. One of the things that the president of the family division, Sir Andrew McFarlane, has done recently is open up the family courts for reporting pilots. That is an incredibly good step, because it will shine a light not only on what is going on with people having representation or not having representation, but on the experts who are being put forward. Even though there is work to be done, there is active effort from the top of the family division to make changes, and I hope she can see that.

Jess Phillips: I absolutely agree. Sir James Munby, in his final year as head of the family division, seemed to do a sort of swansong in which he said, "I am going to do something about this, recognising that the many brilliant legal minds who work in the family court know where the problems are." In fact, it is not just victims I am representing and speaking for in this primal scream, but the hundreds of solicitors and judges who get in touch with me all the time to tell me about the terrible, broken problems in our family court system.

As McFarlane has laid out, the Government have to undertake a piece of work. The family court's hands are tied, and it is for the Government—the ball is in their court—to say what they are going to do about unregulated experts. Members should bear in mind that I am a genuine expert on domestic abuse, with years and years of training, and I have been refused entry to family courts when I have sought to attend with victims—maybe I would get in if I did a milk round.

I am fairly certain that, in my time in this building, I will, alongside others, advance changes around domestic abuse. I feel confident about that, but I am starting to lose confidence that we will ever do enough to change the family courts. The hon. Member for Stroud (Siobhan Baillie) mentioned the pilots, which I am sure the Minister will address. They are just pilots at the moment, and they seem to be working well, but I think that they need to go further. There needs to be a change into the gladiatorial; there needs to be much more sense of ongoing inquiry throughout such cases.

Practice direction 12J, which states that there is no presumption of contact in cases of domestic abuse, is not worth the paper that it is written on because it is hardly ever used. If it is not being used in cases involving convicted rapists, we have to ask ourselves serious questions about whether the situation that we have at the moment is working.

I just want to know from the Government when we can expect the outcome of the review into a pro-contact culture, and what the hold-up is. Why has a single point, on pro-contact culture, taken two years in the harms review? I have written to the Justice Secretary about this, and I have not yet heard back—I will cut him some slack, because it was only about two weeks ago, when McFarlane said it—but I also want to know when we will stop the use of unregulated experts in our family courts.

My point, which my hon. Friend the Member for Coventry North West began with, was about legal aid. Although the Government have—through an amendment that I moved initially—stopped the cross-examination of victims by perpetrators in the family court, I am afraid that the roll-out of advocates who are meant to be doing that work seems to be underfunded, and the work is an unattractive prospect, meaning that, from what I can tell—from the cases that I have seen and reviewed, and from the members of the Family Law Bar Association I speak to—the system is faltering at the moment.

I want to know and feel that there is some progress, and that I will not get another email— inevitably I will tomorrow, but maybe not next week or next year—about a mother who has been beaten and abused, has just had her child removed, and is allowed only supervised contact because some man has managed manipulate the systems in our country to make them feel as if she is mad and bad, and that he is an absolute angel. If I had a penny for every such case that I have seen, I could rebuild the family courts.

4.54 pm

Alex Cunningham (Stockton North) (Lab): It is an extra special pleasure to serve under your chairmanship this afternoon, Ms Cummins. I apologise to you and the House for arriving a few minutes late for this debate.

Similarly, I apologise to my hon. Friend the Member for Coventry North West (Taiwo Owatemi), but I congratulate her on securing this important debate.

We have had a couple of powerful and persuasive speeches today that demonstrate the urgent need for further reform to the family justice system so that victims of abuse and the children at the centre of proceedings are given the protection from harm and risk of harm that they both need and deserve. My hon. Friend the Member for Birmingham, Yardley (Jess Phillips) spoke in her usual strong and blunt fashion in defence of the victims and the pleas for change. I do not know if my speech will add any additional value to what we have heard this afternoon, but I say to her that she should not lose confidence in the work she has championed in this place, because she needs to be doing it. I never thought I would manage to make my hon. Friend blush, but today I have succeeded.

It has been more than two years since the Ministry of Justice published the harm report, "Assessing risk of harm to children and parents in private law children cases". The panel that wrote the report said that the extensive evidence submitted to it

"unveiled deep-seated and systemic problems with how the family courts identify, assess and manage risk to children and adults."

While we of course welcome the changes brought in by the Domestic Abuse Act 2021, including the ban on cross-examination of victims of abuse by their perpetrators in the family and civil courts, it is clear that much more needs to be done.

Women's Aid conducted research with specialist support services and survivors of abuse who have been involved in private child proceedings since the Government's implementation plan for the harm report recommendations was published in 2020. It found that the optimism and hope that the publication of the report had brought have been destroyed by Government inaction and that lack of progress on the report's findings has left them disillusioned and disappointed.

Women's Aid also found that for many family court practitioners and professionals, their understanding of coercive and controlling behaviour and how perpetrators can and do use family court proceedings as another form of post-separation abuse is still insufficient. Survivors of domestic abuse are left feeling as if their experiences are ignored. The report from Women's Aid notes that they feel that

"as mothers they are trapped within a continuum of blame, facing contradictory accusations both of failing to protect their children from the perpetrator, and failing to facilitate contact between child and perpetrator."

The report also identifies serious concerns with parental alienation, and my hon. Friends the Members for Coventry North West and for Birmingham, Yardley have addressed that this afternoon. Indeed, several of the survivors Women's Aid spoke to in its research have had their children removed from them as a result of accusations of so-called parental alienation or alienating behaviours when they raise concern about unsafe contact arrangements for their child.

As we have heard today, this apparent belief system has come under increased international scrutiny. Indeed, several countries now refuse to recognise it as a result of the risk it poses of placing a child with an abusive parent. Following a recent survey of more than 4,000 court users in England and Wales, it is estimated that allegations of parental alienation are made in nearly 70% of family court cases in England and Wales. That astonishing number underlines the necessity for immediate Government action. In these cases, unregulated, self-declared experts, such as milkmen, are invited to give evidence, even though they have little to nothing in the way of formal qualifications to do so. In fact, they may have a vested financial interest in diagnosing so-called alienation, which they may then be paid to treat. Only last month, Sir Andrew McFarlane, the president of the family division, commented in the case of Re C that there was a "need for rigour" and "clarity" when instructing psychologists to give expert evidence in family cases, but claimed that stricter regulation was ultimately for Parliament to take action on.

I commend my hon. Friend the Member for Coventry North West on bringing this matter before the House, and I am aware that she has made other representations to the Ministry of Justice on the matter, to which the Minister has responded, claiming:

"It is a matter for the judiciary to determine which experts may be instructed to provide evidence in family law proceedings."

This impasse is totally unacceptable. There is a potentially high risk to already vulnerable children in this area. Loud alarm bells are being sounded, and the Government should be taking action now to investigate. Instead, they are once again demonstrating the dangerous inaction and lack of forward planning that have become their hallmark.

On the other hand, Labour wholeheartedly supports the calls for an urgent inquiry into the use of unregulated psychological experts in the family courts made by the Victims' Commissioner for London, Claire Waxman, alongside lawyers, academics and charity leaders. My colleagues, the shadow Minister for victims and youth justice, my hon. Friend the Member for Cardiff North (Anna McMorrin), and the shadow Minister for domestic violence and safeguarding, my hon. Friend the Member for Birmingham, Yardley, have co-signed those representations to the Ministry of Justice.

In government, Labour will put Jade's law on the statute book, ensuring that men who kill their partners will automatically have parental responsibility removed so they are not able to have a say in their children's lives. That will prevent them from continuing to perpetuate controlling and coercive behaviour on their children and the victim's family, who are likely to be caring for those children. Will the Minister introduce that law?

The Minister's Department has been active in addressing concerns regarding post-separation abuse through the family courts in recent years, as evidenced by the publication of the harm report in 2020 and the Domestic Abuse Act, which received Royal Assent in 2021. Why is the Department stopping there when it was beginning to take some really positive steps forward? Will the Minister commit today to action that will help to begin to resolve the ongoing crisis in this area?

I now turn to the wider challenges faced by our family courts. As across the rest of the courts system, the backlog in family courts is unacceptably high and, as a result, vulnerable children are left in precarious situations for months on end. The most recent data shows that private children's law cases are taking on average 45 weeks —nearly a year—to reach a final order. Cuts to legal aid, which others have raised today, in family cases have

[Alex Cunningham]

led to a huge increase in the number of litigants in person, who have been forced to represent themselves and end up costing the Government a significant amount because they take up much more of a judge's sitting time than a represented individual normally would.

Back in November 2021, I was pleased to hear the Lord Chancellor and Secretary of State for Justice, when he appeared before the Justice Committee say that he was

"in the market for something quite drastic and bold",

particularly in private law family cases, but I am sad to say that ambition appears to have disappeared. Instead, the backlog in the family court continues to rise, creating substantial anxiety and stress for families and, most importantly, for vulnerable children, at what is already an extremely difficult time in their lives.

I have spent a lot of time recently reflecting on how we can reduce the pain and suffering of going through the family court process. The debate we are having feels particularly timely, as I have met a number of family court practitioners, including at the north-east family drug and alcohol court, which I visited on Monday. I was hugely impressed by the work it is doing. I saw at first hand the value and benefit of a greater use of non-adversarial and problem-solving approaches in the family court.

I also had positive feedback regarding the pathfinder pilots in Dorset and north Wales, which are exploring a more inquisitorial approach in private family proceedings. An additional strength of the pathfinder model is that CAFCASS does substantially more up-front work in the process, which the court benefits from as it moves through the proceedings, but we have heard today about the resource challenges for CAFCASS that would currently prevent this positive work from being rolled out nationally.

Finally, many experts I speak to stress the importance of access to early legal advice in these cases, to ensure they end up in the most appropriate part of the system. One arm of that is ensuring that cases that do not need to go to court are kept out of it by early referral to mediation services and alternative dispute resolution. The other arm is ensuring that those cases that do need to go through the legal process are referred to it at as early a stage as possible.

These cases deal with challenging and highly emotive circumstances. Even the most straightforward family separation causes pain and anxiety. The impact these cases have, especially for the children involved in them, can last a lifetime. I hope the Minister will provide reassurances that the urgent issues raised today are being worked on by his Department, but also I hope that campaigners can take confidence in the fact that Labour takes these issues extremely seriously and fully supports the call for an urgent inquiry into the regulation of experts in the family courts.

5.4 pm

The Parliamentary Under-Secretary of State for Justice (Mike Freer): It is a pleasure to serve under your chairmanship, Mrs Cummins. I thank the hon. Member for Coventry North West (Taiwo Owatemi) for securing a debate on this important subject.

The family court must always act in the best interests of children. CAFCASS plays an integral role in England, both representing children in the family court and advising the court on what is safe and in children's best interests. It is CAFCASS that ensures that children's voices are at the heart of the family justice system. CAFCASS is the largest employer of qualified social workers in England and supports over 140,000 children each year, speaking up for those children at what can be an extremely difficult time.

I appreciate that Members wish to raise cases where things do not go right, but it is also important to pay tribute to the work that CAFCASS does, as well as the hard-working social workers who support 140,000 children. It is wrong to suggest that the whole of CAFCASS is failing children in this country. That is simply not fair on the organisation, and the social workers who have a very difficult job to do. That is not to say that mistakes are not made or that things do not go wrong, but to paint the whole service as a failure is simply not correct.

Taiwo Owatemi: Will the Minister give way?

Mike Freer: I will make some progress. I point Members to the recent Ofsted inspection in January this year. Ofsted said that CAFCASS was "highly effective". The service has meant that the children at greatest risk continue to be promptly allocated a children's guardian or family court adviser. I do not take issue with the problems that hon. Members have raised, but I wanted to put on record that the description of CAFCASS as a dystopian organisation getting everything wrong is simply unfair. There are many people there working in very difficult situations, doing a lot of good work for children.

I will move on to some of the things that we are doing to ensure that CAFCASS has capacity and funding. On additional funding and coping with the pandemic backlogs, we have ensured that the CAFCASS budget was increased by over £8.4 million, to a baseline of £140 million. We are also ensuring that the sitting days for both elements of the family court are increased.

I do not want to dwell on the particularly dry bits of what the family courts have to do. I appreciate that Members have raised specific questions, which I will do my best to answer. Where I cannot answer them, I will see that my colleague, Lord Bellamy, who covers this portfolio, provides more detailed answers. If hon. Members wish to meet Lord Bellamy to go through the issues in more depth, I am happy to facilitate that. I appreciate that I do not have the depth of knowledge that other Members or Lord Bellamy have.

We spend £813 million on civil legal aid. In the last couple of months, we have increased the amount by £30 million, just to support those people who need legal aid in a situation of domestic violence. It is not true to say that we are leaving victims of domestic violence without legal aid.

I recognise that long-term reform of the family court is needed, and that many of the issues are wide-ranging. Ensuring that vulnerable court users, such as those who have experienced domestic abuse, continue to be supported is complex. We want to continue to build on the response to the 2020 report on the risk of harm in private law proceedings. We have delivered on all the short-term commitments in the harm panel report. The Domestic Abuse Act 2021 prohibits the cross-examination of

victims by perpetrators, and gives victims of domestic abuse automatic eligibility for special measures in the family courts.

In December 2022, the Family Procedure Rule Committee agreed rule and practice direction changes to ensure that independent domestic violence advisers and other specialist support services can accompany a party into court. Those changes are expected to come into force on 6 April. The Government continue to work closely with the domestic abuse sector to ensure that survivors' voices remain central to family court reform. I look forward to the upcoming launch of the Domestic Abuse Commissioner's monitoring and reporting pilot, which will ensure that we continue to understand the impact of family court proceedings on children and families.

I will touch on a couple of issues raised.

Alex Cunningham: Before the Minister continues, could we go back to the issue of legal aid? Not everybody in family court proceedings can qualify for legal aid, but will he conduct an assessment of the time that has been wasted in courts because litigants in person take up so much more of judges' time? It would save time, and the Government money, if those people had access to legal aid.

Mike Freer: As always, I will give very careful consideration to any request from the hon. Gentleman, and I will report back to him on what we can do on that issue. He mentioned family mediation. Obviously, a big driver of the reform is the desire to keep families out of a court process that is not helpful, and away from an adversarial process. The investment of about £7.3 million in providing mediation vouchers has been a success; it is working.

Jess Phillips: Would the Minister enter, or want anyone in his family to enter, into mediation with their rapist?

Mike Freer: I will tread very carefully here. I grew up in a home with domestic violence, so I understand the issue quite closely. I am very careful to ensure that victims of domestic abuse are able to get justice, but I also accept—*[Interruption.]* No, hang on a moment; the hon. Lady should let me finish, before she judges what I am going to say. I personally would not want that to happen. That is not my decision. Unfortunately, as the hon. Lady knows, the justice system is never fair. It is often too "processy". The point she makes has been well landed, and they are points that we will continue to discuss with the judiciary. The process, as she knows, is not always balanced, and it is our job to try to remove imbalances. The point has been well made, and I will ensure that it is conveyed to the judiciary.

I turn to the other issues that the hon. Lady and other Members have raised. On the use of experts, we clearly have a difference of opinion. First of all, the regulation of experts is a matter for the Department of Health and Social Care, and I am more than happy to take the matter up with the relevant Minister.

The ability, or inability, to refuse a so-called expert is a matter for judicial discretion. If the judiciary does not believe that a person is an expert, it is up to them to say, "We do not accept them as an expert." Regulation is a separate issue; as I say, I am more than happy to take that up with colleagues in DHSC. However, the judiciary can reject what we would call, in common parlance, so-called experts.

I turn to the presumption of parental involvement. This is an important and complex issue, and we want to ensure that any recommendations resulting from the review are based on a solid understanding of the way that the presumption is applied, and how it affects both parents and children. The review will be concluded later this year, and a publication date will be announced in due course.

Parental responsibilities can already be limited by the courts. On Jade's law, my understanding is that the Minister of State, Ministry of Justice, my right hon. Friend the Member for Charnwood (Edward Argar), and Lord Bellamy have already met the right hon. Member for Alyn and Deeside (Mark Tami) to discuss the case and how these issues can be pursued. If hon. Members want to know more, then I am very happy to write, or to ask Lord Bellamy to write. However, that issue is being explored with the right hon. Member, who has raised it in the House several times.

I do not want to diminish the complexity of the issues raised today, but I did want to put on record that all the issues raised are being dealt with. I appreciate that Members will raise individual cases where they feel that the system is failing, and I cannot diminish individuals' experience of that, but we need some balance; 140,000 children are supported by CAFCASS in difficult circumstances, and to suggest that it gets it wrong all the time is not fair. However, the points raised by Opposition Members have landed well, and I will ensure that Lord Bellamy and I sit down to review the issues that have been raised. If hon. Members wish to have a meeting with Lord Bellamy, I am more than happy to facilitate that.

5.15 pm

Taiwo Owatemi: I would like to start by acknowledging the point made by the Minister. I do not think that anybody in this debate was saying that those working for CAFCASS are not trying their best, or that they get it wrong all the time; we are acknowledging that there are issues that need to be urgently addressed and are causing severe harm to women and the children CAFCASS is meant to protect. Those failures are due to Government inaction. Reforms need to happen, and there needs to be proper funding of the judicial system.

I thank everybody who participated in this debate, beginning with my hon. Friend the Member for Birmingham, Yardley (Jess Phillips), who has detailed the problems with parental alienation and unqualified experts. She has long campaigned on that important subject, and rightly calls for reform. I also pay tribute to my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous), who is no longer in his seat, for highlighting the importance of protecting vulnerable children. A lot of Members spoke or intervened, and I thank the hon. Members for Strangford (Jim Shannon), and for Stroud (Siobhan Baillie), who raised concerns about the lack of access to legal aid in the court system, parental alienation and unqualified experts, and the courtroom backlog. No mother should be penalised for safeguarding their children, so the Government desperately need to address the failures of CAFCASS and reform the family courts system.

I end by noting two key points. First, I notice that the Minister did not answer all my questions; I look forward to receiving a written response from him on those that

[Taiwo Owatemi]

he did not answer. Secondly, I look forward to meeting the Minister—hopefully very soon—to discuss some of the issues that I raised today. I look forward to reviewing the review that he spoke about, once it is published. Finally, I stress that after 13 years of failure, the criminal justice system is on its knees and in desperate need of funding and reform. Only then can victims such as my constituents get justice.

Question put and agreed to.

Resolved,

That this House has considered the Children and Family Court Advisory and Support Service and family court reform.

5.17 pm

Sitting adjourned.

Written Statements

Wednesday 22 March 2023

BUSINESS AND TRADE

UK-Gulf Co-operation Council Free Trade Agreement

The Minister of State, Department for Business and Trade (Nigel Huddleston): The third round of negotiations for a free trade agreement (FTA) between the UK and the Gulf Co-operation Council (GCC) took place between 12 and 16 March.

The round was hosted by GCC in Riyadh and held in a hybrid fashion. A number of UK negotiators from across the Government travelled to Riyadh for in-person discussions and others attended virtually.

Draft treaty text was advanced across the majority of chapters. Technical discussions were held across 13 policy areas over 30 sessions. Good progress was made and both sides remain committed to securing an ambitious, comprehensive and modern agreement fit for the 21st century.

An FTA will be a substantial economic opportunity and a significant moment in the UK-GCC relationship. Government analysis shows that, in the long run, a deal with the GCC is expected to increase trade by at least 16%, add at least £1.6 billion a year to the UK economy and contribute an additional £600 million or more to UK.

The fourth round of negotiations is expected to be hosted by the UK later this year.

His Majesty's Government remain clear that any deal we sign will be in the best interests of the British people and the United Kingdom economy. We will not compromise on our high environmental, public health, animal welfare and food standards, and we will maintain our right to regulate in the public interest. We are also clear that during these negotiations, the national health service and the services it provides are not on the table.

[HCWS663]

CABINET OFFICE

Digital Economy Act 2017 Debt and Fraud Powers: Consultation on Effectiveness

The Parliamentary Secretary, Cabinet Office (Alex Burghart): The Minister of State, Baroness Neville-Rolfe DBE CMG, has today made the following statement:

> Minister Burghart and I are pleased to announce the launch of a consultation on the effectiveness of the Digital Economy Act 2017 Debt and Fraud Powers.
>
> The Debt and Fraud Powers, as contained in Chapter 3 and Chapter 4 of the Digital Economy Act 2017 respectively, allow specified public authorities to disclose information for the purpose of managing and reducing debt owed to a public authority or to the Crown and combating fraud against the Public Sector.
>
> These Powers must be reviewed, three years after their operation, for the purpose of deciding whether they should be retained, amended or repealed. As part of this review, I am required to consult certain persons and publish a report on the review's outcomes.
>
> As part of this consultation, I shall engage with:
>
> the Information Commissioner,
>
> the Scottish Ministers,
>
> the Welsh Ministers,
>
> the Department of Finance in Northern Ireland,
>
> members of the Home Affairs Committee,
>
> bodies which have used the Debt and Fraud Powers of the Digital Economy Act 2017 and members of the Digital Economy Act Debt and Fraud Information Sharing Review Board.
>
> The Consultation is now open and will last for a period of six weeks, ending on 27 April 2023.

[HCWS661]

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

The UK's International Technology Strategy

The Secretary of State for Foreign, Commonwealth and Development Affairs (James Cleverly): This is a joint statement with the Secretary of State for Science, Innovation and Technology.

Today we have laid before the House the UK's international technology strategy. Technological advances bring huge opportunities for our economies and societies and how we collaborate internationally will be critical to realising the benefits of these.

The competition between authoritarian and liberal values will define how technologies shape our future. The integrated review refresh 2023 reiterated the central role of technology in driving growth and ensuring the security of the British people. This strategy sets out how we will work internationally to increase the UK's strategic advantage in technology, using that advantage to drive economic growth, protect our citizens' security and ensure our values of freedom and democracy thrive.

The international technology strategy is a cross-Government strategy. It underpins how we deliver internationally the vision set out in the UK science and technology framework.

The strategy defines a set of principles to shape our engagement on technologies internationally—open, responsible, secure, and resilient. It sets out a framework for delivering an ambitious vision and championing our principles on the international stage. Our approach will be guided by six strategic priorities:

> *Priority technologies and data:* artificial intelligence, quantum technologies, engineering biology, semiconductors, and telecommunications, alongside data as a key underpinning enabler of all technologies. We will build strategic advantage in these areas to ensure the UK is world-leading and that they develop in line with our values.
>
> *International partnerships for global leadership:* working closely with Governments, academia, and industry to support our shared growth and address global challenges.
>
> *Values-based governance and regulation:* promoting our principles and vision for a future technology order that benefits all by working with partners and through international fora to shape technology governance.
>
> *Technology investment and expertise for the developing world:* building capacity to bridge the technology divide and support partners to make informed choices.
>
> *Technology to drive the UK economy:* continuing to drive UK technology exports and promote the UK as the best place for technology companies to raise capital and attract foreign direct investment.

Protecting our security interests: ensuring sensitive technology does not fall into hostile hands and that we retain critical technology capabilities in the UK.

To realise the ambition of this strategy, we will bolster our capabilities across the UK's overseas network so the right skills and expertise can be deployed. This will include increasing the number of tech envoys, increasing technology expertise across our global network, and uplifting the capability of our diplomats through training, secondments, and recruitment.

A copy of the strategy has been placed in the Libraries of both Houses and is available on www.gov.uk.

[HCWS660]

HEALTH AND SOCIAL CARE

Cyber-security Strategy

The Minister for Health and Secondary Care (Will Quince): My hon. Friend the Parliamentary Under Secretary of State, Lord Markham, has made the following written statement:

I am pleased to announce the publication of the Cyber-security Strategy for Health and Adult Social Care to 2030. The strategy sets out a vision to 2030 for a health and social care sector that is resilient to cyber-attack. It establishes cyber security as a foundational business need to ensuring patient and service user safety. Improved cyber resilience will assure availability of services, protect valuable data, enable quicker response and recovery when attacks do occur, and increase public trust.

The health and social care sector has made good progress in recent years, by making use of the increasing cyber defence and response mechanisms at its disposal, with the sector now much better protected from untargeted attack than it was at the time of the WannaCry cyber-attack in 2017. However, we still have further to go. This strategy will shape a common purpose and an approach that will be applicable across health and social care systems including for adult social care, primary care, and our critical supply chain as well as for secondary care.

Digital transformation offers huge opportunities for the sector and building cyber security into our design will be essential as we put the right technology and controls in place to realise those benefits. The five pillars in our strategy, developed collaboratively across the health and care sector, focus our approach on the most important risks to our most critical systems, while growing our cyber workforce so that we can better tackle threats in the long term. The strategy will be supported by a national implementation plan in summer 2023 which will detail activities and define metrics to build and measure resilience over the next two to three years.

[HCWS662]

Petition

Wednesday 22 March 2023

OBSERVATIONS

TRANSPORT

Ultra Low Emission Zone

The petition of residents of the constituency of Chipping Barnet,

Declares that, in the light of the significant increase to the cost of living, it would be wholly wrong for new charges on driving to be introduced by the Mayor of London; further that new charges would add to already strained household budgets; and further that petitioners strongly oppose the Mayor of London's proposal to extend the Ultra Low Emission Zone to cover Barnet and the whole of Greater London, as well as his plans for pay-per-mile road charging.

The petitioners therefore request that the House of Commons urge the Government to press the Mayor of London to drop his proposals to extend the Ultra Low Emission Zone to cover Barnet and Greater London, as well as his plans for pay-per-mile road charging.

And the petitioners remain, etc.—*[Presented by Theresa Villiers, Official Report,* 8 March 2023; Vol. 729, c. 381.]

[P002807]

Observations from The Parliamentary Under-Secretary of State for Transport (Mr Richard Holden):

This is a devolved policy area: transport in London is devolved to the Mayor of London, and he is responsible for transport policy decisions including on road schemes which charge users. It is for him to fund the cost of expanding the ULEZ; he cannot use any Government grant money to fund this. We would encourage residents and MPs to engage with the Mayor of London, the London Assembly, and Transport for London on this matter.

Ministerial Correction

Wednesday 22 March 2023

TREASURY

Topical Questions

The following is an extract from Topical Questions to the Chancellor of the Exchequer on 21 March 2023.

T9. [904240] **Debbie Abrahams** (Oldham East and Saddleworth) (Lab): OBR analysis of last week's Budget has shown that there will be no real-terms growth in public services in 2023-24 and just 1% in 2024-25. Given the recent Patriotic Millionaires UK survey showing that more than seven in 10 millionaires want to have a fair tax on their wealth—by wealth, we are talking about £10 million of investable assets—will the Chancellor look at this?

Jeremy Hunt: What I say to the hon. Lady, whom I greatly respect, is that we did a lot for public services in the autumn statement, including a **£3 billion increase** in the annual schools budget and an £8 billion increase in the annual health and care budget. We are always focusing on public services, and we do support a progressive tax system.

[Official Report, 21 March 2023, Vol. 730, c. 157.]

Letter of correction from the Chancellor of the Exchequer (Jeremy Hunt).

An error has been identified in the response I gave to the hon. Member for Oldham East and Saddleworth (Debbie Abrahams).

The correct response should have been:

Jeremy Hunt: What I say to the hon. Lady, whom I greatly respect, is that we did a lot for public services in the autumn statement, including a **£2.3 billion increase** in the annual schools budget and an £8 billion increase in the annual health and care budget. We are always focusing on public services, and we do support a progressive tax system.

ORAL ANSWERS

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WRITTEN STATEMENTS

Wednesday 22 March 2023

PETITION

Wednesday 22 March 2023

MINISTERIAL CORRECTION

Wednesday 22 March 2023

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Wednesday 29 March 2023

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