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12 June 2023**

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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

**Monday 12 June 2023**

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# HIS MAJESTY'S GOVERNMENT

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(FORMED BY THE RT HON. RISHI SUNAK, MP, OCTOBER 2022)

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# THE PARLIAMENTARY DEBATES

## OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTY-EIGHTH PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
[WHICH OPENED 19 DECEMBER 2019]

FIRST YEAR OF THE REIGN OF  
HIS MAJESTY KING CHARLES III

SIXTH SERIES

VOLUME 734

TWENTYFIRST VOLUME OF SESSION 2022-2023

### House of Commons

*Monday 12 June 2023*

*The House met at half-past Two o'clock*

#### PRAYERS

[MR SPEAKER *in the Chair*]

### Oral Answers to Questions

#### EDUCATION

*The Secretary of State was asked—*

##### Industrial Dispute Resolution

1. **Theresa Villiers** (Chipping Barnet) (Con): What steps she is taking to resolve the industrial dispute with education trade unions.

[905300]

**The Secretary of State for Education (Gillian Keegan):** After an intense negotiation with all four trade unions, we made a fair and reasonable offer, which would have been fully funded through £620 million of additional funding, on top of the additional £2 billion already announced for both this year and next—a cash injection that means that by next year we will be funding our schools at the highest level in history, totalling £58.8 billion. Unfortunately, the trade unions rejected our offer. We are in the process of reviewing the independent School Teachers' Review Body's recommendation on teacher pay for 2023-24, and we will publish our response in the usual way.

**Theresa Villiers:** I thank the Secretary of State for her answer. One issue in the dispute is recruitment and retention. Recent stats show a record number of teachers—nearly 48,000—entering the profession. That means that in Barnet there are 227 more teachers than in 2010. Does she agree that those encouraging figures are another good reason to call off the dispute and end the disruption to children's education?

**Gillian Keegan:** I, too, am encouraged by the record numbers entering the teaching profession. We are doing a lot to attract the top talent into teaching through financial incentives totalling £181 million, including bursaries, scholarships and a levelling-up premium in priority areas. We are also delivering on our commitment to raise starting salaries to at least £30,000. We know that there is more to do, but the data shows that the steps we are taking are benefiting children and teachers, in Chipping Barnet and across the country.

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): It is six weeks until the end of the summer term and headteachers are desperately trying to budget. They need the STRB proposals on pay now, as well as information on how they will be funded. The release of that information could prevent all the strikes, which we know will damage the education of so many. When will headteachers have the information they desperately need, including to help to retain some of the excellent teachers we keep losing?

**Gillian Keegan:** This is the same process we follow every year. We take the independent pay review body's recommendations seriously, are considering the report and will publish in due course, just as we do every year.

**Jonathan Gullis** (Stoke-on-Trent North) (Con): I met some National Education Union reps in my office for an hour and a half last week, and they were shocked to hear that I was going to say this to the House today. If the STRB has recommended that teachers should get a 6.5% pay rise—it was meant to report in May, something I signed off when I was in the Department—they should be given that pay rise. The Minister will rightly ask where that money is going to come from. I say we take it out of the foreign aid budget, year in, year out.

**Gillian Keegan:** Following the union's rejection of the Government's fair, reasonable and funded offer, the report has been submitted by the independent STRB. I will not comment on speculation or leaks, or indeed on funding, but we will consider the recommendations and publish our response in due course.

**Peter Grant** (Glenrothes) (SNP): The Scottish Government did not stonewall the unions and have not claimed that the unions are responsible for all our social ills. The Scottish Government engaged constructively with unions, in education and elsewhere in the public sector, and have agreed a pay deal that means that Scottish teacher salaries will increase by 14.6%—I will say that again: 14.6%—by January next year. In this tale of two Governments, which Government can teachers trust to look after their interests?

**Gillian Keegan:** Pay awards for this year needed to strike a careful balance between recognising the vital importance of teachers and the work they do, and being affordable and not exacerbating inflation. We have taken that very seriously. We also take standards seriously, and I am delighted that the standards in England are continuing to rise. The question with teachers' pay rises is always: are they funded? I am aware that the Scottish Government have had to take the funding from other places, including skills and higher education.

**Mr Speaker:** I call the shadow Secretary of State.

**Bridget Phillipson** (Houghton and Sunderland South) (Lab): We were all reminded today that the Secretary of State is already keen to move on, yet parents know that it is her ongoing failure to resolve the disputes that is damaging our children's education. She told us to wait for the independent pay review body's recommendations. Those have been made and now she refuses to publish them. Will she come clean, allow headteachers to plan for September and publish the recommendations today?

**Gillian Keegan:** I assure the hon. Lady that I have no intention of moving on—I am sure she will be delighted to hear that. This is the same process that we go through every year. I take the independent teachers review body very seriously. That is why, on my very first day in this job, when I had a letter from all the teaching unions asking for an additional £2 billion to fund the increase for last year that the STRB had recommended, which was much higher than the 3% that schools had budgeted, I took it seriously and got that extra funding. That takes time. I have just received the report. We are considering the recommendations and we will definitely publish it within the same sort of timeframes that we usually publish it.

### Financial Support for Students

2. **Marion Fellows** (Motherwell and Wishaw) (SNP): Whether she has had recent discussions with her counterparts in the devolved Administrations on financial support for (a) school and (b) higher education students in the context of increases in the cost of living. [905302]

**The Secretary of State for Education (Gillian Keegan):** This is a timely question, as just last Thursday I met representatives from across the UK to discuss that very topic. In England, we have put in place significant support to help students and families alike with the cost

of living. This year alone, the Government will spend around £37 billion on cost of living support. We provide free school meals to more than one third of children in education and we have boosted our student premium this year, spending £276 million.

**Marion Fellows:** Expanding free school meals to all children in universal credit households is not controversial. New data from the Food Foundation shows that 80% of the English general public support it. The Scottish Government have already committed to providing universal free school meals for all primary children. Why is the Secretary of State's Department fuelling the poverty cycle and failing to give deprived children the very best start in life?

**Gillian Keegan:** I take my role of giving children the very best start in life incredibly seriously. This Government spend more than £1 billion annually delivering free school meals to pupils in schools. More than one third of pupils in schools in England receive a free meal, which, incidentally, compares with one sixth under Labour in 2010. We must also ensure that students are supported in school holidays; that is why we have introduced the holiday activities and food programme.

**Sir David Evennett** (Bexleyheath and Crayford) (Con): I welcomed my right hon. Friend's announcement in January that tuition fees would be frozen for the sixth year in a row. That is welcome news for students and the country. Does she agree that that will deliver better value for students and rightly keep down the cost of higher education across the United Kingdom?

**Gillian Keegan:** We are always committed to ensuring that students get good value for money, that they have a valuable experience at university and that they get the qualifications they need for the future. In addition to keeping tuition fees flat, we have introduced and boosted degree apprenticeships—as my right hon. Friend knows, I am a huge fan of those—where, if people want to earn and learn, they can get their degrees paid for by their apprenticeship.

### Local Business Needs: Skills Development

3. **Damien Moore** (Southport) (Con): What steps she is taking with Cabinet colleagues to support the development of skills in communities that meet local business needs. [905303]

12. **Sir James Duddridge** (Rochford and Southend East) (Con): What steps she is taking with Cabinet colleagues to support the development of skills in communities that meet local business needs. [905314]

**The Secretary of State for Education (Gillian Keegan):** I am delighted that we will be rolling out the local skills improvement plans from this summer. The LSIPs will put local employers at the heart of developing skills provision to meet the needs of their businesses, ensuring that people get the right skills to get good local jobs. In my own Chichester constituency, the Sussex LSIP is working to meet the needs of many sectors, including our horticultural industry, worth £1 billion a year to the local economy. Other hon. Members in rural seats will understand the recruitment challenges facing agrifood businesses. Our skills plan will bring together providers

such as colleges to create more opportunities for people to get the skills businesses need, and that will be going on across the country.

**Damien Moore:** My Southport constituency has a unique seaside heritage and vital industry support. Can my right hon. Friend elaborate on how those steps will specifically support skills in the sectors of hospitality, tourism and coastal conservation?

**Gillian Keegan:** I know my hon. Friend is doing a lot to support businesses in our great seaside towns. We are increasing collaboration with colleges, employers and the chamber of commerce. The plan has been informed by hundreds of local businesses such as Lattimer, Access Point, EFT Construction, Bulldog Products and Stormspell. The visitor economy has been identified as a priority for the city region, with actions being taken to establish a working group to develop basic skills courses and to increase off-season study and training, management apprenticeships and access to work placements for students in and around the area.

**Sir James Duddridge:** The seaside will be grateful for that excellent response. Denise Rossiter, chief executive officer of Essex chambers of commerce, is working with local businesses such as Adventure Island to come together and deliver a local skills improvement plan that will help my seaside town to deliver a pipeline of talent for all sectors, including digitech, engineering and manufacturing. That will drive the local economy. Will the Secretary of State support the funding bid for that great work and the great city of Southend, and may I invite her to Adventure Island?

**Mr Speaker:** I hope that's in Southend.

**Gillian Keegan:** That sounds like too good an invitation to miss. I thank my hon. Friend for being such a champion for skills development in Rochford and Southend East. I know that many local employers, including Essex & Suffolk Water, Rose Builders, Ground Control, DP World London Gateway, Adventure Island and Constellation Marketing, are working with the Essex chambers of commerce and South Essex College to steer the LSIP. Many businesses up and down the country will benefit from our £165 million local skills improvement fund that providers, including South Essex College, will apply for. I look forward to receiving the proposal for the Essex, Southend and Thurrock area.

**Andrew Gwynne** (Denton and Reddish) (Lab): The reality is that almost 4 million fewer adults have taken part in learning since 2010, there are 200,000 fewer apprenticeship starts over the last decade, and part-time undergraduate student numbers have fallen by 50%. What is the Secretary of State doing to reverse the decade of decline in skills and training opportunities that is making Britain poorer?

**Gillian Keegan:** What I am doing is ensuring that the quality is better. It is very easy to chase numbers and targets. The Labour Government did that a lot—some of the things in which they used to invest for skills were not of any value at all, either to the individual or to a single business in this country. We are ensuring that we work closely with employers. We have worked with

them to design the T-levels qualification. We have worked with 5,000 of them to build the apprenticeship standards. We have had 5.4 million apprenticeship starts since 2010, and all of them are of a high quality that will give people the skills they need to get the jobs they want.

**Tim Farron** (Westmorland and Lonsdale) (LD): The hospitality and tourism industry is the biggest employer in Cumbria and is worth £3.5 billion to the economy every year. Yet those businesses are suffering a huge staffing crisis: 63% of them are operating below capacity because they cannot find enough staff. One solution is to recruit and train our own young people into the industry, and a T-level would surely be one way of doing that, but sadly, the Secretary of State's Government have decided to kick the catering T-level into the long grass. Will she rethink that and bring it back front and centre of her campaign to ensure that young people get into that important industry with the right qualifications?

**Gillian Keegan:** I agree with the hon. Gentleman that that is a vital industry, not just in areas of tourism but across the country. We have many full-time hospitality and catering courses at various levels and lots of apprenticeships as well. We will bring forward and look at T-levels and at what more we need in that area, and potentially at management in the sector as well; I know that businesses are looking for more skills in that.

**Mr Speaker:** We come to the shadow Minister.

**Mr Toby Perkins** (Chesterfield) (Lab): The Secretary of State says that she is listening to businesses, but if she were, she would hear that Labour's plan to devolve adult education budgets to local communities and directly elected Mayors, and to change the apprenticeship levy into a more flexible growth and skills levy, has won widespread support from across the business community. Why is she so determined to stand against what employers say they want, and to hold learners, employers and our economy back?

**Gillian Keegan:** That is a good question. The hon. Gentleman is right that employers have often asked for that flexibility in the levy. I do not think that anybody in this House doubts my support for apprenticeships—they were my golden ticket and, I am convinced, are a very good way into the workplace. Labour Members have said that they want to build flexibilities into the levy. The problem with their calculations is that, at this moment, we are spending 99.6% of the levy on apprentices. Their policy is based on levy payer spend, not levy payer budget. That means that the biggest losers from the policy would be small and medium-sized businesses and about half of current apprentices.

#### Children with Special Educational Needs

4. **Jim Shannon** (Strangford) (DUP): What recent discussions she has had with her counterparts in the devolved Administrations on support for children with special educational needs. [905304]

**The Parliamentary Under-Secretary of State for Education** (**Claire Coutinho**): The hon. Gentleman will be aware that we published the special educational needs and disabilities and alternative provision improvement plan



in March this year. Although the plan applies only to England, we shared a pre-publication draft with the devolved Administrations to build understanding of our proposals.

**Jim Shannon:** I thank the Minister for her response and for her interest in exchanging such ideas with Northern Ireland. Whether we are on the United Kingdom mainland or in Northern Ireland, money is under pressure. As someone who has been an elected representative in local government, in the council, as a Member of the Legislative Assembly and as a Member of Parliament, I am very aware that many more people seem to have special educational needs. When people have to wait up to seven months for an assessment, the cut in money is detrimental. Will the Minister share the ideas from the mainland here in the UK with the Department of Education back home? There are many ideas and thoughts on classroom assistants on the mainland, and it would be good to exchange those ideas and thoughts with the Assembly in Northern Ireland.

**Claire Coutinho:** I know that the hon. Gentleman is a passionate campaigner on such issues. He will know that education is devolved, but Ministers engage with our counterparts through the UK Education Ministers Council, and a session was held just last week, on 8 June.

### Children with Special Educational Needs and Disabilities

5. **Debbie Abrahams** (Oldham East and Saddleworth) (Lab): What steps she is taking to help improve support for children with special educational needs and disabilities and their families. [905305]

7. **Jack Brereton** (Stoke-on-Trent South) (Con): What steps she is taking to improve provision for children with special educational needs and disabilities. [905307]

21. **Luke Hall** (Thornbury and Yate) (Con): What steps she is taking to improve provision for children with special educational needs and disabilities. [905323]

**The Parliamentary Under-Secretary of State for Education (Claire Coutinho):** I want every child and young person, regardless of their special educational need or disability, to receive the right support to enjoy their childhood and succeed in life. The SEND and AP improvement plan, published in March 2023, sets out the next steps that we are taking to deliver a more positive experience for children, young people and families.

**Debbie Abrahams:** The Children's Commissioner has expressed concerns about the gaps in the Government's plan to improve the system for children with special educational needs and disabilities, identifying:

"A vicious cycle of late intervention, low confidence and inefficient resource allocation" that needs addressing. In particular, she points to the issues for looked-after children with SEND. Given that the plan is to be implemented by 2025, what are the Government doing now to achieve those things?

**Claire Coutinho:** We have not waited to take action on this issue. We have increased, for example, high needs block funding by 50% over the last four years to 2023-24. We have set out £2.6 billion to increase the

number of specialist schools. We have also hired educational psychologists. We have done a lot of work to date, but the reforms are ambitious and wide-ranging and they will, I hope, help with the issues mentioned.

**Jack Brereton:** The need for more specialist school places is raised frequently by parents in my constituency, and children are being bounced between mainstream providers that are simply not fit to cater for many advanced needs. Recently, I visited Hillcrest Glebedale School in my constituency, which is keen to expand the number of places. Will the Minister do more to ensure that we support such schools and grow the number of SEND places in Stoke-on-Trent?

**Claire Coutinho:** I thank all the special schools for the amazing work they do to support children and young people. We have announced more than £1.4 billion of high needs provisional capital allocations to support local authorities to deliver new places for academic years 2023-24 and 2024-25. Local authorities can use that funding to work with any school or institution in their area.

**Luke Hall:** Work has begun on the new Two Bridges Academy in South Gloucestershire, a new school that will support pupils who have severe, profound and multiple learning difficulties and autism from the age of two right through to sixth form. Will the Minister join me in thanking the educational trust, the council and all the local groups who are helping to deliver this exciting and innovative project and will she use her office to make sure that it is open by the planned date of September 2024 to help us cope with the growing demand for special educational needs services in South Gloucestershire?

**Claire Coutinho:** I am delighted to join my hon. Friend in thanking all those involved in the project. The Two Bridges site remains on track to open as planned and work is progressing well. We are committed to working with the trust to ensure that that remains the case.

### Weekly Childcare Costs

6. **Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): What recent estimate she has made of the average weekly cost of childcare for households with (a) one child and (b) two or more children. [905306]

**The Parliamentary Under-Secretary of State for Education (Claire Coutinho):** The cost of childcare depends on hours used a week over weeks per year, provider type, child's age and region. For this reason, the Department does not produce an official estimate of the average weekly cost of childcare by the number of children in a household. However, this year, Coram estimates the cost of using 25 hours a week of childcare for a child aged under two in a nursery as, on average, £151 across England.

**Luke Pollard:** In low-wage economies such as Plymouth, families are struggling to afford decent childcare and are having to choose between working all the hours God sends to afford the nursery bills and leaving the workforce to look after the kids at home. I look forward to meeting the Secretary of State tomorrow to talk

about how we can keep south-west nurseries financially afloat, but mums and dads need to be kept afloat as well. What can the Minister do to make childcare more affordable and, importantly, not just load those additional costs on to nurseries that are already struggling to pay their bills?

**Claire Coutinho:** I completely recognise that this has been difficult for families, but that is exactly why we are taking action. We are making the single largest ever investment in childcare. We will be doubling the amount we spend on it by 2027-28, and that will start with additional funding this year.

**Sir Robert Goodwill** (Scarborough and Whitby) (Con): Parents were delighted to hear in the spring Budget of the extension of childcare provision, which is being phased in to allow the sector to gear up, recruit and train. Will my hon. Friend give me an update on how that is progressing, in terms of having enough highly skilled people in place to do that important work?

**Claire Coutinho:** That is the crucial issue when it comes to delivery, and we have already taken steps. We are consulting on flexibilities for the sector to make sure that we have the right people in place for the first part of the roll-out, which will be in April 2024. We have also been making sure that more funding is going into the system this year.

**Mr Speaker:** I call the shadow Minister.

**Helen Hayes** (Dulwich and West Norwood) (Lab): The early years sector has had three months to absorb the Government's Budget announcement on childcare. Wherever I go in the country, early years professionals tell me that without a plan for expanding and developing the workforce and securing additional premises, the Government's approach will deliver neither affordable childcare for parents nor high-quality early years education for children. They are clear that relaxing ratios is not the solution they need. What does the Minister intend to do about the deficit in the Government's plans?

**Claire Coutinho:** As I said, we have already set out some flexibilities in a consultation that was published last week, and I urge every single person in the early years sector to look at that. I urge the hon. Lady to look at it too, because there are much wider flexibilities in there: for example, looking at qualifications relaxations. Overall, the Government have set out the single largest ever investment into childcare; Labour has not set out a plan at all.

### Phonics Teaching: Isle of Wight

8. **Bob Seely** (Isle of Wight) (Con): What assessment her Department has made of the effectiveness of phonics teaching in Isle of Wight constituency. [905308]

**The Minister for Schools (Nick Gibb):** There is overwhelming evidence that systematic phonics is the most effective method for teaching early reading. The English hubs programme is made up of 34 high-performing primary schools with exemplary practice in the teaching of synthetic phonics and reading. They are using their expertise to spread best practice to nearby schools, and

have now reached over 1,600 primary schools. The English hub supporting the Isle of Wight has been helping 11 primary schools on the Island with their teaching of reading.

**Bob Seely:** I thank Ministers, first for the new special educational needs school for the Island—it is much appreciated—and secondly for agreeing to a phonics conference in June. The recent Islands Forum held on the Isle of Wight showed the link between education, jobs and the skills agenda and getting better opportunities for islanders, whether they are in Scotland or down on the Isle of Wight in my patch. On the phonics conference, is the Minister willing to pledge that we will get a centre of excellence for the teaching of phonics on the Island? Our nearest one, however good it is, is on the mainland in Southampton.

**Nick Gibb:** My hon. Friend and I have discussed education standards on the Isle of Wight on a number of occasions, and I pay tribute to him for the support he gives his schools and his determination to see standards rise in those schools. The Springhill English hub that he referred to is supporting primary schools on the Island to improve their teaching of phonics. As I said, it is already working with 11 primary schools, five of which have received intensive support, with the intention of ultimately finding a school on the Isle of Wight itself that has sufficient expertise to spread practice within the Island. That conference is taking place at the end of the month, and I hope all primary schools will be able to attend.

### Technical Education at Secondary Schools

9. **Rob Butler** (Aylesbury) (Con): What assessment she has made of the adequacy of technical education pathways at secondary schools. [905310]

15. **Mrs Flick Drummond** (Meon Valley) (Con): Whether her Department is taking steps to increase the provision of specialist technical education at secondary schools. [905317]

**The Minister for Skills, Apprenticeships and Higher Education (Robert Halfon):** To complement our reformed, more rigorous GCSEs, we are ensuring that high-quality vocational and technical qualifications are available. We have introduced new technical awards at key stage 4 in engineering, technology and many other subjects, and we have our own prestigious T-level offerings for those from 16 years old onwards.

**Rob Butler:** I am very proud to have Aylesbury University Technical College in my constituency. It provides excellent technical education for young students on a specialist pathway, but not everywhere has those specialist schools. As such, a proposal has been made to my right hon. Friend's Department to introduce UTC-style courses in mainstream schools for some pupils who are perhaps better suited to that type of education at key stage 4. What progress has the Department made in assessing the feasibility of such courses, which would provide the qualifications, employment skills and work experience that are so important to today's economy?

**Robert Halfon:** My hon. Friend is a champion of UTCs, and he knows that they are equipping students with the skills that employers need. I congratulate Aylesbury UTC on the new health and social care suite it is opening later this month. As he mentions, Baker Dearing Educational Trust has proposed a pilot for a technical curriculum in a small number of existing schools, and the Department will take a decision on that shortly.

**Mrs Drummond:** Students in my Meon Valley constituency who want to go to a university technical college can apply only to the excellent but oversubscribed one in Portsmouth. I am supporting the Portsmouth UTC in its bid to expand into Southampton, which will increase the numbers who are able to take advantage of this excellent education route and give choice to young people in my constituency. Can my right hon. Friend confirm when his Department will announce support for the next round of UTCs?

**Robert Halfon:** My hon. Friend is a champion of skills, and she is right that UTCs, such as the outstanding Portsmouth UTC, are providing students with skills that will lead to rewarding technical careers. The Department is carefully assessing the free schools applications received against the published criteria and intends to announce the successful proposals before the summer. It is worth mentioning that UTCs have high destination outcomes at key stage 5, especially into apprenticeships.

#### Teachers: Recruitment and Retention

10. **Kate Osborne** (Jarrow) (Lab): What steps her Department is taking to improve the recruitment and retention of teachers. [905311]

17. **Mr Tanmanjeet Singh Dhesi** (Slough) (Lab): What steps her Department is taking to improve the recruitment and retention of teachers. [905319]

**The Minister for Schools (Nick Gibb):** The school workforce census published last week shows that the number of teachers has increased by a further 2,800 this year. There are now more than 468,000 teachers in the state system in England. We have invested £181 million in recruitment this year, including training bursaries and scholarships worth up to £29,000, and we are delivering £30,000 starting salaries, reforming teacher training, delivering half a million training opportunities and working with the sector to address teacher workload and wellbeing.

**Kate Osborne:** The Minister mentions the data released last week, but it also highlights the unacceptable consequences of real-terms cuts to teachers' pay and unmanageable workloads. It shows that posts without a teacher have more than doubled in the past two years. Last week, I met with NASUWT North East and the South Tyneside branch of the National Education Union, which raised concerns about the impact of the recruitment and retention crisis. When will the Minister take action to tackle this crisis by increasing teachers' pay and reducing their workload?

**Nick Gibb:** In terms of teachers' pay, we are waiting for the Government's response. We have received and are looking at the School Teachers Review Body's recommendations now, and we will respond in the

normal way and on the normal timing. In terms of workload, we set up three important workload working groups, and over the years that has resulted in the working hours of teachers coming down by five hours a week, and we have pledged to do more to reduce that further.

**Mr Dhesi:** There were 44,000 leavers from the teaching profession last year. That is 9.7% of the total workforce, and the leaver rate is the highest it has been since 2018. The Government have missed their secondary teacher recruitment targets every year for the past 10 years bar one. All that is yet more evidence of how the incompetent Conservative Government have created the recruitment and retention crisis among teachers, and schools in Slough and across our country are lamenting the detrimental impact on our children's education. Minister, what are the Government doing to urgently fix the recruitment and retention crisis?

**Nick Gibb:** If the hon. Member looks at the tables attached to the school workforce census, he will see that we have returned to pre-pandemic levels of recruitment. If he looks over a period of years, he will see that the number of teachers coming into state-funded schools and the number leaving are broadly similar.

**Sir Desmond Swayne** (New Forest West) (Con): The abandonment of respectful address, such as "sir", will not help, will it? Apparently it is because the female equivalent, "Miss", is considered demeaning. Might I suggest the substitution of "ma'am"? It was good enough for Her late Majesty.

**Nick Gibb:** My right hon. Friend should not believe everything he reads in the newspapers. Behaviour in our schools is improving. We have set up behaviour hubs around the country to ensure that best practice is spread throughout the school system.

**Mr Speaker:** I call the shadow Minister.

**Stephen Morgan** (Portsmouth South) (Lab): Last week, the Minister's Department celebrated the latest teacher recruitment and retention figures, with the numbers showing that 40,000 teachers left the profession last year—the highest number since records began. Does he really think that is worth celebrating?

**Nick Gibb:** As I said earlier, if the hon. Member were to look at the tables attached to the school workforce census, he would see that the number of teachers coming into the state sector and those leaving are broadly similar, and they have a broadly similar pattern across the years. For example, the number of teachers leaving last year—44,000—compares with the 42,500 who left the profession in 2010-11. The challenge we have faced over the last 13 or 14 years is that we have created an extra 1 million school places in our schools. However, over that period, the pupil-teacher ratio in secondary schools, particularly in the last few years, has been broadly similar—it has risen slightly, but it has been broadly similar—despite the fact that we have increased the number of school places by over 1 million.



### Student Visas: Higher Education

11. **Angela Crawley** (Lanark and Hamilton East) (SNP): What recent discussions she has had with the Secretary of State for the Home Department on the potential impact of changes to the student visa route on the competitiveness of the higher education sector. [905312]

**The Secretary of State for Education (Gillian Keegan):** The UK is home to some of the world's top universities, which benefit from strong international ties—so much so that it is impressive that UK universities have educated 55 of the current world leaders. My right hon. and learned Friend the Home Secretary and I are proud of our higher education sector and our commitment to having at least 600,000 international students study here every year. The change we are making will restrict the right of postgraduate students on taught courses to bring in dependants. This decision strikes the right balance to ensure that we have a fair and robust migration policy, and maintain the UK's place as a top destination for the best and brightest from around the world.

**Angela Crawley:** The Higher Education Statistics Authority has shown that 55% of UK universities recorded a deficit in the last academic year. One of the key sources of revenue for universities is international students, who account for almost one fifth of the income of the UK's higher education sector, and Scottish institutions are paying the price. Does the Secretary of State recognise that her Government's policy change on student dependants risks jeopardising the key income stream for many financially strained universities across the UK and in Scotland?

**Gillian Keegan:** No. Our offer to international students remains very competitive, and we are committed to ensuring that the UK remains a destination of choice for international students from across the globe. International students do make a significant economic contribution to the UK economy and to our universities, and they make a significant cultural contribution. These changes will predominantly impact on the dependants of students and, in our view, will not impact on the competitive nature of our university offer.

**Mr Speaker:** I call the shadow Minister.

**Matt Western** (Warwick and Leamington) (Lab): The Opposition more than recognise the huge value brought to the world-class higher education system by international students. That said, we were clear that we would not oppose the changes the Government have made to student visa rules. However, in responding to a written question earlier today, the Home Office stated that “any indirect impact” of its student visa policies should be “proportionate” to the aims. Will the Secretary of State explain how, given that the Government have failed to conduct an impact assessment, she knows this to be true?

**Gillian Keegan:** The problem we were trying to solve is that we saw the number of dependants rise more than eightfold from 16,000 in 2019 to 136,000 in 2022, which is an unprecedented increase. Therefore, I fully support the Home Secretary in taking action to reduce the

number. From January 2024, students coming to the UK to take postgraduate taught courses will not be allowed to bring in dependants, but students coming for many other courses, such as PhDs or research masters, will still be able to bring in dependants. The international education world is very competitive, which is why we put together an international education strategy—this is the first time we have done it—and why we have somebody working with our universities to make sure that we can attract the best and brightest into our universities, and I am sure we will continue to do that.

**Mr Speaker:** I call the SNP spokesperson.

**Carol Monaghan** (Glasgow North West) (SNP): As a former teacher, can I just say that I was quite happy to be called “Miss”? I have been called far worse as an MP.

When asked in December about the merits of limiting visas for the dependants of international students, the Education Secretary conceded that, if such a policy was enacted, our ability

“to attract the best students from around the world is going to be reduced”.

This policy is now a reality. It is impacting on our emerging markets in Nigeria and India, and it will skew our market much further towards Chinese students. Does she stand by her initial remarks?

**Gillian Keegan:** The visas that we were very keen should be available are the two-year graduate route visa, to make sure that all students coming here have two years in which to find a job before they can then apply for a work visa post their study period. That is a very competitive offer and I was very keen to ensure it was in place. We have looked at this very carefully but, as I said to the hon. Member for Warwick and Leamington (Matt Western), we had an unprecedented increase—more than eightfold—in the number of dependants coming here and, bearing in mind our migration figures, we wanted to take action on that.

**Carol Monaghan:** The eightfold increase happened because of the Secretary of State's Government's policies and the collapse of the European market—things that those on the Conservative Benches must be responsible for. The vast majority of international students are temporary visitors, yet they are counted as permanent in the migration figures—a policy the former Education Secretary, the right hon. Member for North West Hampshire (Kit Malthouse), has called “bonkers”. A simple solution to halt the ongoing targeting of the students in this market would be to count only those who stay. Why is that not being considered?

**Gillian Keegan:** The hon. Lady is right: the vast majority of international students return to their home countries once they have finished their studies. Home Office data show that less than 1% of those granted an initial study visa in 2016 had been granted settlement by 2021, but the Office for National Statistics is responsible for the migration figures.

### School Buildings

13. **Helen Morgan** (North Shropshire) (LD): What steps her Department is taking to improve school buildings. [905315]

**The Minister for Schools (Nick Gibb):** Well-maintained, safe school buildings are essential. The Department has supported local authorities and academy trusts to keep their schools in good condition by providing over £15 billion in condition funding since 2015. Our school rebuilding programme will also transform buildings at 500 schools, prioritising those in the poorest condition.

**Helen Morgan:** I recently visited the Corbet School in my constituency, a small, rural, academy trust secondary school. It is very well run, but 25% of its teaching space is in old demountable buildings. How can small rural schools with only 750 pupils on the roll better access funding to improve the buildings the pupils are taught in, to give them the same opportunities as pupils in more urban areas?

**Nick Gibb:** We take into account the condition of any school's buildings in the capital funding we give either to the local authority or to the trust or diocesan group, and it is up to those bodies to decide how best to distribute that funding to meet local needs. All schools, including rural schools, have the opportunity to be nominated for the latest round of the school rebuilding programme, which is rebuilding and refurbishing school buildings across the country.

**Sir Jake Berry (Rossendale and Darwen) (Con):** It would be remiss of me not to thank the Department for the huge rebuilding programme it is undertaking, particularly in Rossendale—not least the brand-new school in Whitworth and huge investment in Haslingden High and All Saints' schools. However, a school I was previously a governor at, the Valley Leadership Academy, which is part of the Star chain of academies, is suffering terribly from under-investment. The estate is not fit for purpose, and I hope that when the next round of funding happens, my right hon. Friend will look favourably on the Valley Leadership Academy, and also the other Star Academies schools which are delivering brilliant quality education against the state of their school buildings.

**Nick Gibb:** I take on board what my right hon. Friend is saying. The condition data collection is a thorough nationwide assessment of the condition of every school in the country, and that is the data on which decisions are based when deciding how to fund capital funding.

**Dame Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op):** Many schools up and down the country still have asbestos in them and are getting to a dangerous state. It is all very well telling governing bodies to identify the asbestos, but there is not much incentive if there is no special or directed funding available to remove it and that is beyond the budget of an individual school. What is the Minister going to do to make sure asbestos is removed from our school buildings?

**Nick Gibb:** Asbestos management in school buildings is, as the hon. Lady will know, regulated by the Health and Safety Executive. The Department follows its advice and works closely with it. The DFE published detailed guidance on asbestos management for schools in 2020. When asbestos is a problem in a school, that is a major factor taken into account when deciding to rebuild schools under the school rebuilding programme.

**Simon Jupp (East Devon) (Con):** Children and staff at Tipton St John Primary School had to be rescued by the fire service after it flooded recently. The safety of children and staff must come first as sites for a new school are assessed by the Department in the coming weeks. Will my right hon. Friend meet me to discuss the urgent need to build a school in a safe location?

**Nick Gibb:** Yes, I will. I was sorry to hear about the flash flooding and its impact on the school and the local community. Tipton St John Primary School was selected in December for the school rebuilding programme, which will ensure a long-term solution for the school, protecting children and staff from flooding in the future. Officials are working with the diocese of Exeter, Devon County Council and my hon. Friend to identify and secure a new site for the school. I thank him for his support to help make that happen as quickly as possible.

### Student Suicide Rate

14. **Darren Henry (Broxtowe) (Con):** What steps she plans to take with the higher education sector to reduce the suicide rate for students. [905316]

**The Minister for Skills, Apprenticeships and Higher Education (Robert Halfon):** Preventing tragic deaths by suicide is a priority for the Government. Our approach to improving mental health outcomes and reducing suicides is focused on three pillars: funding and resourcing vital services; spreading and implementing best practice and clear responsibilities for higher education providers; and protection for students.

**Darren Henry:** I have been contacted by many of my constituents in Broxtowe regarding a campaign to establish a duty of care for universities towards their students' mental health. Suicide is currently the biggest killer of people under 35 in the UK. Will the Minister ensure that we are prioritising mental health support and lay out what the Department is doing to work with universities so that such help is provided? We must prioritise mental health, and we must do so now.

**Robert Halfon:** My hon. Friend is a huge champion of mental health in his constituency. Based on my previous answer to him, we are giving the Office for Students £15 million to help universities with mental health support. We have asked universities to sign up to the mental health charter by September 2024. We have a new student implementation taskforce to spread best practice, which is reporting on its first stage by the end of the year. We are also commissioning a national independent review of student suicides.

### School Funding

18. **Mohammad Yasin (Bedford) (Lab):** What recent assessment she has made of the adequacy of funding for schools. [905320]

**The Minister for Schools (Nick Gibb):** We are committed to providing world-class schools. Total funding for both mainstream schools and special schools and alternative provision will total £58.8 billion by 2024-25: the highest ever level per pupil in real terms. That assessment has been confirmed by the Institute for Fiscal Studies.



**Mohammad Yasin:** Liam, a teacher in my constituency, described the Government's pay offer as akin to "a mouldy carrot dangled in front of us to lead us back to the despair of the classroom."

He works in a school that has had to make redundancies due to insufficient budgets. Does the Minister understand the impact that Government cuts to school budgets are having on children's futures? Can he honestly say that he is giving all children equal opportunities?

**Nick Gibb:** The hon. Member will have seen that, in recent international surveys, standards are rising in our schools. We increased school funding by £4 billion last year, and this year it has increased by £3.5 billion. Taken over those two years, that is a 15% increase in school funding. Those of us on the Government side of the House want to have a well rewarded, well motivated teaching profession, because that is how we will ensure that standards continue to rise in our schools.

### Topical Questions

T1. [905325] **Cat Smith** (Lancaster and Fleetwood) (Lab): If she will make a statement on her departmental responsibilities.

**The Secretary of State for Education (Gillian Keegan):** Teachers are the ultimate opportunity creators, giving all of us the tools we need to reach our potential. I am delighted that new data shows a record number of teachers joining the profession, so today we have over 468,000 teachers in our schools. That is a year-on-year increase of 2,800, meaning that there are over 27,000 more teachers in classrooms since we took office.

The difference that teachers make is almost impossible to measure, but there is no doubt about their commitment to delivering results. The number of schools rated good or outstanding has risen from 68% to 88% since 2010. We have climbed the international league tables in science, maths and English, most recently coming fourth in the world for reading at primary school age in the progress in international reading literacy study. It would be remiss of me not to pay tribute to the Minister for Schools, my right hon. Friend the Member for Bognor Regis and Littlehampton (Nick Gibb) for his relentless championing of phonics, helping our fantastic teachers to drive up standards. Ahead of Thank a Teacher Day, I want to say a massive thank you to teachers, early years professionals, teaching assistants and all who play their role in helping the next generation reach their potential.

**Cat Smith:** The decision to make it harder for those on postgraduate courses to bring dependants will once again mean that Britain's universities will be looking to China for international students. At a time of growing tension and concern about Chinese foreign policy, not least on the Secretary of State's own Benches, is she confident that this is going to end well?

**Gillian Keegan:** I thank the hon. Lady for her question. We discussed this a little earlier. There is a large and growing desire for the education that our top universities provide and there are many countries in the world where the middle class is developing, so there is a lot of opportunity for our universities as long as they keep on delivering their world-class fantastic quality.

T3. [905327] **Gareth Bacon** (Orpington) (Con): I welcome the relationships, sex and health education curriculum review. The Secretary of State herself has said that she shares concerns about inappropriate lessons being taught in schools. Can she reassure my Orpington constituents that the review will strengthen the ability of parents to view teaching materials, so that some teachers are no longer able to push unilaterally their own views on politics and gender to impressionable young people?

**The Minister for Schools (Nick Gibb):** As my hon. Friend knows, the Secretary of State has written to all schools to emphasise that schools can and should share RSHE teaching materials with parents. The Department will consider, as part of the review of the statutory guidance, whether any further changes are needed to reinforce that and to ensure that all resources that teachers use to teach RSHE are age-appropriate.

**Mr Speaker:** I call the shadow Secretary of State.

**Bridget Phillipson** (Houghton and Sunderland South) (Lab): Today's announcement by Ofsted is a welcome recognition of the need for change, but it does not go far enough. Labour is the party of high and rising standards in our schools, which is why we would give parents a comprehensive picture of their children's school in the form of an Ofsted report card, rather than a simplistic one-word judgment. Why is the Secretary of State content to sit back, rather than drive improvement in our schools?

**Gillian Keegan:** The last time I was at the Dispatch Box, the hon. Member for Reading East (Matt Rodda) asked me to meet the family of Ruth Perry and members of the Caversham community following Ruth's tragic death. I have been honoured to work with Ruth's family and friends over the last few weeks. I take this matter incredibly seriously. Today, we announced that we are significantly expanding wellbeing support, in addition to announcements from Ofsted to improve the accountability system. Overall grades provide a clear and accessible summary of performance for parents, which is why the vast majority of parents—almost eight in 10—are aware of the Ofsted rating of their child's school. I encourage parents to read the report narrative alongside the summary grade. The Ofsted grades also mean that we can highlight the success of schools, including the 88% of schools that are now good or outstanding—a much better record than any achieved by the hon. Lady's Government.

T4. [905328] **Angela Richardson** (Guildford) (Con): I read with great interest that the hon. Member for Houghton and Sunderland South (Bridget Phillipson) recently said in an interview in *The Guardian* that

"the government could reduce the monthly repayments for every single new graduate without adding a penny to government borrowing or general taxation—Labour will not be increasing government spending on this."

That sounds too good to be true. As we on the Government Benches know, those on the Opposition Benches excel themselves on the subject of fairy-tale economics, so can I ask the Secretary of State—

**Mr Speaker:** Order. These are topical questions. Questions have to be short and punchy, and not a speech.

**Angela Richardson:** Thank you, Mr Speaker. Has the Secretary of State made an assessment of the comments by the hon. Member for Houghton and Sunderland South, because to my ears they sound more fantasy than reality?

**Gillian Keegan:** I thank my hon. Friend for her very insightful question. The Labour party's proposals would, unfortunately, mean that graduates would live unhappily ever after. Either Labour would have graduates pay back their loans at a lower income threshold, impacting people just as they are taking their first steps on the career ladder, or it intends to make graduates pay back their loans well into retirement. That would, essentially, create a graduate tax. Yet again, this is the same old Labour—

**Mr Speaker:** Order. Please. Questions and answers have to be short and punchy. It may be a pre-arranged question and answer, but I am not going to have such long answers.

T2. [905326] **Ms Anum Qaisar** (Airdrie and Shotts) (SNP): Data from the Higher Education Statistics Agency reveals that, despite achieving the same level of qualification, the salaries of first-class female graduates were £2,000 lower than those of their male counterparts. What steps is the Minister taking to foster women's workplace progression once they leave university?

**The Minister for Skills, Apprenticeships and Higher Education (Robert Halfon):** The hon. Lady will be pleased to know that male graduates earn more than £130,000 over their lifetime and female graduates £100,000, so graduates are coming out of university with good wages, and we know that more disadvantaged students are going to university than ever before.

T5. [905329] **Jason McCartney** (Colne Valley) (Con): A number of smaller schools across my Colne Valley constituency have increasing numbers of SEND students. What can the Department do to cajole Labour-run Kirklees Council to deliver timely education, health and care plans and ensure that it is delivering the financial support for the extra educational assistance that these children need?

**The Parliamentary Under-Secretary of State for Education (Claire Coutinho):** The work of teaching assistants is incredibly important to the SEND arena. We have taken education funding to real-term historic highs for mainstream education and we have increased the high-needs block by more than 50%.

T6. [905330] **Daniel Zeichner** (Cambridge) (Lab): Principals of sixth-form colleges across the country, such as Yolanda Botham at the excellent Long Road College in Cambridge, are warning that the Government's continuing plans to scrap many of the BTEC qualifications risk real harm to their students. Will the Government listen to those people and to the Sixth Form Colleges Association and protect student choice?

**Robert Halfon:** Just to be clear on BTECs, many BTECs will remain and people will be able to do them with A-levels. We are getting rid of BTECs that either have low outcomes, significantly overlap with the T-level, or have very low uptake. We have also introduced the T-level transition year so that people who want to prepare for T-levels are able to do so.

T7. [905332] **Alun Cairns** (Vale of Glamorgan) (Con): Few Members have done more to support and drive up the standards of apprenticeships than my right hon. Friend, the Minister for Skills, Apprenticeships and Higher Education. The hospitality sector is keen to continue to work with him and the Department in order to bring people into apprenticeships and to drive up the standards further. People in the sector believe that they can achieve more with some elements of flexibility and by continually evolving the policy. Is my right hon. Friend prepared to engage with the sector in order to see how we can work with it?

**Robert Halfon:** I thank my right hon. Friend for his kind remarks. We have already introduced flexibilities with the apprenticeship levy. As I know how deeply concerned he is about the hospitality industry, I can tell him that I have visited Greene King and seen how brilliantly it uses the levy to employ hundreds of apprentices. Of course, where we can, we will work to ensure that this carries on across the hospitality industry, which he so ably represents.

**Janet Daby** (Lewisham East) (Lab): Last year, a survey by the National Union of Students found that the mental health of 90% of students had been negatively impacted by the rising cost of living, with students worrying about paying bills and paying for food. The Government have been failing students so far, so what will the Minister do about it?

**Robert Halfon:** The hon. Lady will be pleased to know that we increased the grant to the Office for Students by £50 million to £276 million. That grant goes to help disadvantaged students. We increased the maintenance loan and grant by 2.8%. We have energy rebates for students who live in private accommodation as well. We are doing everything possible to help students with the cost of living, but being fair to the taxpayer as well.

T8. [905333] **Anna Firth** (Southend West) (Con): I applaud the Government's commitment to recruiting record numbers of teachers and the fact that there are 27,000 more now in our classrooms than in 2010. I recently met all of Southend's secondary heads. Their concern was retention, but they had a number of interesting and innovative ideas. Will the Secretary of State meet me and them to discuss those ideas? Perhaps, when she visits our local employer, Adventure Island, she could make it a whole team away day.

**Nick Gibb:** I am sure that my right hon. Friend the Secretary of State will visit, but if she cannot then I certainly will. Teacher retention is key to ensuring effective teacher supply and quality. We are taking action to support teachers so that they can stay in the profession and succeed. The Department has published a range of resources to help schools address teacher workload issues, prioritise staff wellbeing and introduce flexible working.

**Mike Amesbury** (Weaver Vale) (Lab): Despite the introduction of my private Member's Bill to help reduce the cost of school uniforms, which is now law, far too many schools still require a plethora of branding and logos. What will Ministers do to ensure that those schools apply the law?

**Nick Gibb:** It was a pleasure to work with the hon. Member on that important legislation to put the guidance on the cost of school uniform into statutory form. I congratulate him on the Act. Ultimately, these are matters for headteachers but the guidance is there, and if parents are concerned that schools are not abiding by the guidance, each one has a formal complaints procedure.

**Mark Pawsey** (Rugby) (Con): I often hear from parents whose children remain in mainstream education despite their school not being able to meet the child's special educational needs. Despite Rugby having received some additional SEN places recently, I have had such an email from a constituent in the last few hours. What is being done to make certain that more such spaces are made available?

**Claire Coutinho:** We have set out ambitious reforms to give parents greater confidence that their child's needs can be met in mainstream provision. When they need specialist support, we are building many more special and alternative provision free schools—127 so far since 2010, with 67 in the pipeline.

**Munira Wilson** (Twickenham) (LD): Freedom of information requests from the Liberal Democrats recently revealed that three in four primary schools will not have a mental health support team in place by 2024, when the funding runs out. Officials have suggested to MPs that hard-pressed NHS budgets could be squeezed to fund those schemes further. Will the Minister please commit to prioritising this area and committing new cash? If not, will she put a counsellor in every school?

**Claire Coutinho:** We take this issue incredibly seriously, which is why we are rolling out mental health support teams. We are ahead of schedule, with 35% of pupils covered this year and another 100 teams on the way to cover 44% of pupils next year, alongside other proposals.

**Sir Julian Lewis** (New Forest East) (Con): If and when parents get sight of what their children are being taught about relationships and sex education, will they have the right to withdraw their children from such lessons if they deem the materials to be inappropriate?

**Nick Gibb:** My right hon. Friend raises an important point about the appropriateness of materials being used in schools to teach relationships, health and sex education. We have been concerned about reports on that, which is why my right hon. Friend the Secretary of State wrote to all schools to remind them of their duty to share teaching materials with parents, and why we brought forward the review of the RHSE guidance. There is no right to withdraw children from relationships education, but there is a right for parents to withdraw their children from sex education in the RHSE curriculum.

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): Since 1985, girls and boys from nursery age to right up to pre-university have been educated at the King Fahad Academy in East Acton. Imagine the shock of parents, pupils and staff to be told last month that none of them

are coming back in September because the Saudi Government, who fund it, are pulling the plug. Could the Secretary of State urgently intervene, at least to provide some basic certainty to a stunned community? Even the road layouts around there were conceived around the school. It could mean 500 kids left in the lurch after summer.

**Nick Gibb:** I am happy to meet the hon. Lady to discuss this issue in more detail.

**Lia Nici** (Great Grimsby) (Con): I have constituents who have been studying at the University of Lincoln for the last three years, but the classification of their degree and their graduation are being prevented because lecturers who are union members are boycotting marking their final dissertations. Can my right hon. Friend advise me and my constituents of what they should do to push through and get the qualifications that they have worked so hard for?

**Robert Halfon:** My hon. Friend is right that students should get their papers marked. I have been discussing these issues with Universities UK, which says that they will affect a minority of students, and a lot of universities are ensuring alternative markers. Students have recourse to the Office of the Independent Adjudicator if they feel they are not getting the service that they have paid for with their student loan.

**Rachael Maskell** (York Central) (Lab/Co-op): On Saturday, I attended an inspiring conference hosted by Bootham Quaker School, where about 120 year 12 students from across the world had come together to determine the purpose and future of education. Does the Secretary of State agree with them that we need a renewed vision for education, taking into account what education achieves for communities, countries and the planet we share, rather than just its personal benefits?

**Nick Gibb:** The hon. Lady raises a number of important points. First, sustainability is an important part of the curriculum. Secondly, we want our young people to be able to succeed. In a global jobs market—a global trading market—they need to have the best education possible. Our schools are rising in the international league tables for maths and reading standards in PISA, PIRLS and TIMMS—the programme for international student assessment, the programme in international reading literacy study and the trends in international mathematics and science study.

**Steve Brine** (Winchester) (Con): I met a group of headteachers in Chandler's Ford, in my constituency, on Friday, and it is clear that they feel they are currently subsidising the surplus in places from falling school rolls, and particularly in universal infant free school meals. The Minister and I discussed this in my recent Westminster Hall debate, and he said he was "actively looking" at the issue. Since then, the Hampshire school meals provider has put up the price again. Will the Minister give me an update?

**Nick Gibb:** I am happy to discuss this further with my hon. Friend. As I said in the Westminster Hall debate, we have been looking at this issue carefully and have increased the price per pupil of the universal infant free school meal, backdated to April. We understand the cost pressures that schools and suppliers of catering to schools are facing because of higher food prices.

**Alison Thewliss** (Glasgow Central) (SNP): The Glasgow science festival has just completed its 17th year communicating research and inspiring young people, and older people, in venues across Glasgow. Will the Minister congratulate Dr Deborah McNeil for her work in promoting this brilliant festival? It is an example of how young people and academics in science can be brought together.

**Robert Halfon:** I am delighted to congratulate the science festival and the individual the hon. Lady mentions. We need more such science festivals across the United Kingdom; I would be very interested to learn more about that science festival and how we can spread such festivals across our country.

**Jonathan Gullis** (Stoke-on-Trent North) (Con): Improving educational outcomes in places like Stoke-on-Trent North, Kidsgrove and Talke relies on retaining the skills of highly qualified teachers. One way we can go about doing that is by changing levelling-up bonus payments in education investment areas, so that money can be given to teachers regardless of how many years of service they have. Will the Minister consider that action?

**Nick Gibb:** Having served as Schools Minister at the Department for Education for a period of time, my hon. Friend will be aware that we have levelling-up premium payments for teachers to teach maths, physics and computer science in disadvantaged schools, in order to encourage teachers in those subjects into the schools that need them the most.



## Point of Order

3.37 pm

**Jim Shannon** (Strangford) (DUP): On a point of order, Mr Speaker. Have you been notified that the Secretary of State for Northern Ireland will come to the House to make a statement outlining how he intends to enable the Police Service of Northern Ireland to deal with the spate of murders of women? There have been 34 murders of women over the last few years, meaning that Northern Ireland is tied for top place in Europe with Romania. How will the Secretary of State for Northern Ireland instil confidence among women and girls that they are safe on our streets and that their safety is paramount to our Government?

**Mr Speaker:** I thank the hon. Gentleman for giving notice of his point of order. I have not had notice of any statement on this matter. However, he has put his point of view on the record. I am sure that Ministers will have heard it and will reflect on it.

## Retained EU Law (Revocation and Reform) Bill

*Consideration of Lords message*

### After Clause 16

ENVIRONMENTAL PROTECTION

3.39 pm

**The Solicitor General (Michael Tomlinson):** I beg to move, That this House disagrees with Lords amendment 15B.

**Mr Speaker:** With this it will be convenient to discuss the following:

Government motion not to insist on amendment 16A, and Lords amendment 16C in lieu.

Lords amendment 42B, and Government motion to disagree.

**The Solicitor General:** It is an honour once again to open a debate on this landmark legislation, which we are now very close to passing. We are fully taking back control of our laws, and we are ending the supremacy and special status afforded to retained EU law.

As you explained so clearly a few moments ago, Mr Speaker, there are three motions before the House this afternoon. Let me first speak briefly about the reporting requirements in Lords amendment 16C—and let me also be the first to congratulate from the Dispatch Box my hon. Friend the Member for Stone (Sir William Cash) on being made a Companion of Honour. I thank him for the work that he did on this amendment, alongside Baroness Noakes. It is, of course, important that we continue to update Parliament on our progress in reforming retained EU law, and that is exactly what we as a Government are committed to doing with clause 16. I can reassure my hon. Friend that Lords amendment 16C is only a drafting tweak and the substance is exactly the same as what was tabled by him and supported by so many other Conservative Members, and I ask the House to agree to this final tweak.

Let me now turn to the parts of the Bill on which we have not managed to reach agreement with those in the other place. I will begin with Lords Amendment 42B. I am sure that many Members present will have followed their lordships' debate closely. However, the Government have not just followed the debate; leading from the front, my right hon. Friend the Secretary of State for Business and Trade has worked to find solutions on the sunset provision to resolve concerns about references to higher courts. As I have already mentioned, we are committed to updating Parliament regularly on the progress of reforms.

It is clear that we have accommodated many of their lordships' wishes, but I respectfully suggest that now is not the time for their lordships to insist on a novel and untested method of parliamentary scrutiny on the reform powers in the Bill. It has been asserted that the Lords amendment has a precedent in the Civil Contingencies Act 2004, but in fact those powers have never been used. Let me be clear: it is not the Government's intention for the powers in the Bill to languish on the statute book. My right hon. Friend the Secretary of State has already

[The Solicitor General]

made the first announcement on regulatory reform and how we intend to reduce burdens for businesses and spur economic growth, and that is only the beginning of our ambition.

**Caroline Lucas** (Brighton, Pavilion) (Green): Will the Solicitor General give way?

**The Solicitor General:** I should be delighted.

**Mr Speaker:** Order. May I just say that I was very sorry to hear the news that the hon. Lady will not be standing in the next general election?

**Caroline Lucas:** Thank you very much, Mr Speaker.

May I put it to the Minister that it is a bit odd to object to something simply because it will be a novel procedure? Everything is novel once. If we are to improve the effectiveness of Parliament, surely some novel procedures are precisely what we need.

**The Solicitor General:** May I express exactly the same sentiments as you, Mr Speaker? I know that the hon. Lady's campaigns will continue outside the Chamber, and I know that she will have plenty to offer between now and the election in any event, not least during this debate. However, I disagree with what she has said, not just because the procedures are novel, although they are. I followed the debate in the Lords very closely, and it is fair to say that it is accepted that these are new measures, but they are also unnecessary, and this is why.

The amendment would unreasonably and unnecessarily delay our important reforms. It would introduce what my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) termed "extra friction" during our previous consideration of Lords amendments. He was right to say that, and right to say that the amendment would delay the meaningful reforms that can now be achieved as a result of Brexit. I do not believe that the public would accept those delays, and nor, in my view, should we.

**Stella Creasy** (Walthamstow) (Lab/Co-op): Will the Solicitor General give way?

**The Solicitor General:** I will give way to the hon. Lady, because that will give her an opportunity to apologise for getting the Government's position on pension reforms so wrong.

**Stella Creasy:** I hope that the Solicitor General will speak to his colleagues in the Department for Business and Trade, who made it clear in Committee on, I believe, 22 November that they were intending to abolish the Bauer and Hampshire judgments. Perhaps he will ask his colleagues to amend that, rather than suggest that I was misleading the House.

I also note—and it is welcome—that the Solicitor General now accepts that there is a parliamentary precedent for amendable statutory instruments. He talks about "friction". Another way of describing that would be Members of Parliament holding the Government to account if they come up with proposals that their constituents do not like. When Ministers were in front

of the European Scrutiny Committee, they seemed to think that it was an impertinence for MPs to have concerns and questions about what might be on the list of measures to be deleted. Is this another name for what we are calling parliamentary sovereignty?

**The Solicitor General:** No, not at all; the hon. Lady is wrong, I am afraid. I will come in a moment to the detail of the parliamentary scrutiny that is already inbuilt in the Bill and the schedule to the Bill. The hon. Lady's comments over the weekend about pension reform were also wrong, and that is important because people will have been scared by what she said. The Hampshire case clarified that all scheme members should receive at least 50% of their expected benefits in the event of the employer's insolvency. The Secretary of State has been crystal clear on this and we have announced our intention to retain the Hampshire judgment beyond the sunset clause. The hon. Lady was wrong on that and she is wrong on the provisions in the Bill. I will explain why in a few moments.

3.45 pm

As has been pointed out countless times by hon. Members on the Government Benches, when we were members of the EU, as a democratically elected House we could neither amend this legislation nor reject it. Demanding additional scrutiny now does not appear to be a consistent or comfortable position to hold. Where was Members' concern about the lack of scrutiny during our EU membership?

**Mr Toby Perkins** (Chesterfield) (Lab): I am one of the relatively few Labour Members of Parliament whose constituents voted by a majority to leave, and the issue of parliamentary scrutiny was often raised during the referendum. I have had a number of them get in touch to tell me how disappointed they are that we are now not going to be getting the parliamentary scrutiny that we were promised as one of the benefits of Brexit.

**The Solicitor General:** I am sorry to say that the hon. Gentleman is wrong, and I will explain why in a few moments, but I am grateful for his intervention because it means that I can re-emphasise the point that demanding this additional scrutiny is not a comfortable position for Labour Members to hold because they had no concerns about the lack of scrutiny during our EU membership.

This amendment is not only novel and untested; it is unnecessary because there are already measures within the Bill. We have already made provision for a sifting Committee and Members will recall the speech from my hon. Friend the Member for Harrogate and Knaresborough (Andrew Jones), the Chairman of the European Union Statutory Instruments Committee, who clearly set out the important work that he and his Committee do. He described it as dry, but it is important work that he and his Committee do upstairs to scrutinise this legislation. That provision continues in the body of this Bill.

This will allow a specified Committee in each House to recommend the affirmative procedure for the more substantive powers in the Bill. In this way, either House will be able to ensure that there are active votes on the reforms that this Government bring forward under the Bill. This is significantly more scrutiny than the EU law had when it was first introduced. It is tried and tested.

My hon. Friend the Member for Harrogate and Knaresborough chairs that Committee ably and I would like to thank him and all hon. Members who serve on the Committee for their work.

**Mr Perkins:** With the greatest respect, under the previous arrangement we had Members of the European Parliament doing that scrutiny. It is not really comparable to say that nothing has changed and this is somehow more. Because we have got rid of our representatives in the European Parliament, it is all the more important that these matters are considered, but for the Minister to say, “There is a Committee that deals with this. None of you will hear about it, but none the less its work is important” sounds exactly like the sort of thing that my constituents thought we were getting away from.

**The Solicitor General:** I am sorry that the hon. Gentleman was not in the Chamber for the exchange when my hon. Friend the Member for Harrogate and Knaresborough gently pointed out that Labour Members had not taken up their places on the EUSI Committee. As Chairman of the Committee, he rightly encouraged Labour Members to take up their places on that Committee and I would add to that encouragement.

**Sir William Cash (Stone) (Con):** Will the Minister give way?

**The Solicitor General:** I will give way but I am conscious that a number of people want to speak, so I will then make some progress.

**Mr Speaker** *indicated assent.*

**Sir William Cash:** With the greatest respect, I just want to say through the Minister to the hon. Member for Chesterfield (Mr Perkins) that, although the European Parliament does its job, the laws are actually made by the Council of Ministers behind closed doors, by qualified majority vote and without even a transcript in *Hansard*. That is not a basis on which one could make any assumption that we would ever agree to them. It was always done by consensus.

**The Solicitor General:** Mr Speaker, you were absolutely right to encourage me to take that intervention, and I am grateful to my hon. Friend the Member for Stone (Sir William Cash). I pay tribute to him for all his work in this House. His announcement over the weekend came as a great sadness, shock and surprise. I know that he has a lot of work to do between now and the next election, and I look forward to these debates in the future. Thank you for encouraging me to take his intervention, Mr Speaker.

Lords amendment 42B is both unnecessary and potentially detrimental to this country’s environmental standards. We have made a commitment at every stage of this Bill that we will not lower environmental protections, and that we will ensure the continued implementation of our international obligations. Indeed, I am reminded of the rare moment of agreement between my hon. Friend the Member for North Dorset (Simon Hoare) and the right hon. Member for East Antrim (Sammy Wilson) during our last outing. They found common accord, and they are both right that there is simply no reason or incentive for the Government not to uphold

our high environmental standards, of which we are rightly proud. It is simply not necessary for this commitment to be on the face of the Bill, especially not in a way that would make it more difficult to achieve any meaningful reforms that benefit the UK.

I will not try your patience, Mr Speaker, by listing all the Government’s post-Brexit achievements, but some of the steps we are taking go above and beyond EU law. [HON. MEMBERS: “What are they?”] The Opposition are encouraging me to do so, and who am I to say no?

**Mr Speaker:** No, but I might.

**The Solicitor General:** I am keeping a very careful eye on timings and on your indication, Mr Speaker. I will not abuse your patience, but let me list some of the important measures passed by this Government. Our environmental standards are now world leading, thanks to the Agriculture Act 2020, the Fisheries Act 2020 and the landmark Environment Act 2021, which will deliver the most ambitious environmental programme anywhere.

Furthermore, Lords amendment 42B is not just unnecessary but may even endanger our environmental standards. The amendment would make it harder to retain the effect of existing regulations, as it applies to restatements of retained EU law. [Interruption.] It is very timely that the Secretary of State for Environment, Food and Rural Affairs arrives in the Chamber just as I am championing all the steps that she and her predecessors have taken to protect and lead the world through our environmental standards.

Lords amendment 42B would add friction. It is unnecessary and potentially self-defeating. The Government want to ensure that we capitalise on the UK’s competitive advantages now that we are no longer restrained by our membership of the EU. I invite the House to support the motions in the name of the Secretary of State for Business and Trade.

**Mr Speaker:** I call the shadow Minister.

**Justin Madders (Ellesmere Port and Neston) (Lab):** Here we are again. It has been nearly nine months since the Bill was introduced, during which time five different members of the Government have spoken in support of the Bill from the Front Bench, most of them making one appearance before never being seen again. I congratulate the Solicitor General on making it back for a second appearance.

Although, of course, the question of retained EU law needs to be addressed, our main contention is that the way in which the Bill attempted to do that was reckless, unnecessary and undemocratic. To some extent, we have seen an end to that kamikaze approach, which is of course welcome, although it does not mean that all our concerns have been dealt with.

**Mr Perkins:** The point that my hon. Friend makes light-heartedly is actually very relevant. The truth is that we have seen chaos on the Government Benches. We have seen Ministers speak extremely boldly about the Bill’s powers, only to water them down when they come face to face with reality. Does not the farcical way in which this Government have conducted their affairs give people real concern, including about what is in this Bill?



**Justin Madders:** I am grateful for that intervention. I note that, again, the Secretary of State for Business and Trade is not here to defend the Bill in its current form. We have consistently been told by businesses throughout the Bill's passage that it is so chaotic that nobody can possibly plan ahead. How can any business prepare for the future if it cannot understand what the rules will be six months hence, never mind 12 or 18 months into the future.

**Mr Tanmanjeet Singh Dhesi (Slough) (Lab):** Many of my Slough constituents are concerned, because they feel that non-regression, upholding international treaties and consulting experts should be wholly uncontroversial. Does my hon. Friend feel that, with the Government's approach, we will merely have more watering down of our high environmental standards, and that such watering down must be blocked at every opportunity?

**Justin Madders:** I thank my hon. Friend for that intervention, as he sets out what this amendment is attempting to secure, which is a bit of security.

I shall make some progress, as I am aware that a number of people wish to speak. As we have heard, Lords amendment 15B seeks to introduce conditions on some of the powers in sections 12, 13, 15 and 16 relating to the environment. As my hon. Friend says, it stipulates that any regulations made may not

"reduce the level of environmental protections"

or

"conflict with any...international environmental agreements to which the United Kingdom is party".

It also sets requirements on consultation. Given that the Government are supposedly committed to maintaining the highest environmental standards, one might think that those conditions are uncontroversial; they are the actions I would expect any Government committed to maintaining high standards would want to undertake. That view is shared by a range of experts, including, but certainly not limited to, the Government's own watchdog, the Office for Environmental Protection. Its written evidence submission endorsed all three of those suggested conditions, with its chair, Glenys Stacey, remarking:

"Worryingly, the Bill does not offer any safety net, there is no requirement to maintain existing levels of environmental protection."

The Government are not listening to their own watchdog and have instead chosen to refer to those conditions as "burdensome" and "unnecessary". I have yet to hear any rational explanation as to how the conditions in the Lords amendment can be both of those things at the same time; if these steps are, as the Government tell us, things that they would be doing in any event, how can they possibly be an additional burden as well? When we are met with illogical and unconvincing arguments such as that, we are right to be concerned. I note the assurances given at the Dispatch Box on this and previous occasions, but, as we have seen with this Bill in particular, Ministers come and go, and if we were to rely on everything said at the Dispatch Box as having the same weight as actual legislation, Acts of Parliament might be half the length that they are. There is a reason we do not do that.

Of course, we can all imagine what might be said by the public if the worst was to happen and environmental standards were to slip as a result of this Bill. We would say to our constituents, "But we were promised this wouldn't

happen" and our constituents could point to the 40 hospitals not having been built, Northern Powerhouse Rail not having been started, the ditching of the Animal Welfare (Kept Animals) Bill or any number of other broken promises, and they would call us naive at best. So we are right to insist that these protections stay in the Bill.

Lords amendment 42B tackles one of the most controversial clauses, the one that the Hansard Society referred to in its written evidence as the "do anything we want" powers for Ministers. The Hansard Society is not prone to exaggeration and its comments have merit. As we know, clause 15 empowers Ministers to revoke regulations and not replace them; replace them with another measure which they consider appropriate

"to achieve the same or similar objectives";

or

"make such alternative provision as the...national authority considers appropriate".

In the face of such untrammelled concentrations of power in the Executive, Lords amendment 42B seeks to put a democratic check on the use of those powers. Actually requiring a Minister who wishes to use these powers to set out their proposals before each House is entry-level transparency that should have been part of the procedure to start with. Allowing a Committee of this House to consider them seems a fairly uncontroversial suggestion, even if some people now think that Committees cannot act in a bipartisan way. Of course, giving a Committee the power to request a debate on the Floor of the House will be reliant on its making the judgment that such a debate is necessary, but this does secure a degree of scrutiny over ministerial decisions. It also hands at least some power back to Parliament, which was, of course, for some, what Brexit was all about.

**Stella Creasy:** Does the debate about the Bauer and Hampshire judgments not make the case that my hon. Friend is making? I hope Mr Speaker will forgive me here, but the Minister said that I was wrong and that is perhaps unparliamentary. Let me read into the record what the shadow Minister and I heard in Committee. The Minister of State, Department for Business and Trade, the hon. Member for Wealden (Ms Ghani) said:

"the Department for Work and Pensions does not intend to implement the Bauer judgment through the benefits system...The Hampshire judgment is a clear example of where an EU judgment conflicts with the United Kingdom Government's policies. Removing the effects of the judgment will help to restore the system to the way it was intended to be."—[*Official Report, Retained EU Law (Revocation and Reform) Public Bill Committee*, 22 November 2022; c. 168-69.]

If Ministers are changing their minds now about using the powers in this Bill to revoke these protections for the pensions of our constituents, it is only because they have been caught out doing it and using the powers in this Bill. Does this not make the case—

**Mr Speaker:** Order. I am not going to have this private debate carrying on. You have put it on the record and the Minister has put it on the record, but people can be accidentally wrong. I do not need a lecture on what is wrong and what is not. In the end, you have put the case, and we have a lot of people who want to speak in the debate, including yourself.



4 pm

**Justin Madders:** I remember that exchange very well, not least because it was on my 50th birthday. It certainly shows the importance of having proper scrutiny and transparency about ministerial decisions, which has been one of our main critiques of this bill throughout. I remind hon. Members that it was said in 2016 that we needed to reassert parliamentary sovereignty and that that was what taking back control was all about. However, I said in Committee, “we” does not mean

“Ministers sitting in rooms on their own, answerable to nobody, and under no requirement to explain their actions”.—[*Official Report, Retained EU Law (Revocation and Reform) Public Bill Committee*, 22 November 2022; c. 126.]

“We” means this place.

I know that the oft-repeated and erroneous argument, which we have heard again today, that those laws were passed without proper democratic involvement in the first place has been offered as a reason why we should not follow such a process now. To make a pithy comment on that, two wrongs do not make a right. I would have expected those who were shouting the loudest about our sovereignty back in 2016 to be with us today.

The lack of transparency and desire to bypass scrutiny that are the hallmark of this Bill demonstrate a lack of confidence from the Government in their own programme. It is clear that either they do not know, or they do not want to tell us what they intend to do with the powers conferred by the Bill. Even the addition of a schedule listing regulations to be revoked does not really offer any clues about how the Government plan to approach the bulk of retained EU law.

In her recent appearance before the European Scrutiny Committee, the Secretary of State for Business and Trade referred to that list as merely containing regulations “that are redundant, rather than things that are holding us back”, meaning that we still do not know what the substantive changes will be. Maybe one day we will find out what exactly it is that has been holding us back.

If the Government cannot tell us what they intend to do with the powers they hand themselves under this Bill, and they clearly do not want the light of scrutiny shone on their intentions, it is even more important that this amendment is passed. It also suggests that this Government are not confident about what the public or indeed Parliament will have to say when their intentions become clear. That is why as many safeguards and as much transparency as possible should be injected into this Bill.

In closing, I refer again to the evidence given by the Secretary of State to the European Scrutiny Committee, because if anything sums up the shambolic approach to this Bill by the Government it is her comment:

“The retained EU law Bill became a process of retaining EU law. That is not what we wanted.”

I do not know whether to laugh or cry at such comments. What I can say for sure is that, if anything sums up just what a tired, out-of-touch and broken Government we have, that is it.

**Sir William Cash:** I have a strange sense of déjà vu about the speech I have just heard from the hon. Member for Ellesmere Port and Neston (Justin Madders). I am afraid that he does not quite get it. I have made the

same point with regard to the hon. Member for Chesterfield (Mr Perkins); the fact that I happen to rather like him, and always have done—I come from Sheffield—does not alter the fact that I fundamentally disagree with him.

The way the House of Lords has dealt with these amendments demonstrates that the Lords are determined to try, by hook or by crook, to obstruct the House of Commons, which is the democratic Chamber in these matters as far as the electorate is concerned, in pursuance not only of the referendum on leaving the European Union, but also of the Bill as a whole—which I do support, as it has moved forward. I had some reservations in the past, but we have made a lot of progress.

I congratulate the Minister very much on his calm common sense and the way he has approached the subject. I also agree with the tweet he referred to. Parliamentary counsel are rather like holy priests, if I may say so, and they have their own particular way of wanting to deal with something. I would not want in any way to criticise the way they have gone about this, because it comes to exactly the same thing that I proposed when the Government adopted my own amendment.

Coming to the question of parliamentary scrutiny, the new clause introduced by Lords amendment 42B places a prohibition on the making of regulations under section 15, unless

“a document containing a proposal for those regulations has been laid before each House of Parliament”.

It goes on to say that the document is to be

“referred to, and considered by, a Committee of the House of Commons”.

That sounds suspiciously as if it might fall within the remit of the European Scrutiny Committee. If it does not, that creates a problem with our Standing Orders for a start. It is not defined, so what on earth that Committee will do, and how it relates to the functions of the European Scrutiny Committee and/or to any other Committee of the House of Commons, is so completely vague and impossible to understand. That, in itself, condemns that new clause.

The amendment goes on to say:

“a period of at least 30 days has elapsed after that referral”.

When it turns to the next question, it says:

“If the Committee—

the Committee of the House of Commons—

determines that special attention should be drawn to the regulations in question, a Minister of the Crown must arrange for the instrument to be debated on the floor of each House”.

They “must”; there is no option on that.

Suddenly, we move into a completely new dimension for each House. If the Committee—my own Committee, were it to be the Committee in question—makes a decision about special attention, that is then thrown to the mercy of each House of Parliament. We know from everything that we have heard over the last few weeks on the Bill that there is an intransigence—a stubbornness, if I may say so politely—from our noble Friends in the House of Lords in the face of any attempt to get rid of retained EU law in the way in which we are proposing, through revoking or reforming it.

By taking that particular course in the clause, all the Lords are doing is saying, “We want to take back control. We want to put this whole procedure into a cul-de-sac

[Sir William Cash]

that will be effectively controlled.” I would go so far as to say that, by the sounds of it, the House of Lords will try, to use that hallowed expression, to “take back control.” They will try to take back control of this to the House of Lords. That is what this is all about, and we are not so stupid that we will fall for this one, let me assure the House.

Let me come to the question of regulations and statutory instruments, and the way in which they are made. I have spent a lot of time on that, as I have said before. I am most grateful to you and others, Mr Speaker, for referring to the fact that I will retire from the House of Commons at the next election, but I have a lot of work to do between now and then. This debate is part of that, by seeing the Bill brought to a conclusion through its elimination of the supremacy of EU law and the opportunity to diverge and create economic growth and competitiveness. All these matters are part of that.

I find it really astonishing that the Lords do not seem to understand—it is as if they are trying to take us for fools, which I can assure the House we are not. I have sat on the European Scrutiny Committee since way back in 1985. Day in, day out, every single week, regulations and statutory instruments were brought in to implement decisions made behind closed doors in the Council of Ministers, as I said to the hon. Member for Chesterfield. Those decisions were made by majority vote of the other countries—there used to be fewer but then the number went up to 27—and without even a transcript. I challenge any Labour or SNP Member to get up and say that they think that is a very good idea, and that they would love to tell their constituents that they should be governed in that way, with all their laws for made for 50 years by that method of completely closet operation and without a transcript. It is unbelievable.

What are we doing here other than having a debate in this Chamber? I challenge Opposition Members to go out and say to their constituents: “We want to have you governed in that manner, behind closed doors and without a transcript.”

**Justin Madders** *indicated dissent.*

**Sir William Cash:** It is no good the shadow Minister shaking his head, because he will not ask that question and nor will the hon. Member for Chesterfield, because their constituents would very quickly turn around and tell them to get lost.

**Justin Madders:** I just point out to the hon. Gentleman that my constituents would wonder why we are rehashing the arguments from 2016 when we have this Bill before us today.

**Sir William Cash:** I am so delighted that the hon. Gentleman asks that question. It is very simple: we had a general election that gave us a massive majority on the basis of getting Brexit done—and this gets Brexit done. We are doing exactly what so many of his constituents voted for, even though, I am sure, he got a reasonable majority. There are people who are now not in this House and were driven out because they did not respect the views of the people in that referendum. That is a very simple and straightforward answer to his point.

**Hywel Williams** (Arfon) (PC): The hon. Gentleman is referring to processes in the past in Brussels, but the Lords amendment suggests that a Committee should examine such matters. I believe that in this place Committees meet in public.

**Sir William Cash:** With respect to the question of how the laws are made in the first place, that is what I am saying. The reason the Bill is so important is the need to overtake and, effectively, deal with the mistakes made in the past, over that 40 or 50-year period, whereby the laws were made in the way that I have described—and they were. They were done by consensus, because everybody knew before they walked into the room that the majority vote would work against them. I have spent a lot of time scrutinising such things—I was going to say a lifetime, and I almost have—and all that I can say is that nobody would seriously doubt that that is how the system operated at that time.

We are talking about these laws because we want to revoke or modify them. We are not going to get rid of all of them—we will modify some and revoke others, and that will be by a simple test. That test will not be whether or not it was decided by 27 other countries to which we were subjugated by law—[*Interruption.*] We did that in the European Communities Act 1972, which was a great mistake. We have moved to a situation as the result of a general election in this country, the result of which is that we are allowed to make our own laws here in this House on behalf of our constituents. I think that is a very reasonable position. It is not only reasonable but absolutely essential, because it is about democracy and sovereignty and self-government. That is what the people decided in the referendum.

**Stella Creasy** *rose—*

**Sir William Cash:** I always give way to the hon. Lady.

**Stella Creasy:** And I thank the hon. Gentleman for it. I note his comments, although I also note that the legislation already provides for a Committee to look at the statutory instruments generated by the Bill. That is not a novel procedure. He says that it will be this House that determines matters, but it will only be this House reflecting what Ministers bring to us in a Delegated Legislation Committee, will it not? Unless Lords amendment 42B is passed, MPs will not be able to influence the content of an SI. The hon. Gentleman says that he did not like that in the European Parliament, so why does he want to take back control to Downing Street rather than to this Chamber with a process whereby, when changes are substantial, MPs have influence over them?

**Sir William Cash:** First, I did not say the European Parliament; I actually said the European Council of Ministers. There is a big difference and I am sure that she understands that, because that is where the law making is done. Secondly, with great respect, it is a bit disingenuous to suggest that this will all be decided by the Committee. I think it would be my Committee that would do this, but if we leave that aside the real point is that the amendment goes on to say that even if that Committee

“determines that special attention should be drawn to the regulations in question, a Minister of the Crown must arrange for the instrument to be debated on the floor of each House and voted on”. That is the point. In other words, the lock is created by the House of Lords—

**Stella Creasy:** No, it is not.

**Sir William Cash:** Of course it is. If I may say so to the hon. Lady, with the greatest of respect, that is the intention that lies behind it. I know that she is quite obsessive about this point, but, with the greatest respect, she does not seem to quite understand how it is—*[Interruption.]* I am trying to be factual about this. The fact is that when the original regulations were made, they were made as statutory instruments implementing the laws made in the way I have just described, behind closed doors and so on.

Those regulations came in that way and it is perfectly legitimate, in the light of the fact that those laws were not made in the manner in which we would traditionally expect them to be made and, constitutionally, should be required to have them made, which is by this House, these Members of Parliament—including current Opposition Members of Parliament if they are in government—and for those decisions to be taken democratically on behalf of our electorate, who happened to say that they wanted to leave the European Union and endorsed it with a general election in 2019. The position is perfectly clear: what we are doing in this Bill is not only completely legitimate, but constitutionally correct. That is a big difference. Robin Cook once said to me, “Legitimacy is one thing, Bill; constitutionally, it is quite another matter.” That is not a constitutional way of doing things. What came into this Parliament and affected the voters of this country for 40 or 50 years was done in a manner that was completely, totally and utterly objectionable in democratic terms, because those laws were not made by our voters and our Members of Parliament representing those electors in this House.

I will simply say that I am not going to buy into this at all. I think I have probably made myself pretty clear but, having said that, I recognise the way in which the Minister has handled the Bill. I am extremely impressed and grateful to him for not only his comments, but the fact that he has handled the Bill so well.

4.15 pm

**Mr Deputy Speaker (Mr Nigel Evans):** Congratulations on your latest recognition, Sir Bill.

The debate finishes at 4.39 pm, and Members can see how much interest there is. Alyn Smith is next, and I have to put the question at 4.39 pm, irrespective. All I would ask now is for some time discipline, in order to get as many views in as we possibly can. I call Alyn Smith.

**Alyn Smith (Stirling) (SNP):** Thank you, Mr Deputy Speaker. I would be perfectly happy to summarise the Bill in one word, if you would allow me some unparliamentary language, but I will be brief.

The SNP’s position on the Bill is well rehearsed. We regret this piece of legislation. We do not think it is necessary. We do not like what it is trying to achieve, because we think targeting laws on the basis of where they came from, rather than what they do or how effective they are, is a poor way of doing it. We also are not interested in fighting old battles, but the Bill is all about fighting old battles—that is where it has come from.

I will focus only on amendments 15B, 16C and 42B. During the Bill’s passage, we of course saw the gutting of its major provision—the sunset clause—so it is not

as bad as it might have been, but we think it remains a significant blank cheque for Ministers, with insufficient scrutiny. Ministers want as much power as possible, with as little scrutiny as possible. Ministers in any Parliament want that, but I think it is perfectly legitimate for the House here to demand greater scrutiny than we have seen.

We on the SNP Benches are particularly concerned—it staggers me that this has not been mentioned throughout the debate—that the Scottish Parliament and the Welsh Senedd have not consented to the Bill. I have much respect for a number of people on the Government Benches, but I would gently say that, if one wants to talk about a precious Union, it is quite important to observe it. We have yet to hear a proper answer to that point. We have had various reassurances, but we are not going to see sufficient protection in the Bill. We are concerned that this Bill, when it becomes an Act, is going to be used to undermine the devolution settlement that was endorsed by the people of Scotland and the people of Wales. We think that is a poor way of making law.

On amendment 15B, which deals with environmental standards, I found much to agree with in how the Labour spokesperson, the hon. Member for Ellesmere Port and Neston (Justin Madders), presented it. We are taking the Ministers at face value that we do not want to see a regression from international standards—the standards that we have. Let us put that in the Bill. We think that is a proportionate and workable thing to do, and I do not see how it would fetter the Government to any great extent. We are glad to see a bit of a compromise on amendment 16C, although I have to say that it is pretty weak beer when it comes to clarity on the EU law dashboard and its operation. We will not stand in its way.

On amendment 42B, which would provide for greater parliamentary scrutiny of future revocations of EU law, I think it is workable. I urge Members on the Government Benches to think hard about the fact that enough people in the House of Lords and in this place think it is necessary, as part of the Bill, which gives Ministers a lot of power, to find a new way of scrutiny. I accept the point that it is a novel way of doing things, but we think that is proportionate, and I think history will vindicate us on that view.

Mr Deputy Speaker, we regret the Bill. We are not about fighting old battles, but we do not think this is the way to go. Sadly, I think we will see that the Bill is a bad piece of legislation. There are ways of making it better, which we will support, but the Scottish Parliament have not consented to the Bill. Government Members should be in no doubt that the Bill will be passed against the interests of Scotland.

**Mr Deputy Speaker (Mr Nigel Evans):** Alyn, thank you for your co-operation—I appreciate it. Whoever is on their feet at 4.37 pm I will ask to resume their seat, because I am going to give the Minister two minutes to respond to contributions.

**Sir Robert Buckland (South Swindon) (Con):** It is a pleasure to follow the hon. Member for Stirling (Alyn Smith). His remarks are always couched in a pithy and clear way, but I disagree fundamentally with his point about a legislative consent motion. It is entirely



[Sir Robert Buckland]

within the rights of the devolved Administrations and their Parliaments to consent or not, but the very fact that a consent has not been granted should not be regarded as either legally or politically fatal to a Bill that clearly deals with the competences that lie here at Westminster.

I am afraid that the characterisation of the hon. Gentleman and the nationalists—the SNP and nationalist parties elsewhere—that this is a power grab away from Cardiff and Edinburgh in favour of Westminster is a complete misreading of the situation. These powers lay in Brussels, at the European level, and they are coming back to the next level of Government. That is not in any way some sort of reverse grab away from the devolved Administrations. It cannot be, and it does not follow. I speak not only using my experience as a lawyer, but as a former territorial Secretary of State. That characterisation has to be resisted at every turn.

I will now deal with the three particular issues that we have before us today.

**Sir Oliver Heald** (North East Hertfordshire) (Con): Before my right hon. and learned Friend departs from his remarks in response to the hon. Member for Stirling (Alyn Smith) about Scotland, does he agree that, if laws are passed in Europe, they are a compromise representing the interests of 27 different countries? There is an opportunity for some smart deregulation, and that would be as beneficial to Scotland as to any other part of the UK.

**Sir Robert Buckland:** I entirely agree with my right hon. and learned Friend. At the risk of invoking the ire of my hon. Friend the Member for Stone (Sir William Cash), the new Companion of Honour, it is right to say that, although consensus was indeed the means by which regulations were agreed by the Council of Ministers, it usually involved the UK and its assent to that consensus. I know that is not quite the narrative that he agrees with, but we risk fighting the old battles that he and I were on either side of.

**Sir William Cash:** Not today!

**Sir Robert Buckland:** No, we are not going to do that today, but I will end on this basis: my hon. Friend knows I am right.

In my next breath, I want to violently agree with my hon. Friend about his work on the dashboard and the amendment that we now have to make a particular tweak to Lords amendment 16. I entirely support the new clause under Lords amendment 16. The dashboard has been a source of much concern in recent months, which was then reflected by the Secretary of State's wise decision to change course. That dashboard has to be authoritative, so I am glad to see it in law, but it now needs to work. We need to make sure that it is populated, that the National Archives is very much part of it, that we are not given any more surprises and—my hon. and learned Friend the Minister will get this—that we do not end up with repeal by accident, which is bad for the rule of law, bad for certainty and bad for investment. We all agree on that.

To deal in short order with Lords amendment 15, with the best will in the world, on one level, it seems to be a sincere attempt to reflect the legitimate aspirations

of the British people about food and environmental standards. Frankly, they are the aspirations of the British Government, too. It is not right to say that at any time, any Minister on the Treasury Bench under this Government has said that they want to use the Bill as an attempt to railroad the undermining of strict environmental protection and food standards. One therefore has to ask: what is the purpose of this particular amendment? Some of its purpose I am afraid is nakedly political. It seeks to make a political point that imputes to this Government a motive that they just do not have. In addition, it is beset by problems. The particular way in which it is structured, and the requirements for consultation in particular, seem to me to be a litigator's paradise.

**Jim Shannon** (Strangford) (DUP): On the point about the environment and how important it is, the right hon. and learned Gentleman will have got the same circular as the rest of us. It states:

"Many of the laws that could be weakened using the powers contained in the Bill as currently drafted are vital to nature's recovery. They help improve the quality of our rivers and coasts, keep dangerous chemical use at bay, and protect some of our rarest and most important habitats and species."

Does he believe that the Minister is going to deliver on that? I think he will, but does the right hon. and learned Gentleman think that as well?

**Sir Robert Buckland:** Well, answer that! I entirely agree with the hon. Member. There is no evidence at all that this Government seek to take a different course from their stated aim of protecting world-leading environmental protection and food standards. Therefore, we have to ask what the purpose of Lords amendment 15 is. It seems to me that many parts to the amendment would give rise to a significant amount of litigation. I do not think that is at all what the drafters of the amendment want, and it certainly does not help with regard to clarity of the law.

That brings me to new Lords amendment 16C, which, with absolute candour, seems to me to be a step back by their lordships from the previous iteration of that amendment. It is now narrowed down just to clause 15. I understand the concerns that the noble Lords have about the use of the power in clause 15 because it is, on the face of it, a dramatic power that the Government would have. On one level, the power of revocation seems to me to be welcome. I note within it particular caveats about the creation of new functions, particularly the creation of criminal offences. There has been a long-established convention about the use of such powers, and we all have a concern about the creation of criminal offences that are more serious than ones they seek to replace or, indeed, are serious new offences. I note the taxation and public authority restrictions as well, so a lot of the normal restrictions are built into the provision, which are welcome.

What the noble Lords are asking for is more reassurance about the process. I do not criticise them at all for that, because it does not seem unreasonable to me that there should be at least some process, particularly when new regulations are being created. I would gently press the Minister to consider that discrete point. It may well be, in response to anything that I or other hon. Members say, that he has an opportunity to enlarge on that. It does seem to me not unreasonable to ask for that further check and balance. I do not think it is the sort of

unwelcome additional bureaucracy that perhaps he and others are concerned about. Fundamentally, we have a duty as parliamentarians to protect the role of this place in particular in the scrutiny of the passage of important new regulations, whatever form they may take.

If we take Brexit out of this and take the temperature right down, I do not think that is an unreasonable point at all. I do not accept the characterisation that a number of noble Lords are embarking upon some mission here to frustrate the approach that the Government are taking in the Bill. It is a Bill I have supported, and a Bill I have said is absolutely necessary as a special mechanism to deal with retained EU law. We all agreed that this was a particular area of law that needed to be held in suspense and then looked at carefully in its individual parts. Lords amendment 16C does seem to me to reflect that and respect that. The other two matters I have dealt with, and I am more than satisfied with the Minister's response to that, but I do press him on that particular aspect and that particular amendment. I will not trouble the House any further.

**Stella Creasy:** Getting any detail out of this Government about what they intend to use the powers in the Bill for has been like pulling hens' teeth. Even now, with the Bill before us today, about to be passed imminently, we still do not know the full effect it will have. I will make a few brief comments.

The right hon. and learned Member for South Swindon (Sir Robert Buckland) talked about the Government's recognition that we need to know not just the regulations but the direct effect cases that are being deleted. In the other place last week, the Government said they

"will add Section 4 rights to the dashboard as identified at least as frequently as every six months, as per the reporting requirement clause that is already in the Bill."—[*Official Report, House of Lords*, 6 June 2023; Vol. 830, c. 1263.]

Nothing has changed since last week, so we still do not know what legal judgments the Government intend to delete—legal judgments that cover multiple rights including employment rights and environmental standards.

4.30 pm

We know there are developers champing at the bit to use this legislation to overturn decisions on planning applications that were denied on the basis of the habitats agreement—these are live issues in all our constituencies. That is exactly why their lordships have taken action: they recognise this is nothing to do with Brexit; this is a Bill that gives the Government power over thousands of areas of law without accountability. [*Interruption.*] The hon. Member for Stone (Sir William Cash) is laughing; I just wish he would bother to be honest about what is happening right now and open about—[*Interruption.*] Well, I have been told that I have been wrong, so let us talk about this language, because the truth is we can talk all we want about an institution we left—

**Mr Deputy Speaker (Mr Nigel Evans):** Order. I am sure the hon. Lady knows what she did; please withdraw any accusation of dishonesty.

**Stella Creasy:** Of course I withdraw that; I meant to say "open". I want the hon. Member for Stone to be open, but he has not even bothered to have the courtesy

to read Lords amendment 42B. If he had, his objection to the idea of a Statutory Instrument Committee looking at these amendments—[*Interruption.*] Well, I am sure he has made complaints to the Government, who have already written to the other European statutory instruments scrutiny Committee to say they will be doing exactly that. He opposes the idea of a report about what impact a statutory instrument might have. In any other language that is called an impact assessment; we get them on all sorts of pieces of legislation, but not on this.

**Sir William Cash:** Will the hon. Lady give way?

**Stella Creasy:** I have listened to the hon. Gentleman. I listened to him tell us at length about the European Union, but he has failed to tell us why he is opposing an amendment that gives this Chamber primacy over what happens when legislation changes. As the right hon. and learned Member for South Swindon says, it matters.

The hon. Member for Stone opposes the Lords being able to come back with SI amendments. Actually, this House would be able to override them under Lords amendment 42B. If he had bothered to have the courtesy to look at what the Lords had said, and bothered to listen to a former parliamentary Clerk of the House who helped draft it—not a great remainder by any means, but somebody who cares passionately about parliamentary democracy—he would recognise that this is about trying to make the process better. He would recognise that our constituents deserve better than a simple email saying, "We have no idea what's being deleted and we could not stop it anyway," because that is the point about SI Committees.

I am done with being lectured that this is somehow about Brexit and that those of us who have concerns about parliamentary democracy in 2023 should look at the 1972 Act, because I can see what could happen in 2024 and 2025, and my constituents deserve better than this. We cannot have a legislative process that simply says we have to trust the chaps and chapesses who are Ministers and in Downing Street to do the decent thing. If the hon. Gentleman had sat in his own Committee and listened to Ministers dismiss his own concerns, he would know the folly of such a position.

Conservative Members will vote down these amendments yet again, and they will go back to their constituents and tell them not to worry, but the truth is that they should be worried because we do not know what rights will be affected. As far as I can see, given that Ministers committed to abolishing them, the only reason why the Bauer and Hampshire judgments are now being kept is because they have been caught red-handed using a Bill to override something they know our constituents would want us as MPs to speak up about. We must never let anybody on the Conservative Benches or who said they were speaking up for democracy through Brexit tell us ever again that Brexit was about taking back control. It is taking back control to Downing Street, not this place, and our constituents deserve to know that truth.

**Several hon. Members** *rose*—

**Mr Deputy Speaker (Mr Nigel Evans):** We will squeeze one more in, but please resume your seat at 4.37 pm. I call Sarah Olney.

**Sarah Olney** (Richmond Park) (LD): We welcome these amendments. Despite the Government's screeching U-turn, the Liberal Democrats are still extremely concerned that this legislation could see around 600 EU-era laws slated for removal by the end of this year alone, with a further 4,000 potentially being scrapped by 2026, each removed without any consultation or vote in Parliament. This brazen attitude poses risks to hard-fought gains in workers' rights such as holiday pay, agency worker rights, data protection rights, and protection from downgraded terms and conditions when businesses are transferred.

Further, my Liberal Democrat colleagues and I are extremely concerned about the risk that environmental protections for our rivers and natural habitats could be softened should the Government choose to block Lords amendment 15B. The amendment seeks to ensure that the Government could not reduce levels of environmental protection. As the hon. Member for Stirling (Alyn Smith) said, if that is the Government's intention, why not say so in the Bill? The amendment also seeks to ensure that UK law cannot conflict with relevant international environmental agreements to which we are party. That is extremely concerning to my constituents in Richmond Park.

Thames Water has proposed an extraction scheme to replace water from the river near Ham and Petersham with treated sewage effluent. Should environmental protections that govern water quality be weakened in any way—that may happen should Lords amendment 15B not be agreed to—such schemes would be subject to less scrutiny, which could lead to irreversible damage to the waterways that we all enjoy.

I also speak in favour of Lords amendment 42B, which, if supported by the House, would ensure a debate on the Floor of both Houses on any change proposed by the Government to any legislation under the Bill. That solution would prevent any undemocratic power grab by the Government by ensuring that no arbitrary and binding decisions over the laws that affect us all can be made without following a proper and thorough legislative process.

I urge all colleagues across the House to join the Liberal Democrats in supporting both amendments that we will vote on. In doing so, we will be voting to protect thousands of crucial protections for our environment, food standards and working conditions and to prevent an undemocratic power grab by this Conservative Government.

**Mr Deputy Speaker:** Caroline Lucas, you have one minute.

**Caroline Lucas:** Thank you, Mr Deputy Speaker.

Lords amendment 42B is a critical amendment to rein in what is quite simply an Executive power grab, with the Bill handing Ministers enormous powers to review legislation with little to no scrutiny and replace it with provisions that they consider to be "appropriate". I think we can all agree that that word is open to wildly different interpretations.

Government Members should remember that the Bill will give powers not just to this Government but to any future Government, which they may not agree with.

Indeed, a legal opinion on the likely constitutional, legal and practical effects of the Bill found that Ministers would be given

"largely unfettered...discretion for...substantive policy changes."

Lords amendment 42B really matters.

Lords amendment 15B is about ensuring that we have safeguards for environmental protections. If the Government really are serious about saying that they want to protect the environment, why would they not put that into statute and on the face of the Bill?

**Mr Deputy Speaker:** Minister, I will interrupt you at 4.39 pm.

**The Solicitor General:** Thank you, Mr Deputy Speaker. With the leave of the House, it is a pleasure to respond, not least to the warm welcome afforded to me by the shadow Minister, the hon. Member for Ellesmere Port and Neston (Justin Madders). He missed the previous exchange when my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland) noted that Solicitors General both took us into Europe with the 1972 Act and took us out of Europe with the 2018 Act, so there is a certain symmetry to a Solicitor General being at the Dispatch Box for the close of these proceedings.

May I reassure my right hon. and learned Friend on some of his remarks? Not least, he is right that his name was on the Bill when he was Secretary of State for Wales. I am grateful to him for his contributions. I hope to reassure him that parliamentary scrutiny is already well provided for and that the existing sifting procedure is there and set out in schedule 5.

I am sorry to say that the hon. Member for Walthamstow (Stella Creasy) is wrong. The Secretary of State has been clear and explicit that we are retaining those 50% protections. I am grateful to my hon. Friend the Member for Stone (Sir William Cash), and I agree with him. He was absolutely right in his comments about the Office of the Parliamentary Counsel, and about parliamentary counsel being the high priests of parliamentary drafting. He was also right that the Bill will eliminate the supremacy of EU law.

There have been repeated comments about our commitments to the environment and the world-leading standards and environmental protections that we have. It is crucial that we bring this most important Bill to Royal Assent as quickly as possible. We must capitalise on our competitive advantages now that we are no longer restrained by membership of the EU.

I add my thanks to the members of the Bill Committee, who, as has been mentioned, were certainly the finest. We must make the view of the House as clear as possible and avoid any further delay.

**Mr Deputy Speaker:** Just to direct the House, I am anticipating two Divisions. I hope to be helpful in indicating which amendments are being voted on—we will see.

4.39 pm

*One hour having elapsed since the commencement of proceedings on the Lords*

*message, the debate was interrupted ( Programme Order, 24 May).*



*The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83F), That this House disagrees with Lords amendment 15B.*

*The House divided: Ayes 269, Noes 204.*

**Division No. 249]**

**[4.39 pm**

**AYES**

Afolami, Bim  
Afriyie, Adam  
Aiken, Nickie  
Aldous, Peter  
Anderson, Lee  
Andrew, rh Stuart  
Ansell, Caroline  
Argar, rh Edward  
Atherton, Sarah  
Atkins, Victoria  
Bacon, Gareth  
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  
Berry, rh Sir Jake  
Bhatti, Saqib (*Proxy vote cast by Mr Marcus Jones*)  
Blackman, Bob  
Blunt, Crispin  
Bone, Mr Peter (*Proxy vote cast by Mr Marcus Jones*)  
Bottomley, Sir Peter  
Bowie, Andrew  
Brady, Sir Graham  
Braverman, rh Suella  
Brereton, Jack  
Bridgen, Andrew  
Brine, Steve  
Bristow, Paul  
Browne, Anthony  
Bruce, Fiona  
Buchan, Felicity  
Buckland, rh Sir Robert  
Burghart, Alex  
Butler, Rob  
Cairns, rh Alun  
Carter, Andy  
Cartlidge, James  
Cash, Sir William  
Cates, Miriam  
Caulfield, Maria  
Chalk, rh Alex  
Churchill, Jo  
Clark, rh Greg  
Clarke, rh Sir 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  
Coutinho, Claire  
Crosbie, Virginia

Crouch, Tracey  
Davies, rh David T. C.  
Davies, Gareth  
Davies, Dr James  
Davies, Mims  
Dines, Miss Sarah  
Djanogly, Mr Jonathan  
Docherty, Leo  
Donelan, rh Michelle (*Proxy vote cast by Mr Marcus Jones*)  
Double, Steve  
Doyle-Price, Jackie  
Drummond, Mrs Flick  
Duddridge, Sir James  
Duguid, David  
Duncan Smith, rh Sir Iain  
Eastwood, Mark  
Ellis, rh Michael  
Elphicke, Mrs Natalie  
Eustice, rh George  
Evans, Dr Luke  
Evennett, rh Sir David  
Everitt, Ben  
Farris, Laura  
Fell, Simon  
Firth, Anna  
Fletcher, Katherine  
Fletcher, Mark  
Fletcher, Nick  
Ford, rh Vicky  
Foster, Kevin  
Frazer, rh Lucy  
Freeman, George  
Freer, Mike  
French, Mr Louie  
Garnier, Mark  
Ghani, Ms Nusrat  
Gibb, rh Nick  
Gibson, Peter  
Gideon, Jo  
Glen, rh John  
Goodwill, rh Sir Robert  
Gove, rh Michael  
Graham, Richard  
Grant, Mrs Helen  
Gray, James  
Green, Chris  
Green, rh Damian  
Griffith, Andrew  
Grundy, James  
Gullis, Jonathan  
Halfon, rh Robert  
Hall, Luke  
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  
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  
Jack, rh Mr Alister  
Javid, rh Sajid  
Jayawardena, rh Mr Ranil  
Jenkin, Sir Bernard  
Jenkinson, Mark  
Jenkyns, Dame Andrea  
Johnston, David  
Jones, Andrew  
Jones, rh Mr David  
Jones, Fay  
Jones, rh Mr Marcus  
Jupp, Simon  
Keegan, rh Gillian  
Kniveton, Kate  
Kruger, Danny  
Kwarteng, rh Kwasi  
Lamont, John  
Largan, Robert  
Leadsom, rh Dame Andrea  
Leigh, rh Sir Edward  
Levy, Ian  
Lewer, Andrew  
Lewis, rh Brandon  
Lewis, rh Sir Julian  
Loder, Chris  
Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)  
Longhi, Marco  
Lopez, Julia (*Proxy vote cast by Mr Marcus Jones*)  
Lopresti, Jack  
Lord, Mr Jonathan  
Loughton, Tim  
Mackinlay, Craig  
Maclean, Rachel  
Mak, Alan  
Malthouse, rh Kit  
Mangnall, Anthony  
Mann, Scott  
Marson, Julie  
Mayhew, Jerome  
Maynard, Paul  
McCartney, Karl  
Menzies, Mark  
Mercer, rh Johnny  
Merriman, Huw  
Metcalf, Stephen  
Millar, Robin  
Miller, rh Dame Maria  
Milling, rh Amanda  
Mills, Nigel  
Mohindra, Mr Gagan  
Moore, Damien  
Moore, Robbie  
Mordaunt, rh Penny  
Morris, James  
Morrisey, Joy  
Mortimer, Jill  
Morton, rh Wendy  
Mullan, Dr Kieran  
Murray, Mrs Sheryll

Murrison, rh Dr Andrew  
Nici, Lia  
Nokes, rh Caroline  
Norman, rh Jesse  
O'Brien, Neil  
Opperman, Guy  
Patel, rh Dame Priti  
Pawsey, Mark  
Penning, rh Sir Mike  
Penrose, John  
Percy, Andrew  
Philp, rh Chris  
Pow, Rebecca  
Prentis, rh Victoria  
Pritchard, rh Mark  
Quin, rh Jeremy  
Quince, Will  
Randall, Tom  
Redwood, rh John  
Rees-Mogg, rh Sir Jacob  
Richards, Nicola  
Richardson, Angela  
Roberts, Mr Rob  
Robertson, Mr Laurence  
Robinson, Mary  
Ross, Douglas  
Rowley, Lee  
Russell, Dean  
Rutley, David  
Saxby, Selaine  
Scully, Paul  
Selous, Andrew  
Shannon, Jim  
Shapps, rh Grant  
Sharma, rh Sir Alok  
Shelbrooke, rh Alec  
Simmonds, David  
Smith, Greg  
Smith, rh Julian  
Smith, Royston  
Solloway, Amanda  
Spencer, rh Mark  
Stephenson, rh Andrew  
Stevenson, Jane  
Stewart, rh Bob  
Stewart, Iain  
Stride, rh Mel  
Stuart, rh Graham  
Sunderland, James  
Swayne, rh Sir Desmond  
Syms, Sir Robert  
Throup, Maggie  
Tolhurst, rh Kelly  
Tomlinson, Justin  
Tomlinson, Michael  
Tracey, Craig  
Trevelyan, rh Anne-Marie  
Trott, Laura  
Truss, rh Elizabeth  
Tugendhat, rh Tom  
Vara, rh Shailesh  
Vickers, Martin  
Vickers, Matt  
Villiers, rh Theresa  
Wallis, Dr Jamie  
Warburton, David (*Proxy vote cast by Craig Mackinlay*)  
Warman, Matt  
Watling, Giles  
Webb, Suzanne  
Whately, Helen  
Wheeler, Mrs Heather

Whittingdale, rh Sir John  
Wiggin, Sir Bill  
Wild, James  
Williams, Craig  
Wood, Mike

Wragg, Mr William  
Wright, rh Sir Jeremy  
**Tellers for the Ayes:**  
**Ruth Edwards and**  
**Jacob Young**

**NOES**

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)  
Abrahams, Debbie  
Ali, Rushanara  
Amesbury, Mike  
Anderson, Fleur  
Antoniazzi, Tonia  
Ashworth, rh Jonathan  
Bardell, Hannah  
Barker, Paula  
Beckett, rh Margaret  
Begum, Apsana  
Benn, rh Hilary  
Betts, Mr Clive  
Blackford, rh Ian  
Blackman, Kirsty  
Blake, Olivia  
Blomfield, Paul  
Bonnar, Steven  
Brennan, Kevin  
Brock, Deidre  
Brown, Alan  
Brown, Ms Lyn  
Brown, rh Mr Nicholas  
Buck, Ms Karen  
Burgon, Richard  
Butler, Dawn  
Byrne, Ian  
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  
Chapman, Douglas  
Cherry, Joanna  
Clark, Feryal (*Proxy vote cast by Chris Elmore*)  
Cooper, Daisy  
Cooper, rh Yvette  
Cowan, Ronnie  
Crowley, Angela  
Creasy, Stella  
Cruddas, Jon  
Cryer, John  
Cummins, Judith  
Daby, Janet  
David, Wayne  
Davies-Jones, Alex  
Day, Martyn  
De Cordova, Marsha  
Debbonaire, Thangam  
Dhesi, Mr Tanmanjeet Singh  
Dixon, Samantha  
Docherty-Hughes, Martin  
Dodds, Anneliese  
Doogan, Dave  
Dorans, Allan (*Proxy vote cast by Brendan O'Hara*)  
Doughty, Stephen  
Dowd, Peter

Eagle, Dame Angela  
Edwards, Jonathan  
Efford, Clive  
Elliott, Julie  
Elmore, Chris  
Eshalomi, Florence  
Evans, Chris  
Farron, Tim  
Farry, Stephen  
Fellows, Marion  
Fletcher, Colleen  
Flynn, Stephen  
Fovargue, Yvonne  
Foxcroft, Vicky  
Foy, Mary Kelly  
Furniss, Gill  
Gardiner, Barry  
Gibson, Patricia  
Gill, Preet Kaur  
Glindon, Mary  
Grady, Patrick  
Grant, Peter  
Green, Sarah  
Greenwood, Lilian  
Greenwood, Margaret  
Griffith, Dame Nia  
Gwynne, Andrew  
Hamilton, Mrs Paulette  
Hanvey, Neale  
Hardy, Emma  
Harman, rh Ms Harriet  
Harris, Carolyn  
Hayes, Helen  
Healey, rh John  
Hendry, Drew  
Hillier, Dame Meg  
Hobhouse, Wera  
Hodge, rh Dame Margaret  
Hodgson, Mrs Sharon  
Hollern, Kate  
Hopkins, Rachel  
Hosie, rh Stewart  
Huq, Dr Rupa  
Jarvis, Dan  
Johnson, rh Dame Diana  
Jones, Darren  
Jones, Ruth  
Jones, Sarah  
Khan, Afzal  
Kinnock, Stephen  
Kyle, Peter  
Lammy, rh Mr David  
Lavery, Ian  
Leadbeater, Kim  
Lewell-Buck, Mrs Emma  
Lewis, Clive  
Lloyd, Tony (*Proxy vote cast by Chris Elmore*)  
Long Bailey, Rebecca  
Lucas, Caroline  
Madders, Justin  
Mahmood, Mr Khalid  
Malhotra, Seema  
Maskell, Rachael

Mc Nally, John  
McCabe, Steve  
McCarthy, Kerry  
McDonagh, Siobhain  
McDonald, Stewart Malcolm  
McDonald, Stuart C.  
McFadden, rh Mr Pat  
McKinnell, Catherine  
McLaughlin, Anne (*Proxy vote cast by Brendan O'Hara*)  
McMahon, Jim  
McMorrin, Anna  
Mearns, Ian  
Miliband, rh Edward  
Monaghan, Carol  
Moran, Layla  
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  
Osborne, Kate  
Oswald, Kirsten  
Peacock, Stephanie  
Pennycook, Matthew  
Perkins, Mr Toby  
Phillips, Jess  
Pollard, Luke  
Qaisar, Ms Anum  
Qureshi, Yasmin  
Rayner, rh Angela  
Reed, Steve  
Rees, Christina  
Reeves, Ellie

Reeves, rh Rachel  
Reynolds, Jonathan  
Ribeiro-Addy, Bell  
Rimmer, Ms Marie  
Rodda, Matt  
Russell-Moyle, Lloyd  
Saville Roberts, rh Liz  
Shah, Naz  
Slaughter, Andy  
Smith, Alyn  
Smith, Cat  
Smith, Nick  
Spellar, rh John  
Starmer, rh Keir  
Stephens, Chris  
Stevens, Jo  
Sultana, Zarah  
Tami, rh Mark  
Tarry, Sam  
Thewliss, Alison  
Thomas-Symonds, rh Nick  
Thompson, Owen  
Thomson, Richard  
Timms, rh Sir Stephen  
Trickett, Jon  
Twist, Liz  
Vaz, rh Valerie  
Wakeford, Christian  
Webbe, Claudia  
West, Catherine  
Western, Andrew  
Western, Matt  
Whitehead, Dr Alan  
Whitford, Dr Philippa  
Williams, Hywel  
Wilson, Munira  
Wishart, Pete  
Yasin, Mohammad  
Zeichner, Daniel

**Tellers for the Noes:**  
**Taiwo Owatemi and**  
**Gerald Jones**

*Question accordingly agreed to.*

*Lords amendment 15B disagreed to.*

*The Deputy Speaker then put forthwith the Questions necessary for the*

*disposal of the business to be concluded at that time (Standing Order No. 83F). Amendment 16A not insisted upon.*

*Lords amendment 16C agreed to.*

**Clause 15****PARLIAMENTARY SCRUTINY**

*Motion made, and Question put, That this House disagrees with Lords amendment 42B.*

*The House divided: Ayes 269, Noes 202.*

**Division No. 250]**

**[4.54 pm**

**AYES**

Afolami, Bim  
Afriyie, Adam  
Aiken, Nickie  
Aldous, Peter

Anderson, Lee  
Andrew, rh Stuart  
Ansell, Caroline  
Argar, rh Edward



Atherton, Sarah  
 Atkins, Victoria  
 Bacon, Gareth  
 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  
 Berry, rh Sir Jake  
 Bhatti, Saqib (*Proxy vote cast by Mr Marcus Jones*)  
 Blackman, Bob  
 Blunt, Crispin  
 Bone, Mr Peter (*Proxy vote cast by Mr Marcus Jones*)  
 Bottomley, Sir Peter  
 Bowie, Andrew  
 Brady, Sir Graham  
 Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Brine, Steve  
 Bristow, Paul  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Buckland, rh Sir Robert  
 Burghart, Alex  
 Butler, Rob  
 Cairns, rh Alun  
 Carter, Andy  
 Cartlidge, James  
 Cash, Sir William  
 Cates, Miriam  
 Caulfield, Maria  
 Chalk, rh Alex  
 Churchill, Jo  
 Clark, rh Greg  
 Clarke, rh Sir 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  
 Coutinho, Claire  
 Crosbie, Virginia  
 Crouch, Tracey  
 Davies, rh David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Mims  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donelan, rh Michelle (*Proxy vote cast by Mr Marcus Jones*)  
 Double, Steve  
 Doyle-Price, Jackie  
 Drummond, Mrs Flick  
 Duddridge, Sir James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Eastwood, Mark  
 Ellis, rh Michael  
 Elphicke, Mrs Natalie  
 Eustice, rh George  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Farris, Laura  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Ford, rh Vicky  
 Foster, Kevin  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gibson, Peter  
 Gideon, Jo  
 Glen, rh John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grant, Mrs Helen  
 Gray, James  
 Green, Chris  
 Green, rh Damian  
 Griffith, Andrew  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 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  
 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  
 Jack, rh Mr Alister  
 Javid, rh Sajid  
 Jayawardena, rh Mr Ranil  
 Jenkin, Sir Bernard  
 Jenkinson, Mark  
 Jenkyns, Dame Andrea  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, rh Mr Marcus  
 Jupp, Simon  
 Keegan, rh Gillian  
 Kniveton, Kate  
 Kruger, Danny

Lamont, John  
 Langan, Robert  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward  
 Levy, Ian  
 Lewer, Andrew  
 Lewis, rh Brandon  
 Lewis, rh Sir Julian  
 Loder, Chris  
 Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)  
 Longhi, Marco  
 Lopez, Julia (*Proxy vote cast by Mr Marcus Jones*)  
 Lopresti, Jack  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Mann, Scott  
 Marson, Julie  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 Menzies, Mark  
 Mercer, rh Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, rh Wendy  
 Mullan, Dr Kieran  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 Nokes, rh Caroline  
 Norman, rh Jesse  
 O'Brien, Neil  
 Opperman, Guy  
 Patel, rh Dame Priti  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, rh Chris  
 Pow, Rebecca  
 Prentis, rh Victoria  
 Pritchard, rh Mark  
 Quin, rh Jeremy  
 Quince, Will  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Sir Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Mr Rob  
 Robertson, Mr Laurence  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Russell, Dean  
 Rutley, David  
 Saxby, Selaine  
 Scully, Paul  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Sharma, rh Sir Alok  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Smith, Greg  
 Smith, rh Julian  
 Solloway, Amanda  
 Spencer, rh Mark  
 Stephenson, rh Andrew  
 Stevenson, Jane  
 Stewart, rh Bob  
 Stewart, Iain  
 Stride, rh Mel  
 Stuart, rh Graham  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Throup, Maggie  
 Tolhurst, rh Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Trevelyan, rh Anne-Marie  
 Trott, Laura  
 Truss, rh Elizabeth  
 Tugendhat, rh Tom  
 Vara, rh Shailesh  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Wallis, Dr Jamie  
 Warburton, David (*Proxy vote cast by Craig Mackinlay*)  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittingdale, rh Sir John  
 Wiggin, Sir Bill  
 Wild, James  
 Williams, Craig  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Wright, rh Sir Jeremy  
**Tellers for the Ayes:**  
**Jacob Young and**  
**Ruth Edwards**

## NOES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)  
 Abrahams, Debbie  
 Ali, Rushanara  
 Amesbury, Mike  
 Anderson, Fleur  
 Antoniazzi, Tonia  
 Ashworth, rh Jonathan  
 Bardell, Hannah

Barker, Paula	Farry, Stephen
Beckett, rh Margaret	Fellows, Marion
Begum, Apsana	Fletcher, Colleen
Benn, rh Hilary	Flynn, Stephen
Betts, Mr Clive	Fovargue, Yvonne
Blackford, rh Ian	Foxcroft, Vicky
Blackman, Kirsty	Foy, Mary Kelly
Blake, Olivia	Furniss, Gill
Blomfield, Paul	Gardiner, Barry
Bonnar, Steven	Gibson, Patricia
Bradshaw, rh Mr Ben	Gill, Preet Kaur
Brennan, Kevin	Glendon, Mary
Brock, Deidre	Grady, Patrick
Brown, Alan	Grant, Peter
Brown, Ms Lyn	Green, Sarah
Brown, rh Mr Nicholas	Greenwood, Lilian
Buck, Ms Karen	Greenwood, Margaret
Burgon, Richard	Griffith, Dame Nia
Butler, Dawn	Gwynne, Andrew
Byrne, Ian	Hamilton, Mrs Paulette
Cadbury, Ruth	Hanvey, Neale
Callaghan, Amy ( <i>Proxy vote cast by Brendan O'Hara</i> )	Hardy, Emma
Cameron, Dr Lisa	Harris, Carolyn
Campbell, rh Sir Alan	Hayes, Helen
Carden, Dan	Healey, rh John
Carmichael, rh Mr Alistair	Hendry, Drew
Chamberlain, Wendy	Hillier, Dame Meg
Chapman, Douglas	Hobhouse, Wera
Cherry, Joanna	Hodge, rh Dame Margaret
Clark, Feryal ( <i>Proxy vote cast by Chris Elmore</i> )	Hodgson, Mrs Sharon
Cooper, Daisy	Hollern, Kate
Cooper, rh Yvette	Hopkins, Rachel
Cowan, Ronnie	Hosie, rh Stewart
Crawley, Angela	Huq, Dr Rupa
Creasy, Stella	Jarvis, Dan
Cruddas, Jon	Johnson, rh Dame Diana
Cryer, John	Jones, Darren
Cummins, Judith	Jones, Ruth
Daby, Janet	Khan, Afzal
David, Wayne	Kinnock, Stephen
Davies-Jones, Alex	Kyle, Peter
Day, Martyn	Lammy, rh Mr David
De Cordova, Marsha	Lavery, Ian
Debbonaire, Thangam	Leadbeater, Kim
Dhesi, Mr Tanmanjeet Singh	Lewell-Buck, Mrs Emma
Dixon, Samantha	Lewis, Clive
Docherty-Hughes, Martin	Lloyd, Tony ( <i>Proxy vote cast by Chris Elmore</i> )
Dodds, Anneliese	Long Bailey, Rebecca
Doogan, Dave	Lucas, Caroline
Dorans, Allan ( <i>Proxy vote cast by Brendan O'Hara</i> )	Madders, Justin
Doughty, Stephen	Mahmood, Mr Khalid
Dowd, Peter	Malhotra, Seema
Eagle, Dame Angela	Maskell, Rachael
Edwards, Jonathan	Mc Nally, John
Efford, Clive	McCabe, Steve
Elliott, Julie	McCarthy, Kerry
Elmore, Chris	McDonald, Andy
Eshalomi, Florence	McDonald, Stewart Malcolm
Evans, Chris	McDonald, Stuart C.
Farron, Tim	McDonnell, rh John
	McFadden, rh Mr Pat
	McKinnell, Catherine

McLaughlin, Anne ( <i>Proxy vote cast by Brendan O'Hara</i> )	Rimmer, Ms Marie
McMahon, Jim	Rodda, Matt
McMorrin, Anna	Russell-Moyle, Lloyd
Mearns, Ian	Saville Roberts, rh Liz
Miliband, rh Edward	Shah, Naz
Monaghan, Carol	Slaughter, Andy
Moran, Layla	Smith, Alyn
Morden, Jessica	Smith, Cat
Morgan, Helen	Smith, Nick
Morgan, Stephen	Spellar, rh John
Morris, Grahame	Starmer, rh Keir
Murray, Ian	Stephens, Chris
Murray, James	Stevens, Jo
Newlands, Gavin	Sultana, Zarah
Nichols, Charlotte	Tami, rh Mark
Nicolson, John ( <i>Proxy vote cast by Brendan O'Hara</i> )	Thewliss, Alison
Norris, Alex	Thomas-Symonds, rh Nick
O'Hara, Brendan	Thompson, Owen
Olney, Sarah	Thomson, Richard
Onwurah, Chi	Timms, rh Sir Stephen
Oppong-Asare, Abena	Trickett, Jon
Osborne, Kate	Twist, Liz
Oswald, Kirsten	Vaz, rh Valerie
Peacock, Stephanie	Wakeford, Christian
Pennycook, Matthew	Webbe, Claudia
Perkins, Mr Toby	West, Catherine
Phillips, Jess	Western, Andrew
Pollard, Luke	Western, Matt
Qaisar, Ms Anum	Whitehead, Dr Alan
Qureshi, Yasmin	Whitford, Dr Philippa
Rayner, rh Angela	Williams, Hywel
Reed, Steve	Wilson, Munira
Rees, Christina	Wishart, Pete
Reeves, Ellie	Yasin, Mohammad
Reeves, rh Rachel	Zeichner, Daniel
Reynolds, Jonathan	
Ribeiro-Addy, Bell	

**Tellers for the Noes:**  
Taiwo Owatemi and  
Gerald Jones

*Question accordingly agreed to.*

*Lords amendment 42B disagreed to.*

*Motion made, and Question put forthwith (Standing Order No. 83H(2)), That a Committee be appointed to draw up Reasons to be assigned to the Lords for disagreeing with their amendments 15B and 42B;*

That Michael Tomlinson, Mike Wood, Shaun Bailey, Jane Stevenson, Justin Madders, Taiwo Owatemi and Alyn Smith be members of the Committee;

That Michael Tomlinson be the Chair of the Committee;

That three be the quorum of the Committee.

That the Committee do withdraw immediately.—  
(*Julie Marson.*)

*Question agreed to.*

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

## Public Order

5.7 pm

**The Secretary of State for the Home Department (Suella Braverman):** I beg to move,

That the draft Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023, which were laid before this House on 27 April, be approved.

The regulations propose amendments to sections 12 and 14 of the Public Order Act 1986. These sections provide the police with the powers to impose conditions on harmful protests that cause or risk causing serious disruption to the life of the community. These regulations have been brought forward to provide further clarity. I want to place on record my thanks to the Minister for Crime, Policing and Fire, my right hon. Friend the Member for Croydon South (Chris Philp), and to policing colleagues and officials for their hard work on this issue.

People have a right to get to work on time free from obstruction, a right to enjoy sporting events without interruption and a right to get to hospital. The roads belong to the British people, not to a selfish minority who treat them like their personal property. The impact of these disruptors is huge. Over the past six weeks alone, Just Stop Oil has carried out 156 slow marches around London. That has required more than 13,770 police officer shifts. That is more than 13,000 police shifts that could have been spent stopping robbery, violent crime or antisocial behaviour, and the cost to the taxpayer is an outrage, with £4.5 million spent in just six weeks, on top of the £14 million spent last year. In some cases the protests have aggravated the public so much that they have taken matters into their own hands. They have lost their patience. The police must be able to stop this happening and it is our job in government to give them the powers to do so.

**Jim Shannon (Strangford) (DUP):** I have noticed over the last few weeks, and others will have noticed this as well, that some of those who are protesting and stopping people getting to work, getting to hospital and going about their normal lives habitually and regularly protest. It seems to me that the law of the land is not hard enough the first time round to ensure they do not do it again. If they continually do it, we need a law to reflect that. Is the Secretary of State able to assure the House that the law will come down hard on protesters who wish to stop normal life?

**Suella Braverman:** The hon. Gentleman is right to emphasise the impact of repetitive, disruptive protesters. That they are behaving disruptively again and again is evidence that we now need to ensure the police have robust and sufficient powers to prevent this from happening.

**Sir Edward Leigh (Gainsborough) (Con):** I fully support what my right hon. and learned Friend is doing. She can relax, as I have not come with a pot of glue in my pocket to glue myself to the Bench next to her in protest at what is happening with RAF Scampton. Does she accept that if people with good arguments put them politely and relentlessly, this Government will listen and they will eventually win?

**Suella Braverman:** My right hon. Friend is absolutely right. I pay tribute to the noble and honourable way in which he advocates for his constituents in relation to

RAF Scampton. We live in a democracy in which freedom of speech must prevail. That means advocating and campaigning through lawful methods and lawful means, not breaking the law and causing misery and disruption to the law-abiding majority.

**Richard Burgon (Leeds East) (Lab):** Will the Home Secretary come clean and admit that this authoritarian clampdown on our society's hard-won democratic freedoms is being intensified by this Government because their policies are becoming ever more unpopular? Their heavy-handed, antidemocratic response shames us all.

**Suella Braverman:** The Chamber will not be surprised that I disagree with the hon. Gentleman. The right to protest is an important and fundamental right that I will ferociously defend, but serious disruption, nuisance and criminality are unjustified, which is why the police need the right powers to police protesters.

**John Redwood (Wokingham) (Con):** I am grateful for what my right hon. and learned Friend is seeking to do. Can she confirm that there could, indeed, be cases in which protesters stop one getting to hospital for an emergency operation or procedure, or stop a woman who is about to give birth from getting to hospital in a hurry, and that they are risking people's lives?

**Suella Braverman:** Their tactics are dangerous. They are putting people's lives at risk by stopping ambulances getting to emergencies and stopping people getting to hospital appointments. They are stopping people getting to work, school and funerals. The instances are infinite, and the disruption must stop.

**Sammy Wilson (East Antrim) (DUP):** I was a serial protester in Northern Ireland, so I understand the importance of people being able to express their peaceful opposition to whatever it happens to be. Regardless of the regulations that the right hon. and learned Lady puts in place, some police officers seem to have a sympathetic attitude towards some of these causes. Is she not concerned that some courts are prepared to allow people to walk out of court, having committed acts of criminal damage, without imposing any sanction? How does she believe these regulations will change that mindset?

**Suella Braverman:** The right hon. Gentleman raises an important point. The Government's job is to provide sufficient, lawful and proportionate powers for the police to exercise. They have operational independence, and they need to make decisions and judgments based on the particular circumstances. Our job is to give them the powers to enable them to take the fullest and most lawful approach.

**Dame Diana Johnson (Kingston upon Hull North) (Lab):** Have the police specifically requested these new powers? The deputy assistant commissioner of the Metropolitan police, Ade Adelekan, has said about recent slow-march protests

"once a protest is deemed to have caused serious disruption or may do so, we are taking swift action to stop it."

Does the Home Secretary disagree with what he is saying, that the police already have the powers they need?



**Suella Braverman:** One of the first things I did when I became Home Secretary, along with the Minister for Crime, Policing and Fire and the Prime Minister, was to meet policing leads, in the Metropolitan police and nationwide, to hear about the challenges they have been and are facing in policing protests. They have requested extra powers and extra clarity in the law.

I find it surprising and disappointing that Labour MPs are not supporting the measures before us today, given how important they are to the public and how damaging serious disruption can be to everyday life. I have been trying to think about why that would be. Has it got anything to do with the fact that the Labour party—the Leader of the Opposition and his deputy—has taken £1.5 million of donations from a businessman who bankrolls Just Stop Oil? Is it because Labour’s botched environmental policies now seem to be directed by the eco-zealots? The right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) should be embarrassed that Labour is more interested in supporting Just Stop Oil than standing up for the law-abiding majority. This Government and the police have always maintained that the powers are necessary to respond effectively to guerrilla protests.

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): Clearly, it is important that the Home Secretary gives accurate information to Parliament, so will she clarify her answer to my right hon. Friend the Member for Kingston upon Hull North (Dame Diana Johnson), the Home Affairs Committee Chair, as to whether the police and the National Police Chiefs’ Council have requested the precise wording that she has put forward in these regulations? She said to the Chamber a week ago that the

“asylum initial...backlog is down by 17,000”.—[*Official Report*, 5 June 2023; Vol. 733, c. 557.]

She knows that that is not true and that the asylum initial backlog, which includes legacy and flow, has gone up. Will she now correct the record, as she is before the House and she knows the importance of the ministerial code and correcting any errors at the first opportunity?

**Suella Braverman:** Sadly, we see unsurprising tactics from the Labour party. Again, Labour Members seek to distract from their woeful failure to stand up for the law-abiding majority, who want us to take these measures on protesters, and to cover up the fact that they have absolutely no policy to stop the boats. It is disappointing but unsurprising.

These regulations will ensure clarity and consistency in public order legislation in the following ways. First, they clarify that the police may take into account the cumulative impact of simultaneous and repeated protests in a specific area when considering whether there is a risk. Secondly, they permit the police to consider the absolute disruption caused by a protest—in other words, their evaluation may be irrespective of the disruption that is typical in that area. Thirdly, the regulations define the term “community” to include “any group” impacted by a protest, extending beyond those in the immediate area. That definition better reflects the cross-section of the public affected by disruptive protests in cities today. Finally, the regulations align the threshold of “serious disruption” with that in the Public Order Act 2023. This definition, proposed by Lord Hope, the

former deputy president of the Supreme Court, is rooted in protest case law. It was debated at length by Parliament and deemed appropriate for use in the Public Order Act 2023. It should now be incorporated into the Public Order Act 1986 to ensure consistency across the statute book.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): Will the Secretary of State give way?

**Suella Braverman:** I will not give way, as I have taken a lot of interventions.

The regulations will make it clear that serious disruption to the life of the community includes

“the prevention of, or a hindrance that is more than minor to, the carrying out of day-to-day activities (including...the making of a journey)”.

These regulations do not create new powers but instead clarify powers that already exist. In support of that, we held targeted engagement with operational leads. The NPCC, the Metropolitan Police Service and the chief constables of the affected forces all welcome further clarity in law. To summarise, these measures ensure that public order legislation is clear, consistent and current.

In conclusion, I will always defend the rights of Just Stop Oil or anyone else to express their views, even to protest—that is free speech, that is the foundation of our democracy. However, its methods are deplorable. That is what millions of people, the law-abiding majority, and this Government believe to be true. These measures are for them—for the people trying to get to work, the people trying to get to a family funeral, the people trying to get to hospital. This Conservative Government are on their side.

5.19 pm

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): This is, at least, the Government’s fifth set of proposals on public order in the space of two years. They make the same claims about the latest set of proposals that they did about all the previous ones, and they keep coming back again and again, making all the same promises about what this piece of legislation will achieve as they did about the last one and the one before that. This is groundhog day, and we have to wonder how chaotic and incompetent this Home Secretary is that she has to keep legislating for the same things again and again.

We can see why Conservative Ministers might be worried about an organised minority of people causing disruption—people who want to protest against decisions made by the Prime Minister, who ignore all normal rules and have no respect for everyone else, causing serious disruption to the nation and the Government, lighting skip fires from Uxbridge to Selby and causing chaos in our public services, our transport system, our economy and our financial markets. Yes, to quote the Home Secretary, those disruptors are selfish; yes, the public are sick of them and yes, we have had enough of them. That is why we want to get rid of them all, not just through by-elections but through a general election.

We can also see why the Conservatives are so sensitive about extinction and rebellion. As a party, they are now so addicted to rebellion that it is taking them to the point of extinction. They should stop inflicting this chaos on everyone else. They have brought forward two new Bills on public order in the last two years, two further sets of entirely new proposals that were brought



forward in the House of Lords halfway through those Bills' passage, and now this statutory instrument. If only they had found similar time in Parliament for legislation on violence against women and girls, we might not have such disgracefully low charge rates for rape and sexual assault or such appallingly high and persistent levels of domestic abuse.

Instead, we have the chaotic repetition of the same debates and the same promises about legislation. It is total chaos—a coalition of chaos, as the Home Secretary might say herself. Indeed, she did say it when we debated the Third Reading of the Public Order Bill, which she claimed would sort everything out—and that was just eight months ago. In that debate, she accused Labour of being a

“coalition of chaos, the *Guardian*-reading, tofu-eating wokerati”—[*Official Report*, 18 October 2022; Vol. 720, c. 628.]

That is from the party that has crashed the economy and given us record inflation, the highest tax burden for 70 years, the worst train cancellations, NHS cancellations and public sector strikes in decades, and total chaos in the criminal justice system.

That party has given us three Prime Ministers, four Home Secretaries and four Chancellors in the space of 12 months, and since then three more Cabinet Ministers have been sacked, including the Deputy Prime Minister. There have been public hissy-fits today between the Prime Minister and his predecessor on the honours system, and now there are three upcoming by-elections. The Conservatives are definitely not a coalition of chaos, not least because any internal party coalition they ever had has clearly collapsed—oh, and on that bit about the wokerati, I have since discovered the Home Secretary is a vegetarian. She eats more tofu than I do!

The police need to take action against serious disruption and damaging protest tactics that cause harm and problems for others. Here in Britain, we have historic freedoms to speak out against things we disagree with, but we also have rights to be protected against serious disruption and dangerous protests by others. We have historic freedoms to object and to peacefully protest—that is part of our democracy—but blocking our roads so ambulances cannot get through is not legitimate protest. It is dangerous, irresponsible and against the law. Climbing up motorway gantries is not legitimate protest either. It is wholly unlawful and it puts lives at risk. That is why Labour supported increasing the penalties for blocking roads, and it is why we put forward measures to make it easier to get injunctions to prevent damaging protests, and measures to prevent intimidation and protest outside contraception and abortion clinics and vaccine clinics. It is why we have criticised groups such as Just Stop Oil and Extinction Rebellion for damaging protests that even put lives at risk.

The police have a serious and important job to do in a democracy—ensuring that people can go about their business, and protecting our historic freedoms—but they already have the powers to do exactly that. The Home Secretary claims that this latest measure is about slow walking, but that is already a breach of the law. Since 1986, the police have had the power to impose conditions on public processions—that is what slow walking is—and since 1980 it has been against the law to obstruct a public highway.

Indeed, the Minister for Crime, Policing and Fire, the right hon. Member for Croydon South (Chris Philp), said himself last month that

“the police are...using section 12 of the Public Order Act 1986... Following recent disruptions in the past 10 to 14 days, the roads have typically been cleared within 10 minutes”.—[*Official Report*, 9 May 2023; Vol. 732, c. 210.]

The Met said just this week that

“putting in conditions from Section 12 of the Public Order Act has encouraged protesters to exit the highway within minutes; from the 156 slow marches that have taken place, 125 Section 12...conditions have been imposed”,

including 86 arrests where people were not complying. The chief constable of Greater Manchester police said:

“We have the powers to act and we should do so very quickly.”

However, instead of working with the police so that they have the training, resources and support to appropriately enforce the law, the Home Secretary just keeps coming back to Parliament waving another bit of legislation to chase a few more headlines and distract people from the fact that the Government are hellbent on causing chaos and disruption for the British people. The Government bring this statutory instrument before the House claiming that it is to clarify the law, but instead it makes it even more confusing. They failed to bring it in through the normal parliamentary legislative processes so that it could be scrutinised and amended. Heaven knows, we have had enough primary legislation when the Government have had the opportunity to introduce it.

The regulations refer, for example, to “normal traffic congestion” now being a significant factor. What does that mean? Does it mean that if roadworks are causing a local traffic jam and some protesters happen to cross the road, they can be arrested for the traffic jam? The regulations redefine “serious disruption” to mean everything that “may” be “more than minor”—may. Does the Home Secretary really think that the police should be able to ban anything that may—only may—create more than minor noise, for example?

Once again, the regulations are not about the seriously disruptive Just Stop Oil protests, which are rightly already against the law. Instead, they give the police the power to prevent any and every campaign group from protesting outside a local library or swimming pool that is about to be closed because it “may” be a little “more than minor”. That makes it harder for law-abiding, peaceful campaigners who want to work with the police to organise a limited protest—something that we should all want people to do—all for the sake of the Home Secretary getting a few more headlines. She says that she wants to defend free speech and our pluralist free society very robustly indeed—but only if it is speech that she agrees with, and only if it is not too noisy. Once again, instead of focusing on the damaging disruption, which we all believe should be stopped and on which we want the Government to work with the police to sort things out, the Government are simply making it possible to go after peaceful protesters and passers-by, even though that is not the British tradition.

The Home Secretary is now so obsessed with serious disruption because she and her party are busy creating it. That party has become addicted to causing serious disruption in politics, our economy, financial markets, workplaces, our transport system, our NHS, our public life and our communities, and has no idea what stability

[Yvette Cooper]

and security looks like because it is too busy seriously disrupting itself. So yes, the country is sick of the serious disruption that the Conservative party is causing. Yes, we do want to put an end to the serious disruption and chaos that is letting everyone down, by kicking the Conservatives out of office. This is not about Just Stop Oil; it is about a Conservative party that has just stopped governing. That is why we need a general election now.

5.29 pm

**Dr Kieran Mullan** (Crewe and Nantwich) (Con): The main point I want to emphasise today is that these issues are of course to do with balance. Opposition Members want to make it black and white, but we know that these things are not black and white. I am also interested in the fact that some of the same Members who have been so opposed to these regulations made complete counter-arguments when they proposed legislation, which I supported, to say that people should not be able to protest within a certain distance of an abortion clinic. These are common arguments and it is about the individual interpretation of them.

In a free society, we have responsibilities as well as rights. Our right to protest does not offer absolute relief from our responsibility to allow other citizens to go about their lives freely. Of course they have a right to do that. Much attention is paid to the rights of the protesters, but what about the rights of everyone else? We must view the impact in the context of the cost of resources to taxpayers, because they have a right to see their resources used sensibly. If we are going to say that something is acceptable—disruptive protest, disrupting sporting events, going on the road—let us imagine what would happen if we were not spending millions of pounds to minimise that behaviour. That behaviour would run rife. We would not be able to have a public event in this country without one or two people running into it and disrupting it. We would be unable to have any kind of major event without spending millions of pounds to stop people from protesting en masse, so it is quite right that we should look at making sure that we can do that more efficiently.

I would encourage the Home Secretary to consider going further. We are talking today about serious disruption and people perhaps not being able to go to hospital, but what about just being able to go to work, to catch up with a friend that they have not seen for a few months or to go out for dinner in a restaurant? Why do we say that one individual person can block a road and prevent all sorts of people going about their daily lives because they care deeply about an issue?

**Kit Malthouse** (North West Hampshire) (Con): My hon. Friend is making a very strong point. Does he agree that part of the disconnect on this between the Labour party and the rest of the country is that with these protests, the disruption is the objective, not the message? That is what makes the British people feel so aggrieved. Here in Westminster, more than anywhere, we understand that disruption can be a by-product of protest, but that is a by-product, not the primary objective.

**Dr Mullan:** Indeed, and the protesters brazenly admit it. It is not about protesting with a by-product of disruption; they brazenly admit that they want to do

ever-escalating things to get into the news. They should go on a hunger protest and disrupt their own lives. Do not eat—that will get in the news. Why do they think they can go around disrupting everybody else's lives just to make their point? Importantly, they can still protest. I was flabbergasted by the reporting of the apparent crackdown on protest at the coronation. I was on the parliamentary estate, and I saw loads of people holding up signs saying, "Not my King". It was all over the news and I saw lots of people who were not arrested and who were not moved on. They were within feet of the procession and were perfectly able to go about their protesting.

I urge the Home Secretary to think about this. In my view, people should not be able to disrupt a road. They should not be able to stop traffic because they care particularly about an issue.

**Sammy Wilson:** Does the hon. Gentleman not find it even more amazing that the Labour party opposes this legislation when many of the protests impact on the poorest in society? I remember being in Canning Town tube station when two idiots jumped on top of the roof of the tube, and the guy beside me said, "If I don't get to work today, I get my wages docked. I am not earning a great deal of money but I will lose money because of those two guys." Thankfully, they pulled them off, which was a good idea, but this is the impact. Ordinary people who cannot afford the disruption are the victims of it.

**Dr Mullan:** The right hon. Gentleman is absolutely correct. We have all seen the footage online of people saying that they are just trying to get to work. Opposition Members say that that is not serious disruption, but they should tell that to the individual who is trying to go about their daily life. It is disruption, it is not acceptable and people have other ways to make their point. I would also say to Opposition Members and members of the other place that they cannot have it both ways. They cannot say that this is unnecessary and a waste of time and then block it in the Lords. If it does not make any difference and will not impact on anything, why are they blocking it? They should just let it pass.

**Sir Edward Leigh:** Are there not double standards on the left? They believe that in their cause they can disrupt people's daily lives, but when some old lady is praying outside an abortion clinic, that is absolutely outrageous and must be banned by law.

**Dr Mullan:** Indeed. As I said earlier I supported the proposals for protection zones for abortion clinics, but that makes the exact point. When it suits them, they are perfectly happy to sign up to these arguments, but they take a different view when it does not suit them. As the Home Secretary mentioned, they are very happy to get into bed financially with the people supporting these protests, so I think we all know where their loyalties lie.

**Mike Amesbury** (Weaver Vale) (Lab): If the laws are already there, what difference are these regulations going to make? How are they going to strengthen things?

**Dr Mullan:** The other point that I think the shadow Home Secretary, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), completely

ignores is that we have a common law legal system in this country. It is perfectly normal for Parliament to pass legislation and attempt to apply that law via the police. That is another reason why I think the hysterical reaction to the police beginning a process of using new law and not getting it right every single time totally betrays the normal way in which law is developed in this country. We legislate, we use certain terminology and we try to be clear, but it is for the courts and the police to operationalise it and feed back if they think we need to go further. It is all very normal, and again, this is just histrionics from the other side, because it suits them to put their clips on social media standing up against us over these “draconian” protest laws that are not in the least bit draconian.

**Bob Stewart** (Beckenham) (Con): My hon. Friend made a point about social media. One of the main intentions of this disruption is to get publicity for the protesters’ cause, so they make maximum effort to try to get maximum publicity, which is cheap.

**Dr Mullan:** Indeed. I am going to finish by making a point to the protesters. If they want to change opinions, they should do what we all have to do most weekends, on both sides of the Chamber: put leaflets through doors, knock on doors, persuade people and run for election. If they do not believe in that, they do not believe in democracy, and whether it is for Extinction Rebellion or any other cause, that is not how we get things done in this country.

When people hark back to the suffragettes, let us remember that they did not have the vote. They were campaigning for the vote in order to be participants in the process. We have a universal franchise: everyone has a say. Everyone can run for election and can campaign, so why do these protesters not put their energies into that? I am sorry that the British public are not open to their arguments, but that is not my fault. I agree with the public, because those arguments are so extreme. The answer is not to stop the public going about their daily business, and I suggest to Opposition Members that they should be in keeping with what the British public want, not with what the people who are funding them millions of pounds want.

5.36 pm

**Alison Thewliss** (Glasgow Central) (SNP): I want to start where the hon. Member for Crewe and Nantwich (Dr Mullan) left off: with the suffragettes. The suffragettes protested their cause for decades because this place did not listen to them, and many people feel that way about this Parliament and this Government—that they are not listened to. That is why people make the protests that they do. I recommend that the hon. Gentleman goes along to the Admission Order Office off Central Lobby and reads some of the experiences of those suffragettes, and what they had to do to get their cause heard. They got the vote after many decades because this place ignored them.

That is the crucial point, because what the Home Secretary is saying today is that people can protest, but only in the way that she wants them to. It is the latest response to the evolving nature of protest across these islands. It is as if the Home Secretary is playing some game of whack-a-mole, but whack-a-mole is not a mole eradication strategy: it just means that you keep going,

squeezing down on the bubbles in the wallpaper forever. It will not actually change the attitudes of people who are so despondent at the way in which this Government are behaving that they feel that they have to go out and cause this disruption. They do it not for social media clicks, but because they think their cause is important and worthy of attention.

**Sammy Wilson:** For many of these people who are out protesting—Just Stop Oil, for example—it is not that they are appalled at the fact that we use fossil fuels, since they sometimes fly halfway around the world to join those protests. It is simply because of their sanctimonious attitude that their views are more important than others’, and that they are entitled to disrupt the lives of ordinary people.

**Alison Thewliss:** The right hon. Gentleman makes an interesting point. I would take a lot more from him if he actually believed climate change was real in the first place, before he starts lecturing other people.

The UK Constitutional Law Association has described this statutory instrument as

“an audacious and unprecedented defiance of the will of Parliament.” This Government are bringing in things through this SI that they could not get through in legislation. The UKCLA says that

“The Government set about drafting regulations that would reverse the defeat in the House, relying on Henry VIII powers to amend the Public Order Act 1986 conferred by the Police, Crime, Sentencing and Courts Act 2022. These draft regulations were laid before the Public Order Bill had even completed its Parliamentary stages. In this way, the Government sought to obtain through the back door that which it could not obtain through the front.”

That goes to the heart of this shoddy process this afternoon.

While this regulation is an England and Wales regulation, it does have implications for my constituents and other people from Scotland who wish to come and protest. If the WASPI women campaigners in my constituency wanted to come down here to complain about the injustice of having their state pension robbed from them by consecutive Westminster Governments; if they wanted to protest outside Parliament, as they have done on many occasions; and if they wanted to invoke the spirit of Mary Barbour, to bang pots and pans and stand in the road outside of this building, they would not be protected just because they are Scottish. They would be at risk of causing serious disruption under these regulations and would be lifted by the police forthwith. They would be at risk of causing serious disruption under these regulations and would be lifted by the police forthwith. That goes to the heart of these proposals. Those actions are just and important, and they want to draw attention to that injustice.

**Kit Malthouse:** Will the hon. Lady give way?

**Alison Thewliss:** No, the right hon. Member has been extremely obnoxious to me many times in the past, so I will not take his intervention.

Groups, including Liberty, have pointed out that these are not insignificant changes. Liberty says that the Government’s attempt to redefine serious disruption from “significant and prolonged” to “more than minor” is “effectively an attempt to divorce words from their ordinary meaning in ways that will have significant implications for our civil liberties.”



[Alison Thewliss]

The statutory instrument refers to

“the prevention of, or a hindrance that is more than minor to, the carrying out of day-to-day activities (including in particular the making of a journey)”

but what is “minor”? We do not know. Is a couple of minutes late “minor”? What is “more than minor”? Is that 10 minutes late rather than five minutes late? There is nothing in these regulations to say. They will give significant discretion to the police to figure out exactly what is “minor” and what is “more than minor”, because nobody can really tell us.

**Dr Mullan:** There is an offence called “drunk and disorderly”. Disorderly can have any number of meanings. The common law legal system over time has sought to define it more narrowly and the police operationalise that. Why does the hon. Lady not think that that could be done in exactly the same way with this offence?

**Alison Thewliss:** Because the regulations are extremely unclear and extremely discretionary. [Interruption.] It is not clear at all in the regulations what is “minor” and what is “more than minor”, and neither of those things seem to me to be serious disruption. “More than minor” is not the same as serious disruption.

The regulations also refer to a “community”, which “in relation to a public procession in England and Wales, means any group of persons that may be affected by the procession, whether or not all or any of those persons live or work in the vicinity of the procession.”

What does “affected” mean? Does that mean people saw it on the TV and they were upset by it? How are they “affected”? Again, that is unclear in the regulations, which will give police officers a huge amount of discretion to carry out the enforcement of this pretty lousy legislation.

**Mr Carmichael:** The hon. Member for Crewe and Nantwich (Dr Mullan) says that we have a common law system whereby common law offences are defined by precedent over many years—sometimes centuries. We are dealing here with a statutory instrument, and statutory instruments are different. That is why in the normal course of things, well-drafted legislation coming before this House has an interpretation section that defines such terms. Can the hon. Lady think of any good reason why we would not have a definitions section in this SI?

**Alison Thewliss:** The right hon. Gentleman’s point is correct, and it seems clear to me that not having a definitions section suits the Government perfectly. It will make it incredibly difficult for any police officer to do their job in these circumstances, which is why the police are perhaps a bit nervous about it.

Liberty points out that the police could consider, for example, that a static assembly outside of a train station by a trade union could result in a more than minor delay to access to public transportation. The police could subsequently impose a condition that the trade union cannot protest outside the train station, even though they are trying to protest against that particular employer. People therefore might be sent a way off somewhere else and have to say, “Instead of standing at Central station, we will go and protest at Glasgow Green.” That is just not logical and would make no sense in Glasgow, just as

it makes no sense in this legislation here in Westminster. It is why the House should have nothing to do with this legislation.

I do not want to detain the House unduly, because I know that other Members want to speak, but this legislation is flawed and wrong. The Home Secretary mentioned people taking things into their own hands, but people are doing that because they are egged on by a lot of the rhetoric coming from those on the Government Benches and from the press. I have seen people being hauled out of the way and hit in some of the footage that has been shown, and that is disturbing. This Government suggest that people can protest only in a way that suits them, not in the way that people want to make their voice heard in this democracy.

The only slow walking we should be concerned about in this place is the slow walk on which the Government are taking this House towards a lack of democracy and fascism. Independence is now the only way that Scotland can be assured that our right to protest will be retained.

5.44 pm

**Paul Maynard** (Blackpool North and Cleveleys) (Con): May I congratulate the shadow Home Secretary on spending more time scrolling through her phone while sitting on the Front Bench than she did standing at the Dispatch Box making her speech? I regard that as a discourtesy to the House and to Members of the House.

I merely wish to remark on a paragraph in *The Economist* last week. It reads:

“Police in the Netherlands arrested 1,500 climate-change protesters and deployed water cannon when they refused to leave a motorway they had blocked in The Hague. Forty are to be prosecuted.”

I read today in the newspapers that there has been concern that these changes will mean that the police will decide what protests will be able to take place and that they will be able to choose. There is always choice on the issue of a protest. Protesters can choose to protest in such a way that the sick can still get to hospital, and people can still get to work and earn a living. Equally—[Interruption.] I am glad that I now have the attention of the shadow Home Secretary; it is quite an achievement that she can lift her head up from her phone. Equally, the Metropolitan police also have a choice as to how they police these protests and the decisions they can take.

**Yvette Cooper** rose—

**Paul Maynard:** No, I am not giving way, because the shadow Home Secretary has not paid attention to anything anyone else has said in this Chamber. On that note, I am resuming my seat.

5.46 pm

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): Can I first say something about the process this afternoon? The hon. Member for Crewe and Nantwich (Dr Mullan) highlighted in his speech the many significant issues that this legislation brings to the House, and there are serious debates to be had about the balance between public protest and individual rights. I am not entirely sure that I buy his thesis that the need for protest ended when we achieved universal suffrage, but taking that as we may for the moment, these are significant and serious issues. That is why this House has evolved, over the centuries, a series of measures by which we are able to scrutinise legislation.



The Home Secretary spoke for only 12 minutes to persuade the House why this legislation was necessary. I cannot decide whether or not I am displeased. I generally like her speeches best when they are finished, so 12 minutes was not mercifully short. However, I think that for issues such as this, we deserve something more.

Some of the interventions we have heard from the Government side of the Chamber have also been quite telling. The right hon. Member for Gainsborough (Sir Edward Leigh), who has just left his place, said that this was to do with the understanding of the left about protest, as if those who protested were always from the left. I remember that in the early years after I was first elected to this House there were significant protests, causing massive disruption, by those opposed to the Bill to abolish hunting with hounds. I do not think that many of them would welcome being labelled as left-wing, and the view taken by the Conservatives in Parliament at that time was very different from the one we hear from them in government.

**Sir Julian Lewis** (New Forest East) (Con): I have a lot of time for the right hon. Gentleman, but I think his memory is playing him false. I also remember the Countryside Alliance protest marches, and I believe they were organised in full co-operation with the police. It was similar with most of the Campaign for Nuclear Disarmament protests on the other side of the political spectrum. We are talking here about people who act unilaterally to obstruct others from going about their lawful business. The Countryside Alliance did not do that, so far as I recall.

**Mr Carmichael:** The right hon. Gentleman is actually correct in his recollection but also incomplete, because not all those protests were organised by the Countryside Alliance. I can remember the night when this House debated the Second Reading, and it was impossible for Members of this House to get on to the parliamentary estate because of the violence going on in Parliament Square. So if we are to take a view on the right to protest, that view must apply equally across the board to everybody, of whatever political persuasion, instead of simply, as we seem to be doing today, focusing on one aspect.

**John McDonnell** (Hayes and Harlington) (Lab): The right hon. Member for New Forest East (Sir Julian Lewis) forgets that, when he was a member of the Labour party, he used to blast out very loud music at CND marches down Whitehall—he most probably would have been arrested by now.

**Mr Carmichael:** I doubt that the constable who would arrest the right hon. Gentleman has yet been commissioned, but the right hon. Member for Hayes and Harlington (John McDonnell) makes a good and fair point.

My concern is about not just the process but the weakness in the way in which this legislation has been drafted and brought to the House. On the lack of any proper definition of what constitutes “minor”, for example, we should not be leaving these things to the courts. The courts are not there to fill in the gaps that Parliament leaves behind. There may well be a serious body of case law that will define “minor”, but we know now that it is the job of this House to insert that definition and we are not doing it.

I confess that I have been somewhat surprised to hear the enthusiasm of the Democratic Unionists in relation to this legislation. I can only presume that that is because the territorial extent of this legislation is England and Wales only. However, as the hon. Member for Glasgow Central (Alison Thewliss) said, it could of course affect anybody who comes from there. We define community not just as people who live or work in a place but also those who would be affected by the process, and I wonder how the right hon. Member for East Antrim (Sammy Wilson) would feel if hundreds of people, or perhaps several thousand, deciding to walk slowly down a road playing flutes and banging a Lambeg drum were to be covered by such legislation.

**Sammy Wilson:** Will the right hon. Gentleman give way?

**Mr Carmichael:** Of course; I will give way in a few seconds.

Frequency is at the heart of the offence being created here, and as many people resident in Belfast and elsewhere in Northern Ireland would tell us, in the month of July such incidences are frequently to be found. I give way with pleasure to the right hon. Gentleman.

**Sammy Wilson:** I can assure the right hon. Gentleman that this House legislated a long time ago to ensure that people who engage in those activities are fully regulated by the law, and the Parades Commission has been set up for some time now, and causes great anxiety at home with some of its rulings. So there is that legislation and Members across this House, including members of his party and the Labour party who are protesting about this legislation now, were quite happy to legislate for the Parades Commission to regulate the Lambeg drummers, the fluters and those who celebrate the glorious 12th in Northern Ireland every year.

**Mr Carmichael:** I think the glorious 12th comes in August actually, but I bow to the expertise of those on the Conservative Benches on such matters.

In fairness, however, the right hon. Gentleman has a reasonable point, and I understand that the legislation to which he refers pertains only to Northern Ireland and that is perhaps why it is not part of this legislation. Essentially, however, as the shadow Home Secretary said in her remarks, this is an area of law that is already well regulated. Very few areas of lacuna remain within the law and this legislation is not in any practical, meaningful way going to fill any difficulties. What would fill difficulties is a better resourced police force that is better able to engage with people and take on board their wish to protest.

**Kit Malthouse:** Will the right hon. Gentleman comment on the fact that it is not just Northern Ireland that has regulation of protest? He will be aware that in Scotland it is a criminal offence not to notify the police within 28 days of an organised moving protest, and that people may face criminal sanctions if they do not do so. What is the difference between the legislation we are currently discussing and the law under which his constituents operate, where they may go to prison if they do not tell the police about a protest that is coming?

**Mr Carmichael:** I could be wrong because I am hopelessly out of date on so much of this stuff, but I think from memory that the right hon. Gentleman

[Mr Carmichael]

refers to the provisions of the Civic Government (Scotland) Act 1982, which was brought into force under a previous Government—a Government for whom I had very little time, but in terms of the way in which they went about their business were a model of parliamentary propriety compared with the mince that has been brought to the Chamber this afternoon. This comes back to the point I made about the hon. Member for Crewe and Nantwich: there are serious issues here to be decided—serious issues about the balance between the rights of the individual to protest and the rights of the community to go about their business—but this is not the way to deal with them.

The shadow Home Secretary made the point that this is an area where there is already extensive legislation. Problems arise not from the lack of legislation but from the lack of the ability to implement properly and with consent the laws we currently have.

5.55 pm

**Caroline Lucas** (Brighton, Pavilion) (Green): This statutory instrument is oppressive, anti-democratic and downright wrong. It is anti-rights legislation by Executive diktat, and it is a profound insult to people and to Parliament, of which this Government should be ashamed. In short, it is authoritarian in both style and substance.

On the substance, the police do not need yet more power to restrict protest. We need only look at what happened at the recent coronation: Ministers had to be summoned to this House to explain why police gravely overstepped the mark. As other hon. Members have set out, these regulations hand new, unprecedented powers and discretion to the police. They seek to redefine “serious disruption” from “prolonged” and “significant” to “more than minor”. This will gift the police greater powers to impose conditions on public assemblies and processions, as well as powers to consider the legally vague concepts of “relevant” and “cumulative” disruption. Requiring the police to consider all “relevant” disruption is dangerously vague and places far too much discretion in the hands of the police as well as placing an unfair burden on frontline officers. It could mean peaceful protest activities are restricted because of other forms of disruption not linked to the protest, such as traffic congestion in the area.

The so-called “cumulative” disruption that the SI allows lets police add up disruption from other protests when considering whether to impose conditions on a particular protest. That runs the serious risk of the police facing pressure from the Government of the day to restrict particular protest movements based on their content.

**Jeremy Corbyn** (Islington North) (Ind): The hon. Member is making an important point about the right of protest. On the idea of giving long-term notice to the police, if, for example, an eviction is due to take place and fellow tenants arrive at the scene to support and defend the tenant due to be evicted, the urgency of that means they could not possibly gain permission in advance for their demonstration, yet that is a wholly legitimate right of protest that a neighbourhood would be performing to protect somebody.

**Caroline Lucas**: I thank the right hon. Gentleman for his intervention and I agree.

This SI comes in the wake of our official police watchdog warning that public trust in police is “hanging by a thread”. This is no time to risk increased politicisation of the policing of public order.

The Equality and Human Rights Commission has made it clear that it has grave concerns about this measure, advising that

“the measures go beyond what is reasonably necessary to police protest activities.”

Its briefing warns of its concern about incompatibility with the European convention on human rights and of a “chilling effect” on the right to freedom of expression.

Moving on to the style—the way in which this is being done—the Government are trying to do something which has never been done before: they are trying an abuse of process that we must not permit, whatever we think of the content of the SI and the intentions behind it. The restrictions on protest rights that this SI seeks to impose were explicitly rejected by Parliament during the passage of the Public Order Bill—now the Public Order Act 2023—in February 2023. This is the very opposite of the integrity that the current Prime Minister promised when he took over. It is a blatant continuation of the casual disregard for Parliament’s democratic standards that he promised to discontinue.

My Green party colleague in the other place, Baroness Jenny Jones, has tabled a fatal motion to kill off this affront to our rights and our democracy, and it will be before that House tomorrow. Rightly, for primary legislation the unelected House of Lords is a revising Chamber. As Members will know, this is secondary legislation and it needs the approval of both Houses. Presumably, that is to avoid the type of situation we face now, where an SI could be used by the Executive to reverse a Lords revision to primary legislation that they do not like.

**Mr Carmichael**: I am grateful to the hon. Member for giving way, because that gets to the heart of the matter as far as the other place is concerned. The Government, in bringing the regulations to the House in this way, are riding roughshod over the conventions of this House. We have a system that relies on checks, balances and conventions, so when our noble Friends in the other place come to consider this legislation, might they also be entitled to say that, with a check having been removed, they are entitled to adjust the balance and pay the same regard to the conventions of their House that the Government have done to the conventions of this House?

**Caroline Lucas**: I thank the right hon. Gentleman very much for that contribution. He makes a valid and legitimate point, which I had not considered.

The regulations represent a gross Executive overreach. I sincerely hope that the motion is defeated. If it passes because hon. Members choose to allow this twin attack on our right to protest and on parliamentary democracy, I encourage every Member of the other place, whatever they think of the content of the statutory instrument, to vote for Baroness Jones’s fatal motion tomorrow, because to ride roughshod over primary legislation in such a way is a truly dangerous path to tread.

Finally, I want to distance myself entirely from the comments made by Conservative Members about the right to protest. I remind them that when people take peaceful direct action, they are doing so because they

have generally been driven to feel that they have no alternative. They feel that the Government are careering over a climate cliff edge and they are trying to get a hold of the wheel. As the UN Secretary-General António Guterres reminded us:

“Climate activists are sometimes depicted as dangerous radicals. But the truly dangerous radicals are the countries that are increasing the production of fossil fuels. Investing in new fossil fuels infrastructure is moral and economic madness.”

I could not agree with him more.

6.1 pm

**Apsana Begum** (Poplar and Limehouse) (Lab): It is appallingly apt that this widely recognised repressive and authoritarian Government are using a widely recognised repressive and authoritarian power to implement a widely recognised repressive and authoritarian measure to give the police almost complete discretion over which protests they want to ban. It is not as though the police are not already equipped with excessive and unaccountable powers.

Indeed, such powers were on display in my constituency recently when up to 100 police officers evicted 29 homeless people, including some thought to be subject to no recourse to public funds, from 88 Hardinge Street—a building understood locally to be an unofficial homeless shelter. The operation included a large number of territorial support level 2 public order officers with riot shields to deal with residents who had gathered in shock to protest against the action. A dispersal order was issued that stretched almost a full kilometre around my constituency. A constituent said:

“as a local resident, if I could file a complaint against the actions of the police today, I would.”

**Dr Mullan:** Will the hon. Member give way?

**Apsana Begum:** I will not—the hon. Member has had his say.

It is chilling that these measures are being forced through when trust in the Metropolitan police is at an all-time low, not least following the killing of Chris Kaba, who was fatally shot by a Metropolitan police firearms officer in September last year; the treatment of Child Q; the kidnap and killing of Sarah Everard by a serving police officer; the evidence of institutional racism and misogyny, and so on. Even more unaccountable power is being handed to the police when so many are concerned about long-standing failures on the part of the police to be accountable for their actions.

The truth is that the Government’s actions today would never be right. This attack on democracy and civil liberties is akin to that of many repressive regimes that the UK has been right to criticise, but now it seems to be seeking to emulate or perhaps compete with them. Does the Home Secretary agree that Dr Martin Luther King, with his non-violent civil disobedience, is one of the most widely celebrated activists worldwide? Does she acknowledge that many recognise, and some even celebrate, the suffragettes and the role they played in advancing the democratic rights of women? She referred to harmful protests and repeated protests that will be outlawed through the powers to be given to the police. So harmful were the protests that the suffragettes engaged in that they won women the right to vote. She and I both enjoy the privileges of that today as parliamentarians in this House.

We cannot allow the Government to get away with this repressive change to the laws of protest. I will vote against the regulations, and I urge colleagues across the House to consider doing the same. This is so much more important than all of us individually and more important than political parties; it is about the future of democracy itself.

6.4 pm

**John McDonnell** (Hayes and Harlington) (Lab): I concur with everything said by my hon. Friend the Member for Poplar and Limehouse (Apsana Begum), the hon. Member for Brighton, Pavilion (Caroline Lucas) and others.

I want to bring this down to a parochial level for my constituents. When we sit here and see legislation going through, we can sometimes spot the legislation that we realise will never work, and we know that we will be back here shortly to try to put it right. I think that is the case now, so I want to take up the point made by the right hon. Member for Gainsborough (Sir Edward Leigh)—he is not in his place at the moment—and followed up by the hon. Member for Crewe and Nantwich (Dr Mullan).

I fully agree that, in a democracy, what should happen is that constituents and members of our communities should be able to raise issues and argue a case, put their views to their relevant elected representatives and vote as constituents in elections for Governments who will fulfil their wishes. That is what happened with my constituents in west London on the third runway issue, which we have been campaigning on since the late-1970s. David Cameron assured people that there would be no third runway, “no ifs, no buts”. Some of my constituents—I forgive them now—even voted for the Conservative party on that basis. However, what happens if the governing party, after its election, puts in a caveat saying, “Actually, that commitment was only for the life of this Parliament and no further”? All the insecurities come out about the continuation of blight on communities.

People felt, “Where do we go from here?” They had tried to use the democratic process—all that they could—and secured a political commitment, but that was reneged upon. People felt betrayed, so naturally they came out in the streets. They were joined by Conservative MPs, including Justine Greening. In fact, one Conservative MP got so excited that he said he would lie down in front of the bulldozers. Is this an anti-Boris Johnson piece of legislation as well?

**Dr Mullan:** The right hon. Member is postulating an argument that if a particular group of people are not successful in their protests because the Government do not follow through, that means that the system is not working. We have had people protesting against vaccines. They could say, “The fact that we protested vociferously against vaccines being rolled out and did not get our way means that it is perfectly legitimate for us to go on and disrupt everyone,” but that is not an argument for protest.

**John McDonnell:** I think that the hon. Gentleman was not listening. What my constituents and the constituents of Uxbridge did was follow the process, exactly as he advised them.

**Dr Mullan:** They lost.



**John McDonnell:** No. He was not listening, was he? What happened was that they campaigned and they were given a commitment by the leader of a political party, but that was reneged upon as soon as he got elected. Where do they go? They had used the democratic process and they were betrayed—they were so angry. They went on to the streets, and they were joined by Conservative MPs. What do they do? They block roads, they sit down in the street and they threaten to sit down in front of bulldozers. That was my invitation to Boris Johnson when he was first elected, and he said, “Yes, I’ll be with you in front of that bulldozer.” Why? Because John Randall, the Conservative MP before him—by the way, he was an excellent constituency MP—said exactly that. In fact, he had raised the issue himself.

People felt completely frustrated. What I am arguing, on behalf of my constituents, is that this measure puts the local police and local protesters in an almost impossible position.

**Jeremy Corbyn:** My right hon. Friend is making a very good point about the third runway. History will show that the demonstrations absolutely worked: the third runway has not yet been built. Personally, I hope it never is. There are those who say protest does not work, but the right to roam our countryside happened only because of the mass trespass of Kinder Scout in the 1930s. People took brave action to win rights for all of us. Those are the rights we all enjoy. We should not just legislate them away, which is what this law is doing.

**John McDonnell:** I welcome that intervention.

The regulations put the local police in my area, as well as local protesters and the local communities in both the Hayes and Harlington constituency and the Uxbridge and South Ruislip constituency, in an impossible position. They seem to apply almost perfectly to our local situation. If I go through the various criteria, the first is “cumulative” impact. I am not sure how we judge cumulative. Is that over a limited period of time or a short period of time? We have been protesting there since 1978. Is that cumulative? Does the police officer have to take that into account at the local level, or should he or she set a limited timescale on that?

**Mr Carmichael:** I am grateful to the right hon. Gentleman for giving way, because this again comes to the heart of the process in the legislation we are passing. The proposition from the Government Benches is that it is all right, because the courts will fix out these things. Long before it gets anywhere near a court, it will be a decision for police officers on the street, the borough commander or whomever it will be. Is that fair on police officers?

**John McDonnell:** The history of protest around Heathrow is actually an example of a model relationship between protesters and local police. It has worked very well up to now. We have had some issues. One protester who was with me in the negotiations between the police and the climate camp was, I now discover, a police officer—part of the spycops situation. But what I am saying is that it puts people in an impossible position. What is cumulative?

On absolute disruption, the explanatory memorandum states:

“For example, serious disruption may be caused if a procession or assembly causes a traffic jam in an area where traffic jams are common.”

At certain times of the day in my constituency, I cannot find many streets where there isn’t a traffic jam on the main roads, to be frank. It goes on to talk about the meaning of “community”. Define the term community. Is that just the Heathrow villages, or is it Hayes and Harlington? The protesters came in from Uxbridge as well. It goes on to list the types of facilities where protests will be banned, and it includes “a transport facility”—so, Heathrow airport. The regulations have almost been designed to prevent any form of protest against the third runway. In fact, they are almost perfectly designed to arrest the former right hon. Member for Uxbridge and South Ruislip—perhaps that is what the Conservative party is up to.

I just think that this is one of those pieces of legislation, like the old Dangerous Dogs Act 1991, that is unworkable. It will be back here next year or the year after, but after having put police officers and protesters in a virtually impossible position. The Government need to think again. This is not the way to legislate anyway, without proper due consideration.

6.13 pm

**Sammy Wilson** (East Antrim) (DUP): I am a Protestant. I have sought to live up to that title throughout my political involvement. I have taken part in many protests, as Protestants should. That is why we got our name: protesting about various things. I have been involved in noisy protests, disruptive protests, protests about the closure of schools, about traffic running through streets and about the Housing Executive knocking down houses, and protests about major political decisions made in this place that were going to disadvantage Northern Ireland as a part of the United Kingdom. Sometimes we did not need megaphones, because we had our previous party leader. I suspect that some of the protests we engaged in may well have fallen foul of this legislation.

The one thing I do know, however, is that when we engage in protest, we have to recognise that if we step beyond the bounds of what is allowed, we have to take the consequences. It is as simple as that. There have to be consequences, because protests cannot be unlimited. They have to be balanced against the impact they have on the lives of people who are not interested in the protest or maybe even oppose it, but who are nevertheless affected by it. That is why this legislation is necessary.

Over the last number of years, we have increasingly seen protest methods used by people who are entirely selfish. Sometimes they represent a very small minority—usually protesters are minorities anyway—but are determined to have their cause listened to. They do not even make any bones about it. They go out of their way to have a detrimental impact on other people in order to, as I have heard some of them say, make them listen, to make them wake up and to make them pay attention to their cause, even though, as I pointed out in an intervention, sometimes that cause is totally hypocritical. For example, they protest against taking oil and gas out of the ground, yet are quite happy to drive miles to their protest. Some even fly on private jets to join protests, yet seem to have no idea or awareness of the hypocrisy of their actions.

**Caroline Lucas:** Who?



**Sammy Wilson:** Well, let us take the Extinction Rebellion protests we had here. Stars were flying in from America to join them. They did not feel any qualms about it. They did not even see the hypocrisy of it. For some protesters, the important thing is that other people should be affected by their concerns—that they should be able to live a lifestyle and engage in actions that have no impact on them but that do have an impact on others. People go out of their way consciously to cause disruption to others and cause anger, frustration and sometimes a detrimental impact. They protest about the quality of air in London and the burning of fuels, and what do they do? They cause traffic jams where people are belching out smoke from the back of their cars and burning petrol. Yet it seems that we should tolerate that. Unfortunately, it has been tolerated. I saw the frustration it caused many commuters. We see it on our television screens time and time again. The Government are, I believe, obliged to do something about it.

There is a certain hypocrisy and inconsistency about some of the arguments we have heard tonight. It has already been referred to that there are those on the Labour Benches who are quite happy to say that someone who glues themselves to a road or causes physical destruction to paintings in an art gallery should be tolerated, but someone who stands outside an abortion clinic and prays should not be tolerated. That kind of inconsistency shows that this is not so much about the methods that the Home Secretary is introducing today, but about who they are targeted at. I think that is the important thing. I was challenged by the right hon. Member for Orkney and Shetland (Mr Carmichael) about parades in Northern Ireland. This House supported the parades legislation for Northern Ireland, which is quite draconian. In fact, it can ban a parade that may take three minutes to pass a flashpoint, because sometimes people have come from 50 miles away to be offended by it. If they protest, the Parades Commission can make a ruling against the parade. So, we can see an inconsistency in attitudes across the House.

**Mr Carmichael:** The good news, I suppose, for the right hon. Gentleman is that those seeking to stop his walks or marches would not have to travel 50 miles. They would just have to say that they were affected by it, because that is the definition of community.

**Sammy Wilson:** A number of Members have made the point that that leaves interpretation for the police. Has the community been affected? What has been the cumulative effect? Is the protest too noisy? But that is true in every situation where a policeman or policewomen on the ground has to make an operational decision. Do I take this drunk out of the pub, or do I allow him to stay there? Do I talk to him and let him walk away, or do I stick him in the police van? Of course those operational decisions will always be with the police. However, having seen some of the attitudes not just of police officers on the ground, but of some of those in command and in the courts, my worry is that regardless of what legislation we introduce here tonight, the interpretation of what is happening will come down to what the officers or the judges think of the protesters' case. That is where the real difficulty lies.

As a protester, I do not want to see us living in what one Member has rather exaggeratedly described as a fascist regime. This is not fascism. This is about a

Government having to make a decision as to what we do in a democracy to allow people to make their point even if we do not like the point that they are making, and to stop people being impacted by the protest even though the protester has made it quite clear that that is their main aim anyway. Although I am always more sympathetic to protesters than I am to the legislation against them, I think that this measure is necessary tonight and we shall be giving it our support.

6.21 pm

**Suella Braverman:** I thank all right hon. and hon. Members for their contributions in what has been a fruitful and lively debate. I will not spend too much time responding to Labour's position. The response of the shadow Secretary of State was almost totally devoid of anything serious on the issue of public order. She would rather spend her time in the Chamber glued to her phone, as my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard) remarked.

**Yvette Cooper:** Can the Home Secretary confirm that slow walking is already against the law and that that is how the Metropolitan police and other police forces have already managed to stop a whole series of slow-walking incidences that have caused significant disruption for communities?

**Suella Braverman:** The fact that the right hon. Lady has to ask that question reflects her total misunderstanding of what we are debating here today. Of course the police have powers enshrined in legislation already, but we are trying to clarify the thresholds and boundaries of where the legal limit lies, so that they can take more robust action and respond more effectively. Perhaps if she had not looked at her phone so much she would know what we were talking about. She would also rather spend her time at the Dispatch Box playing pantomime politics than engaging with the serious issue of public safety and the right to protest.

People cannot get to work. They cannot get to school. Ambulances cannot get to patients. People cannot get to funerals. Hard-working people are paying well-earned cash to attend live sporting events, public galleries and public shows not for them to be ruined by a selfish minority.

**Bob Stewart:** I thank my right hon. and learned Friend for allowing me to intervene. I endorse entirely what the right hon. Member for East Antrim (Sammy Wilson) said. The reason for these measures is that the nature of protests on our roads—the blocking of our roads—has changed over the past few years. No one wants to impose more restrictions on anyone in our country, but what is happening now is making it impossible for normal people to have decent lives.

**Suella Braverman:** My right hon. Friend is absolutely right that the evolving tactics—the guerrilla tactics—that we are now seeing being deployed by these campaigners are unacceptable and the police need more clarity as to how to use their powers. The sad fact is that Labour Members would rather look after their Just Stop Oil friends and obstruct this Government from giving the police more powers. Frankly, they are on another planet if they think that they speak for the British people. They are on the wrong side of this debate and they are on the wrong side of the public.

[Suella Braverman]

I thank hon. Members who made powerful speeches. In particular, I thank my hon. Friend the Member for Crewe and Nantwich (Dr Mullan) who spoke very powerfully, and with the benefit of his own experience from the frontline of policing as well, about the careful balance that is involved in tackling this issue. As he said, we need to balance rights with responsibilities. This is about protecting the public and enabling the law-abiding majority to go about their business. It is about stopping them from being impeded, obstructed, delayed, inconvenienced and frustrated. These measures are designed to support them.

I thank the right hon. Member for East Antrim (Sammy Wilson) for his potent words. As he said, this is about crossing a boundary. This is about making it clear that when protesters use disruptive means and deliberately seek to cause misery and disturbance through physical disruption, a line has been crossed. These measures clarify the law, so that the police can take more robust action.

There has been some mention of the coronation this afternoon. I want to put on record my thanks to the police for delivering what was the largest operation that the Metropolitan Police Service has ever led, with more than 11,000 officers, staff and volunteers. They ensured that the coronation operations were delivered successfully, safely and securely in a challenging environment. I was proud of their work and proud of the fact that they enabled millions of people to enjoy such an historic event peacefully. At the same time, they struck the right balance. When they received intelligence that indicated that groups were seeking to disrupt the coronation, including by using rape alarms to disrupt the procession, they took the requisite action that they deemed fit within the bounds of operational independence. Hundreds of individuals participated in peaceful protests in and around the coronation footprint on 6 May, including a large group of Not My King supporters in Trafalgar Square. I thank the police for their incredible effort in policing the coronation and enabling millions of people to enjoy such an important event.

The hon. Member for Glasgow Central (Alison Thewliss) and the right hon. Member for Orkney and Shetland (Mr Carmichael) have, with respect, missed the point when it comes to these measures. This is not about banning protest. This is not about prohibiting freedom of assembly. No one in this House is suggesting that at all. Those are human rights, and they are protected by law. I will fiercely defend the right of anyone to exercise those rights lawfully, but they are not absolute rights; they are qualified rights, as set out in the European convention on human rights. These measures are about the balance to be struck, and they turn on the need for clarity, so that law enforcement knows where the boundary is and how to exercise their powers.

The hon. Member for Brighton, Pavilion (Caroline Lucas) spoke with characteristic alarmism, if I may say so. We have become accustomed to her doom-mongering over the years, and I will actually miss it when she leaves this House. Let me take this opportunity to thank her for her years of hard work for her constituents and for the causes about which she is so evidently passionate.

Members in this House now have a choice before them: do they support the disrupters, or are they on the side of the law-abiding majority. Are they here to help

the grafters and the strivers, or to facilitate the obstructors and the fanatics? We know that Labour is here to support the militant few rather than the law-abiding majority. It is this Conservative Government who are on the side of all reasonable people across the country and on the side of common-sense policing. These measures will ensure that public order laws are clear, consistent and current, and I commend this statutory instrument to the House.

*Question put.*

*The House divided: Ayes 277, Noes 217.*

**Division No. 251]**

**[6.29 pm]**

# **AYES**

Afolami, Bim	Clifton-Brown, Sir Geoffrey
Afriyie, Adam	Coffey, rh Dr Thérèse
Aiken, Nickie	Colburn, Elliot
Aldous, Peter	Collins, Damian
Anderson, Lee	Coutinho, Claire
Andrew, rh Stuart	Cox, rh Sir Geoffrey
Ansell, Caroline	Crosbie, Virginia
Argar, rh Edward	Crouch, Tracey
Atherton, Sarah	Davies, rh David T. C.
Atkins, Victoria	Davies, Gareth
Bacon, Gareth	Davies, Mims
Badenoch, rh Kemi	Dines, Miss Sarah
Bailey, Shaun	Djanogly, Mr Jonathan
Baillie, Siobhan	Docherty, Leo
Baker, Duncan	Donelan, rh Michelle ( <i>Proxy</i>
Baker, Mr Steve	<i>vote cast by Mr Marcus</i>
Baldwin, Harriett	<i>Jones)</i>
Barclay, rh Steve	Double, Steve
Baron, Mr John	Doyle-Price, Jackie
Baynes, Simon	Drummond, Mrs Flick
Bell, Aaron	Duddridge, Sir James
Benton, Scott	Duguid, David
Bhatti, Saqib ( <i>Proxy vote cast</i>	Duncan Smith, rh Sir Iain
<i>by Mr Marcus Jones)</i>	Dunne, rh Philip
Blackman, Bob	Eastwood, Mark
Blunt, Crispin	Ellis, rh Michael
Bone, Mr Peter ( <i>Proxy vote</i>	Elphicke, Mrs Natalie
<i>cast by Mr Marcus Jones)</i>	Eustice, rh George
Bottomley, Sir Peter	Evans, Dr Luke
Bowie, Andrew	Evennett, rh Sir David
Brady, Sir Graham	Everitt, Ben
Braverman, rh Suella	Farris, Laura
Brereton, Jack	Fell, Simon
Brine, Steve	Firth, Anna
Bristow, Paul	Fletcher, Katherine
Browne, Anthony	Fletcher, Mark
Bruce, Fiona	Fletcher, Nick
Buchan, Felicity	Ford, rh Vicky
Buckland, rh Sir Robert	Foster, Kevin
Burghart, Alex	Frazer, rh Lucy
Butler, Rob	Freeman, George
Cairns, rh Alun	Freer, Mike
Carter, Andy	French, Mr Louie
Cartledge, James	Garnier, Mark
Cash, Sir William	Ghani, Ms Nusrat
Cates, Miriam	Gibb, rh Nick
Caulfield, Maria	Gibson, Peter
Chalk, rh Alex	Gideon, Jo
Chope, Sir Christopher	Glen, rh John
Churchill, Jo	Goodwill, rh Sir Robert
Clark, rh Greg	Gove, rh Michael
Clarke, rh Sir Simon	Graham, Richard
Clarke, Theo ( <i>Proxy vote cast</i>	Grant, Mrs Helen
<i>by Mr Marcus Jones)</i>	Gray, James
Clarke-Smith, Brendan	Green, Chris
Clarkson, Chris	Green, rh Damian

Griffith, Andrew  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 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  
 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  
 Jack, rh Mr Alister  
 Jayawardena, rh Mr Ranil  
 Jenkin, Sir Bernard  
 Jenkinson, Mark  
 Jenkyns, Dame Andrea  
 Johnson, Dr Caroline  
 Johnson, Gareth  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, rh Mr Marcus  
 Jupp, Simon  
 Keegan, rh Gillian  
 Kniveton, Kate  
 Kruger, Danny  
 Lamont, John  
 Largan, Robert  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward  
 Levy, Ian  
 Lewer, Andrew  
 Lewis, rh Brandon  
 Lewis, rh Sir Julian  
 Loder, Chris  
 Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)  
 Longhi, Marco  
 Lopez, Julia (*Proxy vote cast by Mr Marcus Jones*)  
 Lopresti, Jack  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Mann, Scott  
 Marson, Julie  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 Menzies, Mark  
 Mercer, rh Johnny

Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, rh Wendy  
 Mullan, Dr Kieran  
 Murray, Mrs Sheryll  
 Nici, Lia  
 Nokes, rh Caroline  
 Norman, rh Jesse  
 O'Brien, Neil  
 Opperman, Guy  
 Patel, rh Dame Priti  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, rh Chris  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, rh Victoria  
 Pritchard, rh Mark  
 Quin, rh Jeremy  
 Quince, Will  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Sir Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Robertson, Mr Laurence  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Russell, Dean  
 Rutley, David  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Sharma, rh Sir Alok  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Greg  
 Smith, Henry  
 Smith, Royston  
 Solloway, Amanda  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stephenson, rh Andrew  
 Stevenson, Jane  
 Stewart, rh Bob  
 Stewart, Iain  
 Streeter, Sir Gary  
 Stride, rh Mel  
 Stuart, rh Graham  
 Sturdy, Julian  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert

Throup, Maggie  
 Tolhurst, rh Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Trevelyan, rh Anne-Marie  
 Trott, Laura  
 Truss, rh Elizabeth  
 Tugendhat, rh Tom  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Wallis, Dr Jamie  
 Warburton, David (*Proxy vote cast by Craig Mackinlay*)  
 Warman, Matt

Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittingdale, rh Sir John  
 Wiggin, Sir Bill  
 Wild, James  
 Williams, Craig  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Wright, rh Sir Jeremy

**Tellers for the Ayes:**  
**Jacob Young and**  
**Ruth Edwards**

## NOES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)  
 Abrahams, Debbie  
 Ali, Rushanara  
 Ali, Tahir  
 Amesbury, Mike  
 Anderson, Fleur  
 Antoniazzi, Tonia  
 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  
 Bradshaw, rh Mr Ben  
 Brennan, Kevin  
 Brock, Deidre  
 Brown, Alan  
 Brown, Ms Lyn  
 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  
 Chapman, Douglas  
 Cherry, Joanna  
 Clark, Feryal (*Proxy vote cast by Chris Elmore*)  
 Cooper, Daisy  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Cowan, Ronnie  
 Coyle, Neil  
 Crawley, Angela  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Daby, Janet  
 David, Wayne  
 Davies-Jones, Alex  
 Day, Martyn  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Dixon, Samantha  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Doogan, Dave  
 Dorans, Allan (*Proxy vote cast by Brendan O'Hara*)  
 Doughty, Stephen  
 Dowd, Peter  
 Eagle, Dame Angela  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Evans, Chris  
 Farron, Tim  
 Farry, Stephen  
 Fellows, Marion  
 Fletcher, Colleen  
 Flynn, Stephen  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Foy, Mary Kelly  
 Furniss, Gill  
 Gardiner, Barry  
 Gibson, Patricia  
 Gill, Preet Kaur  
 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  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen



Healey, rh John  
 Hendry, Drew  
 Hobhouse, Wera  
 Hodge, rh Dame Margaret  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Rachel  
 Hosie, rh Stewart  
 Howarth, rh Sir George  
 Huq, Dr Rupa  
 Jarvis, Dan  
 Johnson, rh Dame Diana  
 Jones, Darren  
 Jones, Ruth  
 Khan, Afzal  
 Kinnock, Stephen  
 Lake, Ben  
 Lammy, rh Mr David  
 Lavery, Ian  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Linden, David  
 Lloyd, Tony (*Proxy vote cast by Chris Elmore*)  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Maskell, Rachael  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McKinnell, Catherine  
 McLaughlin, Anne (*Proxy vote cast by Brendan O'Hara*)  
 McMahan, Jim  
 McMorrin, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Monaghan, Carol  
 Moran, Layla  
 Morden, Jessica  
 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  
 Osborne, Kate  
 Oswald, Kirsten  
 Peacock, Stephanie  
 Pennycook, Matthew  
 Perkins, Mr Toby  
 Phillips, Jess  
 Phillipson, Bridget  
 Pollard, Luke  
 Qaisar, Ms Anum  
 Qureshi, Yasmin  
 Rayner, rh Angela  
 Reed, Steve  
 Rees, Christina  
 Reeves, Ellie  
 Reynolds, Jonathan  
 Ribeiro-Addy, Bell  
 Rimmer, Ms Marie  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Shah, Naz  
 Slaughter, Andy  
 Smith, Alyn  
 Smith, Cat  
 Smith, Nick  
 Spellar, rh John  
 Stephens, Chris  
 Stevens, Jo  
 Sultana, Zarah  
 Tami, rh Mark  
 Tarry, Sam  
 Thewliss, Alison  
 Thomas, Gareth  
 Thomas-Symonds, rh Nick  
 Thompson, Owen  
 Thomson, Richard  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Webbe, Claudia  
 West, Catherine  
 Western, Andrew  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitford, Dr Philippa  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Wishart, Pete  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Noes:**  
 Taiwo Owatemi and  
 Gerald Jones

*Question accordingly agreed to.*

*Resolved,*

That the draft Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023, which were laid before this House on 27 April, be approved.

## Members of Parliament: Risk-based Exclusion

**Mr Deputy Speaker (Sir Roger Gale):** Before we start the debate, I wish to say something about references to other Members. This issue understandably generates strong feelings, but may I remind the House of the words of Erskine May?

“Good temper and moderation are the characteristics of parliamentary language.”

That means, among other things, that it is not orderly to criticise the conduct of a Member, unless the motion debated directly addresses that conduct. This motion does not do so, and so such criticism would not be orderly.

6.44 pm

**The Leader of the House of Commons (Penny Mordaunt):**  
 I beg to move,

That this House has considered the House of Commons Commission Report, Risk-based exclusion of MPs: consultation response and proposals, HC 1396.

I welcome the opportunity for the House to consider the publication of the House of Commons Commission report on risk-based exclusion of MPs, and for all right hon. and hon. Members to see and discuss the proposals. It is important for all Members to have a chance to express their views on the proposals. Hon. Members from all parts of the House have requested such an opportunity, including the Chairs of the Liaison Committee, the Standards Committee and the Procedure Committee.

I will also close the debate, so I will keep my opening remarks brief. Hon. Members will have seen the details in the papers provided by the House, so I do not intend to outline the scheme in detail. It has been consulted upon, and I and other Commission members want to hear colleagues' views today. However, I want to set the scene, not so much for our sake as for the public's sake.

Seeing this debate and thinking about events in the media and swirling around outside the Chamber, the people of the United Kingdom may be thinking, “Why the heck are the talking about themselves again today?” In comparison to many issues we could be debating at this hour, what happens on the parliamentary estate may seem rather irrelevant, but as well as making legislation to make the laws of the land, we also make the laws that govern this place.

No Committee or the work it undertakes in the service of the House happens without the permission of the House; no standards framework or Standing Order is born without the House giving consent; and no process an hon. Member is subjected to can be done without the will of the House. This is House business—it is important, which is why we have made time for it. For Parliament to be effective, it must be as good as it can be, so from time to time we need to hold debates such as this one to formulate these narrow points of process. The process in front of us today is so narrow that it may well never be used, but it is still important. However, there are other matters that rarely get an airing and are just as relevant to this, and arguably more important.

When I met the Standards Committee recently, its members suggested there were more than a dozen different bodies that oversee the conduct of Members. There is the Parliamentary Commissioner for Standards; the Committee



on Standards, upon referral by the Parliamentary Commissioner for Standards; the Independent Complaints and Grievance Scheme, which as Members will know is subject to a review; the Independent Expert Panel, upon referral by the commissioner; the Independent Parliamentary Standards Authority; Mr Speaker and his deputies, relating to conduct in the Chamber; the Committee of Privileges, upon referral by the House; the Electoral Commission; the Advisory Committee on Business Appointments, covering Ministers, peers, special advisers and senior civil servants; the Independent Adviser on Ministers' Interests; the Committee on Standards in Public Life; and internal party mechanisms for investigation. I could go on, but I will spare the House.

**Sir Jacob Rees-Mogg** (North East Somerset) (Con): My right hon. Friend makes the very important point that there are lots of bodies, but there is no body that can suspend a Member from this House without a vote of this House. The constitutional problem with the proposals before us today is that they would allow a suspension by bureaucracy, rather than the democracy of this House.

**Penny Mordaunt**: I expect many Members will focus on that point, and it is a trade-off. I reassure my right hon. Friend that no rule that we will make in this place will be arrived at without the consent and the will of the House. It is we who govern ourselves, and that is why we are having this debate and have made time for it today. He makes an important point of principle that will sway many Members, but there will be other Members who will be more concerned with confidentiality. These are the points that we should discuss this afternoon, and I thank my right hon. Friend for being here today to do precisely that.

**Jim Shannon** (Strangford) (DUP): The Leader of the House knows that I am very fond of her, and I understand why she has brought these matters before the House for consideration, but I am always minded that people are innocent until proven guilty. Looking from the outside in, it seems as if these proposals say, "You are guilty; now prove your innocence." Surely that is entirely against the law of the land?

**Penny Mordaunt**: I completely agree with that point, but we are talking about a very narrow set of circumstances. This is not about asking people to make a judgment on whether someone has committed an offence, but about the risk that an individual poses to other people. Obviously we are talking about what happens on the estate, although it could be argued that such measures are pointless unless we are also tackling what, in this set of circumstances, happens off the estate. These are the issues that we will discuss this evening, and I thank the hon. Gentleman for being present to do that.

**Kevin Brennan** (Cardiff West) (Lab): I understand that when all this was first being discussed there was a debate about whether the right time for intervention for the purpose of exclusion should be at the point of arrest or at the point of charge. Am I right in saying—having read the proposals—that the Commission envisages that in certain circumstances a Member who had been neither arrested nor charged with an offence could be excluded?

**Penny Mordaunt**: When, at the time of the Commission's original proposals, there was a debate about arrest or charge, we decided that that was not relevant. This is about a set of circumstances in which a Member wishes to attend and there is evidence that that individual would be a harm to other people on the estate. That is the set of circumstances that the Commission was asked to consider. It could apply to a variety of cases. Although these proposals are limited to violent or sexual offences, this is not about an allegation made against an individual; it is about the risk assessment made of that individual. I believe that the details of the process involved accompany the papers that have been made available to Members.

We have an incredibly complicated standards landscape with myriad bodies providing oversight of Members' conduct, yet barely a week goes by without something happening that calls into question our adherence to the rules. We seem to remain in a permanent swamp of complaints, cases and concerns, and the need for professionalism and the need to build trust have never been greater. It is therefore vital that, as well as examining the minutiae of schemes and reports, we focus on the principles that should govern our behaviour and culture, and, crucially, the duty of care that we have to one another in this place, as well as our duty to protect the good functioning of democracy.

**Sir Christopher Chope** (Christchurch) (Con): In November 2022, the Commission launched

"a consultation on excluding Members charged with violent or sexual offences from the Parliamentary estate until any such cases are concluded".

That is a very narrow and specific subject for consultation. There seems to have been a heck of lot of mission creep since then, does there not?

**Penny Mordaunt**: As my hon. Friend will know, the original proposal that was put together and issued for consultation by the Commission has been altered, which is why we wanted to hold this debate: the spirit in which it was initiated was a wish to listen to Members' concerns. There is no point in the Commission presenting proposals, whether they have been widely consulted on or not, if they are not acceptable to the House. There are strong and important points of principle here, some of which have already been raised this evening and are at the heart of how we operate as a Parliament. There are also concerns about how to deal with some very difficult situations which, as I am sure my hon. Friend will recognise, present difficulties to the House authorities and to Members on the estate as well as our staff. The reason we are having the debate is that this is genuinely open, and I hope we can air these issues and make some progress on the scheme.

**Nickie Aiken** (Cities of London and Westminster) (Con): As a House of Commons Commissioner, I think it important that we hear of Members' concerns. This is about ensuring that everyone's views are heard. Given how many Members there are in this place, the number who took part in the consultation was fairly small, so we need to hear from more of them—and does the Commission not also have a duty of care to the thousands of members of staff who work on the estate?

**Penny Mordaunt**: I agree with my hon. Friend, and thank her for the work that she has done. We have an obligation to members of staff on the estate, and we

[Penny Mordaunt]

have an obligation to Members to ensure that matters are treated confidentially. We also have an obligation to ensure that our principles and the minutiae of our schemes are compatible with fairness and natural justice.

**Sir Geoffrey Clifton-Brown** (The Cotswolds) (Con): Will those accused have an adequate opportunity to present their own defence, and will they be informed of what the offence is?

**Penny Mordaunt:** The answer is yes, in both cases. The scheme does not sit in isolation. In circumstances such as this, there tends to be a conversation with the Member concerned and with the Whips Office, and the Member may remove himself or herself from the estate on a voluntary basis. This will apply in a tiny number of cases, and the motivation for it is not just a duty of care to colleagues and members of staff on the estate, but ensuring that an individual who is trying, in what we all know are very difficult circumstances, to keep matters confidential is not put in a position that could make the situation a great deal worse. These are very difficult, complicated matters, and it is good that we are discussing them this evening.

When we decide rules and processes in this place, it is important that we stick with them. We as individuals cannot outsource consideration of such matters to other individuals or Committees, or pretend that the problems do not exist. We cannot shirk our responsibility to find solutions to them, or turn a blind eye when we see wrong being done. The letter of the law requires the spirit of the law to be followed as well, and trust will not be built without a commitment from all of us.

With that in mind, I am taking forward two new pieces of work that are relevant to the matter we are discussing this evening. First, I recommended to the Commission that we get someone to take a look at the entire standards landscape. Was it fit for purpose? Was it something of which we could be proud? The Chair of the Standards Committee, the hon. Member for Rhondda (Sir Chris Bryant), is engaged in that work, and I know that he wants to look at the whole landscape. I, as Leader of the House of Commons, am bringing someone in to advise me on these matters, which I hope will provide us with an additional sense check on the quality of what we do, the culture of our unique community, and its alignment to justice, fairness and good practice. I will make the findings available to the Commission, the Standards Committee and others with an interest in these matters.

Secondly, I have long argued that we will only arrive at what good looks like if we, as the House of Commons, work in partnership with political parties and others who can help to strengthen democracy and improve the work that we do here. I am therefore launching a forum enabling political parties, Government, Parliament and other relevant stakeholders to come together and tackle specific practical issues of concern. That will complement the work of the defending democracy taskforce.

**Sir Bill Wiggin** (North Herefordshire) (Con): In order to assess the risk, the body of experts—whether they are democrats or Members of this House in all different forms—is surely the key. That is why my right hon.

Friend's inquiry is very welcome, but it all hinges on who the experts are. Is she going to tell us a bit about that in her comments?

**Penny Mordaunt:** Nobody has been appointed to those roles. I understand that, on points of principle that have already been mentioned, many Members feel strongly that it should be Members of this House who form the panel. Others take a different view. These are the matters that we need to discuss, but I can tell my hon. Friend that no one has been appointed to those roles.

**Sir Iain Duncan Smith** (Chingford and Woodford Green) (Con): I was not planning to take part in this debate, but I was reading through the notes and my concern—returning to the point made by the hon. Member for Strangford (Jim Shannon)—is that we are in a difficult and delicate area. My right hon. Friend the Leader of the House talks about confidentiality, and the key to all this is process. It is about how it will actually work, not what we might wish it to be. Of course we have a duty of care to staff and to each other; I hope that that is a given. Working within that, we need to remember the reputational damage that has been done in previous cases. The police have done this themselves, where individuals who subsequently died lost their reputations unfairly because of allegations that turned out to be wrong and unjust. My concern is that we are trespassing slowly into the criminal code, which is not perfect. We have to be really careful here, because reputational damage is the end for Members of Parliament. Their reputation often cannot be regained, and their character is all. How do we protect that if people are going to be sent away? How can they not do the work in their constituencies and still retain their reputation as Members of Parliament? These are important issues.

**Penny Mordaunt:** I completely agree with my right hon. Friend. Even if a scheme looks good on paper, it is the practical issues about how it will operate that matter. He refers to particular things that a particular police force has done. If they are part of the scheme, Members will want to have trust and confidence in their ability to play their part. It is well understood that Members of Parliament have a unique vulnerability to false allegations. My right hon. Friend will know that there are Members who are currently off the estate for various reasons on a voluntary basis. I feel strongly that in those circumstances—particularly when investigations are taking a long time—their ability to represent their constituencies should not be compromised. I want to thank the Procedure Committee and others who have done work to bring forward the option of a proxy vote for Members who find themselves in those circumstances.

**Sir Edward Leigh** (Gainsborough) (Con) *rose*—

**Penny Mordaunt:** I will take one more intervention as it might help us later in the debate.

**Sir Edward Leigh:** Does the Commission accept as a general principle that the people have elected Members to this House and that only the people should remove Members from this House?

**Penny Mordaunt:** Yes. I think I speak for all Commissioners when I say that we do, which is why we have been keen to ensure that when people are not on the estate, for whatever reason, they have access to a

proxy vote. This is an important point of principle. We are talking about a very narrow and rare set of circumstances. That is the question that the Commission was set, following concerns from members of staff and others on the estate, and that is why this work has been done, but it will be up to this House whether to take this scheme forward, and if so, in what form. That is why we are having this debate today.

**Jim Shannon:** The hon. Member for The Cotswolds (Sir Geoffrey Clifton-Brown) asked whether a person in this House would know whether they had been charged and what the charge was. The document that we have all been given contains a “proposed process flowchart”, but I say respectfully to the Leader of the House that I cannot see anywhere in the process where that happens.

**Penny Mordaunt:** I completely understand. As I say, this is a rare set of circumstances. The way things are dealt with normally has stood us in good stead, with the exception of the fact that those people are disadvantaged because they cannot vote on the estate. We are talking about a narrow, hypothetical set of circumstances that we have been asked to suggest an answer to. The hon. Gentleman is absolutely right: this needs to be compatible not just with the principles of this House but with the individual’s human rights. That is an important, fundamental point.

**Sir Geoffrey Clifton-Brown:** Will the Leader of the House give way?

**Penny Mordaunt:** I am sorry, but I am going to conclude because I am trying the patience of colleagues. I will be happy to respond to any points on behalf of the Commission this afternoon and I thank all Members and House staff who have helped to bring forward these proposals. I want to reassure Members that these matters are for the House to decide and that all members of the Commission are here to listen this afternoon.

**Mr Deputy Speaker (Sir Roger Gale):** I call the shadow Leader of the House.

7.6 pm

**Thangam Debbonaire (Bristol West) (Lab):** I want to start by thanking all colleagues and members of the Commission, the secretariat and House staff for all the work they have done to get us to this point. This is not a decision-making evening. This is an airing of the issues and a time for the questions that hon. and right hon. Friends, Members and colleagues quite rightly have. This is a good time for us to get through them. I have been noting down some of the questions that have already been raised, and if I do not cover them in my opening speech, I will also, with the leave of the House, be closing for the Opposition. I hope that the Leader of the House and I between us can cover the questions that Members rightly want answered.

I am grateful to the Standards Committee, which has done a thorough job and made some thoughtful, measured and considered recommendations. I would like to thank those colleagues and staff who responded to our consultation last year and earlier this year, and I would like to thank the trade unions and staff reps who also engaged with the consultation and consulted their members.

All of that consultation and feedback has informed our revisions to the proposals, but as yet they are just that: proposals. We are here to listen.

The Leader of the House, the other Commissioners and I have worked closely and constructively and I am proud of the fact that we started out in a very different places—I am not completely sure that we are not still in different places—but we managed to find common ground on the specific area of risk management and mitigation. We have been studying and consulting on this issue for nearly a year now, and I have tried to talk to as many colleagues as possible, not just in my own party but in other parties as well. I have consulted colleagues—I have consulted the women’s parliamentary Labour party several times—as well as promoting the Commission’s consultation to Members, staff, House staff and members of the Lobby. I have also been trying to share the report that we are debating today. I regret that the report was published only a week ago, as I would have liked a longer period of time, but I am glad that we are now able to debate its contents. I hope that all Members who are contributing today have read it. If not, copies are available in the Vote Office.

I want to bring people with us on this process. I do not want the process simply to go through Parliament when it concerns something so serious as to be including but not confined to the possible temporary exclusion of a Member of Parliament. That is a serious business. Three important principles are at stake here. The first is democracy, which matters to every single one of us. Voters have a right to be represented once they have elected us and they get to decide who represents them in this place. Democracy matters. So, too, does the principle of British justice that a person is innocent until proven guilty, which is absolutely fundamental. Concerns have already been raised about whether Members will know the charges against them. Yes, they will, because this procedure can be triggered only if there is a live criminal justice investigation of a Member for a serious sexual or violent crime, so they will know because they would already have been investigated.

That is difficult to balance with the principle of safety at work for Members, for House staff, for Members’ staff, for visitors and for child visitors. We have tried hard to balance those principles, and we have fiercely debated, as I know others have, how we can make them balance. I do not know whether we have them all right, but we want to hear from colleagues about how we can make them better.

Some colleagues have said to me, “In any other workplace, including local government, a senior person being investigated by the police for a serious sexual or physically violent crime or harassment would at least prompt consideration of how to mitigate the risks while they await the outcome of that investigation.” That is not a presumption of guilt; it is an attempt, as any significant workplace does, to balance an accusation and the risks it may pose with the fact that a person has the right to be presumed innocent until proven guilty.

I want to protect both of those principles in this place but, until now, we have relied on informal processes to deal with allegations. Those informal processes put the person who is confided in, whether they are a Whip or a friend, in an impossible position because, if there is no formal procedure in place, there is not much they can



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do if there has been no complaint and no allegation to the criminal justice system, because that would be, in effect, acting on a rumour rather than a formal complaint.

I am not saying that any of our processes are perfect. We all know from our case loads the many drawbacks that, in particular, women who are victims of rape go through with endless delays and difficult procedures. I do not think the criminal justice system is perfect, I do not think the independent complaints and grievance system is perfect and I do not think our party systems are perfect, but we are trying to find a way so that, when the House authorities know about a serious sexual crime, we no longer rely on a quiet word here and a nudge there, which does not feel right either for the complainant or for the person about whom a complaint is made.

I have already said that an MP will know if a complaint is made about them, because the process can be triggered only if there is a live criminal justice process, but I also do not want candidates to be put off coming to this place. Being an MP is an amazing privilege. It is an incredible job and an honour. I do not want journalists or staff to be put off coming to work here, and I do not want visitors to feel that this is not a safe place. I think we have to be an exemplar, not just the best we can scrape along with, and I think we are capable of being that exemplar. We have tested that in many different ways, and I think we are capable of doing it now.

What is being proposed is an evidence-based risk assessment and management process, which has come about as a result of consultation. Again, I thank the Standards Committee because, after looking at our initial proposal, it concluded that, although a procedure is necessary, ours was drawn very narrowly in scope and that we should not only focus on the sanction of exclusion. I think it is important to be clear that a range of risk-mitigation responses is proposed by this document, of which exclusion is only one, and that it is only temporary until a criminal justice investigation is concluded.

Some colleagues have also said that they would like the independent complaints and grievance system to feed into this process. As the Leader of the House said, the system will be reviewed later this year. I encourage all colleagues to feed into that review. When we brought in the ICGS, workplace reps in particular, and others too, felt that confidentiality was important to the process, and that there should be a firewall around it. That is where we are at the moment and, until we have had the review, there is no mechanism for it to trigger this procedure.

The Standards Committee made recommendations to widen the scope on the range of mitigations, and we have incorporated a good deal of them in our current proposals, but I look forward to hearing more from my hon. Friend the Member for Rhondda (Sir Chris Bryant), the Chair of the Standards Committee, on where he and his Committee feel we could strengthen it still further.

Like the Leader of the House, I do not want to go into the detail of the proposal, but I will quickly summarise it. If the police feel there is something about which they need to notify the House authorities, whether at charge or arrest, I want there to be a proper process for the House authorities to deal with it, a process that we, as MPs, have considered, debated and voted for. Under

the Commission's proposal, a named group—and they are named in the proposal—of very senior, experienced House staff will consider the initial allegation and investigation that is sent to them, and it will consider whether or not a risk-assessment process is necessary. If the group considers it not to be necessary, the process would stop there; if it thinks it is necessary, based on the evidence supplied, it will then do a risk assessment and make a recommendation—I emphasise this—to a panel. There will be debates in this Chamber, and among colleagues who are not in this Chamber, about whether the panel proposed by the Commission is what they want, or not, but we are proposing a panel with two named Members and one external commissioner. Members, one from the Government party and one from His Majesty's official Opposition, will outnumber the commissioner on the panel.

**Wendy Chamberlain** (North East Fife) (LD): In some respects, I have an issue with describing it as a staff panel. It sounds to me like a risk assessment, and it sounds to me like exclusion is the final option when every other option has been considered. Can the shadow Leader of the House clarify that for me, please?

**Thangam Debbonaire:** The panel will be the decision-making body that comes after the four senior members of House staff have considered an investigation and the evidence; have done a risk-assessment process, which they will consult on with relevant external experts; and have then made a risk-mitigation plan, which they will then propose to the decision-making panel. I agree that we use the term “exclusion” too often when, actually, it is only one of many possible mitigations.

When the ICGS was introduced, people made a strong case for it to be confidential, so it will not feed into the process at the moment, but I remind all colleagues of the review later this year.

If this proposal is passed by the House, investigations will initially be assessed by a group of senior House staff and a mitigation plan proposed. The mitigation plan will then go to the decision-making panel, which will make a decision on behalf of us all. It is very important that MPs can be excluded only by other MPs, which is why we came up with this proposal. We have also responded to some people's concern that we need an external voice. I am keen to hear from other Members about whether we have the right composition.

The mitigations could include exclusion. Before I came to this place, I worked with very violent offenders at different points in the process, usually pre-trial or pre-civil proceedings, and our aim was safety. At the same time as trying to achieve safety, we had the important principle, which Members have raised, of people being presumed innocent until proven guilty.

**Sir Geoffrey Clifton-Brown:** The shadow Leader of the House is making a very thoughtful speech. She has satisfied me on the first of my two points: that a person knows there has been a complaint, because there will have been a complaint to the police. My second point is that it is a fundamental tenet of universal human rights that a person who is complained about should have the right to make their own defence. Can she confirm that, under this procedure, such a person will have the right, at every stage, to make their own defence? They might have a perfectly good and reasonable defence as to why this should not take place.



**Thangam Debbonaire:** Yes, they will, in so far as the criminal justice system provides it. This is only until the criminal justice system concludes its investigation, which could be because the police drop the case, because the Crown Prosecution Service concludes that there is not enough evidence or because the case proceeds to trial—that will be where an accused person has the right to defend themselves, because they are not being accused by this House or by an individual Member. It will be the police who bring the information to the House.

**Sir Geoffrey Clifton-Brown:** I am sorry to try the House's patience but, politics being what it is, there is every possibility that a serious vexatious complaint will be made, and the police would have to take it very seriously because it is a serious complaint, but it might be totally fallacious. It is only right that, in this procedure, whoever is accused of a very serious offence should have the full right to defend themselves.

**Thangam Debbonaire:** I understand the point the hon. Gentleman is making, and I have made a clear note for us to consider it in our further deliberations following this debate.

**Sir Iain Duncan Smith:** I want to follow that up, as one of the points made earlier was important. We know of previous problems where cases have been brought against people and we later discover that the witness was not credible, with that leading to serious and significant difficulties, even in the criminal justice system. That is sure to happen in the same way here. Is there anything in these proposals that talks about trying to figure out at any stage whether the witness is credible, what the record has been and so on—or is that left completely for the police to decide?

**Thangam Debbonaire:** If the right hon. Gentleman is saying that our criminal justice system could do with improvements, I heartily agree. We are talking about a situation where criminal justice proceedings—an investigation—are taking place, and the police, along with the Crown Prosecution Service, are responsible for that. Even now, they will, at a certain point, let the House authorities know if a Member is being investigated, and we do not have an adequate process for responding to that.

The criminal justice system has many significant flaws, which I would dearly love to help fix, but we have the system that we do. We have to be in a position where we trust that system, as far as we can, to give us information when the police feel that is warranted. We need to look at whether or not this system works. There is plenty of time, not only this evening, but before we have the votable motion and then if we decide to vote for the process to be tested and developed, for further opportunities to do that. I am happy to take away the concerns of the right hon. Gentleman and others, which are reasonably expressed. That is what the debate is for.

**Sir Chris Bryant (Rhondda) (Lab):** I wonder about this word “defence.” I understand where the question is coming from, but it might be misplaced. It is quintessentially important that the panel should never be deciding on the innocence or guilt of the individual; that matter is solely for the criminal justice system. The panel is only deciding whether, given the circumstances and the

investigation that is ongoing—the arrest or whatever stage it has got to—mitigations need to be put in place to ensure that this is a safe workplace.

**Thangam Debbonaire:** I thank my hon. Friend for expressing it much better than I just did. The proposal is not a replacement for the criminal justice system and it is not a parallel system; it is about finding a way to take on board, when there is a criminal justice system investigation of a serious crime, how we mitigate the risks, in a limited and time-limited way, because we are not like any other workplace. Whether or not it goes on for one month or two years will be the responsibility of whether or not the criminal justice is operating as it should. As I said to the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith), I would like to get my hands on that system and help to institute some reforms. In the meantime, we are not a substitute for it and I am grateful to my hon. Friend for expressing that so well.

**Sammy Wilson (East Antrim) (DUP):** It is easy to give an assurance that the panel is not there to decide innocence or guilt. However, the fact that it decides on the basis of information from the police, with a very low threshold, does convey in the public mind some suggestion of guilt. Otherwise, why would such stringent measures be taken against a Member?

**Thangam Debbonaire:** I thank the right hon. Gentleman for that, but the idea is for this not to be done in a public manner. We probably will face criticism for this, but the Commission has gone to some lengths to try to protect the anonymity and confidentiality in respect of a person against whom allegations of a serious crime have been made. We have built into this process as many opportunities as we can, and some Members are not happy about those. The point is that we should not be deciding guilt, as that would be quite wrong; the separation of powers is an important principle to every one of us in this Chamber. However, we must address the confines of the fact that our workplace is not like any other. It is a workplace for staff here, as well as for our own staff and for each other, and we have a duty at least to try to work out how we mitigate the risk to them, while protecting the confidentiality of the person against whom allegations are being made.

I wish to come to a conclusion because I know that many right hon. and hon. Members want to contribute. While taking those interventions, I have covered a few parts of the speech I was going to make. I started out by talking about three values, and democratic representation is vital. We owe a lot to those on the Procedure Committee and other colleagues who developed the proxy vote system, as a result of which we have a way whereby a Member can be added to the list of proxy votes without saying why and can continue to represent their constituents. Every Member will know what some of the criticisms were of the proxy vote system when it was first introduced. No Member is forced to use it and they can also use the option of pairing, which some will prefer. It is an important principle of democracy that Members' voters, the people they represent, can continue to be represented.

Other Members have asked about constituency activities. We as a House have no way of legislating to stop Members undertaking those. There may be some who

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have concerns about that. The police can make bail conditions but we do not have that power. We are not in a position to restrict the constituency activities.

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): My hon. Friend is making an excellent speech. I understand that there will be a review process. It is right that we are doing this, as public confidence in our system as a whole is at an all-time low and how we moderate such behaviour and the associated issues are important. To allay some of the fears that have been expressed, will she say what review system will be put in place to see how effectively or not this is working?

**Thangam Debbonaire**: I thank my hon. Friend for that question. In the past week, the Leader of the House and I have met several times to discuss how we might propose to the Commission what a review process might look like. At the moment, our commitment is that by the time we get to the motion—she will correct me if I am wrong—we will have a proposal to put to the House about how and when we will review. That is desperately important.

Members have raised with me their concerns, which I share, about the damaging impact of untrue allegations being made against someone. I completely share that anxiety, but I also share the anxiety that others, and sometimes the same Members, have raised with me about the damaging impact on victims of feeling as though nobody is taking them seriously. I know that there may well be, as there certainly are in other workplaces I have been involved with, victims who feel that because their complaint is not taken seriously, their career ends.

We talk a lot in this place about the possible damaging, career-ending impact on Members. I want to make sure that we do things in a proper and just way, but I also want to place on the record my concern about the damaging and career-ending impact on victims who feel that their complaint is not taken seriously. We cannot ignore them either. The hon. Member for Cities of London and Westminster (Nickie Aiken), who is no longer in her place, made the correct point that thousands of people work here and we should be an exemplar in how we treat them.

I want to come to the end of my speech, as I know many Members wish to speak. I know there are those—I have heard them already today and I have had private conversations with them—who are uneasy about the idea of any exclusion of MPs whatsoever. I understand those concerns, and my respect for democracy is too high for me to ignore them; we have to explore how they can work meaningfully in this process. But I also think that we are in danger of putting others at risk if we do not come up with a formal method of dealing with that which at the moment is dealt with merely by informal, hidden, not transparent and unaccountable means, by well-meaning people who simply do not have the routes to deal with what they are told about.

To those who feel that the proposal does not go far enough, let me say that I understand that view as well. When I worked with violent men, our aim was safety and that can come about through many different routes. In the system I worked in, one of those routes was exclusion, whose equivalent in non-parliamentary terms

was imprisonment. That happens only where there is an end to a proper and just process, and we are not talking about there here. I worked occasionally with women but I worked mostly with men accused of violence, and I know which men I worked with changed the most. If we gave them an opportunity to engage with a constructive process and to think about whether or not there was behaviour that they themselves wanted to change, safety was more likely to be sustained. That did not always work, but I want a process that honours the experience that I and others have gained about how to do meaningful change-making work with people who have behaved on a scale from inappropriately to downright criminally.

There will be times when we have to exclude somebody. I hope it is not many, and it would be nice if it was never, but it is time we took responsibility for making sure that everyone who wears a parliamentary pass can come to work each day knowing not only that we have a complaints system, as we now do in the ICGS, but that, if they have reported an MP to the criminal justice system, there is a formal, thorough, risk-based way of dealing with it. We are not a workplace like any other; we are a representative democracy and we exist in a political world. It is not beyond us to come up with a system to balance those principles in a way that is just, that protects victims and that protects democracy.

7.30 pm

**Sir Christopher Chope** (Christchurch) (Con): It is a pleasure to follow the hon. Member for Bristol West (Thangam Debbonaire); perhaps she can answer the question why the Commission has changed its remit completely. In November last year, as I said in an intervention, it agreed to launch a consultation on excluding Members charged with violent or sexual offences from the parliamentary estate until such cases were concluded. That was limited to people who had been charged with violent or sexual offences.

The paper before us today says that that remit has been changed because one or two of the 22 people who responded to the consultation said it was too inflexible. What is the explanation for that change? It is said now that, because several consultees mentioned the need to allow for some flexibility in the system, the Commission's approach is

"focused on the nature of the risk and the severity of the alleged offence rather than the stage of the criminal justice process".

However, nobody has explained why we are making that change.

There is a fundamental difference between somebody who has been charged with an offence and somebody who has not. The person who has been charged knows exactly what offence they have been charged with. It is public knowledge. Connected with that charge is the ability of the courts to put that person on remand awaiting trial, either remanding them in custody or on bail and, if remanding them on bail, remanding them on particular bail terms and conditions. Sometimes those conditions can include a requirement that the person shall not go within so many hundred yards of a particular place or visit a house of an alleged victim or complainant.

If we stick to the original proposal from the Commission, if somebody has been charged with an offence and, when the bail conditions are considered, representations are made to the effect that somebody working in the

House of Commons feels vulnerable or threatened by that person pending the conclusion of the proceedings, conditions can be placed upon that bail that would provide the necessary safeguards against the risk assessment. That process would be dealt with by the courts, it would be subject to appeal if the person concerned did not like the terms of those bail conditions and it could mean that, in certain circumstances, a person awaiting trial would not have the free run of this House of Commons if it meant he would be in close contact, in particular parts of the estate, with somebody who had brought an allegation against him.

That is a perfectly coherent, logical position. I note that one of the people who responded to the consultation effectively said that, if the charge is made and the person is the subject of bail conditions, those conditions could cover the scenario that we are concerned about. Obviously, if the charge is so serious, the person will be remanded in custody, so he will not be able to attend the House at all.

**Charlotte Nichols** (Warrington North) (Lab): Does the hon. Gentleman know how long on average it takes for someone to be charged? What does he suggest might happen in the intervening period to ensure that people are safe, without having a risk-based policy such as that proposed in place? What does he suggest we do?

**Sir Christopher Chope:** The hon. Lady is prejudging the situation. She is saying that, if somebody makes a complaint and it is taking the police a long time to investigate it, the person under investigation should be jeopardised and treated as though they are guilty rather than innocent. I am not prepared to accept that as a proposition.

**Charlotte Nichols:** I am worried that the hon. Gentleman has misunderstood what I was trying to get across. I am not suggesting that somebody awaiting a charge is in any way guilty; that is the whole point of the fact that they are awaiting a charge. However, without a system that comes in before the point of charge—which can take a few years—and if measures should be taken to mitigate the risk to others, what does he suggest we do without the proposal we are discussing?

**Sir Christopher Chope:** In a situation where a specific person who is working on this estate has brought a complaint against somebody that is the subject of investigation but has not yet reached a charge, there is nothing to stop the House authorities making provision to look after that person and perhaps enabling them to be absent from the estate or to move somewhere else on the estate. There is no reason at all why an elected Member of Parliament should be put in jeopardy and face the prospect or the threat of being humiliated in public because he is the subject of an investigation—or she is the subject of an investigation.

Investigations are not the same thing as charges. That is why, in my view, the report we are discussing is ill-conceived and should be sent back and be subject to fresh consultation. Let the hon. Lady not forget that Members of Parliament are not subject to the Disclosure and Barring Service. As long as they are not currently serving a sentence of imprisonment of more than a year, they can stand and be elected as Members of

Parliament while still on the sex offenders register. Are we suggesting that we should change the Representation of the People Act 1981 to restrict—

**Sir Chris Bryant:** Yes!

**Sir Christopher Chope:** Okay, the hon. Gentleman thinks we should change the Representation of the People Act. That is fine. Let somebody bring forward the proposal to do that. Let them do that expressly and overtly and say that there is a certain additional category of people who are ineligible to stand for election or to be elected to this place. What we have here is a back-door attempt to try to achieve that objective without changing the primary legislation.

**Sammy Wilson:** Does the hon. Gentleman accept that the reverse of what the hon. Member for Warrington North (Charlotte Nichols) says is that a Member could be excluded from this House, the police process could go on for a year or two years, as she has said—and quite rightly; it does happen—no charge could be made at the end of that and, meantime, because we have set the threshold so low, the Member could find himself unable to do his duties?

**Sir Christopher Chope:** I agree with the right hon. Gentleman completely. That is my concern. Essentially, this proposal opens the floodgates to vexatious accusations that will deny the accused the right to make representations or appeal against any decision to exclude.

The specific proposal before the House is that somebody who is the subject of one of these vexatious accusations would not have the right to make representations to the panel or, if they did not like the outcome of that panel, to appeal against the decision. The Commission goes on to say that the system will depend

“upon the provision of concrete information from the police... In practice, this is very unlikely to happen prior to an arrest.”

Surely, though, if the police have such concrete information, as it is put, there is nothing to stop them bringing a charge? If they bring a charge, the proposals that I have referred to will be triggered, but unless and until a charge is made, the provisions will not be triggered.

**Charlotte Nichols:** To go back to the question that I asked the hon. Gentleman in my first intervention, is he aware of how long it takes, from the point of arrest, to reach the point of charge? He says that if there is evidence, the police should charge people, and of course we all agree with that, but is he not aware that the average time for that to happen is between two and three years? That does not mean that there is no evidence in those cases for the police to act on.

**Sir Christopher Chope:** Such a lengthy period of investigation between arrests and possible charge is, I agree, totally unacceptable. It is capricious and oppressive. If that is where our criminal justice system is, there is plenty of room for improvement, but two wrongs do not make a right. Delays in the criminal justice system do not mean that we should intervene in an unjust way against somebody who is the subject of an investigation rather than the subject of a charge. That is a simple point. I think that the hon. Lady is biased in favour of



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the potential or alleged victims, while I am biased in favour of the person who is innocent until charged and proven guilty.

Certainly, prior to the charge, when there are accusations in the air, it is bad enough that the accused may not have any idea of exactly what will happen. We know from colleagues on both sides of the House that that sometimes has a severe impact on the mental health and wellbeing of the individuals who have hanging over them the threat of a potential charge and the knowledge that an investigation of their conduct is under way. The point I am making is that the police should bring forward proceedings quickly if there is evidence in such cases. Then, the bail or remand conditions would determine the risk assessment, which goes to the heart of this discussion.

Risks relating to risk-based exclusion of MPs should, in my view, be decided by the courts as part of that process. The proposal that we should do that in-house is completely wrong. The Commission's proposal that two MPs and one non-executive member of the Commission should comprise the adjudication panel is even odder. That would mean that people who are not Members of this House and have not been elected would be able to exclude a Member of this House who has been elected, and that that Member, once excluded, would not be able to appeal. How can that be fair?

The Commission recognises the risk of prejudice to a Member by what it is proposing, and it therefore suggests that, to ensure privacy and confidentiality, Members should be able to vote by proxy, but that proposal is totally flawed. We discussed it in the Procedure Committee—our Chair, my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), is unfortunately unable to be here this evening because she is away on parliamentary business overseas—and we found it totally unacceptable, because the proxy system is designed for those who are on maternity leave and those with serious health conditions.

As soon as somebody is in receipt of a proxy not because they are ill, expecting a child or on maternity leave, but because they are accused of having committed a serious violent or sexual offence, the proxy system will be contaminated. How do we know that it will be contaminated? When proxy votes are exercised, that information appears in *Hansard*, and from what we have been told in the Procedure Committee, we know that some Members have been subject to vilification and abuse for acting as proxies for people who are absent. That is exactly the sort of situation that will arise should the proposals go forward: people will be able to work out who is acting as the proxy for those who are the subjects of suspicion and have been excluded from the House under these conditions, and those exercising the proxy will be vilified. As I say, that will completely discredit the whole proxy system.

My right hon. Friend the Leader of the House says that the proxy system is the way to avoid prejudice through lack of confidentiality, but I think that that is wholly ill-conceived. It is certainly not acceptable to members of the Procedure Committee, and it does not fit easily with the proposals that we are bringing forward for the revision of the whole proxy process. We have

good, constructive proposals, but they would be completely wrecked if they were confused with the proposal before the House.

If we want to change the Representation of the People Act, let us be open and say, "We do not want people in this House who are on the sex offenders register. We do not want people to be Members of Parliament unless they have been submitted to the Disclosure and Barring Service." Unless or until we take that route, which would mean changing primary legislation, I do not think that we should mess around by indulging people who make accusations—often vexatious ones—against Members of Parliament. We should not indulge them by saying that, prior to that accusation resulting in a charge, the Member of Parliament will be excluded from his duties in this House.

7.46 pm

**Deidre Brock** (Edinburgh North and Leith) (SNP): I will start by repeating the words of the Leader of the House and the shadow Leader of the House: the Commission is here to listen, and we will take note of Members' comments today in further consideration of this issue.

I will try not to repeat the many excellent points that the Leader of the House and the shadow Leader of the House made, but it seems to me that Westminster is very often accused of being an institution stuck in its ways and unable or unwilling to change. The excellent Clerks working on these proposals requested information from Parliaments and legislative Assemblies whose procedures share a common history with the UK, and although it is true that there was a limited number of comparisons, that should not in any way be seen as an argument for not reforming our procedures. Yes, this is a difficult and delicate area, as has been said, but given that some Members of this place like to refer to it as the mother of all Parliaments, should that not be seen as a challenge to go further and lead by establishing best practice, rather than used as an excuse not to change?

Of course, as has been mentioned, the reforms are not just about restoring the image of this Parliament and the public's faith in democracy, but about real and tangible efforts to protect staff, and indeed other Members, through mitigation measures. In the development of the proposals, there has been a lot of discussion and consultation with a number of organisations and individuals. There has been recognition of the need to give greater priority to protecting staff and the wider parliamentary community from the risk of potential harm while also ensuring continued representation for constituents and fairness to the individual under investigation. The Commission felt that the constituents of an excluded Member should not be deprived of their right to representation in Parliament, so progress in the safeguarding of our staff should go hand in hand with looking again at forms of remote participation.

We all have a duty of care towards staff. Parliament cannot claim adherence to that principle if it fails to reform when so many people working in this place feel concern. They feel that this environment has to change, and we in the Commission have to demonstrate that we hear them. It is crucial that we provide a safe and supportive environment for individuals to voice their concerns, and that there are clear protocols to follow

when reporting and taking action. We must also acknowledge the unique environment that we work in: this is not a shared office floor or open office space but a complex host to restaurants, bars and cafés where MPs and staff socialise freely. It is vital that we all feel safe here.

**Sir Christopher Chope:** Does the hon. Lady think it essential that all people who work in this building should be subject to disclosure and barring?

**Deidre Brock:** I am sorry—disclosure of what?

**Sir Christopher Chope:** Should all people who work in this building be subject to disclosure and barring checks?

**Deidre Brock:** I think that this place must recognise that it is the 21st century and that that protections have to be offered to staff. Staff are expressing these concerns to us. I am not sure whether the hon. Gentleman is familiar with the concerns that have been raised, but we have certainly heard them loud and clear and we are attempting to respond to them. I think that that is an important principle that we should be supporting. We have not finalised what the final report will look like or what the decisions of the House of Commons Commission will be—that is what today is all about. The hon. Gentleman has had his say; I am trying to make my points and I will continue.

It is worth noting that testimony given to the GMB union's parliamentary staff branch said that while many MPs were wonderful, others could mistreat their staff with relative impunity. The circumstances in which MPs can be excluded under the proposals are not limited to actions against staff, of course, but we must remember that this is an attempt to directly help to keep staff, and indeed other Members of Parliament, safe.

There are other points that I would have made, but they have already been admirably expressed by the Leader of the House and shadow Leader of the House. In closing, I want to thank very much the Clerks who worked on the report. They worked very hard on the proposals, with great sensitivity. I thank the members of the Commission, of course, the contributors to the consultation and the many other staff who contributed.

I stress again that we in the Commission are here to listen. We are keen to hear the views of other Members on the proposals. It might be that some finer details change in the future, but I hope that everyone in this House recognises that the Commission is attempting to respond to the genuine concerns raised by staff and, indeed, by many members of the public.

7.51 pm

**James Sunderland (Bracknell) (Con):** As a member of the Procedure Committee, this subject is of great interest to me, as it is to all members of the Committee. My position may not be completely beholden to that of the Committee's Chair, so I declare that interest straight away.

For three and a half years, I have spent much of my time in this place inadvertently comparing the two institutions in which I have served: the Ministry of Defence, and the Army in particular, for 26 years and this place, as an MP since 2019. They are quite different as institutions. I shall make just a few comparisons that are, I think, useful to the debate.

First, if a member of the armed forces is accused of a crime, serious or otherwise, there is a presumption of innocence. That should be at the heart of this particular debate, as we heard earlier. The MOD has a “leave no man or woman behind” policy. It is very important that an individual who is charged or under investigation for a serious complaint is not excommunicated. The MOD deals with that often by managing it in-house or, if necessary, by moving the individual to another unit so that they can continue their responsibilities and duties elsewhere. It is important, of course, that they are not separated from the chain of command. Why? Because it is important that the chain of command gives them the moral, legal and welfare support that they need, although they may well be separated from members of the unit who might be involved or who made the accusation. It is important that we manage it in the right way, and I think that that responsibility is important in the House, too.

I thank the Leader of the House and the shadow Leader of the House, as well as the Commission, for the effort that has gone into the report so far. We are 95% there and I am very happy with the recommendations as they stand, but I just want to draw attention to a couple of things that I think can be improved. The important thing for me is that we have a clear duty of care to all those in this place, no question about it, but that duty of care also exists towards the individual who might be accused of a particular offence. That is the theme I want to focus on.

I will be quite honest. I have been appalled at times by the ease with which we hang colleagues out to dry here in Westminster—not mentioning any names at all. When we come to this place, it is a big thing. We work hard to get here. Reputations are important and the way in which colleagues have been asked to leave the estate, or asked voluntarily to do so, for things that have been alleged is quite a brutal process. We have to respect the fact that that colleague might also need some support. We are, of course, a team, whether we are the Conservative party, the SNP, the Lib Dems or Labour, and we as Members have a responsibility to each other irrespective of the colour of our cloth.

When the headlines hit, phones can go silent. Colleagues are in the spotlight. They are vilified on social media and they are on their own. We must also remember that we are all colleagues, and all those who are not currently on the estate are also colleagues. Let us not forget that. Reputations are in tatters and it may be impossible for someone to recover from that, even if they are completely innocent of all the charges.

I think that we can do better in this place not just for the staff who are here, but for the accused. For me, the basic tenet of the entire debate is that colleagues have to be innocent until proven guilty. Yes, we are MPs; yes, we have to maintain a certain standard; but it cannot be the case that we are guilty until proven innocent. We must be innocent until proven guilty. That must lie at the heart of how we take this forward as a House.

I want to raise just three core tenets for the process. The first is the make-up and scope of panels. In this place, they have to be run by Members. For me, Members cannot be subjugated by a staff panel, irrespective of what job we are trying to do. Therefore, this must be managed and run by Members for the benefit of Members.

[James Sunderland]

When it comes to voting, it is up to this House to vote on which way we want to take it, not up to staff panels to do that on our behalf.

The second tenet is that the point of assessment for exclusion cannot be proposed at any point in the justice process, as is currently in the Commission's report. In my view, it needs to be dependent on a charge being brought. In my view, just being accused of something is not justification enough for separating a Member from this place—we must be innocent until proven guilty. The report says:

"If charged, were it considered that a member was dangerous to the public, then he or she would be held on remand, and therefore, unable to be present on the estate...To exclude a member who has not even been charged, whatever accusations might be made, would be a fundamental denial of the principle that people are innocent until guilt is properly determined."

That came out loud and clear in the report and, again, lies at the heart of the matter. A criminal charge, in my view, is the right threshold, although I accepted earlier there are difficulties with the point at which an arrest may be made and the time that it takes between the arrest and the charge. I do not have an answer for that particular issue.

**Charlotte Nichols:** I want to make the hon. Gentleman aware that a charge in criminal law means there is a high likelihood that a jury, reasonably instructed, would find the defendant guilty beyond all reasonable doubt. That is what a charge means in law. It is not, "There is a case to answer. We'll see you in court." That is what it means. Does he not think that in a civil process, which this is—this is a workplace, it is a civil process—setting the point at which we as a House might act at that point in the criminal process is just too high?

**James Sunderland:** The hon. Lady is not wrong and I concur with her point of view, but of course it is entirely possible that when a charge is brought an individual may be found not guilty in a court of law. A charge does not itself define guilt. By that same token, if someone is arrested on a charge, ultimately they have to allow that process to play out until the point at which they are castigated and removed from the estate voluntarily or otherwise. I take her point, but, for me, the Commission has work to do to draw a distinction between the point at which someone is arrested and the point at which a charge is made.

**Stella Creasy (Walthamstow) (Lab/Co-op):** The hon. Gentleman has just said that somebody can be charged but still be found not guilty, in the same way that somebody could be arrested and not charged. It is about the evidence that is presented. As he said at the start of his speech, we have a duty of care. We are talking about a risk-based exclusion process. It is not actually about the perpetrator, alleged or otherwise. It is about the evidence presented at that time of risk to those who remain. Can he say a little about what he proposes to do to tackle that risk if he wants to wait until charge, based on the evidence presented to the House by the police at that moment?

**James Sunderland:** I thank the hon. Lady for that intervention and, again, she is not wrong. I do not have an answer, but this is the key thing for me: evidence is

what is used in a court of law. Are we judge and jury? Is a staff panel judge and jury? Is the evidence presented to a quango body of individuals here enough, without a charge being brought, to exclude a Member from the Estate? As I said, I think there is work to be done between the point of arrest and the point of a charge being brought.

**Stella Creasy:** By the hon. Gentleman's logic, there is no evidence of risk that could be presented by the police to this place on which we could act. Is he really saying that, or do we need a process that could assess the evidence being presented? Is he that specific about it: there is nothing that he could be told about the risk posed by somebody to people in this place that would cause him to act?

**James Sunderland:** Once again, I find myself concurring with a lot of what the hon. Lady is saying, but my view on this question is that because we are debating it now, the answer is not clear. Ultimately, we have to allow the Commission to make further findings in respect of what the evidence does. My personal feeling is that we have to wait for the charge to be brought before we give enough credence to the evidence. Arrest, in my view, is not enough.

The second issue is how we as a House manage complaints that may be vexatious. We discussed that question earlier, but I would like the Commission to do a bit more work on it. If a complaint has been made and it is entirely vexatious, we have to be able to spot that very early on and deal with it. For example, another Member said during the consultation that

"I am concerned about malicious claims towards MPs, which are constantly on the rise and members being excluded without it being a charge, often these are politically motivated."

If we follow that logic through, it basically means that any Member can be asked to leave the estate for any reason. Therefore, we have to put in place a process whereby credence is given to an allegation. An arrest may or may not be made, and in my view, it is the point at which the charge is brought that gives that credence to the process. As such, we have to make sure that we can properly define the gap that is in the middle.

I would like to make a further point about management of risk. For me, the important thing in this debate is how we manage the risk-based exclusion, which again is not clear from the Commission. Basically, I want to better understand how we manage the risk: who is responsible for managing that risk? Who is responsible for determining the evidence, if it exists, and who is judge and jury? How do we manage that risk? Who decides, and what factors are involved? In my view, those questions need more work before we can go firm on any vote or otherwise.

The last issue I will address is that of the proxy vote. In my view, a proxy vote has to happen. MPs are elected to do a job, and they must do that job until the point at which they are no longer able to do it—again, innocent until proven guilty. There is a requirement for MPs to exercise their judgment and represent the interests of their constituents throughout the process. Therefore, unlike the earlier recommendation from the Procedure Committee, I am completely happy with the extension of the proxy vote in this case. MPs are still MPs; they are still part of the team and need support. They must not be left on the scrapheap, either. It is important for



them—for their own peace of mind and their own validation—to be able to exercise that vote via a proxy. Again, I am not comfortable with the idea that the names of those who have a proxy vote would somehow be published. Those who have a proxy vote should not necessarily be identified as having one, for all the reasons of confidentiality that we have already discussed.

I also welcome the fact that the Commission is now actively considering extending the proxy vote scheme for other reasons. Historically and currently, it has been for maternity and paternity leave, but it should be extended beyond that, to illness and those who may be excluded from the estate.

**Sir Christopher Chope:** At the moment, there is a question as to whether people who have voluntarily excluded themselves from the estate because of allegations made against them should be able to exercise proxy votes. I think the line has been taken that they should not be able to do so, because of the special circumstances surrounding their case. It would put them on a par with people who are very ill or on maternity leave.

**James Sunderland:** My understanding is that proxy votes are part of this process. No doubt the Leader of the House will verify that in her summing-up remarks, but as far as I am concerned, it is entirely appropriate that if someone is elected as an MP to do a job, they have to be able to do that job if—for reasons of force majeure or otherwise—they cannot be on the estate. Therefore, I entirely support the notion that a proxy vote should be extended to all those with legitimate reasons to not be on the estate, and I welcome that further work by the Procedure Committee.

The first point of my conclusion is that exclusion should absolutely be a last resort, as I think we have agreed this afternoon. Ideally, it should also be at the behest of the individual. I totally agree that these are unique circumstances, and that what we are discussing deals with the unlikely event that a Member might not voluntarily exclude himself or herself from the estate. My second point is that both the Procedure Committee and the Committee on Standards have suggested that the final decision to exclude could or should be put to the House. I am absolutely clear, as an individual and a Member, that that is entirely right. It is up to us as Members to make the finding in such a case—it is up to us as Members to vote.

**Sir Christopher Chope:** If it is put to the House on a vote, how will confidentiality be retained?

**James Sunderland:** That is another element of what the Commission, the Leader of the House and the shadow Leader—the hon. Member for Bristol West (Thangam Debbonaire)—have to work through. Ultimately, I think it is up to us as Members to make that finding on behalf of fellow Members; it cannot be made for us by a sub-panel or a committee. Therefore, that is a further bit of work that the Committee has to go through.

My final point is an obvious one: should a Member be found guilty of a relevant offence, they would most likely receive a custodial sentence or otherwise and be subject to the Recall of MPs Act 2015. That is the point at which we are likely to cease being an MP, and I think that until that point is reached, due respect and credence

should be given to all of us as MPs. A duty of care should also be given. In my view, Members should be careful what they wish for. This is a difficult debate and there is work to be done, so let us please not ignore both the duty of care that we have towards staff in this place and our duty of care to each other.

8.6 pm

**Sir Chris Bryant (Rhondda) (Lab):** It is a delight to follow the hon. Member for Bracknell (James Sunderland). He made a thoughtful contribution to the debate, and he is absolutely right: this is not plain sailing. It is not simple. There are complexities here, and there are moments when different principles clash. We just need to make sure that, in so far as we possibly can, we align those principles rather than let them clash.

For me, there are two principles. The first is that everybody who works in Parliament—whether as a chef, a cleaner, a contractor, a journalist, a Member of Parliament or someone who works for a Member of Parliament, or a Clerk—should have absolute certainty that this is a safe place to work in relation to both bullying and sexually inappropriate behaviour. I know there are colleagues who think that it is a safe place, but there are lots of staff who do not think it is. The ICGS is a great thing; I would argue that we are probably the first Parliament in the world that has introduced such a confidential system. It is still in its early days, but it does not entirely have the confidence of all the staff yet. One has only to look at the polling that has been done by the GMB and Unite, or speak to any of the other trade union officials—or, for that matter, those who are not members of any trade union here—to know how staff feel about some of the practices and the way we do our business in Parliament. There is a job of work to be done.

**Andy Carter (Warrington South) (Con):** Will the hon. Gentleman give way?

**Sir Chris Bryant:** Can I just do my second principle and then give way to the hon. Gentleman, if he does not mind? They fit together in my head.

The second principle is that an MP, just like any other member of the public, is entitled to due process and a fair hearing. It is unfortunately true that the court of public opinion is in permanent session, 24 hours a day, seven days a week. There are no rules of evidence or proceeding in that court, and everybody involved in it thinks that they are the judge, the jury and the executioner. I want to make sure that everything we do in this House ensures that those two principles are met: first, that it is a safe place to work, and secondly, that there is fair due process for MPs just as for anybody else.

**Andy Carter:** I am in complete agreement: those two principles are incredibly important. The point I wanted to raise with the hon. Gentleman is one we have discussed before in the Standards Committee. Quite often, there is media reporting that 56 MPs are being investigated in relation to bullying or sexual abuse. Those figures are just completely wrong, and they give a completely misleading perspective on issues in this House. That would be around 10% of Members of Parliament. In fact, that figure relates to the total number of employees on the estate—about 7,000. Does the hon. Gentleman agree that, when reporting like that takes place, the Commissioner has a responsibility to correct those figures

[*Andy Carter*]

in order to ensure that the people who work here appreciate that safety and security are important, and so that people understand that those sorts of figures are not accurate?

**Sir Chris Bryant:** I think it was Tom Lehrer who wrote a song that goes:

“Plagiarise,

Let no one else’s work evade your eyes...so don’t shade your eyes,

But plagiarise, plagiarise, plagiarise,

Only be sure always to call it please, ‘research’.”

The hon. Member must have seen my notes, because what he said is what I was about to say, almost word for word. I am disturbed by his eyesight, frankly. What he says is true. I have rarely been so cross as when I saw reports, repeated in several newspapers, that 54 or 56 MPs—I am not sure which—were under investigation by the ICGS at that time. I spoke to the ICGS, and I knew that the figure was absolutely untrue. I spoke to the journalist concerned, who insisted on publishing the report because they had been told by a Member of Parliament that it was true. It was not true; it was utterly untrue, and it cast the whole of Parliament in a much worse light than is necessary.

As the hon. Member knows, I am one to try to insist on fairness and to ensure that when somebody has broken the rules, they are dealt with properly. My anxiety is that if people keep on writing stories that are untrue, unsourced or no more than gossip or rumour, it will undermine people’s confidence in the ICGS and the system, and that makes it more difficult for us to get a place where we have a safe workplace for everybody involved.

I am grateful to the Leader of the House for what she said about what I call the crazy paving of different bodies in Parliament. I am slightly worried that at the end of this process we will add another body to the many bodies that presently govern how we operate. It is difficult for an ordinary Member of Parliament to understand, but it is even more difficult for staff and the public to understand the different sets of rules that we have. Sometimes they do not fit together properly, and that undermines confidence in democracy and therefore is a problem. That is why I hope we can do a big piece of work in the Standards Committee, and I am grateful for what the Leader of the House said about the work she will do, to see whether there are ways we can at least align things better.

I am aware, for instance, that the way a complaint might be dealt with by the police or the ICGS might remain entirely confidential right the way through to the very end, or until charge in the case of the police. In the ICGS, confidentiality will remain right through until the end. For instance, we had an ICGS case that started in the last Parliament. The person knew they were under investigation, they stood for Parliament, nobody in the political party knew that was happening, they got re-elected and the ICGS process finished and that person left Parliament. However, if someone complains to the political party, the party will suspend the Whip immediately and that is publicly known. Somewhere in that, it is not quite right and fair, and that is a place where we need to do a piece of work.

**Sir Geoffrey Clifton-Brown:** I greatly respect the hon. Member’s work in this whole area, and I agree with his two principles on safeguarding and fairness. What we have been debating and asking about is how the panel comes to a decision. It is a serious decision, because that person who is excluded from this place may well eventually be found innocent, but the reputational damage is so great that he might lose his job as a Member of Parliament. This is therefore an extremely important matter. How can it possibly be fair that that panel, in coming to that judgment, cannot hear from the person himself or herself as to why they should not be excluded? Surely that cannot be a fair system.

**Sir Chris Bryant:** I will come to that point, but I will take it in a slightly different direction from the one the hon. Member is aiming at, for the simple reason that when the panel meets, it is not deciding whether somebody is innocent or guilty. I presume that in every instance, the Member themselves would want to co-operate with that process, because it will be in their interests so to do. That would mean they would probably take a voluntary exclusion and decide not to be here, which need never come to public attention. We have got a bit obsessed with exclusion in this process when the likelihood of an exclusion is maybe one or two a Parliament at most.

There are other measures it might be sensible to take. For instance, say a Member has been charged, for the sake of argument, with a violent offence in a pub. We might decide that it would be wise for the House to say that that person should not attend any of the bars in Parliament. Say somebody has been charged, for the sake of argument, with an offence relating to a younger member of staff. Although that name would not be known publicly, we might decide that it was sensible to say that they should not be working in an office environment where there are closed doors or where it is just them and that member of staff. We might say, “We are going to move your office. We will put you in a place where you are working in a set of rooms with other people around as well.” That would be a sensible measure.

My point is that what we do would always have to be proportionate to two things: first, the offence we are talking about; and secondly, the stage at which we are in the process. As the hon. Member for Bracknell said, nearly all these things might only apply at charge, but it might apply at police bail. If the police have gone to a court and explained to a judge that they need to take measures, the House might want to take similar measures. My point is that it all has to be proportionate to the potential offence we are talking about, to the risk that there genuinely is and to the stage at which we have got in the process.

**James Sunderland:** I thank the hon. Member for his kind words earlier. He is making some persuasive comments, but is there a danger with how the House of Commons Commission might be taking this that somehow we need to be proving a higher level of law? In other words, the rights that exist for people generally across the UK will not necessarily be afforded to MPs, because we are intervening here much earlier in the process than other workplaces might be required to do. We are different in this place—Parliament is unique and sacrosanct—but are we not in danger of demeaning ourselves by allowing each of us a lower bar of legal representation and rights?

**Sir Chris Bryant:** Well, no. The evidence given to the Standards Committee—if the hon. Member has time to read it, I urge him to do so—was that an awful lot of other workplaces do something similar and start considerably earlier than at charge. For instance, there are proper issues for a school, which is probably the only place where we would properly use the term “safeguarding”, and likewise for a youth service. For someone in the police, it is likely that the police would take far more precautionary action than we do, and far more than is even being suggested here. The bit that is different for us is that the scrutiny on us is acute. However, if we spoke to a teacher excluded from school at the point of arrest for a sexual or violent crime, they would say, “It may not have been on the front page of the *Daily Mail*, but everybody in my local community knows about it,” so there is enormous reputational risk.

One really important point that we must stress time and again is that, in any of these instances, this cannot involve a judgment as to whether somebody is innocent or guilty—that is absolutely the case—and our processes must guarantee the presumption of innocence all the way through to the end of a criminal justice process.

**Kevin Brennan:** My hon. Friend knows that I take a lot of stock from what he says on this subject, so I would be interested to know this. Is he completely content with the proposal before the House, particularly the aspect I found surprising, which is that it allows for the possibility of a Member to be excluded even prior to their arrest, basically on the word of a report from, for example, the Metropolitan police?

**Sir Chris Bryant:** Indeed, trust in the Metropolitan police is not high, and that is a problem for the House at the moment. I am aware of friends and colleagues who would like to make complaints to the police but feel that they would not be listened to properly. Vice versa, there are obviously Members of the House who do not feel that the Metropolitan police would deal with them fairly. I think it is a fair point about whether this should be before arrest, but my assumption has been that the moment of arrest, and certainly if somebody is interviewed under caution while under arrest as a suspect, is the point when, again on a proportionate basis—proportionate to the alleged offence, proportionate to the risk there might be perceived to be and proportionate to the stage at which we are—we may want to take action.

I worry that, if we do not do any of this, we will leave ourselves very exposed to further reputational risk for the House. That is my anxiety. The hon. Member for Bracknell raised the question of whether somebody could be excluded without the House voting on it. My anxiety about the House voting on the exclusion of a Member is that that will almost certainly look to the public as though the House has judged that that person, for want of a better term, is a wrong 'un. That is why if my best friend were in this process—if, for instance, they had been charged, and the House authorities thought there was a significant concern and wanted to take action, suggesting they should not come in—I would say to my best friend, “You should just not come in.” Then it would be entirely voluntary, and that would protect the reputation of the House. I think that would be in the best interests of the individual, and we would end up with a fair outcome for the complainant as well.

However, I think the House has to reserve the opportunity that we may be in a situation where somebody is absolutely adamant—saying, “There’s no way you’re preventing me from coming in”—and people may come to the conclusion of replying, “Sorry, but we think you are a genuine risk to other people on the parliamentary estate, and that now trumps anything else. Consequently, if you’re not prepared to accept this, then we will have to vote on it.” However, I think the likelihood of that happening more than once in a decade is minimal. I slightly worry about doing a review, because I am not sure how long we would have to allow before we had enough cases to decide whether the review was actually valuable.

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): This is a very interesting debate. Has the hon. Gentleman considered that there are several parts to a Member of Parliament’s job? One is representing constituents in this place and voting in this place, but another is listening to their constituents, visiting them, and visiting schools and other places, but there has not been much focus on that part of the job.

**Sir Chris Bryant:** No, indeed. One of the things referred to in the Commission paper, and we refer to it in the Standards Committee report, is that it is all very well dealing with here, but there is also the constituency office. I think we should be able to include that in this issue. For instance, let us say that somebody has been charged with a violent or sexual crime. I think the House authorities should be able to say to that Member, “I’m sorry, but you should make it possible for all your staff in your constituency to work from home”—that, for instance, may be an appropriate measure—or, “You’re only ever going to be able to be in your constituency office with your staff with another person,” or some such measure. It is all about minimising risk. Of course, we cannot have a system in which the House says, “Oh, and by the way, you’re not allowed to go to Tesco” and so on. However, that may be a legitimate process that the police have to go down if they felt there were further risks to other people or to the community.

**Sammy Wilson:** Will the hon. Gentleman give way?

**Sir Chris Bryant:** I am seeking to bring my thoughts to a close, but of course I give way.

**Sammy Wilson:** In his last remark, does the hon. Gentleman not see how we can get these measures creeping? Where is the consistency in saying, “This panel has decided you’re not safe, Mr MP or Mrs MP, to be in the House of Commons because you are a danger to staff” or whatever, but also saying, “At this point in time, you’re not a danger to your constituency staff and you can still go to your constituency office”? This is where the creeping comes in, because is not the logic of this that, if someone is excluded from here, they get excluded from everywhere else where their parliamentary duties take place?

**Sir Chris Bryant:** I have to apologise because my hearing is going a bit, so I did not catch all of that. There is always an argument about the slippery slope, the thin end of the wedge and all of that—floodgates were mentioned earlier—but my anxiety is that if we do nothing we will be in danger of doing permanent damage to the reputation of the House and creating further anxiety for members of staff who work in the building.



[Sir Chris Bryant]

I have just a few small points to make. I think we do need to address what happens in the Lords. I know we have exclusive cognisance, and it is up to those in the Lords what they do, but the ICGS is bicameral—it applies to both Houses—and we ought to have something similar for the House of Lords. I do find it quite extraordinary that somebody who has committed a significant criminal offence and gone to prison can come out and go back to the House of Lords—and, yes, the hon. Member for Christchurch (Sir Christopher Chope) is right that I would like to change that law as well.

I think there is a significant issue here for the political parties. Members have talked about vexatious complaints, and the most dangerous space for this is potentially within political parties. The Whips often have to do a very complicated and difficult job, and I think the pressure we sometimes put them under in this field is inappropriate. I do not like the fact that, for many years, we always used to push these things under the carpet. I think it is right that we have proper processes, rather than saying, “Oh, it will all just be sorted out somewhere in the party.” However, I do worry about whether there is fairness for people, because the best way to prevent somebody being able to stand in the next general election is to make a complaint against them to their political party. They will then lose the Whip, the party will probably take even longer than any other authority would to deal with something, the person will not be able to stand and they will have lost their job.

**Dr Caroline Johnson:** The hon. Gentleman makes a fair point about vexatious claims. If we are normally here for a term of about five years and it takes two or three years to investigate whether someone should be charged, does he accept that, if he wishes to exclude people on the basis of complaint rather than charge, wholly innocent people could end up not being able to represent their constituents for two or three years before that decision is made?

**Sir Chris Bryant:** Of course I do, but I have tried to explain that I think we will mostly be dealing not with exclusion but with other risk-based actions that are about protecting the workplace. I understand the point the hon. Lady makes, but I hope I have tried to deal with it.

Turning to the adjudication panel, I think that is an inappropriate name because it contains a word that sounds like judges and that sounds like deciding whether somebody is innocent or guilty. The Commission has suggested that it should have two members of the Commission—in fact it has suggested that in this Parliament it should be two Deputy Speakers and a member of the Commission. That is the wrong set of people. First, there should not be a named set of people for a whole Parliament because, as sure as eggs is eggs, we will end up with somebody being conflicted because they are too close to the person concerned. Secondly, Deputy Speakers or Speakers are inappropriate as they are in a position of authority over Members and deal with all of them all the time. The lay members on the Commission were not appointed because they understand matters such as these; they are normally appointed because they understand the running of businesses and organisations and finances.

Our preference on the Standards Committee was therefore to have it simply stated that when a case arises a panel be brought together that includes two members of the Standards Committee and one member of the independent expert panel—so, one Member of Parliament, one lay member from the Standards Committee and one member of the independent expert panel—and that if a case ever came to either of those two bodies subsequently, they would then recuse themselves. That would end up with a better and fairer system.

For most of my time in this House we have brushed all these things under the carpet; it is a very beautiful carpet, but that does not mean we have done right. MPs often want to talk about vexatious complaints, but there is another side: lots of people feel unable to bring complaints because this is a place of patronage, power and authority. It does not feel as if we have much power a lot of the time, but many members of staff, especially young people coming to work here—I particularly feel this in relation to young gay men who come to work here—are very vulnerable and it is easy for Members to forget the power and authority they have over other people and abuse it. Although I recognise the need for fairness in relation to vexatious complaints, we must also have a system that enables people to make complaints.

My final point is that I hope we can start this process as soon as possible and have a debate on a substantive motion before the summer recess. I think that was what the Leader of the House was promising, in so far as she is ever able to promise something because other things always come along. My only request of her is that it would be nice to see the motion several days before we debate it, as that leads to better debates because people then know what they are talking about.

8.32 pm

**Wendy Chamberlain** (North East Fife) (LD): I am very conscious that at this stage of the debate lots of things have already been said.

In my three and a half years in this House it has been brought home to me that in decision making in politics there is no right or wrong. It is usually about the least worst option, but doing nothing is also a decision in itself.

The shadow Leader of the House talked in her opening remarks about the three standards, and I think we all agree that they are the principles of this debate: safeguarding, fairness and democracy. The hon. Member for Christchurch (Sir Christopher Chope) talked about bias, but for me it is more about balance; all of us will come to individual conclusions about what we give more weight to in finding that balance.

We need to think about reputational risks to Parliament. If we were to ask a member of the public whether somebody under investigation for sexual assault or violent crime should be allowed to come on to the estate—I would like to talk later about the different bits of that investigation—they would think it reasonable that they were not allowed. Frankly, people are uninterested in the complexity and processes that surround our jobs—that we are not employees, that as a Whip I am nobody’s line manager and neither is my party leader, and the different details around allowing us on to the estate. They want to see us being held to account for our behaviours.

When debating matters relating to the House we automatically default to the impact on MPs and thinking about ourselves. That is human nature, but we need to think about safeguarding and how our actions and decisions here are perceived. This is not a normal workplace, but the public's expectation is that when we can better align with employment practices, we should do so. Our behaviour code references everybody on the estate and I am not convinced we should expect those other people on the estate to be subject to widely different treatment.

One thing that I can bring to the debate is my police experience. I ask the Commission to think about this. I was a police officer for 12 years, and I was sexual offences-trained, so when there was a report of a sexual offence, my job was to speak to the complainant and take the initial statement. Indeed, if the complaint was of a sexual offence nature and it had just happened, my job was to take that person to their medical and to obtain productions. I would also liaise with the criminal investigation department, which would be carrying out the inquiry, to ensure that when it came to take action in relation to the suspect, it did so with as much evidence as possible. That made me think about when a potential suspect becomes aware of the police's interest in them.

Right from the start, a police officer is making that assessment of the evidence. At an early stage, they might conclude that the evidence is not credible and therefore the investigation will not continue. We also need to be conscious of and remember that while there are 650 of us in this place, 59 of us represent Scottish constituencies, and Scottish law is different. However, the reality is that a suspect may first become aware of the investigation and that the police want to speak to them about a matter at the point of their arrest on suspicion. There is an opportunity to seek clarity about the consistency of that at police level; not only for the Metropolitan police.

I see that the hon. Member for Cardiff West (Kevin Brennan) is no longer in his place. It pains me as a former police officer to think about the number of times I have talked in the House about trust and the lack of trust in the police, but we need to think about where complaints might come from and therefore consistency across forces in England, Wales, Scotland and Northern Ireland in relation to that. Realistically, if arrest on suspicion is the point at which a suspect first becomes aware of an interest in them, that is likely to be the point at which the police first approach the House authorities to make them aware of such a complaint. The suspect will therefore be aware. For me, that takes away some of the debate that we have had, because if somebody is arrested on suspicion of an offence—they may be released without charge following that initial arrest—the police must have had some degree of credible evidence that required them to arrest that person and take away their liberty for a period of time to carry out that investigation. I hope that that threshold would meet some of the concerns raised.

I am now thinking about this issue through my second role and as the only current Whip to have spoken so far. The current system of voluntary exclusion from the estate is just that—voluntary—and inconsistent, because it is taken on a party basis, and sometimes police advice can make parties come to different decisions. If we are interested in fairness for MPs, we need to consider how the current system is not very fair for MPs

as well as for complainers. The voluntary process means that much of the decision making is done invisibly by Whips, who as individuals are required not only potentially to enact some discipline but to provide the pastoral support that is so important.

The hon. Member for Bracknell (James Sunderland), who is no longer in his place, talked about the real impact that a complaint—whether vexatious or otherwise—has on an individual. The Whips are the people who are required to provide support. On that basis, we need to consider that the described process in its very specific circumstances will not be taking place in isolation. If somebody is being arrested on suspicion, there is a real likelihood that the party will be aware, and the Whips and parties will be making decisions accordingly based on the same information.

Given that we are talking about safeguarding and the long-term reputation of the House, there should be scope—this is a plea—for parties to discuss ways of taking a more consistent approach to such complaints. We should not be using them as a political issue and saying that one party handles them better than others, because none of us and none of our parties are immune to that. I welcome the announcement by the Leader of the House about the forum, because that might provide an opportunity to bring things out from under the carpet, as the Chair of the Standards Committee, the hon. Member for Rhondda (Sir Chris Bryant), appreciated.

The final issue I want to mention is the discussion about the right people to sit on the panels. I absolutely concur with the hon. Member for Rhondda and others who have described what we are talking about: adjudication. I raised it myself in my intervention on the shadow Leader of the House about the staff panel. I think I am in a place where I accept there needs to be somebody who is not an MP looking at the situation from a risk assessment perspective. Again, I think about that in relation to the police. In terms of the internal aspects of the police complaints process, there is a lack of trust about police officers investigating themselves. There is also potentially a lack of trust, whether we like it or not, around MPs passing judgment on ourselves. If what we are trying to do is deal with the complaints that come in and aspire to having none of those complaints in the future because we have changed the culture in this place—culture change is so important—then we have to accept that sometimes we are frogs in increasingly hot water. We become acclimatised to our surroundings and think first and foremost about ourselves as MPs, as opposed to those outwith. We therefore need an ambition that this process is about changing the culture.

To conclude, as MPs we make the laws and we must show ourselves to be accountable. We are discussing this situation because of the actions of a minority. However, those actions mean that the reputation of this House, and attracting the right people into this House, is at risk and we face a continued decline. Not only must we take steps, but we must be seen to take steps. Only then will we start to change the culture and present to the public the face we want to present as Members of this place.

8.41 pm

**Mrs Sharon Hodgson** (Washington and Sunderland West) (Lab): I wanted to contribute to today's debate given my role on the House of Commons Commission,

[Mrs Sharon Hodgson]

and having worked with the Commission across the past few months since taking on the role of Chair of the House of Commons Finance Committee in March this year.

I want to start by echoing all the points made by the shadow Leader of the House, my hon. Friend the Member for Bristol West (Thangam Debbonaire). Indeed, there have been a number of excellent speeches and lots of food for thought for the Commission. By the time I was appointed to the Commission, the report and the actions proposed had moved past their infancy and were being developed in detail. I am glad, however, that the measures are being brought forward. There is a clear desire—and an unfortunate necessity—for such measures among people across the parliamentary estate and community. Strengthening the safeguarding of all on the parliamentary estate is something which should be taken seriously, so it is reassuring that the House has made good progress.

Protecting and safeguarding our staff, House staff, all passholders and visitors to the estate must be a top priority. The majority of respondents to the consultation run by the House supported the principle of exclusion in relation to alleged violent or sexual offending, and some responses, notably from Members' staff branches of the GMB and Unite, and the House of Commons trade union side, made their representations on behalf of their members which collectively amount to thousands of members of the parliamentary community. The weight behind their submissions should therefore not be discounted.

For too long, when things go wrong, Parliament has relied on informal or incredibly slow processes to deal with allegations of sexual misconduct against Members. I appreciate concerns raised regarding the constitutional rights of MPs to attend Parliament. That is why voters must have a right to be represented by a proxy vote and why a Member has the right to anonymity, as they are innocent until proved guilty. But to take a seat in this Chamber is a privilege and the role of an elected Member of Parliament is one which should be deeply and intrinsically respected. MPs must therefore meet the highest standards of behaviour.

Parliament must also be a model workplace for organisations across the country. When allegations are brought forward, processes must work in tandem, and our parliamentary community should be protected. But before that step, we need to embed a culture in which people feel safe and confident to come forward—something that recent events have shown is sadly not the case. The policies we adhere to in this House must therefore be updated and strengthened, so that all passholders and visitors are safeguarded.

I would like to thank all members of the Commission and the Commission's fantastic Clerks, Gosia McBride, Ed Potton and especially Sarah Petit, who led on the project and put in months of work into bringing these proposals forward. I urge colleagues to vote in favour of these proposals when they are eventually laid before the House, and I sincerely hope that the Leader of the House will bring the vote to the House this side of recess.

8.45 pm

**Stella Creasy** (Walthamstow) (Lab/Co-op): I think there is some common ground among contributors to this debate. It is not innocence or guilt that should be in question—this is about our responsibilities. It is about the probability of harm or further harm when sufficient evidence has come to light to merit the involvement of the police. The Leader of the House said that she was here to listen, so let me offer what I believe is probably a counterbalance to some of what has been said today. It is critical to recognise that we are talking about a risk-based exclusion process; this is not about the person who has been accused. We have a responsibility to act because this is about the risk of harm to people in their jobs and in their lives as part of their connection to Parliament.

In parts of this debate, it has almost seemed as if we have forgotten the victims, the potential victims and the risk of harm. That is to our discredit as a House, because we face such a major challenge, and we must be honest about that. I can reassure you, Mr Deputy Speaker, that I will abide by what you said at the start of this debate, but, frankly, it is terrifying to me that you had to ask us not to talk about individual cases. We are all living in an environment where we know how pressing it is to resolve this matter, because we know of the number of cases involved.

I recognise the passion that the hon. Member for Christchurch (Sir Christopher Chope) brings to this debate, but I must be honest: I do not think that arguing that somebody who is on sex offenders register can also be an MP is quite the attack on these proposals that he thinks it is. If anything, it shows that, for so long, this place has lived by rules that no other workplace—frankly, no other planet—would think were reasonable. He says that he is biased towards the accused. Well, that should automatically rule him out of this process, in the same way it would if somebody were biased towards the victims. This is about risk. It is about how we interpret risk and our responsibility in this regard.

I am sorry that the hon. Member for Bracknell (James Sunderland) is no longer in his place. I listened patiently to what he said and I was very sympathetic to the thoughtful way that he approached this matter, but he kept saying that we need to look at this again, that we need to kick the can down the road one more time. We have been doing that in this place for years—that is what the cacophony of different organisations reflects. Every single time that we kick this issue into the long grass, say that it is too complicated and put it into a box because we cannot deal with it, our constituents think two things: “Hang on, in my workplace we had to deal with this” and “What planet are they on?”

It was 2017 when the #MeToo movement gave people the courage to come forward in this place with what was, frankly, the tip of the iceberg of the challenge we face. It is now seven years later, and we still have not made the progress that we would all like to see.

**Sir Christopher Chope:** I am grateful to the hon. Lady for giving way. Both my hon. Friend the Member for Bracknell (James Sunderland) and I were talking about the importance of the presumption of innocence before being proved guilty. That is why I say that I have a bias



in favour of the accused. The accused is innocent until proven guilty, and the hon. Lady seems sometimes to forget that.

**Stella Creasy:** My concern is the concept of bias, because it means that the judgments that the hon. Member makes are not value-free. We need a process that people can have confidence in and that will act. In the last seven years we have seen time and again that what little reputation this place had has been shredded as a result of our failure to have those processes. It is not about the accused but about the hon. Gentleman's concept of bias. He could not hear someone's case without fear or favour if he were on a jury, but that is not what this is about.

The hon. Gentleman is concerned about vetting and barring; I used to work for the Scouts, where it was pretty standard to have vetting, barring and DBS checking for our volunteers. It was not seen as an unusual or difficult thing to do. I suspect that most people in daily life would be fairly shocked that Members of Parliament do not have that. They would expect a level of professionalism and safeguarding because of the kinds of cases that we might deal with and the kinds of people who might come and seek our help, and that would not be unreasonable.

The hon. Member needs to take seriously the point made by my hon. Friend the Member for Warrington North (Charlotte Nichols) about just how long it takes for cases to be heard and for the police to gather evidence when someone is arrested. We do not construct the system in a vacuum, so we must take account of the fact that, as the hon. Member for North East Fife (Wendy Chamberlain) pointed out, once someone is arrested, they will know that a complaint has been made. That is when the clock starts ticking. We know that this has been going on. In January, the Fawcett Society said that 69% of women MPs and 50% of all MPs—I presume men, too—had witnessed sexist behaviour and sexual harassment in Parliament. They had seen behaviour they thought was inappropriate in a workplace in the last five years.

The permanent swamp of complaints that we are living in means that the concerns are not without foundation. It is up to us all to recognise not just the individual examples but the collective challenge that we face to tackle that culture. It was not just in 2017 that people came forward; in 2018, Laura Cox had an independent review; in 2018, the Women and Equalities Committee made recommendations; in 2019, Gemma White produced a report and Naomi Ellenbogen produced a report for the Lords. I completely agree with my hon. Friend the Member for Rhondda (Sir Chris Bryant) that it cannot be just about MPs but must be about this place as a whole. The reality of daily life as a Member of Parliament is that they will interact with everyone on the estate, including their staff and the people who come and visit. It is not an unusual concept in any other workplace, but somehow we think we are different, and things are too complicated to make progress. Little wonder the cases still come; little wonder the Deputy Speaker has to issue such a warning.

My worry is that we will deter people from coming forward. We will be unable to address these issues if we do not get the process right, and we will deter people from coming forward if they have to wait until charge.

They might continue to be in a workplace with someone they have made a complaint about. The police will have deemed it serious enough to arrest that person and to come to the House authorities about them, yet they still have to be in contact with that person every single day if they want to do their job. We must trust that the police would not come forward with information were they not concerned that we needed to address a risk.

As the people who make the safeguarding legislation, we cannot say, "Sorry guv, this is all too complicated for us, so in this place we won't have the rules that we ask of other places." It is right that we do not ask our Whips, who have to do an incredibly difficult job in managing us all at the best of times. As someone who spends too much time around toddlers, I do not envy the Whips, because it feels like a harder job sometimes.

We cannot have a system that is immune to the impact on political parties. Again, my hon. Friend the Member for Rhondda was right to talk about the interactions that exist and the need to have a process that people feel is fair and firm. Patronage and power are infused throughout this place, and that does not stop when someone is arrested. Indeed, the pressure on the person who has come forward becomes even greater. It is our responsibility to address that.

The Leader of the House said that she is looking to hear views, but let me make a simple plea: why do we not do what we ask of other workplaces in the legislation that we ourselves have put in place? Sexual harassment at work is specifically outlawed as a form of unlawful discrimination by the Equality Act 2010. This is not about narrow points of process—I pay tribute to the Clerks who have worked on the report—but about us doing what we expect of other workplaces. Rather than having multiple processes where people can get clogged in the system and no one has any confidence about who is doing what to tackle an issue, we should have one simple process in which we can interact. It is not so complicated to have interaction between the political parties, the ICGS and this House, if we will it.

**Sir Christopher Chope:** To what extent is the hon. Lady sympathetic to the plight of those who are on the receiving end of false accusations? My understanding is that she herself has been on the receiving end of vexatious allegations that related to social services and her children. From that, she must feel the enormity of the burden that such false accusations bring upon somebody's shoulders. Does she not have any sympathy for other Members of Parliament in that regard?

**Stella Creasy:** I think the hon. Gentleman has missed the point I was trying to make earlier: it is not about sympathy or bias, but about trying to have a systematic process that allows us to act as a House. That matters because every Member of Parliament has responsibilities as an employer. Under the Equalities Act 2010, we have a duty of care to our staff and to the people who work with us here, to make sure we are creating a safe environment. Whatever our private experiences, the issue is how we collectively uphold that. Frankly, if the hon. Gentleman does not do that and uphold his role in safeguarding, then my staff are at risk, as well as other members of staff. We get this right together, or we do not get it right at all.

[Stella Creasy]

We can get it right if we choose to, and if we follow the requirements put on any other workplace. Employers have a duty of care and are legally liable for sexual harassment in the workplace if they have not taken reasonable steps to prevent it. We make that a requirement for any business or public agency in our constituencies, which is why our constituents will be watching the debate agog that we cannot get our heads around that idea.

There are no minimum requirements: all employers are expected to have an anti-harassment policy and monitoring of its implementation, and clear processes for reporting harassment, protecting the victims and taking action if harassment occurs. That is why the cacophony of different organisations is a challenge, because it makes it hard for people to see how we are implementing the requirements that we ask of other workplaces. It is also why the risk-based exclusion policy should form part of that process. It should show that we take sexual harassment and serious violence seriously enough to have a process in place, so that if the worst comes to the worst, we can act.

In order to uphold those legal requirements, I would argue that the policy should cover all those who have a pass and all areas in which their status as a passholder means they are in a position of power. Again, we cannot put constituencies into the “too difficult” box if somebody claiming to represent Parliament might present a risk of harm. In reality, people will ask, “What did you do when you knew there was a challenge?” That is what the process is about. We cannot be good employers, upholding our duty of care, if we do not hold each other to account.

We need a process where if a disclosure is made—not tittle-tattle or gossip, but a disclosure—there are formal responsibilities. In any other workplace, that would be standard. If someone reported something to a senior manager, there would be an expectation that they would act on it. Indeed, a senior manager might say, “Do not tell me something if you do not wish me to act.” Frankly, I do not blame people who have gone to the press because they have seen the failures in our process; I blame us for not acting more quickly to resolve the situation. I hope, appreciate and understand the need to have the debate today and I am pleased we will have a motion before the summer recess, but I recognise that it cannot be just about MPs. It has to be about everybody who has a pass and has that status within Parliament.

None of this will change the culture, which we all know needs to change, whereby power corrupts and people use it to abuse. Most do not, but we know some do and consistently will without a system that tackles that. This is not about MPs marking their own homework. It is right that we bring in a third-party challenge from lay members, who are people who have to deal with the issue in their day-to-day workplaces. It is also right that we use the proxy voting scheme to deal with some of the issues that arise. As somebody who has been part of a proxy voting scheme, I argue that it is not the reason why we get abuse from people.

Safeguarding does not have to mean no socialising. It is perfectly reasonable for people to be able to go for a drink together, through the long hours that we do in this place, without that being inappropriate, but the fact that some Members are inappropriate means that we

need to act and that we need a speedy resolution process. However, that speedy resolution also means resolving the issues involving multiple bodies. There is a general election on the horizon, and I would wager that most female MPs will say that the first question they are asked by other people—especially women—who are thinking about standing is “Is it safe?” They will ask, “Is it safe for my family? Will I receive abuse? What sort of behaviour will I have to deal with? Will it be like being around a bunch of toddlers?” I suspect that most of us will give an answer that we would not really want to defend.

We can change this. The public only have the chance to elect Members every five years, and perhaps none of us will there by the time these proposals are implemented, but we all have a responsibility to those whose voices are not being heard in our political process, because they look at this place and think we are all complicit. I hope that the hon. Member for Christchurch (Sir Christopher Chope) and I can find common cause in wanting to make it possible, in our democracy, for every voice to be heard. If this is a barrier, we can address it, but let us address it soon, because for too long those voices have not been heard, and for too long the consequences for the House and for democracy have been seen.

9 pm

**Sammy Wilson** (East Antrim) (DUP): I am glad that this is just a general debate, because I suspect that were there to be a vote at the end, many Members, even those who have grave doubts about these proposals, would feel almost compelled to go through the Aye Lobby, for the very reasons that have been given by some of those who have spoken this evening. We have heard that we must restore the image of Parliament, that we must respond to the concerns of our constituents, and that we must consider the reports in the press about this place. I suspect that many people would have thought to themselves, “Although I am not satisfied with all the proposed safeguards, rather than put my head over the parapet and go through the No Lobby, I will go through the Aye Lobby”, and I think that in the context of what we have before us, that would have been wrong.

Of course this should be a safe working environment, and of course a blind eye should not be turned to Members of Parliament who disgrace themselves, disgrace this place and disgrace their constituents through their behaviour. We have a moral duty—apart from our political duty—to ensure that that does not happen. Let me explain my main concern, which we have already heard expressed by others this evening. This started off as an exercise: what do we do if people are charged? I have looked at the evidence, and some, although not a majority, asked, “What about before charge?” I suspect that there was a bit of running for cover. If some people are saying, “You are covering up until the person is charged”, the goalposts have been moved. I do not know what was in the minds of the people who eventually wrote the report, but I suspect that behind their concerns was the question, “Are we being seen to be too lenient, or having a desire to cover up the offences of people who do wrong in the workplace?”

We should look at the threshold that is being set here. When the police have credible evidence, it is reported to the panel. We know what happens, especially in high-profile cases. Let us put ourselves in the place of

a senior police officer. An allegation is made, and is passed upwards. “Do you know what has happened in Westminster? An allegation has been made against such-and-such a well-known person.” It would be a very brave police officer who said, “Let us just leave this for a moment, see what further evidence there is, and investigate this case.” The danger is that if the allegation is correct, and if something even worse happens and that gets into the press, the first thing journalists will ask—and, I suspect, the first thing that some Members will ask—is “Why did the police not tell us?” There will be what is almost a default position at the very first line of defence. Should we take the precautionary attitude, even though we have not investigated the matter fully, rather than take the risk that this could be a bad individual who could repeat the offence and hurt someone else? Let us report it to the panel. I suspect that once the panel gets credible information, as it is described, from the police, there will not be too much willingness on the panel’s part to sit back and say, “Let’s look at these allegations a bit more closely”, especially if the individual concerned does not even have the opportunity to argue the case to the panel that the allegations are totally spurious.

Of course the allegations might be genuine, but we know that there are a number of people out there who do not like our politics, who do not like MPs full stop or who think we are all a bunch of wasters, and there are also some disturbed individuals, and they will make allegations. We have evidence of the police being given allegations—the Carl Beech case and Operation Midland are good examples—and of individuals being dragged through the dirt, with no charges ever being made but reputations being ruined. We cannot ignore the fact that if we take a cautionary approach because people are afraid of what might happen if we do not act immediately, individuals in this House could find their reputations damaged.

Let us look at what the impact will be. We have heard tonight that this is not about exclusion and that this process might never be used, but the very title of this debate, “risk-based exclusion”, indicates where this is going. An individual is going to find themselves unable to do their duties in this House, on the basis of credible information that has not even reached the point of the police thinking it serious enough to arrest them, question them and charge them. They cannot do their job. They can proxy vote, but that is not the main job of an MP. The main job of an MP is to listen to constituents here, to take part in debates, to express views, to go into Committees and to try and shape legislation, but they will be excluded from doing all that.

The report indicates that

“the Commission is not proposing any changes to what Members can and cannot do while absent from the estate”,

but the logic is that we cannot stop there. If we think that someone is a risk to individuals here, they will be a risk to individuals elsewhere as well.

**Charlotte Nichols:** I agree in principle that some safeguarding measures should be taken outside the House, but the right hon. Gentleman is failing to recognise that this is about our duties as a House. What would it mean, in a context where we had chosen not to act to put some sort of safeguarding policies and procedures in place, if someone who we chose not to exclude—were that proportionate and reasonable—went on to reoffend?

This is about what our responsibilities and duties would be as employers and as a House, if we allowed that to happen.

**Sammy Wilson:** I agree with the hon. Lady on this one. If we go down the route of saying that an individual should not be in this House because they are a danger to staff, they are not going to be any less of a danger to the staff in their constituency office. That is why the very next paragraph in the report, paragraph 31, states:

“The Commission noted the strength of feeling in relation to the management of risk in constituency offices and agreed to write formally to the Speaker’s Conference”.

So we are going to find, on the basis of a credible allegation—which, by the way, has not led to the police arresting or charging anyone—that an individual could be excluded from this House and eventually excluded from their constituency duties in their own locality. All this will be done on the basis of allegations that have not been tested. It has been glibly dismissed, “Oh, it is not the panel’s role to take over the role of the judicial system. The panel’s job is not to find somebody guilty or not guilty.” All I have to say is that, if the panel makes a decision that someone is not safe to be in this place and should therefore be excluded, even though the panel might try to keep it secret, it will not be too long before that individual is known. That Member will have a proxy vote and will not be seen about the place, and we know how rumours go around.

People might say, “No, no, the panel is not there to find anybody guilty,” but by default that person will be regarded as guilty because very severe action has been taken against them—action so important and so severe that they have been excluded from doing their job—even though they have not been arrested or charged.

It is not just vexatious claims; it could also apply to cases where a person has made a complaint, genuinely believing, “That MP’s behaviour was inappropriate, so I’m making a complaint.” They might be convinced in their own mind—it is not that they are trying to do somebody down—even though the legal test has not been met to justify the allegation.

**Wendy Chamberlain:** I refer to my earlier comments about needing clarity on what that credible evidence aspect means, because I believe it is likely to come at a point where a suspect has been arrested on suspicion and put under interview. The credible evidence required for a person to lose their liberty in order to be interviewed would be there.

The challenge is simply that the Commission does not have any power over MPs in their constituency. The Commission only has control over Members on the estate. I agree there is a gap, but does the right hon. Gentleman accept that the Commission does not have that power? That is where the disconnect comes from.

**Sammy Wilson:** I accept that, but the report talks about referring this to the Speaker’s Conference to see what measures could be taken, because it is recognised that there is a logical step here. That is why it is so important to get this right, so that we know when it is safe to trigger some sanctions against an MP where allegations have been made. I think the threshold that has been set, of credible allegations being made to the police—who I believe will act in a precautionary way—is



[Sammy Wilson]

far too low a bar that will lead to situations in which Members could find themselves unjustly treated. The Chair of the Standards Committee, the hon. Member for Rhondda (Sir Chris Bryant), talked about the principle of fairness, which will not be met.

**Charlotte Nichols:** I want to pick up the right hon. Gentleman on his use of the term “sanctions.” Again, when we talk about a risk-based approach and about mitigating some of those risks, exclusion is not a sanction. Exclusion is a safeguarding proposal that is done without prejudice, in the same way that, in any other workplace, people can be suspended while an investigation is carried out, for safeguarding purposes. We have 650 individual employers, as well as the House itself, so does he not think that we have the same duties and responsibilities around safeguarding as any other workplace?

**Sammy Wilson:** Where an individual is excluded from coming here, from meeting constituents here, from talking to lobbyists here and from taking part in debates here—eventually, that exclusion could stretch beyond this House—there is hardly any way to describe it other than as a sanction, because that individual would be prevented from doing certain things that are an integral part of their job.

**Wendy Chamberlain:** Does the right hon. Gentleman accept that the current system also fails those where credible allegations are made, as such allegations come to a Whip and a voluntary arrangement to be excluded or to stay away from the estate is made? Does he accept that this proposal is a clarification of the process that currently exists in a more—“underhand” is not the word—low-level way?

**Sammy Wilson:** I do not see it as that, because what individual parties decide to do to safeguard their own reputation is up to those parties, and MPs sign up to that as members of their party. This also shows that parties do take these issues seriously; suggesting that we have an absence of any control or safeguards at the moment is just not correct.

The last point I wish to make is about the length of time that this process can go on. Members have talked about how long a police investigation takes and how long it takes to get to a point where someone is arrested or charged—that process can be much longer. Where allegations are credible and it is clear that there is evidence, the police will act and can act quickly, so that we get to the point of charge. I find it incredible that Members should think that because the police process is long—it might take three years before they decide that there is not a case and they are not going to charge an individual—an individual should be excluded from doing their job for that time, with their reputation being ruined over that period. We must have safeguards and we cannot ignore the fact that some Members misbehave, but we must recognise that we have to be fair to those Members.

Let me go back to something a Member said about how we must put in place processes that safeguard the reputation of this House. It does not matter what processes we put in place—we can have whatever processes

we want. If people behave wrongly, the reputation of this place is going to be tarnished in any case. The message we should be taking tonight is that all individual Members have a duty to maintain the reputation of this place.

Every day I walk through the doors of this place, I am honoured to think that many people who do not know me and probably will never see me, because they will never have any problems to come to my constituency office with, put their trust in me to be their representative. If we all took that view of life, perhaps we would not behave in a way that tarnishes the image of the place and we would not need to put these processes in place. I believe that what we have before us tonight is flawed.

9.17 pm

**Justin Madders** (Ellesmere Port and Neston) (Lab): Let me take us back five years, to when Dame Laura Cox told us that this place has

“a culture of...deference, subservience, acquiescence and silence, in which bullying, harassment and sexual harassment have been able to thrive and have long been tolerated and concealed.”

The House of Commons staff who bravely came forward at the time, shared their stories and gave evidence to Dame Laura felt for the first time that they were being listened to and that they had not spoken out in vain. There was a sense that we were beginning a process that would oversee real change in the culture of this place. Five years on, we must ask ourselves: can we be confident that the change in culture that the Cox report said was absolutely necessary has happened?

I came to this place to fight for better working conditions for everyone in this country, including people who work here. It is only right that we should aim to be one of the best places to work. As the shadow Leader of the House said, we should be an exemplar of good employment practice. Frankly, it took too long to introduce the independent complaints and grievance process, and the experience of it to date suggests it has not reached the stage of development where it carries everyone's confidence. There are definitely lessons to be learned from the experience so far, but we are heading in the right direction. The issue being discussed tonight is part of that journey towards this becoming, as far as is possible, a safe and secure place of work, just as we would want for all our constituents and just as every other employer should be.

A number of hon. Members have talked about how we should be following the lead of every other workplace: if there is a risk in the workplace, the employer has a duty to take steps to minimise that risk. As far as I can see, the only reason there is even a debate about this is not that Members are some special category of people who deserve to be treated differently, but that there is a clear question being ventilated tonight about striking the right balance between ensuring that people are able to work in a safe environment free from fear, and ensuring that people who are here to represent their constituents are not disenfranchised by being forced to leave the estate.

The fact that we are not voting on the proposals tonight shows that there are issues still and that we do not yet have our own house in order on this question, but it is vital that we address it. As the report states, the great majority of Members who responded do not oppose the principle of excluding Members for allegations of violent or sexual acts. Just two Members who responded

to the consultation disagreed, citing the principle of innocent until proven guilty. We have heard that mentioned a number of times in the debate, but I think people are conflating a non-prejudicial suspension with a finding of guilt.

In every workplace it is quite possible to suspend someone without having a finding of guilt attached to them. We are not going to be replacing the role of the court. I believe that the risk assessment process and the adjudication panel are as good a way as possible to deal with that question of risk. The panel will have ample opportunity to weed out vexatious complaints—another concern that has been raised. That is another reason why we should accept that the threshold for involvement can be lower than a formal charge.

It is not clear from the report what opportunity there will be for the Member affected to make representations. The Leader of the House suggested that there would be such an opportunity, but I did not see that set out in the formal process in the report. It would be a good thing for the Member affected to have that opportunity to make representation and the adjudication panel would probably be the right stage for that. Of course, if the person who is being complained against can make representations, I would say the victim should be able to do so as well.

I certainly do not think a vote or a debate in this Chamber on the question would be appropriate. We cannot possibly have an informed debate on something of that level of detail without risking a breach of confidentiality, as has been mentioned, and indeed possible inadvertent breaches of sub judice rules. This is not the right forum for matters of that nature to be debated or discussed; they should be left to a private panel away from the glare of the Chamber.

I would presume that, if a Member did have an opportunity to make a representation to the panel, they would deny any wrongdoing. I would hope that, unlike with the ICGS, that denial would not be seen as a reason to double down on punishment. It should be accepted that a denial in the context of a “without prejudice” suspension, coupled with engagement, which we would expect from the Member, could actually lead to a pragmatic solution being found, which would not always necessarily mean a complete exclusion from the estate. It is clear from the report that that is possible.

I know that some will consider that the threshold for intervention is too low if charges have not been brought, but that is the threshold for the process to begin. I think we have probably all agreed that currently police investigations take far too long, but it is simply too long for something that serious to be left hanging in the air. We cannot possibly determine in this Chamber tonight every set of circumstances in which expulsion would be appropriate, so it is right that we set out a process to deal with that and for that process to be robust and thorough enough that we can have confidence it will be fair on all.

However, the key is what the report says about flexibility. The panel will have flexibility to deal with the circumstances of the cases that come before it, and that seems to me the right way to do it. As I have already mentioned, that could include mitigations falling short of total exclusion. The process would be sensitive to the facts of each individual case—that is what would happen in every workplace, and it is what we should do here.

As we have said, an exclusion from the estate does not mean that the Member is completely excluded from the process. They could vote by proxy, and they would be able to submit written questions or write directly to Ministers on particular issues. It is hard to envisage any circumstances in which those measures would not be available. We need to think about the processes that the independent complaints scheme has dealt with so far. The speed and the quality of those investigations needs to be dramatically improved. That is something that we can deal with here; we can set performance targets for it. It is not in anyone’s interest—not the victim, not the accused, not the reputation of this House—for complaints to take 12 to 18 months to reach their conclusions. The police will take as long as they need to, but we should have a far greater grip on how long it takes for internal complaints to be dealt with.

I remind Members of what Dame Laura Cox envisaged for internal investigations. She said that they should

“be conducted by someone whose status, independence, experience and expertise are beyond question,”

and that

“it has to be a rigorous process, a transparent process and one that is seen to be fair to both sides.”

I do not think that we are quite there on that. I will not go into detail on the flaws that I have seen in investigations, but we should be in no doubt that this serious matter must be looked at again, and I welcome the commitment to doing so.

On the proposals before us, I echo what other Members have said: we need a vote on them shortly. We need to iron out the differences of opinion, ideally before the summer recess. As employers here, we have a duty of care towards everyone in this place, and we do not want to be seen as falling short because we are still arguing about the niceties of process. We would not accept that in any other workplace. We have to set the standard on these things, not drag our heels.

**Mr Deputy Speaker (Sir Roger Gale):** I call the shadow Leader of the House.

9.27 pm

**Thangam Debbonaire:** It is a pleasure to follow my good and hon. Friend the Member for Ellesmere Port and Neston (Justin Madders). I have been touched by the thoughtfulness with which he has addressed this question privately and publicly. He has given me wise counsel on many occasions, and I am grateful to him for reminding us that the ICGS process came from a good place and that there is still a lot of work to do. I agree and hope that he will take part in the review that is due to take place later this year—his contribution will be extremely valuable. I am also glad of his reminder that many of us came here to fight for safe and secure workplaces. In the Labour and trade union movements, that is really part of our DNA, and I think that was a good tone to end on.

The right hon. Member for East Antrim (Sammy Wilson) clearly has many concerns. I hope that, if he takes time to listen to the responses and the opening speeches from the Leader of the House, me, and other members of the Commission, we can talk about how his concerns might be dealt with.

[Thangam Debbonaire]

I am glad that my hon. Friend the Member for Walthamstow (Stella Creasy), along with my hon. Friend the Member for Rhondda (Sir Chris Bryant), brought up the fact that this is not about judging innocence or guilt; it is a risk-mitigation process. I know that others will still not be convinced, but I hope that they will take the time to listen to all sorts of views, as we have done this evening. I am particularly pleased that we have had an incredibly respectful and thoughtful debate. I think it far better that we do that and listen to each other despite our differences, even if we disagree robustly.

I am grateful to my friends from the Commission—my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson) and the hon. Member for Edinburgh North and Leith (Deidre Brock)—for adding their support to the work that has gone on and for rightly paying tribute to the House staff, who have helped us, particularly Sarah Petit, who has put in a really long shift.

The hon. Member for Bracknell (James Sunderland) started out by saying that he thought he agreed with us on about 95% of the proposals, and went on to say the many ways in which he did not. Again, he made some very thoughtful points and it was interesting to see the difference between him and the hon. Member for Christchurch (Sir Christopher Chope). The Procedure Committee said that as a body it did not like the use of proxies, but the hon. Member for Bracknell said that he disagreed and I think it is a good sign that we are all willing to listen to one another's point of view.

Several Members made the point that if a Member is excluded without a proxy vote, there is a democratic deficit and that it is not the fault of the voters if a Member has voluntarily or non-voluntarily had to exempt themselves. We have dealt with non-voluntary absence due to illness. This is different, but in neither case is it the fault of the voters. Putting that proxy vote in place is critical.

I am particularly grateful to my colleague the hon. Member for North East Fife (Wendy Chamberlain) for bringing her experience of the police to this place. It has been invaluable and is a really important part of the debate. She identified for us the need for political parties not to compete on how well or not they deal with complaints but to try to help each other raise our game collectively. She also mentioned the role of Whips, and I am grateful to her for doing so. I was a Whip for many years, and the role is often misunderstood. Whips put in so much work to support people in complex situations, and they do it behind the scenes. I have witnessed Whips putting in a solid shift for months and months while at the same time being criticised for not doing so; I knew that that was not the case. I certainly saw that happen more than once in previous Parliaments. I pay tribute to the hon. Lady for what she does as a Whip in her party and to Whips on both sides of the House for what I know they do.

I want to finish with the contribution made by my hon. Friend the Member for Rhondda (Sir Chris Bryant). It was helpful that he familiarised himself with the subject to a great extent—it is also great when he brings in a quote from Tom Lehrer, and that was a pleasure. He is right that we need to consider the language, and I am going to glance at the Leader of the House at this point. He highlighted the term “adjudication”, but also

the term “exclusion”, which has been mentioned by many Members. Having “exclusion” in the title has perhaps led Members to think that that was the entire point—the A to Z—and it is not. That was a good challenge, thoughtfully made.

My hon. Friend also challenged us on the various processes. He and the Leader of the House mentioned the need for a review of the many, many, many processes we now have, which he said are not necessarily understood by Members, let alone the public. That is right, and I am therefore glad that we might see some progress on that. I also salute him for bringing up the impact of incorrect media stories, however they may occur. He and his friend from the Standards Committee, the hon. Member for Warrington South (Andy Carter), who is no longer in his place, mentioned the impact of stories such as the one that claimed that 56 MPs were under ICGS investigation. I hate to repeat it, because I know that it was not the case, but it is important that we explore—perhaps as a Commission but perhaps with other bodies in Parliament—how we rebut such stories without coming across as defensive, which I also would not want to do. That has to be done thoughtfully, but I like the fact that my hon. Friend reflected on the principles that underpin what we are trying to do, which are very important to me.

Finally, when the Leader of the House introduced the debate, she introduced a couple of new initiatives she is bringing about and it is excellent to see a Leader of the House taking this responsibility seriously. We all do that as Commissioners, but she is doing it in her role as Leader of the House. I look forward to discussing the issue with her further. She has been extremely collaborative and consultative with other Members from different parties on this process so far and I look forward to hearing more from her in due course.

I want to close by saying that I did not expect the debate to be so measured and thoughtful, and I was wrong. I am glad I was wrong, because we still have strong feelings. I know that there are people in this Chamber who disagree strongly and I am grateful to everybody for showing that although we may not necessarily agree, we can disagree in a respectful way.

I end with the challenge from the right hon. Member for East Antrim to remember that to walk through these doors is an honour and privilege and that every day we should live up to that. Would that it were so and that we did not have to discuss this issue, but that is a good place for us to end. Much as I have disagreed with him on many of the points he has made, I respect the way he has made them and I value the fact that he has reminded us that every single day we walk through this place is a privilege, not a right, and that we do it on behalf of our constituents.

**Mr Deputy Speaker (Sir Roger Gale):** I call the Leader of the House.

9.34 pm

**Penny Mordaunt:** I start by thanking all Members who have contributed to this important debate. I am sure that as we have done so, we have all been very conscious that people will have been listening in—members of staff and colleagues—who are very anxious and concerned about these issues. I hope we have demonstrated to



them that we take these matters incredibly seriously and want to do the right thing. I absolutely agree with the shadow Leader of the House, the hon. Member for Bristol West (Thangam Debbonaire): we have had a good and thoughtful debate, which I think has been very helpful to the Commission, and we have done so with great care. In his remarks, the hon. Member for Ellesmere Port and Neston (Justin Madders) summed up the care that I think we all take in these matters.

I will attempt to sum up, and particularly focus on some of the tough issues that still need to be dealt with, so with a caveat that I may not be providing answers that satisfy all Members, I hope they will take comfort from the fact that we have at least identified what the questions are. First, many areas of concern that colleagues have raised are not covered by the scheme and would not be affected by it. The right hon. Member for East Antrim (Sammy Wilson), for example, spoke about many issues that are live concerns at the moment with the processes that we have. This scheme will not in any way affect what the police do—when a serious allegation is given to them, they already notify the House authorities. Neither does it cover matters that my hon. Friend the Member for Sleaford and North Hykeham (Dr Johnson) raised about what goes on off the estate. We recognise that we are talking about a limited aspect of the House's authority.

The scheme does not cover Members' obligations to their own staff if there are allegations against those members of staff. It also does not cover a situation that might arise where there are concerns about an hon. Member's behaviour, but those concerns have not risen to the level of information being given to the police and, therefore, the police passing that information back to the House authorities. It is a very narrow proposal that does not deal with those issues, and the Commission is very aware that it does not.

In answer to the hon. Member for Walthamstow (Stella Creasy), who raised the very important question of why this is so complicated, I would say that it is because it relates not just to one workplace; there are hundreds of workplaces. It is about our own constituency set-up, whether that is on the estate or off it. It is about the House as well, and—as has been referenced in the debate—we are not employees. We are also the employer of our staff, and reference has been made in the debate to the fact that that issue is being looked at by the Speaker's Conference.

Turning to some specifics, I thank the Chair of the Standards Committee, the hon. Member for Rhondda (Sir Chris Bryant), for his contributions. He has made some helpful suggestions about the composition of panels, and I entirely agree with him that we sometimes need to zoom out and look at the entire standards landscape, and that how we work with other agencies is important. In his remarks, he gave very helpful examples of mitigations that could be taken aside from exclusion—barring someone from using the bar, drinking on the Terrace and so forth. As a point of fact, we already do that, and it is staff who do that, although the Serjeant at Arms enforces it. We already take some actions.

**Sir Chris Bryant** *rose*—

**Penny Mordaunt:** I can give way to the hon. Gentleman, if he wishes.

**Sir Chris Bryant:** I think normally the final decision is taken by the Administration Committee, so there is yet another Committee in the House that is taking decisions in this field. That is why all of this needs tidying up.

**Penny Mordaunt:** I quite agree with that point, and the hon. Gentleman is right to say that gumption needs to be applied to these cases.

We are all grateful to my hon. Friend the Member for Warrington South (Andy Carter) for putting this issue in perspective: it is not the case that all Members of Parliament are rotters. Indeed, in many cases where people's behaviour has fallen short, there are often reasons behind it to do with an individual's mental health or some other issues that they are facing. He is right to remember those points.

I want now to turn to the tough stuff. The speeches of the shadow Leader of the House and some of the interventions made on her, and the intervention of my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) got to the heart of the issue about an individual's human rights. Is it right that a decision should be taken by an adjudication panel on the basis of a risk assessment without that Member having a say, stating their case or being able to appeal against that decision?

I want to explain why the Commission has put forward that proposal. It was based on a strong principle that no action taken during the safeguarding process should compromise the investigation and the criminal proceedings. That is why it was not deemed appropriate that someone should have the right of reply to that adjudication panel. The Commission should take that issue away and look at it. It was very much envisaged that people would be acting on such things as bail conditions and other things that would help inform that risk assessment.

The other point I would make is that although we are looking at a narrow process in isolation today, that process does not take place in isolation. One would imagine that there will be conversations with the individual's Whip, advising them what they think they should do in a particular situation. Clearly someone can have representation during the investigation and the criminal process. This is an area that the Commission should focus on, and it has been helpful hearing Members' comments today.

The second area in which the Commission needs to consider comments made today is with regard to the bar for when the process is triggered. Several Members, including my hon. Friend the Member for Christchurch (Sir Christopher Chope), have spoken about charge versus any other part of the criminal process. I say to all Members who have those concerns that I was of that school of thought. I was an advocate for charge precisely because I felt that the threshold for this process needed to be high. However, it became apparent during our discussions—again, I am not seeking to persuade my hon. Friend, but just to explain why the proposal developed—that the question we were being asked to address was about risk. It is perfectly possible for an individual to be a serious risk earlier than the point of charge, so the debate as it was originally framed around arrest versus charge was not deemed appropriate. Again, given what we have heard this evening, we should focus more on this area.

[Penny Mordaunt]

I have nearly finished my remarks. To comment on the comparison that my hon. Friend the Member for Bracknell (James Sunderland) made with the armed forces, my shift as Minister for the Armed Forces saw the aftermath of the Brecon three. One thing that I learned from that was that it is difficult to get people to focus on a joint service publication and health and safety rules, but it is easy to get people to focus on taking care of their mates and their duty of care to people who they work with. That is why it is so important that we focus on culture change, as well as the minutiae of particular issues.

The third area where there is a consensus of concern is around the proxy voting situation. I very much feel that Members, whether they are off the estate as the result of the process we are discussing today or through voluntary exclusion because they deem it in everyone's interest to do that, should not be denied the opportunity to vote in this place. That is important, not only because of the impact on them, but because of the impact on their constituents. I recently visited the constituency of a Member in that situation, and the impact it has, partly because of the length of time investigations take, is devastating to a community when it loses that voice and is disempowered. I understand the concerns raised today, and particularly the concerns of the Procedure Committee, which I thank for the work it has been doing on that.

I want to thank my Commission colleagues who have spoken today—the hon. Members for Washington and Sunderland West (Mrs Hodgson) and for Edinburgh North and Leith (Deidre Brock) and my hon. Friend the Member for Cities of London and Westminster (Nickie Aiken), as well as the shadow Leader of the House, with whom I will continue to work closely on all these matters. The speech by the hon. Member for North East Fife (Wendy Chamberlain), with her police experience, was extremely helpful. She is right to encourage us to pursue these matters, not leave them in the “too tough” in-tray.

To sum up as best I can for colleagues, I think that the main areas of concern are proxy voting, the human rights aspects, the issue of a right of reply, particularly to the adjudication panel, and whether we should consider the threshold of a charge. I know that the Commission will look at all the points raised by hon. Members and take them seriously, and we will of course come back to the House in good time with good information. In the meantime, I know I speak for all members of the Commission when I say that our doors are always open if people want to raise issues that they may not have felt able to raise on the Floor of the House today.

I think this was a good debate. I hope it has reassured people, if not given them all of the answers, and I look forward to working with all colleagues on these important matters in the weeks to come.

**Mr Deputy Speaker (Sir Roger Gale):** I began this evening's debate with a caution, so may I now thank all hon. Members for the dignity and the courtesy with which they have conducted this debate—a fact that I am sure will be widely reported in the press? I also thank both the Leader of the House and the shadow Leader of the House for remaining in the Chamber for the entire debate, which I know is hugely appreciated by colleagues.

*Question put and agreed to.*

*Resolved,*

That this House has considered the House of Commons Commission Report, Risk-based exclusion of MPs: consultation response and proposals, HC 1396.

## Business without Debate

### BUSINESS AND TRADE COMMITTEE

*Ordered,*

That Ruth Edwards, Mark Jenkinson and Alexander Stafford be discharged from the Business and Trade Committee and Jonathan Gullis, Antony Higginbotham and Anthony Mangnall be added.—(*Sir Bill Wiggin, on behalf of the Committee of Selection.*)

### ENERGY SECURITY AND NET ZERO COMMITTEE

*Ordered,*

That Hilary Benn, Barry Gardiner, Sir Mark Hendrick, Lloyd Russell-Moyle, Vicky Ford, Alexander Stafford, Mark Jenkinson, Dan Poulter and Mark Garnier be members of the Energy Security and Net Zero Committee.—(*Sir Bill Wiggin, on behalf of the Committee of Selection.*)

## PETITION

### Coventry University Nursery

9.47 pm

**Zarah Sultana** (Coventry South) (Lab): I rise to present a petition on behalf of residents of Coventry South regarding Coventry University's proposal to close its nursery. The petition declares that

“the Coventry University nursery provides an irreplaceable service” and notes that

“the proposed closure of the Coventry University Nursery will result in the loss of much needed childcare provision”, which will have a severely detrimental impact on staff, students and the wider community, particularly impacting on women and those on low incomes. The petitioners therefore request that the House of Commons urges Coventry University to reconsider its proposed closure of the nursery, and to instead expand its early years provision to fulfil its responsibilities to Coventry and its commitment to the wellbeing of its employees and its students.

*Following is the full text of the petition:*

[*The petition of residents of the constituency of Coventry South*

*Declares that the Coventry University Nursery provides an irreplaceable service for the community; further declares that its location in the centre of Coventry is particularly important to maintaining adequate early years provision in this city; notes that the proposed closure of the Coventry University Nursery will result in the loss of much needed childcare provision; further notes that Coventry University has the facilities, financial and human resources to maintain the current level of provision; and further declares that the proposed closure of the nursery will have a detrimental impact on equal and widening participation in higher education and the ability of the petitioners to access work and education.*

*The petitioners therefore request that the House of Commons urge Coventry University to consider withdrawing the proposed closure of its nursery and to instead expand its early years provision to fulfil its social responsibility to Coventry and its commitment to the wellbeing of its employees and students.*

*And the petitioners remain, etc.]*

[P002836]

## Stem Cell Transplant Patients

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

9.49 pm

**Mark Tami** (Alyn and Deeside) (Lab): I am very grateful to have been granted today's debate on the impact of the cost of living crisis on stem cell transplant patients and their families. I thank all the Members who have stayed for this evening's debate, and I should put on record that I am chair of the all-party group on stem cell transplantation and advanced cellular therapies.

Many Members will be aware that a stem cell transplant is an extremely intensive treatment for blood cancer and blood disorders. Receiving a stem cell transplant is a long and difficult journey, and not without considerable risk to the patient. Despite this, stem cell transplantation is an absolutely vital treatment option. For many patients, it may be the last chance to cure their disease.

Overall, an average of fewer than 5,000 people receive a stem cell transplant every year. As many in the House will know, in 2008 my son Max was one of the children to receive a transplant, and I am pleased to be able to tell the House that, following the completion of his MA at the University of Manchester, he will be starting the first day of his job tomorrow. Max responded well to treatment, after a very bumpy road, but I cannot overstate the sheer terror and mental anguish of that experience for me and my family.

**Colleen Fletcher** (Coventry North East) (Lab): I congratulate my right hon. Friend on securing this debate on a subject which, as he knows, is very close to my heart as my husband also had a stem cell transplant in 2014. It is often a last chance, and I know from personal experience with my late husband that it is essential for stem cell transplant patients to attend every single one of the many hospital appointments they have each week. Missing just one appointment can have serious, even life-threatening, consequences, which we experienced ourselves. So it is extremely concerning that due to the impact of the cost of living crisis, many patients are struggling to pay for travel to and from their hospital. Often these specialist centres are many miles away and they cannot use public transport because of the threat to their compromised immune system. So does my right hon. Friend agree that a dedicated travel fund is vital to ensure that stem cell transplant patients can attend every single appointment?

**Mark Tami:** My hon. Friend must have read my speech, because I will develop precisely that theme, as it is very important. When we went through that very difficult time, we were fortunate financially in that I had a well-paid job, being a Member of this House. I also had a very flexible and understanding employer; I was allowed the time off to be at the hospital. We had a car. We could afford to stay in a hotel if necessary and to eat out. Saying that, we still managed to build up debts, but we were in the hospital off and on for about two years and we saw many people who were not in that fortunate position—single mothers, people without a car who had to rely on public transport, people without a family network to support them, and people without that



[Mark Tami]

financial back-up to get through what is not only a traumatic process but a costly process for the family of the person being treated.

**Mr Clive Betts** (Sheffield South East) (Lab): First, let me declare my interest: I am vice chair of the all-party group, and also a recipient of a transplant six years ago. My right hon. Friend is absolutely right on this point. When I was having my chemo, the hospital kindly arranged it so that for several weeks I could go in on a Monday morning, then come down here by train, and go back on a Thursday and have my second dose. Also, throughout the whole process I was able to do my job on email. The nurses used to laugh at me when I had my stem cells harvested—my right hon. Friend will know about that; it took me three goes, four hours at a time—because during that process I would carry on doing my emails. They used to laugh at me, but they understood the process. That is very different from the situation facing someone who has to go to work, perhaps in a manual job on a low income, who loses out right through the process. We must reflect on how we can better help people in those circumstances.

**Mark Tami:** I thank my hon. Friend for making that very important point. I was talking about how much the costs were back then, but clearly people going through the process now are experiencing what we term the cost of living crisis, which is affecting everyone.

**Jim Shannon** (Strangford) (DUP) *rose—*

**Mark Tami:** I see that the hon. Member—I will call him my hon. Friend—wants to intervene.

**Jim Shannon:** I congratulate the hon. Gentleman on bringing forward the debate. I spoke to him before, because I realised that he was bringing forward an issue close to my heart, not personally but for my constituents. The Anthony Nolan charity does spectacular work throughout all of the United Kingdom of Great Britain and Northern Ireland, including my constituency of Strangford.

The most recent statistics show that 70% of patients—some of them are from Strangford—have considered returning to work earlier than advised due to financial concerns, jeopardising their recovery. Does the hon. Member agree that there is an incredible delay in assessments and decisions for social security at the moment, and that if more effort were made by the Government and the Minister to ensure that they were done on a timely basis, some undue stress would be taken off people awaiting transplants? Ultimately, they would not feel that they had no choice but to go back to work when clearly they should not do so.

**Mark Tami:** I thank my hon. Friend for that point. He is entirely right. As part of the transplant process, the immune system is effectively wiped out. That is a necessary part of the treatment, but clearly it leaves the patient fairly defenceless to infections. Once the donor stem cells are given, they will slowly build up a new immune system inside their body, but that takes time—it does not happen overnight—so those patients are often very vulnerable to infections. He made the point that if they put themselves into a dangerous situation because

of financial pressure, the worst could happen to them—or at the very least, they could fall back into the medical setting that they were hoping to remove themselves from.

As part of the process, patients strictly isolate themselves in a hospital room for weeks—sometimes months—on end. Even after they leave, they are often weak and, as a result of their inability to work, their household income will obviously suffer. When patients are well enough to be sent home from hospital, there is still a long, gruelling and costly recovery ahead, whether they are the main wage earner or another member of the household, because obviously everyone else has to support them, whether in a caring role or otherwise.

**Liz Twist** (Blaydon) (Lab) I thank my hon. Friend for giving an excellent explanation of the position and for succeeding in getting an Adjournment debate on the issue. Does he agree that people are hit three times over? They are hit while having the treatment, often hit by reduced income when they have finished their treatment and hit by extra costs from needing heating and food as well as other things, especially now we face such a cost of living crisis.

**Mark Tami:** Absolutely. My hon. Friend makes an important point. Patients must continue to take those extra measures for fear of getting an infection that could be life-threatening. As she said, they are advised to keep warm at all times, to sterilise drinking water and to wash their clothes more often. With the surge in electricity and gas bills, those extra costs are really hitting patients hard.

Another part of the transplant process is having what is known as a clean diet, which basically means that the patient needs to know exactly where their food comes from and how it was cooked, so they tend to cook it themselves, which in the main makes for a more expensive process. Ready meals are not really an option. If someone very kindly prepares something, they cannot take the risk because they cannot be 100% sure where it has come from. Clearly, the record food prices we are now seeing make the situation far worse. We hear on the news that people are going for cheaper options.

10 pm

*Motion lapsed (Standing Order No. 9(3)).*

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

**Mark Tami:** Many people feel that they have to go for cheaper options, but patients cannot do that. That is not an option for them. Patients are going to food banks, but they still have to be very, very careful.

My hon. Friends touched on travel costs, which are a major concern for stem cell transplant patients and their families. In the weeks after leaving hospital, most patients need to attend follow-up appointments. I remember from our own experience that that was twice a week to begin with, but it is sometimes more often. It went down to once a week and then so many times a month. Hopefully, the process begins to wind down over a number of years. So there are costs, but it is very important that the appointments are kept. Alongside that—again, this is from personal experience—there are issues such as graft versus host disease, where the donor's

stem cells attack the patient's body cells after transplant. That is a condition that can carry on and flare up for many years. If it gets out of hand, it can get to a life-challenging position for the patient.

Patients therefore face especially high fuel and hospital parking costs. Those without access to a car must rely on family or friends, or pay for a taxi. Others have no option but to use public transport, with all the associated risks of picking up an infection. Adding to travel costs is the fact that specialist transplant centres are often located miles away from patients' homes, as my hon. Friend the Member for Coventry North East (Colleen Fletcher) made clear. That creates a problem in itself. I think we all applaud the use of specialist centres, because the evidence shows that that is where the specialists are and where we get the best care, but we have to help and support people to get to those specialist centres. When we were in Alder Hey Hospital, there were patients from the Isle of Man. Clearly, we are not going to have a specialist centre on the Isle of Man, even if we had the money to do that. It just would not be practical. So we have to support people to get to the specialist centre and then support them with accommodation. The Ronald McDonald houses, which are available at a number of places, really do help families with a sick child.

Given the intensity of the treatment and the long recovery period, it is not surprising that countless patients find that they either have to give up work for many months and sometimes longer, or that their carers have to take reduced working hours or even unpaid leave to shield at home and help the patient through their recovery period. Going back to work after a transplant is not always possible or safe for everyone. A lot of patients will experience long-term ill health, and the cost of being out of work is significant for everyone. Older patients may well end up taking earlier retirement, with knock-on implications even if they have a good pension. Some patients may be lucky and have a company sick pay scheme. Others may have to rely on statutory sick pay, but that can only be claimed for up to 26 weeks, and recovery often takes longer. Not all companies have the greatest sick pay scheme, and even then it is only a safety net for a period of time. Some patients feel that they will be forced back to work much sooner than they should be. Even when an employer is understanding to begin with, the pressure starts to build after six or 12 months. It is not only the employer who is affected. Perhaps that employer has to get somebody else in, or the issue starts to cause problems with the rest of the workforce. Even if the employer is very understanding, there is only a period of time that they can bear the cost. We need to support people in that position.

Clearly, undergoing a stem cell transplant can cause a dramatic reduction in household income, and, compounding that, the cost of living crisis is having a disproportionate effect on patients and their families. The massive rise in inflation has driven up the cost of heating homes, buying food, travelling to and from hospital and paying for hospital parking—that is if people can even find a parking space in the first place.

A recent survey by the charity, Anthony Nolan, gives us an indication of the extent of the financial impact of stem cell transplantation on patients and families. Seventy per cent of transplant patients or carers feel that they must either reduce their working hours or, in some cases, give up work altogether. Almost 40% of households

earn less than £20,000 a year after a transplant. That is significantly lower than the national average of more than £32,000.

To try to manage the astronomical rise in costs, more than 40% of patients have borrowed money, taken on debts, had to move, or refinance their homes. We know what the mortgage market is doing at the moment, and that is an extra worry—an extra burden—for people who are effectively being forced into this situation. We even hear reports of people turning to loan sharks to try to fill the gap in their income. Anthony Nolan found that 70% of patients had considered returning to work earlier than advised due to financial concerns.

A carer whose child is undergoing a transplant said:

“We now rely on food banks and friends. We cannot use the car other than for hospital visits. Our costs have massively increased, while our income has drastically fallen.”

This is not a one-off case. This is a common theme that comes up time and again.

Anthony Nolan is regularly hearing from patients who are struggling to afford even the basics, and the situation is getting extremely desperate. Sixty per cent of respondents told the charity that they have struggled in the past year to afford to heat their homes to stay warm, with some patients experiencing such severe damp in their homes that they have had to resort to sleeping in their cars. Almost half have struggled to purchase good food and, consequently, patients are increasingly turning to food banks, and clinicians are seeing higher rates of infection and even malnourishment.

One carer whose daughter had two stem cell transplants described how she had cut back on costs, so much so that she now walks 12 miles a day to take her children to school. In her own words:

“The rising cost of living has crucified me”.

Almost half of patients struggle to afford travel to and from hospital appointments. As my hon. Friend the Member for Coventry North East (Colleen Fletcher) said, shockingly, some patients have reported going without food and avoiding putting the heating on to pay for that journey. One patient paid for 280 miles of fuel for a round trip, and another reported a £140 cost of a taxi ride. It is particularly striking that half did not struggle to afford such things before the current cost of living crisis.

Social workers up and down the country are supporting transplant patients in increasingly acute situations. The charity, Anthony Nolan, states that the crisis is the worst it has seen in 30 years. At last month's meeting of the APPG we heard from Cheryl Bell, who is an incredible social worker based in Newcastle who specialises in supporting stem cell transplant patients. Cheryl told us that suicides among stem cell transplant patients are “going through the roof”.

The consequences of the cost of living crisis for stem cell transplant patients are marked and severe. Some 94% of patients report that their physical health is negatively impacted by the crisis. As has been said, some patients even consider postponing a lifesaving stem cell transplant because they are worried that they cannot afford to be out of work. To reiterate, patients who might otherwise die without a stem cell transplant are seriously considering whether they can simply afford to receive that treatment. No one should have to choose

[Mark Tami]

between heating, eating and treatment. It is not just about the cost of living; it is as serious as the cost of survival.

Anthony Nolan has been overwhelmed by the rise in demand for financial assistance. Calls from patients to its helpline about money worries have surged more than 350% in just one year. It launched an emergency appeal to provide a dedicated cost of living fund to help ease worry about household bills going through the roof but, unfortunately, it could help fewer than 200 patients. Ultimately, it should not be for charities—or, often, the generosity of the British public—to plug the gap.

What should Government do to help patients and their families who are especially impacted by the cost of living crisis? The Chancellor introduced some measures in response to the cost of living crisis, but more than half of patients said that the financial support they received has not covered the extra costs they faced “at all”. I am sure that the Minister will refer to the energy price guarantee as a key source of support. I certainly welcome that intervention from the Government but, unfortunately, it has not gone far enough to meet the rapidly increasing need among stem cell transplant patients for financial support with their energy bills. Likewise, many stem cell transplant patients are not eligible for the time-limited disability cost of living payments. That means that too many patients are falling through the gaps, without the support they need for their recovery.

I appeal to the Government to offer targeted support to this group as a matter of urgency. First, I ask that the warm home discount scheme be extended to all stem cell transplant and CAR-T therapy recipients. Given that 60% of patients struggle to afford to heat their homes to stay warm, £150 off energy bills across the winter would undoubtedly be a potential lifeline for many households. In the long term, it is important that the Government look at how to secure our energy security. That needs to stay a priority and not drop down the list in years to come, so we do not face such a situation again.

Secondly, I back Anthony Nolan’s proposal for a patient travel fund for stem cell transplant and CAR-T therapy recipients in the UK. Such a fund would—and should—cover all costs associated with safe travel to and from hospital for treatment. A Government healthcare travel costs scheme exists in England, but it has a high eligibility threshold, greatly limiting the number of patients who can receive it. Typically, payments are not made in advance, meaning patients can be significantly out of pocket while they wait for a refund. For a lot of people, that is not feasible.

What is more, the scheme can be burdensome to access. I know that when someone receives the shock news about a loved one and is dealing with that, the last thing they want is to be burdened with forms and the complexity of going through a time-consuming process. As I have said, fewer than 5,000 people receive a transplant in the UK each year, so such a fund would not represent a significant cost to the Treasury, but it would make a massive difference to patients’ lives.

Take it from Claire, who underwent a stem cell transplant and CAR-T therapy in London after relapsing in 2019. Speaking of her experience with travel costs, she said:

“During my CAR-T treatment I had to travel hundreds of miles for vital hospital appointments at the huge cost of £160 per trip. Living so far away meant I had to pay for overnight stays in

hotels, which was really hard to budget for. On top of that, hospital parking costs for family and friends visiting when I was an inpatient were sky high. There was no financial help for me to pay for transport costs when I most needed it.”

I hope the Minister can see that patients are raising consistent concerns.

Finally, I call on the Government to guarantee that all stem cell transplant and CAR-T therapy recipients receive the benefits that they are due and for which they are eligible in a timely manner. I know this is an issue for all benefit recipients, but people in this condition need to receive those benefits when they need them: straightaway. Macmillan has done an incredible job shining a light on the waiting time for personal independence payments, with the average still standing at a shocking 14 weeks. I echo its calls for the Government to cut that distressingly long waiting time without delay. It has never been more important to ensure that everyone has access to the financial support they are entitled to, and not leave vulnerable people stranded. That must be addressed as a matter of urgency. The Government need to ensure that the people who need the benefits the most get them the soonest.

To conclude, it is clear that the current benefits system is not sufficient to tackle the unprecedented cost of living crisis and the rapidly rising need for financial support among the most vulnerable in society. Many years ago, when I was going through the process with my son, the system for supporting patients was not right, and it is not right now—it has to change. While charities such as Anthony Nolan do an incredible job supporting patients, they should not be left to fill the gaps that Government policy leaves. Urgent action needs to be taken. Ultimately, stem cell transplant and CAR-T therapy patients have only one chance of recovery. They need extra support from the Government now, to see them through the cost of living crisis and enable them to realise that chance that they deserve.

10.18 pm

**The Parliamentary Under-Secretary of State for Health and Social Care (Neil O’Brien):** I congratulate the right hon. Member for Alyn and Deeside (Mark Tami) on securing this important debate, and I congratulate the other hon. Members on speaking interestingly about their personal experiences in this field. As chair of the all-party parliamentary group on stem cell transplantation and advanced cellular therapies, the right hon. Member for Alyn and Deeside speaks from particular personal experience and I think everyone will have been delighted to hear the wonderful update about Max.

For people living with blood cancers and blood disorders, stem cell transplants are a potentially life-saving treatment. That is why we continue to invest in improving clinical outcomes and access to transplants. Since 2011, Government funding of more than £28 million has made possible the establishment of a unified stem cell registry, a cord stem cell bank, and a strategy to recruit donors to meet the needs of our increasingly diverse population. Over the next three years, we are investing £2.4 million more to increase the resilience of the UK stem cell supply and to address health inequalities with targeted campaigns to recruit donors from ethnic minorities. The right hon. Gentleman mentioned Anthony Nolan, which gives me the opportunity to thank that charity for its tremendous work with the NHS to build up the stem cell register.



As we know, the very nature of these transplants means that patients are among the most vulnerable in society. They are left with seriously weakened immune systems, for all the reasons the right hon. Gentleman has given. To help households and individuals to cope with the rising costs of living, we are providing some of the most generous cost of living support in Europe, worth an average of £3,300 per household this year and last. As well as the action on energy prices, that includes payments to more than 8 million UK households receiving eligible means-tested benefits, and to 6 million people across the UK in receipt of eligible “extra-costs” disability benefits.

For those needing extra support, the Government are providing an additional £1 billion to allow the extension of the household support fund in England this financial year. Our energy price guarantee is helping millions of people to deal with rising energy costs, and, as the Chancellor announced in the spring Budget, it will be extended, at £2,500, for an additional three months from April until the end of June. That means that by the end of June we will have covered nearly half a typical household’s energy bill, with a typical household saving about £1,500.

The right hon. Gentleman rightly raised the importance to patients of keeping warm, and the warm home discount is a key policy in our programme to tackle fuel poverty and help low-income households with the cost of energy, whatever the reason for their low incomes. It gives low-income and vulnerable households throughout Great Britain an annual £150 energy bill rebate every winter, and since it began in 2011 we have provided more than £3.5 billion in direct assistance for households. The scheme obliges participating suppliers to provide rebates for eligible low-income and vulnerable households.

In order to target fuel poverty better and provide the vast majority of rebates automatically, we have expanded and reformed that scheme for England and Wales from 2022-23 onwards. That includes those receiving universal credit, for which stem cell transplant patients may well be eligible. Depending on their specific needs, stem cell transplant patients may be entitled to financial support to contribute towards their extra costs, which may include the personal independence payment. PIP can be paid in addition to the other financial and practical support that may be available through universal credit.

The Government are committed to ensuring that people can access this financial support in a timely manner. While waits are still too long, they are coming down dramatically and we are constantly improving the service. Claimants are kept informed and are updated at each stage of the process—for instance, through a text message service—and in most instances any awards can be backdated to the date of the claim.

I know—not least because of the right hon. Gentleman’s comments this evening—that rising travel costs represent a significant burden for stem cell transplant patients and their families. Recipients of certain benefits, including

the personal independence payment, can apply for extra help with travel costs, such as a disabled person’s railcard, a blue badge or a vehicle tax reduction. NHS trusts can also exercise discretion to provide accommodation and other support, including transport, depending on local and individual patient circumstances. Depending on their financial circumstances, patients may be able to access extra help with travel costs, such as the NHS low-income scheme and healthcare travel costs scheme.

**Mark Tami:** Does the Minister accept that if we require patients to attend specialist centres—which I fully support; indeed, perhaps we need to go further in that regard within the NHS—we should think about how we can help those who have to travel long distances to cover their costs, given that they cannot receive that treatment at the hospital down the road?

**Neil O’Brien:** I would agree with the hon. Gentleman. I was talking about one scheme, the healthcare travel costs scheme, but patients might also be eligible for non-emergency patient transport, on which we spend about £500 million a year across England. We will continue to look closely at the future of that, not least because of the hon. Gentleman’s comments this evening.

**Jim Shannon:** Patients in my constituency who come to me feel almost compelled to go back to work because they do not have the finances, but they cannot do so because they are not fit enough. Could the Minister’s Department ensure that those people who find themselves in difficult financial circumstances have someone to speak to who could perhaps direct them through the process so that they can get help?

**Neil O’Brien:** The hon. Member makes a good point, and I am happy to continue this conversation with him after the debate. He always provides thoughtful ideas and I am keen to continue talking about that one with him.

For those people who are going through all this at the moment, I have mentioned some of the schemes that are available for transport, such as the healthcare travel costs scheme and non-emergency patient transport, but we will continue to look at those to make sure that they are adequate to get patients to the specialist treatment they need.

In closing, let me again thank the right hon. Member for Alyn and Deeside for securing today’s really important debate and for his thoughtful contribution. Stem cell patients and their families and carers show tremendous courage in the face of incredible challenge, and we will continue to do whatever we can to support this vulnerable community.

*Question put and agreed to.*

10.26 pm

*House adjourned.*



# Westminster Hall

Monday 12 June 2023

[JUDITH CUMMINS *in the Chair*]

## Legislative Definition of Sex

4.30 pm

**Judith Cummins (in the Chair):** Before I call the hon. Member for Gower (Tonia Antoniazzi) to open the debate, I wish to make a short statement about the sub judice resolution. I have been advised that petitions being debated indirectly relate to two ongoing legal cases in the Scottish courts. Those cases are ongoing and are therefore open to sub judice. Mr Speaker, however, has agreed to exercise the discretion given to the Chair in respect of the sub judice resolution to allow reference to the cases, given the issues of national importance that are raised. I also remind Members that this debate will be conducted with courtesy and respect.

**Tonia Antoniazzi (Gower) (Lab):** I beg to move,

That this House has considered e-petitions 623243 and 627984, relating to the definition of sex in the Equality Act 2010.

It is an honour to serve under your chairship, Mrs Cummins. I am pleased to open the debate on the petitions on behalf of the Petitions Committee. One petition calls on the Government to update the Equality Act 2010 to make the characteristic of sex refer to biological sex, and the other petition calls on the Government to commit to not amending the Act's definition of sex.

Opinions about the relationship between biological sex, gender identity and the law divide organisations, political parties, and even family and friends. Many people have told me that this is something that they are afraid to speak of, and some say it should not be discussed at all. Others have told me of how they are relieved and happy that we are finally discussing it in Parliament.

**Layla Moran (Oxford West and Abingdon) (LD):** I am grateful to the hon. Member for giving way so early on. On her point about people being scared to talk about the subject, is she also aware of people like my constituents, who have written to me to say that they are scared that it is going to be talked about? Whenever such things are spoken about in Parliament, there is then a rise in hatred and violence. I thank you, Mrs Cummins, for your words about being courteous, but does the hon. Member understand the worry there is in some communities that the debate is happening, and would she urge other Members to stay compassionate and open minded?

**Tonia Antoniazzi:** When the hon. Member listens to my speech, I think she will understand the compassion with which I speak. She will also understand that we are in a difficult position: we are legislators, and where there is something that needs to be addressed, as there is in these two petitions, it is down to us to stand up and make that change and have the conversation. It goes with the job, I am afraid.

Members from all parts of the House can model the respectful, adult conversations that are needed across society. We can demonstrate, here at Westminster, that we can freely express and listen to different opinions. This is a set of issues on which views are held profoundly and with good intentions. The nature of this debate means that those views differ across the House, and even within our own respective parties.

I was in education for 20 years before coming to this place. My priority has always been the wellbeing of those in my care, be they adults or children. I am afraid that asking probing and difficult questions to get through issues and problems is in my nature. I will not be cowed when looking out for my constituents, be they lesbian, gay, bisexual or trans. The conversations that I get the most out of are the ones where I explore, learn and am able to disagree agreeably.

It is a mark of adult politics not to pretend that we are in perfect agreement on every issue, and Westminster Hall debates like this offer the opportunity for us to explore issues, free from the usual pressures of votes and the instructions of the Whips. This is a debate that will explore the difficult interrelationships that exist between rights, and it will mark the difficult lines between which individuals' and collective rights are drawn. However, it is for the House to decide the way those rights are formed and how they are interpreted. We are holding this debate on behalf of individual people facing discrimination, and in support of service providers and public servants who have a deep commitment to reducing discrimination and to providing safe and welcoming environments. Our task is to make decisions on the boundary of rights and to take responsibility, rather than passing it on. We may draw different conclusions from historic debates on the legislation, but our responsibility is to make our decisions on what would be the right law to have now.

In order to prepare for the debate, the Committee Clerks arranged for me to meet the petitioners and organisations supporting these two petitions. I thank them all for their time and input. The House of Commons Library has also produced a debate pack that covers the complexity of the legal issues behind the two petitions. I am most grateful to everyone who has spoken to me, because there are two broad positions. Those who support the petition to update the Equality Act say that the law should be clear about the two sexes, and that it was never the intention of the Act to make it difficult or impossible to have sports that are for biological females only; to protect services that are for women, such as domestic violence refuges; to assure an elderly woman or a woman getting a smear test that, when she asks for a female carer or nurse, she has the right to be treated by a biological woman; to provide single-sex spaces where women are undressing and washing; for same-sex-attracted people to have opportunities to associate with each other; and for the public sector equality duty to consider the needs of women separately from those of trans women.

Kate Barker from the LGB Alliance and Julie Bindel and Tamara Burrows from the Lesbian Project, who support the clarification of the Equality Act, explained to me that the protected characteristic of sexual orientation is contingent on the definition of sex as biological, and that the Act did not intend to remove the rights of association for same-sex-attracted lesbians. I heard how, for the lesbians I met, biological sex is fundamental to understanding their rights as same-sex-attracted people,



[Tonia Antoniazzi]

so the grey area that we have is creating ongoing problems for lesbians. If we do not say that “sex” in the Equality Act means biological sex, we may as well scrap the protection of sexual orientation. They said that the protected characteristic of gender reassignment exists. Trans people are able to hold their own separate groups under the protected characteristic and can also associate with lesbian groups already open to them; so the question posed was: why cannot lesbians organise lesbian-only spaces?

The Lesbian Project is an organisation that wants to research and study lesbian lives and survey lesbians. If trans women are included, it renders the research meaningless and pointless. This is not, I was told, about being anti-trans; it was about the bedrock of being a lesbian, and a lesbian is a female attracted to females. It was highlighted that there must be protections for trans people, but not at the expense of women’s rights. It is becoming a barrier to lesbians in coming out, which is a huge problem for them. The question for many is: should women be allowed female-only associations? Should it be easy and straightforward for women to be able to undress, shower and use a toilet in female-only spaces?

Those who want the Equality Act to stay as it is say that trans people are already using services for the opposite sex without concerns, regardless of whether they have a gender recognition certificate or not, and that not allowing them to do so would be harmful and detrimental to their human rights. It is therefore the responsibility of society and lawmakers to ensure that people are able to access opposite-sex facilities, services and sports. I would like to take this opportunity to thank Dr Finn McKay, Robin Moira White, Dr Paul Martin and Nancy Kelley for taking the time to speak to me and to explain the situation for that petition. Where this causes a problem is likely to be very rare, and a transgender person may be excluded on an individualised, case-by-case basis. Some of those arguing for no change to the Equality Act believe that trans women are women and trans men are men, and that therefore—

**Judith Cummins (in the Chair):** Order.

4.40 pm

*Sitting suspended for Divisions in the House.*

5.5 pm

*On resuming—*

**Judith Cummins (in the Chair):** The debate can now continue up to 7.55 pm.

**Tonia Antoniazzi:** Some of those arguing that there should be no change to the Equality Act 2010 believe that trans women are women and trans men are men, and therefore that the protected characteristic of sex includes those who identify as the opposite sex. Some also feel that it is an attack on trans people to think or express disagreement with this belief.

In support of this petition, Nancy Kelley from Stonewall said that she is proud of the Equality Act 2010, that it works really well as “legal sex”, and that it works well to

operate trans-inclusive or not spaces, and emphasised how inclusion should be the norm. Defining legal sex as observed at birth would see exclusion rather than inclusion.

I have also had the opportunity to talk to barrister Robin Moira White, who explained to me how this amendment was a blunt instrument; in fact, it was called a sledgehammer that was being presented as a simple solution. Robin told me that, to move forward, there was no need to change the law, but that there was a need for less toxicity and also that this amendment did not consider the anomalous position of a pregnant trans man.

I also spoke to Dr Finn Mackay, who told me about the impact that this change in the law would have on gender non-conforming people. Finn said that she would like to see more case studies from the Equality and Human Rights Commission on single-sex spaces, and she agreed with the Government position and said that the current rhetoric is dangerous. We also need to have better public amenities that work for all people, with inclusion as the default.

Both petitions received over 100,000 signatures, and we will all have constituents who are passionately engaged on either side, as well as service providers that say they badly need clarity about the law, and others who say the current situation is okay for them. It is important that we are having this debate today.

As well as supporters of both petitions, I spoke to the EHRC, whose job it is to protect everyone’s rights and to explain the Equality Act. The EHRC said that the law can be hard to implement—and don’t we know it? Its letter to the Minister for Women and Equalities states:

“A change to the Equality Act 2010 so that the protected characteristic of ‘sex’ means biological sex could bring clarity in a number of areas but potential ambiguity in others.”

Both the Government and the Opposition welcomed the EHRC statement that the current situation merits further consideration and exploration of possible solutions. The EHRC said that

“there is a clear need to move the public debate on issues of sex and gender to a more informed and constructive basis.”

I was told—and I know—that this issue had been bubbling away for many years and was not anything new. In 2018, the Women and Equalities Committee asked the EHRC to create statutory guidance on single-sex spaces, which it published much later, in 2022. However, the guidance placed a large onus on service providers to exclude people who are legal women. It was when this escalated in 2018 that the UK Government and the Scottish Government started talking about proposals to reform the Gender Recognition Act 2004, which started the debate about self ID. They said that the landscape since the Equality Act had changed significantly. There are more gender identities—

**Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op):** My hon. Friend is making a good and balanced speech so far. Does she recognise that when the Equality Act was being passed, the Liberal Democrat spokeswoman at that time asked our Minister from the Labour party if it was the first step to understanding self-ID and moving towards that? That was in *Hansard*. This issue was thought about when the Equality Act was being created, and the affirmative response was given to that question at that time.

**Tonia Antoniazzi:** I thank my hon. Friend for his contribution.

At the moment, there are more gender identities and more trans people who have no intention of getting gender recognition certificates. The Government also said that the situation for people who identify as non-binary is very unclear, and that a change to the legislation would provide clarity and a framework for moving forward. They said, however, that the Government would need to scrutinise how trans people would feel about the change. They also identified the following key areas of concern for the public: NHS and medical treatment, toilets, sport, sport in schools, children's rights and women's domestic abuse shelters.

I am talking about a way forward. It has been said that the debate needs to be more informed and constructive. Akua Reindorf said that we need some shared facts in the debate. Baroness Kishwer said that the Government should publish their proposals, and then set up a Joint Committee to look at them first and ask all the questions. She said that would be a sensible approach. She also said that she hoped people would not shoot the messenger. The EHRC provided analysis for the Government, and it is up to parliamentarians to make decisions.

I will move on to the petitioners. One of them, who wished to remain nameless, said to me:

"We want legal protections. We want the conservative government to stop using us as a distraction to pull hate away from their failures. But our hopes are not confined to the Equality Act. The main struggle most trans people face is not what legal protections we are afforded post-transition, but access to the means to transition in the first place."

Maya Forstater, who was also a petition creator, said that the reason she is now trying to clarify the law is so that the law is made clear that sex discrimination and discrimination against transgender people are two different strands of equality protection. That way, employers and service providers will be able to protect individuals against both kinds of discrimination and treat everyone with respect.

In that spirit, I am proud to open this debate. I urge my colleagues to speak openly, fearlessly, and with respect for each other and for the different experiences of people in this country who are looking to us as legislators to take responsibility. I hope that we will have a constructive debate about how the needs and interests of everyone impacted by the Equality Act should be reconciled in legislation.

**Several hon. Members** *rose—*

**Judith Cummins (in the Chair):** Order. I remind hon. Members that they should bob if they wish to be called. Also, those who wish to speak should have been present when the debate was opened.

5.13 pm

**Mr Ranil Jayawardena** (North East Hampshire) (Con): It is a pleasure to serve under your chairmanship, Mrs Cummins. I thank the hon. Member for Gower (Tonia Antoniazzi) for opening the debate.

As I see it, the debate on women's rights is much too important to be left to social media alone. I am a father with two young daughters, so this issue is very close to my heart. I think it is the job of Parliament to ensure that laws are clear and fair; it is our duty. We have an opportunity to protect children, uphold women's rights,

and bring about the beginning of the end, I hope, of the shouting matches and hyperbole, replacing them with some calm and common sense on the issues raised by the petitions.

I know that not everyone will agree with what I am about to say, but that is the point of Parliament. We should all be able to air our views freely and fairly, and the Government should act accordingly. One petition is about a very specific point of law, but the point is widely felt. The legal definition of sex matters in so many areas of life: schools, sports, health, crime and prisons. I want the rules of our society to be safe, clear and fair, for my daughters as much as for women and girls across Britain.

A Policy Exchange report, "Asleep at the Wheel", found that 60% of schools are not maintaining single-sex sport, 19% of schools are not maintaining single-sex changing rooms, and 28% are not maintaining single-sex lavatories. Such provision at school is essential for the privacy, dignity and safety of pupils. A further Policy Exchange report, "Gender Identity Ideology in the NHS", found that North Bristol NHS Trust was not willing to guarantee same-sex intimate care or same-sex accommodation to patients, stating:

"These arrangements meet all national standards relating to single sex accommodation."

That is despite the trust's biggest hospital recording up to 30 alleged instances of sexual assault against females having taken place on hospital property.

The way I see it is that we need to ask ourselves three questions. Do we want women and girls to be forced or shamed into sharing loos, changing rooms and dormitories with biological men and boys? Do we want women and girls to lose female-only sports, even though we know that the physical advantages of being male relate to sex and not gender identity? Do we want some of the most vulnerable people in our society—children in care homes, patients in hospitals, and women in homeless shelters, rape crisis centres or even prisons—to have the dignity, safety and privacy of single-sex spaces stolen from them?

I say no. But that is what happens if the law is ambiguous about the meaning of sex. I do not want schools, doctors, hospitals to have to lie to me or to other parents because they have been bullied or shamed into thinking that it is bigoted to use clear words. I just want to make a plea for a return to everyday, common-sense language. To be clear, that does not take away from the rights of anyone to live as they choose. The words for people who were born male are men and boys. The words for people who were born female are women and girls. Biologically, males cannot become females and vice versa. That is true whatever pronouns people want to use for themselves, whether they wish to take hormones or have surgery. These are plain, biological facts, but they have become controversial.

Many people tell me that you have to be brave to say those facts. That is wrong; everyone should be able to. But if it is anyone's job, I believe that it is our job to harness this place to speak out and speak the truth and to stand up for everyone's rights. That means using clear, accurate, unambiguous words both in our speeches and in the law. Surely no one here wants to take away from anyone's ability to express themselves as they wish, identify as they feel is right or to live their own life. I do not, but rights come with responsibilities. That is why we must be clear about what it is we are legislating for.

[Mr Ranil Jayawardena]

That brings me to the specifics of the proposed amendment in the petition. It concerns the Equality Act, which is the law about discrimination—sex discrimination, age discrimination, religious discrimination and so on. The amendment is primarily about one strand: sex discrimination. The petition asks the Government to clarify in law, for the avoidance of doubt, that the term “sex discrimination” in the Equality Act means what it always has: discrimination because of the sex someone is, male or female. Having a gender recognition certificate does not make biological males female or biological females male, so it does not make a difference when it comes to sex discrimination. That is it. We are just making sure that the Equality Act aligns with reality.

This is not a new principle. It is not about what is said on social media or in the so-called culture wars. In 1597, Edward Coke, the Attorney General, told Parliament that the law cannot do the impossible. The example he used was the law cannot make a man into a woman. I believe that he was right then and that he is right now. Let me be crystal clear: to agree to this amendment does not take away any rights from anyone else. There is already a separate protected characteristic of gender reassignment. Someone covered by that already, rightly, has protection against losing their job or being refused a tenancy or service because of being transgender.

I remember that when my first daughter was born we did not find out the sex before, so there was a 50:50 chance. That is basic biology. We all know what the two sexes are. We all know what sex we are and what sex our children are.

**Layla Moran:** Does the right hon. Gentleman accept that intersex people exist?

**Mr Jayawardena:** I am sure that the hon. Lady will deal with that in her comments and that she will be staying for the whole debate. I will conclude my remarks so that other Members can have their say. I want to talk about the fact that we all know which sex we are and what sex our children are. We know that the two sexes—male and female—are fundamental to our very existence.

So much has changed for women and girls from the time of Edward Coke 400 years ago, and from even 50 years ago, when sex discrimination was first made unlawful in the United Kingdom. I ask the Minister to ensure that the law does not try and do the impossible. It is up to us. Let us not go backwards. I urge the Government to act now to protect the lives of women and girls.

**Several hon. Members** *rose*—

**Judith Cummins (in the Chair):** Order. I ask Members to limit their speeches to around five minutes so that everybody can get in.

5.21 pm

**Joanna Cherry** (Edinburgh South West) (SNP): It is pleasure to serve under your chairpersonship, Mrs Cummins. I am supporting the prayer of the first petition, which is about restoring clarity to the law by specifying that the terms “sex”, “male”, “female”, “man” and “woman” in the Equality Act refer to biological sex

and not sex as modified by a gender recognition certificate. My constituency of Edinburgh South West was one of the five constituencies with the highest number of signatories on that petition. The other four were the remaining four Edinburgh constituencies, which indicates the level of concern in Scotland’s capital city about the lack of clarity in the law as it stands, particularly in the light of the debate about self-identification in Scotland.

Given that I have only five minutes, I am going to concentrate on one topic. The petition that I support is not about changing the Equality Act, but about clarifying the Act. The second petition wants to leave the law muddled, and that is in nobody’s interests. The Equality Act attempted to strike reasonable balances between the rights of people with nine different protected characteristics, including sex, sexual orientation and gender reassignment. The protected characteristic of gender reassignment is widely drawn—and rightly so. It is rightly not confined to those who have undergone medical treatment or those who have a GRC. All transgender people are protected against discrimination on the grounds of gender reassignment. That is right, and there is no intention to remove that protection. I would not support any petition that did that.

There is a need for the law to be clarified. That is shown by two recent court cases in Scotland that have gone in opposite directions. The first, which was a decision of the Scottish appeal court, found that the provisions in favour of women by definition exclude those who are biologically male. Another decision of a lower court found that sex is not limited to biological or birth sex, but includes those in possession of a gender recognition certificate. The second decision is not binding on any of the law courts, and is under appeal at the moment. I do not see, however, why women should have to crowdfund to clarify the law that protects them when the Government can use the power built into the Gender Recognition Act by section 23 to resolve the issue and protect everyone’s rights.

Before I go any further, I refer Members to my entry in the Register of Members’ Interests. I am on the advisory group of Sex Matters. I do believe that sex matters, and many people agree with me. The Equality and Human Rights Commission agrees with me. The consultation for its strategic plan revealed that out of all protected characteristics, sex was important to the highest proportion of respondents.

Interestingly, last week when the Scottish Government’s independent “Violence Against Women and Girls: Strategic Review of Funding and Commissioning of Services” was published, it recommended that single-sex provision should remain as part of a range of services. One of its interlocutors said

“it is possible to be pro-woman and not anti-anyone else”.

In the short time I have, I want to focus on the right of lesbians and gay men to be same-sex and not same-gender identity attracted, and on our right to freedom of association. The protected characteristic of sexual orientation is contingent on the definition of sex as meaning biological sex. Lesbians, gay men and bisexual people all experience same-sex attraction—that is, attraction based on biological sex, not gender identity. As a lesbian, I think I can speak with some authority on this issue. Gender identity is not relevant to sexual attraction.

In recent years, Stonewall has quietly modified its definition of homosexuality to centre around gender



identity and not sex. That was done without the permission of many gay people across the UK. Now that it explicitly includes cross-dressers within the definition of transgender, this means that many males now self-define as lesbians. Under this climate, it is impossible for lesbians to meet and gather openly without men wishing to join us or disrupt our events. In the words of Anne Lister, lesbians “love and only love the fairer sex”.

It is unacceptable that we should be forced to include men in our groups and our dating pool. Indeed, it is outright homophobia, as lesbians’ sexual orientation is exclusive of males, as it is based on biological sex. I spoke about this during the debate in LGBT History Month and said what a problem this is for lesbians. I quoted my constituent Sally Wainwright, who wrote at length about this in *The Times*.

I want to say something to hon. Members who will perhaps be influenced by the Equality Network’s briefing in support of the second petition. In Scotland, the Equality Network has lobbied Scottish parliamentarians for self-identification of sex, saying that it has nothing to do with the Equality Act. However, today it is lobbying Members of this Parliament for a position that would annihilate the ability of women to have any clubs or associations that cannot exclude all male people. The Equality Network has in the past lobbied this Parliament to remove the very exemptions in the Equality Act upon which it is relying today.

Members should be aware that while the Equality Network may have a grand, inclusive-sounding name, on this issue it advocates a position based on an extreme interpretation of gender identity theory and not in the interest of same-sex-attracted women like me and my constituent Sally, or indeed women full stop. As my friend Allison Bailey has said, the rights of lesbians are not contingent on us accepting gender identity theory.

It is time that lesbians and the protected characteristic of sexual orientation regained the voice they once had in this Parliament. I am proud to be that voice. I would like to thank the organisations LGB Alliance, Lesbian Labour, the Lesbian Project, and the Women’s Rights Network for supporting me to be that voice. I support the first petition.

Several hon. Members *rose*—

**Judith Cummins (in the Chair):** Order. Before I call Miriam Cates, I have to tell Members that will we have a time limit of five minutes.

5.28 pm

**Miriam Cates (Penistone and Stocksbridge) (Con):** When the Equality Act was passed in 2010, few doubted that Parliament’s intention was that sex should mean biological sex: either male or female, recorded at birth—an immutable characteristic. However, uncertainty has since arisen, specifically as to whether or not a person with a gender recognition certificate has legally changed their sex for the purposes of the Equality Act. Whatever the law actually says, the extent of the confusion is such that many people now believe that when someone expresses a desire to live as the opposite sex, that person then has a legal right to be treated as if they have changed sex.

This is not an academic argument. It has significant practical and safeguarding implications, as the outstanding

work of Policy Exchange’s Biology Matters unit continues to reveal. Take the example of a tribunal brought against Sheffield Teaching Hospitals NHS Foundation Trust last year. A male catering employee known as V, who identified as a trans woman, was given permission to use female changing rooms. When female staff complained about being forced to undress with V—in particular, seeing him naked from the waist down—the issue was raised with V by a female manager. In response, V brought a harassment case against the trust and, unbelievably, won.

Instead of considering whether the manager acted reasonably in being concerned about the exposure of male genitals in the ladies’ changing room, the judge decided that V had been treated differently from another woman. The judge treated V as though his sex was female when the issue was the fact that his body was male. Of course, the women who complained about V were not discriminating against him because of his trans identity, but because he was male, and such discrimination is of course—

**Judith Cummins (in the Chair):** Order. Can I check that this is a concluded case, please?

**Miriam Cates:** It is a concluded case.

The women were discriminating against him because he was male, and such discrimination is perfectly within the Equality Act if it is

“a proportionate means of achieving a legitimate aim”,

which in this case was to protect the integrity of single-sex spaces.

I have nothing but compassion for people whose biological sex is a source of distress; they should of course receive the best evidence-based treatments for gender dysphoria. But while a small number of people rightly have the protected characteristic of gender reassignment, everyone, including trans people, has the protected characteristic of sex—male or female. Where those protected characteristics collide, we must ensure that everyone is protected according to their sex and that proportionate accommodations are made to assist those who do not wish to use the facilities of their sex.

We must clarify the Equality Act to make it clear that sex means biological sex and to ensure that the providers of single-sex services and facilities understand and protect the single-sex nature of the provisions. It is extraordinary that in 2023—a time of unprecedented knowledge—we are arguing about the definition of something that has been known since the dawn of time. The most contentious question of our day has famously become “What is a woman?”—a question that no previous society has felt the need to answer.

Despite the semantic acrobatics employed by some to dodge the question, we all know, instinctively and intrinsically, what a woman is. The sex binary—the biological state of being either male or female—evolved hundreds of millions of years ago, before we humans walked the earth. Being able to tell the difference between a man and a woman is not a matter of acquired knowledge. It is as instinctive as being able to tell up from down. Indeed, our survival as a species depends on it; if we want to reproduce, and to protect ourselves and our children, we had better know the difference between a man and a woman.

[*Miriam Cates*]

Men and women are different physically, psychologically, sexually and socially. All civilisations are built on an understanding of these differences, creating structures, rules and boundaries to protect women and children from male violence and to preserve the dignity of both sexes. There is nothing more destabilising to society than to dismantle the legal, social and cultural guardrails that protect women and children by pretending that males become females and vice versa, and allowing that to creep into our law.

While academic elites cave in to aggressive and misogynistic trans activism, ordinary women are frightened to go to hospital, ordinary men fear for the safety of their daughters in public toilets, ordinary children are subjected to a psychological experiment in which they are told they can choose their gender, and ordinary toddlers are used to satisfy the sexual fetish of adult men dressed as eroticised women. Understanding the difference between male and female underpins society, safety and security. We must clarify the Equality Act, and give ordinary people the certainty that our laws can be trusted to protect women and children and that sex means sex.

**Hannah Bardell** (Livingston) (SNP): On a point of order, Mrs Cummins. I feel it is incumbent on me to make a point of order on the fact that trans people are being characterised as predators, and that is deeply undemocratic and deeply worrying. That is not what this debate is about. For the Member to be using such language is unparliamentary. I seek your guidance, Mrs Cummins.

**Judith Cummins (in the Chair)**: That is not a point of order because it is not a matter for the Chair.

**Miriam Cates**: Further to that point of order, Mrs Cummins. In response to the hon. Member for Livingston (Hannah Bardell), I was making the point that the vast majority of sexual predation is by men on women and children. That is what society has evolved to protect against.

**Judith Cummins (in the Chair)**: I thank the hon. Lady, but that is not a matter for the Chair. I call Dame Angela Eagle.

5.34 pm

**Dame Angela Eagle** (Wallasey) (Lab): It is important that we try to detoxify this debate. I do not think the last contribution did so at all. In fact, it was deliberately provocative. I do not recognise anywhere in the Equality Act that there is a mandate on anyone's dating pool and who should be in it. If people are worried about the law saying who they can date, they are not across the UK legislative system, which has no laws on who they can fancy and who should be in their dating pool. They can trawl wide or narrow across all—

**Joanna Cherry**: Will the hon. Lady give way?

**Dame Angela Eagle**: No, I will not give way. I have only four minutes. Some Members are putting together things that are deliberately provocative.

I rise to speak in favour of e-petition 627984, which asks the Government to confirm that the Equality Act's current definition of sex should remain unchanged. I believe that the move to redefine sex as purely biological rather than legal would reduce rather than enhance current protections and create incoherence in the legislation. Paradoxically—perhaps even deliberately—the change would mandate exclusion and discrimination against all trans people, while worsening protections for women and girls. It would practically disapply important parts of the Gender Recognition Act and be in breach of our international human rights obligations. It would take away rights that have been enjoyed for almost 20 years by the small minority of our population who are trans.

Some 7,000 people have a gender recognition certificate. That is who we are afraid of in all this. A change to the Equality Act's definition of sex to biological sex would have a huge effect on all trans people by effectively mandating their exclusion from public spaces unless they use facilities in their so-called birth gender, which would be humiliating and damaging to them. It would lead to the policing of women's spaces, which would problematise non-gender-conforming women and girls who are not trans. That is happening now with all the hostility.

The hysterical media coverage that has accompanied this deliberately provoked war on woke has already led to increased policing in public toilets and harassment of non-gender-conforming women by those questioning their right to be there. I have spent my whole political life and my entire time in Parliament working to create greater equality for all and to reduce bigotry and prejudice, and I have always been a committed feminist. The safety of women and the opening up of economic opportunities to them on an equal basis to that for men has always been one of my priorities in politics.

I am also a lesbian. I was only the second out lesbian ever to sit in this place, and the first ever out lesbian Government Minister, so I have had some experience of bigotry, prejudice, misogyny and homophobia—and I recognise a politically induced moral panic when I see one. I also recognise a discredited Government unleashing a culture war for their own divisive ends when I see it. Those seeking to weaponise anti-trans fear for their own purposes have other issues in their sights: principally, inclusive sex education and women's abortion rights, as we have seen in the USA, where over 400 anti-LGBTQ+ pieces of legislation have been introduced in state legislatures already this year.

The attack on trans people's rights to exist and to live with respect and dignity in an accepting society is designed as a wedge issue that will open up the others. It is a gateway to wider homophobia, as the steady rise in hostility to LGBTQ+ people in the street attests to. I was around when it happened before in the 1980s with the enactment of section 28, which sought successfully to scapegoat LGBT+ young people and drive them into hiding. It caused untold misery for narrow political ends, wrecking the lives of LGBT+ people for generations. We should not be contemplating doing it again.

The Equality Act is an all-encompassing piece of legislation. It was enacted to advance, consolidate and update the protections of equality law, and it is working very well, but it works by making a blanket presumption against discrimination and exclusion. It specifies some circumstances in which discrimination is lawful so long

as the action taken is a proportionate means of achieving a legitimate aim. That is a very pragmatic way of deciding on a complex range of issues in each case. If we change the definition, it would upend the Act and mandate exclusion for trans people, which I think is inhumane and unacceptable.

5.39 pm

**Angela Richardson** (Guildford) (Con): It is a pleasure to serve under your chairmanship, Mrs Cummins. I rise to speak in support of the petition to make the Equality Act clear, and I will start by saying why. It is because I believe that trans people's rights are human rights and women's rights are human rights. It is possible to protect both groups in law, and I believe that that is what the Equality Act sets out to do, but one unintended consequence of pulling together a lot of equality and anti-discrimination law into one place is that it is unclear in places, and that lack of clarity is harming people's rights. We are discussing how to restore clarity in order to uphold the rights of everyone. I have huge respect and sympathy for people who suffer from gender dysphoria or feel they have been born in the wrong body. It is right that the law protects such people from discrimination in employment and in the provision of services under the heading of gender reassignment. It is also right that the law protects everyone, whether or not they have a trans identity, from discrimination in employment and in the provision of services on the basis of their sex.

Gender reassignment and sex are two different characteristics—both important in their own ways, and separately protected. The census suggests there may be more than 100,000 people in the country who identify as transgender, compared with around 5,000 who hold a gender recognition certificate. All those transgender people are protected in the same way on the basis of gender reassignment, which is widely drawn. They have the same protected characteristics, which includes people who are at the start of their personal transition and people who have identified as trans for decades; people who have taken cross-sex hormones and had surgery, and people who have not or do not intend to; and people who pass as the other sex in some situations and people who do not. All of these people are protected equally. None has more or less rights than any of the others.

In today's debate, it is important that we remember what the Equality Act is and what it is not. It is the law that gives recourse to anyone who is treated unfairly by employers and service providers of all sorts because of their protected characteristics, and it is the law when it is reasonable and right for employers and service providers to treat people differently on the basis of their protected characteristics. Those employers and service providers—from pubs and gyms to hospitals and shops—cannot operate without clear rules and policies that accommodate all sorts of different people fairly and to the greatest extent they can. They need to be able to explain their rules on their signs and websites, on the phone and to staff. That means being clear about where there are sex-based rules and where a service is provided for both sexes together.

The protected characteristic of gender reassignment does not give someone the right to use opposite-sex facilities or services. It requires service providers to consider how they can properly accommodate trans people—not just trans people with a gender recognition

certificate, but all trans people: all those who are covered by gender reassignment. They cannot do this fairly by treating trans people with and without a gender recognition certificate differently. Anyway, it is not practical and, in some cases, it is not even lawful to ask if someone has a GRC. In simple terms, the law needs to facilitate: that employers and service providers offer separate facilities for male and female people in situations where sex matters, like toilets, changing rooms, dormitories and so on; and that they do their level best to accommodate people who do not feel comfortable in communal facilities for their own sex, without undermining the privacy and dignity of people of the opposite sex. That usually means a third unisex option. At this point, I must say that it does not mean converting the ladies' loos, for instance, into unisex and leaving the number of men's loos intact, as I have seen happen.

Being a trans woman is a very specific experience and it brings some challenges. Likewise, being born a woman is a very specific experience that also brings challenges. Both groups need and deserve fair and appropriate support and provisions, and protections against discrimination on the basis of their protected characteristics. That means being clear—being clear about what sex means and being clear that it is not the same as gender reassignment or having a transgender identity. That is the right and compassionate way to ensure fairness and dignity for everyone.

5.43 pm

**Jess Phillips** (Birmingham, Yardley) (Lab): The status quo is not working. People who are speaking in the debate probably feel anxious about doing so, and that is not a status quo that I recognise—for those of us on either side, if we have to have sides.

Sex and gender are different. I have never met a trans person who denied that over the years of having robust debate with them. In my life, the discrimination I have suffered at the hands of establishments, rather than just everyday sexism, has always been exclusively because of my biology. The obvious examples I could give are related to pregnancy. I was told not to bother to turn up for interviews because of pregnancy scan appointments, and that I was too young to decide whether I wanted to be sterilised at the age of 28, whereas my husband, just three years older than me, was allowed to make that decision without anyone batting an eyelid. I had to get two doctors to sign a thing to say that I could have an abortion. My biology really matters to me, and I have been treated poorly because of it. However, after making that point, I stress that my remarks will be about the issue of single-sex spaces and the safety of women. I am probably alone in this room as being somebody who has run single-sex spaces and used the part of the Equality Act that we are here to debate.

We all know that men's violence against women and girls happens to women. Of course violence happens to men and, frankly, if someone needs services because they are a victim of domestic or sexual violence, I do not care which category they fall into—they are 100% entitled to expect access to those services. But the Equality Act has to allow for the fact that we need different kinds of services for different people's needs, understandably. The Equality Act is a carefully balanced piece of legislation that recognises that women and men—let us be honest, it is less men—need protection from sex discrimination.



[*Jess Phillips*]

As part of that, women need to be able to have separate services, associations, charities and sports.

The majority of victims of domestic violence are women, and they are much more likely to be seriously hurt or killed. We must be really careful to protect our intricate and finely balanced services for women. I am already seeing again and again that specialist women's services are being decommissioned in favour of generic support services that have an all-or-nothing approach. This has almost nothing to do with trans people initially; it is entirely to do with the fact that they are expected to support men's services as well. Services are being decommissioned, and there are situations where perpetrator and victim are in the same service. That is happening across the country. It is utterly devastating, and the Government should be looking at commissioning women-only spaces in the Procurement Bill, which we are debating tomorrow. I look forward to hearing everybody who stands up and fights for women-only services today saying the same thing and that they do not want the free hand of the market to decide. They should say that they want specialist women-only services, because the Government refused to put the word "woman" in the Domestic Abuse Bill and the Online Safety Bill—it is funny how they are keen on it now. I shall be pushing everybody who speaks in this debate to vote on that basis tomorrow.

Organisations are afraid of not getting funding and of authorities thinking that they have to have an all-or-nothing approach. It is a reality that we are already seeing. Part of the problem is the confusion and fear about the law. Believe me, it is our role as parliamentarians to sort that out, no matter how hard it might be. It cannot be left to the courts, and it cannot be left to individual women's services to muddle through and fight legal battles. Believe me when I say this happens, because it happened to my organisation when we refused to interview a man for a job. These are small organisations with very little in the way of support.

The public service equality duty is one of the most important parts of the Equality Act, and it requires public service providers to consider the needs of different groups. When I was a commissioner of services on Birmingham City Council, I insisted on the commissioning of domestic abuse services for LGBT victims, and on having specialist services for south Asian women where I live. I think we should have specialist services for disabled people, because they have specific needs. At the moment, I feel that we are leaving some smaller organisations in a difficult situation. Along with Women's Aid nationally, I believe that we should be able to provide sex-only services and that other services must be available.

5.49 pm

**Sir Peter Bottomley** (Worthing West) (Con): I have learned a lot from most of the speeches, especially the last one. Anyone who has missed the annual reading of the list of women killed by men should attend it.

I am indebted to two authors. One is Helen Joyce, who wrote the book "Trans: When Ideology Meets Reality". People are mistaken if they think that those of us speaking in favour of clarity in the law are in any sense transphobic, or that any word or sentence in this book is that.

The second book is by Kathleen Stock, who was a professor at the University of Sussex, the county that my constituency is in. She wrote "Material Girls: Why Reality Matters for Feminism". I first became conscious of her dilemmas when I read a remark by a man called Liam Hackett, who accused her publicly of being a "dangerous extremist". There is not a sentence in the book that can be regarded as transphobic.

Liam Hackett was given an honorary degree by the University of Sussex in his 20s. He created and ran—and, as far as I know, still does—an anti-bullying charity called Ditch the Label, yet he is publicly a bully of a fine academic who should be supported, not condemned. I could, of course, have brought along one of J. K. Rowling's books too, but in five minutes I cannot give a full literary review.

Chapter 8 at the end of Kathleen Stock's book is called "A Better Activism in Future". She recommends being more non-binary; that people stop changing the subject when these discussions come up; being more intersectional; and having less theory, and more data—or, to expand on that, she says:

"Use less academic (high) theory, more academic data".

She gives a whole list of issues on which we ought to have information.

Kathleen Stock was writing her book when the questions were being created for the 2021 census, which brought in something on trans identity. The question was written in such a way that the place where there seemed to be most trans people was east London, but the question was misunderstood. It is ludicrous that although we search for data, we cannot have proper data.

First, we ought to recognise that no one I know is transphobic. Secondly, having gender questions matters. Discussing trans issues matters. When sex and gender clash, sex should be dominant.

I end with two examples that are well known to everybody. Why should a cyclist who is the 500th fastest in his age group or category be allowed to declare themselves a woman, and win a women's cycling race? There is no justification for that. There never was, and there never will be.

The second issue, as the hon. Member for Birmingham, Yardley (Jess Phillips) pointed out, is that in prisons, hospitals and refuges, and when it comes to personal care, people should have the opportunity for, and an expectation of, same-sex services.

For most things, of course, sex does not matter; it does not come into it. My pronouns—the ones I normally use—are you, we, I. We do not have to go around saying, "I am he and him" the whole time. I answer to "Hi!" or any loud cry.

I hope that this debate will help to illuminate the fact that Parliament is taking the issue seriously. One or two people who have intervened have given the impression that those who speak as I do are in some way against trans people. That is not so.

5.53 pm

**Rosie Duffield** (Canterbury) (Lab): It is a pleasure to speak in this debate under your chairship, Mrs Cummins. I rise to speak in favour of clarifying the Equality Act 2010; that will not exactly be a shock to anyone here. The debate over trans rights and women's rights

has become toxic in recent years, partly because the law as it stands is not clear. In fact, without doubt, this is one of the most toxic issues that politicians and campaigners will ever have been involved in. I experienced some pretty terrible online abuse at the height of the antisemitism crisis in the Labour party, but I almost look back on those days fondly, given the spite, vitriol, constant attacks, name calling, trolling and defamation that I face personally every single day, along with women's groups and my friends whose names are in the media.

If you talk to ordinary people—elected politicians do so most days—they will tell you that women as a group need protection in law, and trans women also need protection, but these are not the same groups. That was recognised in the Equality Act when it was passed. The Act was one of the last measures of the last Labour Government, of course. It was the outcome of 14 years of campaigning by equality and human rights organisations. It is carefully balanced, and it had cross-party support for nearly all its provisions. It is something that we can be rightly proud of as a country, and it is a law that protects against sex discrimination and transgender discrimination—separately, because they are not the same thing.

We know that one in four women will experience domestic abuse in her lifetime. Two women a week are killed by a current or former partner. Forty-one per cent of women provide care for their children, grandchildren or older and disabled people, compared with 25% of men. Around 90% of single parents are women. Men are almost twice as likely to be a manager, director or senior official than women, and only one third of MPs are women despite us making up over 51% of the UK's population.

Because of those and other differences in men's and women's lives, we need to be able to monitor sex discrimination and provide for the needs of women and girls, particularly when they are most vulnerable. The Equality Act is the law that allows for that, but confusion within and about the Act has led to a toxic debate where people have become terrified even to talk about women's rights—but not all people.

Since I started speaking up, I have had so many women and men write to me to say thank you. Many have written to say that they are frightened to speak up for women's rights. They include women and men who work in jobs where it is extremely important that they are able to be clear about the difference between male and female, and about who women are and who men are. They include people whose jobs involve safeguarding children—headteachers, teachers and social workers. They include people who work in healthcare—nurses, told that they should ensure that hospital accommodation is in single-sex bays for men and women, but also that they should allow people to choose which sex they want to be housed as. They include women who work in domestic violence shelters, who are terrified of being sued or losing their job if they make it clear that those are female-only spaces. They include female athletes who want their sport to be fair but are afraid to speak up because of the response that they will get.

This was not the world that the Equality Act was meant to create. It was meant to continue from the Sex Discrimination Act 1975, to ensure that men and women were treated equally while single-sex services, sports, associations and charities could be safeguarded. Instead,

it is being used to stop people talking about sex—not gender—and sex discrimination.

The Equality Act was also meant to ensure that organisations should treat trans people fairly and with sensitivity as employees and customers. But that did not mean requiring other people to pretend that they believe that being trans—for example, being born male and perhaps changing name and clothes, and maybe taking hormones or even having some physical surgery—is the same as being a woman.

The Gender Recognition Act was passed to allow trans people to obtain legal status to marry in their acquired gender and to be treated as male or female for the purpose of pensions. It was not, however, intended to provide an access-all-areas pass to single-sex services, associations, schools, colleges, sports or charities.

We really need to offer clarity on the law. It is the only way. Clarity would mean that we could treat all people with respect. The UK has led the way on equality law, and it can do so again by finding a grown-up way through this debate on trans rights and women's rights. Until we do so, I will continue to speak up, death threats or not.

5.58 pm

**Nick Fletcher** (Don Valley) (Con): It is a pleasure to serve under your chairship, Mrs Cummins. As we have heard, the petitioners want to make a simple amendment to clarify the Equality Act with regard to the interpretation of the word "sex". That clarification would prevent serious problems from continuing. We are in a position where some biological males believe that they have a right to enter single-sex spaces—female changing rooms. I suspect that when many think of that they think of a grown man—a trans woman—entering a grown woman's space. That to me is obviously wrong, but my real concern is what happens when a six-year-old girl is in that changing room—somebody's daughter, somebody's granddaughter, somebody's niece. It just is not right.

[SIR GEORGE HOWARTH *in the Chair*]

I want to make an aside—hon. Members will see where I am going with it. I worked in construction most of my life. Health and safety has taken a real turn for the better over the last 30 years. We now report near misses—where an accident could have happened, but luckily did not. A tripping hazard may have been seen, or an oil spill. We do that to learn, and to prevent accidents from taking place. We put items only in designated areas, and prevent the spill or have spill kits on hand. That does not mean that everyone was going to trip or slip, but some might have. We learn from near misses and prevent accidents. I think we would all agree that that is wise.

While our construction sites are getting safer—well done to those in the Opposition for bringing in health and safety legislation—our single-sex spaces are not. Let us do what we need to do to clarify the Equality Act and ensure that no biological male can enter that six-year-old girl's changing room. To me, that would be excellent legislation, and a must—a near miss reported to stop tragedy happening. That does not mean every biological male going into a female changing room is a danger, like not everyone was going to trip or slip, but some might be, so we should say no and prevent the

[Nick Fletcher]

possibility of something bad happening. That is why I support the petition and hope the Government will, too.

We can also use the analogy of a near miss when it comes to women's sport. If we do not make this change right now, we could quite easily end up with no women's sport. Many young girls will see what is happening—biological males winning in female sports, or perhaps a woman or girl being injured—and think, “What's the point in trying?” Let us sort out the Equality Act right now and protect our women's sport for good.

If we can stop the use of new gender pronouns in schools, we will stop many issues for our young people later in life, too. I am glad that we have been able to discuss this near miss today. I hope we can learn from it and prevent the tragedies that could follow if we do not.

Let me assure all those who think it is unfair that I believe we need to help and support those with gender dysphoria and treat them with respect, too. But we need to do so while respecting other rights, and I feel that I have to stand up for the six-year-old girl in the changing room confronted with a 50-year-old male who is going through a tough time. I am standing up for the nine-year-old who wants to stand in first place at the Olympics but thinks, “What's the point?” when a biological man will be there in her place.

I am standing up for the 12-year-old allowed to use pronouns at school who is being sold a story that she can be something that she never can. I am thinking of her after her transition, when she wakes up one morning when she is 25 and realises that she can no longer have children. She is growing facial hair, her health is generally poor, her bone density is down, her voice has broken, she has no real friends, and she has probably fallen out with mum, who is now broken for letting her take those puberty blockers and hormone replacement tablets. I am thinking of that girl sold a lie by the influencers who have now moved on to another ideology to make them money. No—in this place, we have to make the hard decisions to protect the vulnerable. I know the Government will make the right decision and clarify the Equality Act.

6.3 pm

**Dame Nia Griffith** (Llanelli) (Lab): The Equality Act 2010 protects against direct and indirect discrimination, but there has always been provision in the Act for different treatment where it is a proportionate means to a legitimate aim—that is, different provision for those whose sex is assigned at birth and those whose legal sex has been acquired through a gender recognition certificate.

For example, although I know of one rape crisis service that has been providing women-only services for 30 years, and uses trans-inclusive language and has been trans-inclusive for 30 years, many other organisations providing services for those who have suffered domestic violence use the current provision in the Equality Act to provide exclusive services for those whose sex at birth was female.

Decisions about who can compete in sports can be made by sporting bodies as appropriate for the sport, and I do not understand why so many Members do not

seem to have understood that. Obviously, rugby is totally different from chess. Those decisions are made by the appropriate bodies.

The Gender Recognition Act 2004, in combination with the Equality Act, currently defines someone's legal sex as either the sex they were assigned at birth or the sex they have acquired through having a gender recognition certificate under the GRA. As I have illustrated, the Equality Act allows for different treatment of people whose legal sex has been acquired through a gender recognition certificate and people whose sex is assigned at birth, as long as the action is a proportionate means of achieving a legitimate aim.

If there is a change, as has been suggested, from the current definition in the 2010 Act to a definition based on biological sex, that would create a blanket ban on trans people from services that they had previously enjoyed without concern or complaint, even when it cannot be said to be a proportionate means of achieving a legitimate aim. The change would remove the current protection from discrimination for people in possession of a gender recognition certificate and undermine the Gender Recognition Act, leading to people being treated as if they had not changed their sex.

Unfortunately, this debate has often been portrayed as a matter of whether trans women should be allowed to use women's toilets. First, we have had the GRA since 2004, and trans women have been using women's toilets without complaint. Most of us have probably never even noticed. As we know, we have individual cubicles, so everyone has their privacy.

Even more unfortunately, there has been a conflation, even by Members in this debate, of a trans woman and somebody who is a criminal. We know perfectly well that there are police who are criminals and carry out heinous acts, but that does not mean that all police officers are criminals. It is exactly the same. Someone could impersonate a meter reader or a council worker, say, and go to a house to try to gain entry by false means. Why the idea that someone can dress up as a woman and therefore carry out whatever criminal act they intend to should determine how we decide to treat trans women is absolutely indecipherable to me.

To those people who genuinely feel that they do not want to discriminate against trans people, I want to make it clear just how hurtful that suggestion is to many trans people. They feel that they will be completely obliterated—that they will no longer exist, that they will no longer have the right to recognition. They have so many challenges in life—challenges with their family, challenges at work, challenges with their social life—

**Hannah Bardell:** I commend the hon. Lady for making a passionate and common-sense contribution to the debate. I am sure she agrees that some of what we have heard today is just feeding into the moral panic; some of the arguments are just cut and pasted from what gay and lesbian people faced decades ago. Does she agree, as a lesbian, that trans people do not threaten us? In fact, they enhance our existence.

**Dame Nia Griffith:** Absolutely. As a fellow lesbian, I absolutely agree with the hon. Lady; they are absolutely not a threat. More importantly than that, they need our support now more than ever.



6.7 pm

**Andrew Lewer** (Northampton South) (Con): It is a pleasure to serve with you in the Chair, Sir George.

I want to talk about a specific situation in which clarity about the meaning of “sex” is utterly essential—a situation in which it is vital that everybody knows what the words “male” and “female” mean, and in which it is vital that those words have their natural meanings: the immutable binary characteristic that all humans, and indeed all mammals, possess from the beginning of their life to the end of it.

**Kerry McCarthy** (Bristol East) (Lab): Will the hon. Gentleman give way?

**Andrew Lewer:** I will follow the example of the hon. Lady’s colleague, the hon. Member for Wallasey (Dame Angela Eagle), and not give way.

I also want to talk about the consequences when there is a lack of clarity and about what happens when our laws mix up material, concrete, physical realities with words and claims about identity. The reason I want to do that is because the consequences can be horrific. When legislators make a mistake, it is ordinary people who suffer. Our laws have to be clear. In situations where sex matters, it is sex that matters.

People can identify however they like, so long as claims about their identity do not injure other people. But injuring other people is what is happening now, because our laws have drifted away from reality and in the process have got muddled. It is well past time to return to clarity and reality, and doing that means clarifying that when the Equality Act says “sex”, it really means sex. We are at a juncture where we have to draw a line in the sand of competing claims.

I ask my honourable colleagues to think of a stark but perfectly commonplace example of a situation where sex matters—that of a woman who is having a gynaecological procedure. Perhaps she is having a cervical smear test, or she needs an hysteroscopy, in which a camera is passed through her vagina and cervix into her uterus. For such procedures, she must take her clothes off from the waist down and be touched intimately. Many, many women are unwilling to go through such procedures except with female health workers. Some women have specific reasons; they are survivors of sexual assaults, or their religion requires them to avoid intimate contact with any man except their husband. Others are simply setting their own boundaries on the basis of what is comfortable for them, and their feelings about privacy and dignity are perfectly normal and a sound basis for them to grant or withhold consent. Here is the stark question in clear language: is a man who identifies as a woman a satisfactory person to provide care to a female patient who has stated that she is willing to undergo such a procedure only at the hands of another woman?

Here is what the NHS Confederation said in guidance sent around the country last week: despite the express wishes of the patient, that man is a suitable person to provide care to that woman. His feelings about his identity override the material reality of intimate contact with her body. They override her privacy, her dignity, her boundaries and her consent, and if she complains, she is transphobic and may be asked to leave the hospital

or surgery. If her relatives speak up for her, they may be removed. All of that is dressed up in the language of gender identity. The patient has no rights to know the health worker’s gender identity. It is not the identity of this man, however, that the woman is concerned about; it is his sex.

The NHS Confederation is not an outlier. The British Medical Association, which regulates doctors, says that patients have no rights to be told a healthcare worker’s assigned sex at birth. However, sex is not assigned at birth: sex is observed at birth, as determined by conception. Moreover, if a patient has asked for a carer of the same sex as them, according to the BMA it is the comfort of the staff member that should be prioritised.

**Joanna Cherry:** Will the hon. Gentleman give way?

**Andrew Lewer:** No—yes, sorry.

**Joanna Cherry:** Does the hon. Member agree that the guidance he is reading out is simply wrong in law, and that to force a woman to accept a male-bodied person to carry out her intimate care is a breach not just of the Equality Act but of that woman’s rights under articles 8 and 3 of the Human Rights Act 1998?

**Andrew Lewer:** That is exactly right, and it is why this clarity is needed. Here is another quote from BMA guidance:

“A patient does not have a right to know if a healthcare worker has a gender different to the sex they were assigned at birth.”

In other words, the patient has no right to know whether the person treating them is the same sex as them. That is heartless beyond words. We are talking about a woman who may be worrying about serious illness and is feeling exposed and vulnerable. Professional bodies are instructing healthcare providers to gaslight her. They are saying that it is perfectly fine for a man to touch her unclothed private parts when she has refused that, because of how he identifies. As the hon. and learned Member for Edinburgh South West (Joanna Cherry) said, it is more than heartless, it is illegal. If a man provides such care to a woman who says that she is only willing to receive it from another woman, it is a sexual assault.

Have we reached the point where medical associations are instructing care providers to sexually assault women in the name of inclusion? That is why it is essential that the meaning of sex in the Equality Act is made much clearer, in order to end this and save lives.

**Sir George Howarth (in the Chair):** Order. The hon. Gentleman has exceeded the time limit. Can he give one line by way of a conclusion before I move to the next speaker?

**Andrew Lewer:** I have finished.

6.13 pm

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): In the spirit of calm and cool debate, I will say clearly my view on this matter, just as those opposite have: trans men are men, trans women are women, and being non-binary is valid. I am proud to be Plymouth’s first out Member of Parliament; I am probably not Plymouth’s first gay Member of Parliament, but I am certainly the first one to proudly say so before they put

[*Luke Pollard*]

themselves forward for election. That gives me a special responsibility to speak up for those people whose voices are not always heard in this place.

Changing the Equality Act is unnecessary, unworkable and unfair. When we talk about biological sex, we are talking about the sex assigned at birth. That means that there is a real complication and a potential assault on people with intrusive medical tests to look at their biological sex at birth rather than where they are today. As mentioned earlier, it also ignores intersex people, who make up a substantial portion of our population.

**Joanna Cherry:** Will the hon. Member give way?

**Luke Pollard:** I will carry on if I may. Single-sex services can and do exclude trans women at the moment, using the law as it stands. Changing the definition of sex is unnecessary to achieve that policy aim. Indeed, the majority of the examples used around the room in this debate so far are already covered by the Equality Act. I am worried that the debate and the direction of travel in which this can take us could lead to a roll-back of hard-won rights for the LGBT+ community and will potentially exclude more trans people from public spaces and allow discrimination to go unchallenged.

I want to hear more trans voices in the debate and I would like us to spend as much time talking about trans people's access to healthcare as we spend talking about trans people's rights to use a toilet. In the south-west at the moment, the waiting list to access trans healthcare is seven years—it is seven years. That is a disgraceful amount of time. I challenge all those people who spend so much time focusing on toilets to spend as much time focusing on healthcare and the delays in the system in order to achieve a fair place for us all. Let me say this clearly: the carefully crafted words that suggest that trans people accessing the toilets or changing rooms that they are legally allowed to access makes them a sexual predator are disgusting and wrong. What that does is contribute to a rise in hate against people. One of my friends, who describes herself as a butch lesbian, has been asked to leave toilets countless times. All she wants to do is go for a wee. But she has been asked to leave toilets countless times because of a rise in hate. She was born a girl; she is now a proud woman—a proud lesbian. But the rise in hate in the debate and around our country means that she worries about going to the toilet because of what other people may think of her. That is not right.

**Margaret Greenwood** (Wirral West) (Lab): Will my hon. Friend give way?

**Luke Pollard:** I will carry on if I may, because I am running out of time. It is important that we defend the Equality Act, because there are so many examples that are already covered by the Equality Act; it is important that we all look carefully at it. I appreciate that some MPs have wanted to have this debate for quite some time—wanted to have a debate about biological sex. But what I hope we can all agree on is that the right of trans people to exist, to be authentically themselves and to thrive should not be up for debate. This is why we have to be careful. We need to ensure that the debate in this country does not go down the path of how we are seeing the debate develop in America. What happened

in America—we can see this—is that first they came for trans people; then they came for the rest of the LGBT+ community. As we see from the 400 pieces of legislation—

**Tonia Antoniazzi:** Will my hon. Friend give way on that point?

**Luke Pollard:** I will carry on if I may. We need to be very cautious: that is not to say that everyone in the debate here has made that case, but that is the direction of travel, especially when hate is bubbling in our environment.

The final thing I want to say is that for the trans and non-binary people watching this debate, it is important that one of us says, “I see them. I hear them. They should be loved and supported. They should be protected in law. And there is a way through to make sure that that can happen sensibly”—

**Joanna Cherry:** What about the women?

**Luke Pollard:** Well, there are trans and non-binary women and trans and non-binary men and trans and non-binary folks as well, and shockingly there are women and men in the LGBT wider community, so let us ensure that we are embracing inclusion in this, because the truth is that rising hate and discrimination makes all our lives worse, but in particular it makes the lived experience of trans and non-binary people much worse through attacks, discrimination and hate.

6.18 pm

**Tim Loughton** (East Worthing and Shoreham) (Con): I think many people find it extraordinary that we are having a debate on having to redefine sex in the Equality Act, but people will find it even more extraordinary that some speakers have warned us against having this debate in this place—supposedly, people are frightened about having this debate. There is a problem. That problem has been due to the conflation of sex and gender, and it is this place that rightfully needs to put it right. It is up to us as parliamentarians to speak out—as the opening speaker said, openly, fearlessly and respectfully, and, I hope, also without fear of being cancelled, of appearing in an Oxfam cartoon or of being described as weaponising this important subject.

There is currently confusion about how the Equality Act operates in relation to sex. That is jeopardising the provision of single-sex and separate-sex services allowed for by the Act, including in hospital wards, care provision, sports and schools, as we have heard. Amending the Act to ensure that references to “sex” mean biological sex would resolve that confusion for everyone concerned. It is about clarification, not change. It does not remove the rights of transgender people. They are protected from discrimination on the basis of gender reassignment, which comes under a protected characteristic in the same Act.

The clarification would make it simpler to provide single-sex services and accommodation. It would provide clarity for single-sex associations, including charities, women's refuges and sports associations. It would also provide clarity to schools, which is increasingly becoming an issue. All of that can be done using section 23 of the GRA without the need for new primary legislation.

I support the first petition to make the Equality Act clearer for several reasons. I echo what other hon. Members have said, but I will talk about one particular application of the Act, which is to allow clear and fair women's sport, and to ensure it gets the support that it needs. It is just over a decade since London hosted the world's greatest sporting spectacle, the Olympics, when Team GB did us proud. Since then, one sport after another has allowed male-born athletes who later identify as women to compete as women. Around 60 governing bodies have opened up the female category to male athletes, who benefit from all the physical advantages of testosterone during puberty. Incredibly, that includes some combat sports such as wrestling and judo, which are very physical.

The entire purpose of competitive women's sport is to allow girls and women to compete fairly, like against like, and to recognise and reward female excellence. That is why we have separate Paralympic games, and separate categories within them to reflect the abilities of certain people. We also do not hear much about transgender men competing in male sport. We know that males are bigger, stronger, faster. During puberty, testosterone broadens their shoulders, and makes their bones and muscles larger and far stronger. There is no way to undo those changes. They are so advantageous in sport that in every single track and field event, the women's world record has been surpassed many times not just by elite male athletes but by teenage boys.

UK law allows women's sport to be restricted to females. Even transgender males who have a gender recognition certificate stating that their sex is female can lawfully be excluded from women's sport, as recently confirmed by the EHRC. However, sporting regulators have said they worry that even with the law behind them, they risk vexatious, costly legal actions and being dragged on social media for being transphobic and exclusionary. A legal opinion commissioned by UK Athletics alerted the body to those risks; it wants to exclude all males from female sports but worries that it will get sued. Sports organisations also worry that they might not be covered by the exclusion that relates to competition when it comes to other parts of sport: training, handing out funding, running recreational sports and providing facilities such as changing rooms.

Last year, the UK sports councils looked at the science, and concluded that it is categorically unfair to allow males into female sport. However, the campaign group Fair Play for Women still knows of men competing in women's events. In English football, there are around 50 such males. A 30-something male was selected as goalkeeper for the British universities team. In individual sports such as cycling and running, women have lost medals and prizes to males identifying as female.

This is an issue not just for elite sports, but at the junior level. Parents worry that their daughters will get injured on the field playing with bigger, stronger, heavier boys who identify as girls. Faced with such unfairness and risk, women and girls vote with their feet. A measure that is described as "inclusive" actually means that girls and women are excluded from their own competition. This week we have heard about the English women's angling team. In swimming, many women, including those who have had breast cancer and Muslim women, want female-only sessions, but now they can find a male

"woman" in the changing room and in the pool with them. I pay tribute to Sharron Davies for all her work in this area.

It is not fair on women and girls who spend years training in their sport, only to have it snatched away by competing against somebody who is biologically different. We owe it to the amazing women of Team GB to sort out this issue, and we owe it to every girl who dreams of being on the podium one day, like the women who are their sporting heroes. I support the first petition.

6.24 pm

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): It is always difficult to talk about these sensitive issues. By and large, apart from some exceptions, we have managed to do it in a calm manner today. I have not always been the calmest on this issue, because it is difficult when we are talking about people's lives from all sides. Last time I spoke in this Chamber about some of these issues, people who were in the room then spread lies about me wanting to teach BDSM to children and so on. They were horrible, pernicious lies that were put on Twitter and caused a lot of hate. I think it is important to note that there has been a lot of hate and angst outside of this room directed at politicians on all sides of the debate. It is totally unhelpful. It is also probably unhelpful to say, "It's just me, your honour", because all of us have had really horrible times. I think it is important to start by saying that. We need to defuse that, and I will try to take the lead and do that myself.

What we have heard today is a set of cherry-picked case studies of examples and exceptions. Each one of them will have been very complex cases that need complex answers. People are not simple. People are not just binary. Biology is not as simple as that, as I know that my hon. Friend the Member for Sheffield, Hallam (Olivia Blake) will attest to.

**Olivia Blake** (Sheffield, Hallam) (Lab): Absolutely. There is a risk in this House of us talking about GCSE biology rather than actually biology. The aneuploidies XXX occurs in one in 1,000 women, and XXY occurs in one in 500 men. These are very common biological differences that do complicate the matter—and those are not intersex individuals, to be clear.

**Lloyd Russell-Moyle**: I appreciate that, and coming from a biologist that is important to note. People are complex. That is why flexibility in the current law is important. By defining things too much, what we suddenly do is assume that everyone lives in these easy, binary boxes. The current principle of the law, as my hon. Friends have mentioned previously, is that general and specific discrimination should not happen, but there are a number of exceptions for people with protected characteristics where discrimination can happen to provide specific spaces. We know that this can be on sex, race, disability and on gender reassignment.

However, the ability to have flexibility on one's determination, such as in an organisation or on a specific place-by-place basis, is important. Survivors' Network in my constituency, the predominant organisation supporting survivors of abuse, has for over 30 years decided to take a trans-inclusive approach to how it treats women's spaces. That has been done through working out what the local need is for the service provision.



[Lloyd Russell-Moyle]

The majority of providers in Britain choose to draw the line on biological sex. Both are legal. Because of the flexibility in the law, both can be determined.

What would happen if we then made a strict rule that the discrimination could only happen according to biological sex? Survivors' Network would be barred from the flexibility that was dreadfully important in providing its inclusive service in our city. Moreover, we would have a legal provision that would prevent a trans man going to use male changing room facilities. I believe that in many respects we should try to find accommodation. A lovely new swimming pool has opened up in my constituency. It has fantastic changing facilities, with all individualised cubicles and individualised facilities. Gender is not an issue.

**Jess Phillips:** I have seen it come about that we now have non-gendered areas, and I have to say that I think there is a bit of a red herring. Lots and lots of women would still like to have a women's changing area, but I have seen the solution to the issue being non-gendered areas.

**Sir George Howarth (in the Chair):** Order. Before the hon. Gentleman resumes, there is a Division. We will suspend the sitting for 15 minutes.

6.29 pm

*Sitting suspended for a Division in the House.*

6.44 pm

*On resuming—*

**Sir George Howarth (in the Chair):** Before Lloyd Russell-Moyle resumes, I should say that, because of the Divisions, the debate will now conclude by nine minutes past 8 and the wind-ups will begin no later than 7.39 pm. Could hon. Members bear that in mind?

**Lloyd Russell-Moyle:** I want the flexibility for these things to be locally determined—proportional means for legitimate ends. The current law works. Of course there will be examples that are wrong and need correcting, but that is why we need the Government to give greater guidelines. The problem is that the trans community do not have trust that those guidelines will be fair and balanced.

For me, the real issue—the injustice—is about the woman who will turn up tonight at Brighton, be told that there are no spaces in the refuge and be put into hostel accommodation with rapists down the corridor who have only just come out of prison. The real tragedy will be the young trans person tonight who cannot get access to mental health services. The real tragedy is 12 years of austerity and cuts from the Conservative Government, not some dog whistle about whether there should be clarity or not. There is. The law is clear. What we need are services.

6.45 pm

**Jonathan Gullis** (Stoke-on-Trent North) (Con): I congratulate the hon. Member for Gower (Tonia Antoniazzi) on her balanced approach at the start and on listening to all sides of the debate.

I start by making it very clear that no one here is looking for some sort of culture war, despite what some may think. No one here is trying to pit different people against each other; in fact, I firmly believe that both women and the trans community have the right to be protected. They are already well protected under many existing laws, including the Equality Act, the Gender Recognition Act and the Human Rights Act. There are plenty of laws in place. If we are being asked to clarify the law—not change, but clarify it—this Parliament has the right to do so as long as the majority vote for that.

I speak passionately about this issue. I have someone in my life—a woman—who fled domestic violence and found a refuge with her young daughter. She would have been terrified to have been near anyone, whether male or a trans woman, in that system, because of the abuse, rape and torture that they had both suffered. This is about them having the safety of a women's refuge, to be around other female survivors. I regularly commend the hon. Member for Birmingham, Yardley (Jess Phillips) for being such a passionate champion of the cause.

Having lived with the woman I have described and heard about all the tragedy that she has had to go through, I understand why it is so important that women should have the protection of single-sex spaces and why it is wholly appropriate that we should clarify that law if we need to—to say that sex is defined by biology. Someone is not assigned their gender at birth; they are born male or female. A man is an adult human male and a woman is an adult human female. We should not be disputing those facts in the 21st century—these are the basics of biology that we talk about in our classrooms. I used to be a teacher. As head of year, I had responsibility for the safeguarding and welfare of children; I taught in an only-girls school as well as mixed-sex schools. I understand the challenges that come with some households and young individuals.

The issue is about making sure that women and girls feel protected and that the trans community have their rights and protections as well. It is befuddling to people in Stoke-on-Trent North, Kidsgrove and Talke that this debate should even have to happen—to them it is obvious that in the Equality Act “sex” was talking about the biological definitions of men and women. Of course, they also accept that if there needs to be clarity, we should get on with giving it.

I want my daughter to grow up looking to heroines such as the hon. Member for Canterbury (Rosie Duffield), the hon. and learned Member for Edinburgh South West (Joanna Cherry) and J. K. Rowling, who have been brave and bold enough to stand up for what they believe is important. Their rights should not be eroded because of an extremist minority shouting very loudly on social media and pursuing a very hard-line agenda that is not in keeping with the majority opinion, as we have seen during the national debate.

Sadly, women are being persecuted and facing abuse simply for speaking out, just as much as those in the trans community. The people who made money off J.K. Rowling's hard work refused to stand beside her—they sit there in their multi-million-pound mansions, taking their private flights and trading on their position as actors and actresses because of her work. They had the gall to cancel her from being present at the show about the books that she herself wrote. It is extraordinary that

we live in such times and that those individuals can be so cold and callous. That is why it is so important that we have this debate, which is about making sure that women feel and are safe and have their protections.

**Dame Nia Griffith:** Would the hon. Member like to clarify his understanding of the definition in the Equality Act? As I understand it, the Equality Act defines someone's legal sex as being either the sex they were assigned at birth or the sex that they have acquired through having a gender recognition certificate. I do not think that that is what he has said in his speech.

**Jonathan Gullis:** I want to make it perfectly clear: sex is not assigned at birth. You are born a man or you are born a woman. Those are indisputable facts. You have XY chromosomes or XX chromosomes. Again, that is not up for debate or discussion. The hon. Member for Sheffield, Hallam (Olivia Blake) talked about XXY chromosomes, but as the NHS website points out, Klinefelter syndrome is caused by an abnormal amount of chromosomes. It does not relate to the separate debate about self-identification. Those two things are separate.

To finish, it is biologically clear that a male has XY chromosomes and a female has XX chromosomes. This is a scientific truth that should not be conflated with any constructed truth. William of Occam had it right that the simplistic approach is the best. Let us keep the Equality Act simple in order to protect the rights of everyone in a civil society. The problem with the debate we are having is that it is set in the context of a postmodern society that thinks that it can get away with dictating to those with universal convictions of truth that they must abandon them in favour of the nonsensical versions of their truth. Although the Algerian philosopher Jacques Derrida once pointed out that society is in a state of flux, he did not say that science is in a state of flux.

6.51 pm

**Neale Hanvey** (Kirkcaldy and Cowdenbeath) (Alba): I have an observation to make before I turn to my remarks. I have worked in clinical practice for 25 years and it is absolutely anathema to me that any clinical member of staff would seek to allow their feelings to trump the privacy, dignity and rights of any patient in their care.

The one thing that I hope all sides can agree on in this debate is that the principle of equality is one that we should all embrace, cherish and protect. Our understanding of what that means and how it is achieved is the nub of this debate, as is our willingness or otherwise to accommodate each other.

I want to consider that foundation first. The notion of equality and its role in law is not new. Going back millennia, Aristotle argued:

“Equals should be treated equally, and unequals treated unequally.”

That enduring principle of equality requires that individuals should be treated the same, unless, of course, they differ in ways that are relevant for consideration to maximise their equality before the law. Understanding how we differ requires a shared and clear language to delineate and apply those considerations effectively. As in the

days of Aristotle, sex, who is male and who is female has been the bedrock on which we have accommodated fundamental differences.

As a same-sex-attracted male, my sex and the sex of my partner is a primary defining characteristic of my identity and my protection in law. If sex were to mean anything other than the biological category of natal male, it would no longer be possible for me to delineate or describe who I am within the law, or for other gay men like me to be protected. That is true of other protected characteristics in the Equality Act, including the protection of the trans population, under the characteristic of gender reassignment.

I remember when I was first asked whether I believed that trans women were women. I was puzzled by the question, as it implied the need to subvert and subsume the meaning of “woman” as it is commonly understood. But it was not just that, because I see absolutely nothing controversial in calling a trans woman a trans woman, and a trans man a trans man. These are necessary biological categories for society and the Equality Act to accommodate, value and protect.

To deny that a trans woman is a trans woman suggests that there is something less, something other, about a trans identity—something to be hidden away in someone else's identity. I reject that suggestion entirely. Now, as then, I value trans people and respect those who have chosen to make such a profound change to their lives in search of inner peace. But the act of subsuming rights or clouding language around equality goes far beyond those considerations. Without a stable, codified language, the whole meaning of protected characteristics, hitherto based on sex, comes tumbling down, which risks ushering in a chaotic and anarchic approach where equality legislation based on Aristotle's fundamental principle becomes utterly impossible. Everyone suffers.

Children should be free to be their own individual, carefree, special selves, without adults imposing their gendered stereotypes on them. Telling children there is something intrinsically wrong with them is absolutely unforgivable. But if equalities legislation is to protect anyone, it must be able to effectively describe everyone.

6.55 pm

**Peter Gibson** (Darlington) (Con): It is a pleasure to serve under your chairmanship, Sir George. I congratulate the hon. Member for Gower (Tonia Antoniazzi) on ably leading the debate. Some 263 of my Darlington constituents have signed the petitions we are debating, but these issues are important to us all.

At the outset, I want to say this: trans people matter to me—trans people matter to me as a member of the LGBT community myself, trans people matter to me as members of my family and, most importantly, trans people matter to me as members of the community I represent.

This whole debate prompts strong feelings on all sides, and it is important that we in this place are careful to avoid fanning the flames of an already inflammatory backdrop. By and large, the Equality Act 2010 is clearly drafted and effective legislation, and I speak in favour of the status quo petition. In her recent response to the Government, Baroness Falkner said of changing the definition of sex that it

“could bring clarity in a number of areas”

[Peter Gibson]

but also “ambiguity in others.” This place should always be willing to consider clarifications to our legislation where ambiguity exists, but doing that as a knee-jerk reaction does not strike me as good law making.

My overriding fear is that the change suggested in respect of further definitions of sex would run the risk of excluding trans people from effective protection by the Equality Act. By restricting the definition of sex to sex assigned at birth, we could have a situation whereby protection from discrimination created a two-tier system. Trans people who are perceived to be cisgender would have more protection under the law than trans people who are not perceived to be cisgender. Changing the definition of sex in the Equality Act runs the risk of creating an environment of unintended consequences for people who do not conform to gender stereotypes, but nevertheless are cisgender. We must not make it easier to exclude, and safer to discriminate against, people who are part of one of the most vulnerable communities in society.

When looking at what these petitions call for, it is important that we note that changing the statutory definition of a protected characteristic is not “modifying” or “clarifying” the Equality Act; it is in fact changing it, and changing it in a way that alters its original intention and that could throw into question over 10 years of case law. The Gender Recognition Act 2004 establishes that a trans person with a gender recognition certificate is recognised in their legal sex for all purposes. It is already possible to exclude trans people from single-sex settings and services, where that exclusion is proportionate and has a legitimate aim. Many services already operate on that basis. What purpose would changing the definition of sex in the Equality Act serve, aside from allowing it to become even easier for people to discriminate against trans people?

As we have already heard, the population of trans people in the UK is small, with only a few hundred gender recognition certificates issued each year. Reducing trans people’s protections in law, and increasing the level of risk and uncertainty that they have in managing their day-to-day lives, should not be the goal of any Government or Parliament committed to LGBT equality.

I am determined that everyone in the UK should be free to live their life and fulfil their potential, regardless of their sex, gender identity, race or disability. I am clear that transgender people should be free to prosper in Britain. Our country has come a long, long way on LGBT issues—further than I could have ever imagined as a young man. We must not turn that progress back.

7 pm

**Kirsty Blackman** (Aberdeen North) (SNP): I thank the petitioners who brought the petitions forward and the hon. Member for Gower (Tonia Antoniazzi), who introduced them. I agree with the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard), who started off by saying that being non-binary or trans is valid. I will start off with that. I am going to offer a tiny bit of rebuttal in terms of the debate that has been had, but mostly I want to give voice to my trans constituents and the trans people who have contacted me about their concerns. I reject wholeheartedly any rhetoric that there has been in this room that has painted trans people as

potential predators. There are potential predators, but to lump all trans people together as potential predators is to completely demonise a protected group.

I want to pick up on the fact that a number of Members have used the phrase “ordinary people”, when they mean “non-trans people”. There are an awful lot of people in my constituency who would consider themselves to be entirely ordinary, and who also happen to be trans. They are also extraordinary in their own ways, I am sure, but “ordinary people” is an exclusionary phrase when it is used as it has been by some Members in this debate.

Before I move on to discuss what my constituents have said, I want to say that I will be incredibly annoyed if I get a whole load of abuse on social media after this debate suggesting that I do not know what I am talking about because I am a straight woman, because it is entirely up to me what my sexual orientation is. For people to continually call me “straight” on social media is immensely frustrating, and I wish that it would stop.

We have talked about biological sex a number of times, but not one person has been able to explain what it is. The hon. Member for Stoke-on-Trent North (Jonathan Gullis) gave a good stab at it, talking about XX and XY chromosomes. I have no idea what my chromosomes are. I assume that they are probably XY, but I do not know—I have not got a clue what they are. I have a fair idea of what my genitals look like and how they compare with how other people’s look, but if we are talking about biological sex there needs to be a definition that everybody in this room can agree with. Nobody has been able to provide such a definition.

We continue to fail trans people, and we continue to fail women. Legislators continue to fail both groups, who are considered and treated as somewhat lesser in society. That is the case. We are a room of cis people debating trans people once again, and hatred and bile causes further risk for trans people. What will the impact be on trans people?

**Joanna Cherry:** Will my hon. Friend give way?

**Kirsty Blackman:** No.

We already have a situation where people are gatekept for going to the toilet. We already have a situation where people are attacked for the way they choose to present themselves.

I have constituents who came to me separately in relation to this issue. One of them said, “I’m not a danger. I just want to get on with my life and be able to go to the loo when I’m shopping.” Surely that is something we should want for everybody. Everybody should feel comfortable and able to access services. People should not have their two teenage daughters told that they cannot go into a loo because they have short hair and wear trousers rather than skirts, as happened to one of my friends. If we have a situation where people can tell what someone’s biological sex is, clearly they are gatekeeping the wrong people. Why are they continuing to do that if biological sex is so completely obvious to everyone?

Another trans person came to me. They were not the first to come to me with concerns of this nature. I will paraphrase what they said. When they heard about biological sex being included in the Equality Act and this change being made, they said, “What hope is left? Should I just kill myself now and be done with it?”



They will not rest until trans people are excluded from public life. This is what is happening as a result of this dog-whistle politics to try to demonise my constituents, who just want to get on with their lives, live in peace and go shopping in peace.

7.5 pm

**Caroline Ansell** (Eastbourne) (Con): It is a pleasure to serve under your chairmanship, Sir George. It is rather ironic speaking so late in the debate because the point I wanted to make and the argument I wanted to win were made and won before the debate started, when your predecessor in the Chair counselled Members that there were two live court cases associated with this subject. My point is that we are allowing individuals to operate in this seeming legal grey space, rather than us direct in Parliament. Those individuals and organisations are forced to run the legal gauntlet case by case, isolated and alone, and sometimes at very great cost to their reputation, to their career and to their health.

In common with many colleagues here, I rise to support the petition to clarify—not change—the Equality Act. The hon. Member for Aberdeen North (Kirsty Blackman) seemingly endorsed that change when she said we are currently failing trans people and failing women. Change is an imperative, because we must be very clear with trans people what the law can and cannot do. Equally, we must safeguard the rights of women to those same-sex spaces.

It would be indefensible if Parliament, seeing the outworkings of this conflation and confusion, did not act. It is a highly relevant point that the lead petitioner, Maya Forstater, spent nearly two years and £100,000 just to determine that she was indeed covered in the Equality Act by the protected characteristic of belief, and her case was won. The judgment of the employment tribunal in 2021 made it clear that the law could only mean that a GRC changes a person's sex for certain legal purposes; it could not force other people to change their belief, and therefore their perception, of that person's sex. Yet individuals continue to face complaints and investigations in every corner of the land and in every sector for asserting the protections they have under the Act.

Just last week, a young woman with the pseudonym of Maria told her story to the press of being investigated and driven out of her employment at Oxfam simply for defending J. K. Rowling against being called transphobic. Closer to home, as a Sussex MP, I saw with horror how Professor Kathleen Stock was hounded from her post and chased off the university campus simply for saying the truth: that male people and female people are two different groups. A woman who remains anonymous under the name “Sarah Surviving” is suing Brighton's rape crisis centre for discrimination because it refused to provide a women-only peer support group. I would hope that my near neighbour, the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle), would speak with equal passion in her defence too.

When we look at each of these legal cases, a commonality we see is not only that the women concerned have to put themselves on the line to try to clarify the law, but that the judges invariably say how poorly suited the subject matter is for determination by the courts, as compared with Parliament. They caveat their judgments by saying that they are not pronouncing on broad debates on

trans rights and women's rights. The confusion in terms and in rights and responsibilities is souring the cultures of businesses and charities alike as they wrestle with what is required of them. The EHRC has fallen out with itself over this challenge. The debate in society is increasingly toxic.

I started my own consideration of this complex and sensitive issue some months back, when I knocked on a door in Eastbourne. After a chat, a grandson shared with me his dismay and heartache. His grandson aged five had come home from school and said, “We were learning if we were in the wrong body.” That is of course a serious question to be answered, but what was really chilling was that he said he was too scared to speak up, so I promised him that I would. It is our duty to speak up, so I commend clarity in the Act.

**Sir George Howarth (in the Chair):** Order. It is worth reminding Members that there is some concern about sub judice. When my co-Chair opened the debate, she stated that Mr Speaker has agreed to exercise the discretion given to the Chair in respect of the resolution on matters sub judice to allow reference to the cases, given the issues of national importance that are raised. I call Anna Firth.

7.11 pm

**Anna Firth** (Southend West) (Con): It is a pleasure to serve under your chairmanship, Sir George. I rise to support the first petition to make the Equality Act clear, but I want to use my short time this afternoon to focus on the importance of protecting single-sex spaces and services.

I might be going back to the beginning, but, after such a long debate, that is not a bad thing. I want to begin by saying that people who are transgender must be supported to play a full part in society and public life. They should not be harassed or discriminated against. We in this place must be very careful not to stoke hatred of any kind towards them or any other section of society.

However, this debate is not about trans people or, more formally, people with the protected characteristic of gender reassignment. Their rights remain, quite properly, protected and unchanged. The issue is whether the 6,000 or so trans people who have a gender recognition certificate count for the purposes of equality and sex discrimination law as members of their own sex or of the opposite sex. Clarifying the Equality Act as suggested would make it clear that having a gender recognition certificate does not give male people the right to compete in women's sports, undress or shower with women and girls, or be employed in a job that involves intimate contact with women, such as the example so very well described by my hon. Friend the Member for Northampton South (Andrew Lewer), in hospitals or women's prisons.

Families, women and children in Southend West want to know that when the sign on the door says or indicates female, that is not up for negotiation. The only people who should be in that space are biological women. Biological males or trans women or non-binary people should simply not be in those spaces.

Like the common law, legislation regarding equalities and sex discrimination has evolved over time and it can be very complicated, but what we are talking about this afternoon is a very simple clarification. When we talk

[Anna Firth]

about sex discrimination in the Equality Act, we are talking about biological sex—nothing more and nothing less. We know that it is important that the law is clarified because we know there are exceptions throughout the Equality Act that allow for single-sex services, including, as we have talked about, specialist services such as women's refuges, women's prisons, women's health services, and also everyday services such as public toilets and showers at gyms.

As well as making it clear that where the Equality Act refers to sex, that means biological sex, we must also be clear that the definition of a woman is someone who was born female and the definition of a man is someone who was born male. Of course people should be able to express themselves, but the simple fact is that someone who was born male, if they gain a gender recognition certificate, is not the same as someone who was born female, and they should not be accessing as of right female-only spaces and services.

Quite simply, as has already been said, if the Equality Act is not clarified, it will be impossible for service providers to exclude a biological male with a gender recognition certificate from any female space or specialist service. "Case by case" simply does not work. Operating without clear rules simply shifts the responsibility to service providers to make very difficult decisions about who should have access to female-only spaces and services, and who should not. A simple search on the internet reveals the extent of the confusion that reigns. To give just one example, the NHS promises single-sex accommodation in hospitals, yet NHS England's annex B policy tells hospitals to allow trans and non-binary people to choose whether they are housed with men or women.

The situation is simply not clear. It is said that sporting bodies set sex-based rules, so clarification is not needed. I would say the exact opposite: the law must be clear about sex if sporting bodies are to feel confident setting sex-based rules.

I see that I am about to run out of time. I end by saying that recently I was horrified by the story of the fight between the boxer Fallon Fox, who identifies as a trans woman, and Tamikka Brents. Fox hit Brents so hard that she suffered from a concussion and a fractured skull, and received seven staples to her head. Purely and simply, that was a man fighting a woman. I do not believe that that is right or fair, and I do not want to see that happening in this country.

**Sir George Howarth (in the Chair):** I call the SNP spokesperson.

7.16 pm

**Kirsten Oswald** (East Renfrewshire) (SNP): It is a pleasure to serve under your chairship, Sir George. I thank the petitioners, the Petitions Committee and the hon. Member for Gower (Tonia Antoniazzi), who opened the debate on the Committee's behalf. I am grateful to constituents and organisations who have been in touch with me.

I would like to make a couple of points to begin with. First, the tone of the debate has been mixed—that is the best way that I can describe it. Some of the language was not what I would consider measured. The hon.

Member for Wallasey (Dame Angela Eagle) characterised some of it as "unedifying", and that is true. Unfortunately, all too often, the tone of conversation about these issues is unedifying. In my experience, that is a problem. The people who lose out most because of that are not us, although I think it was the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) who pointed out that we will all have braced ourselves before standing up to speak today. The people most affected will be those directly impacted by the issue, but the change that is being sought is not likely to improve their life. As we have probably demonstrated quite effectively today, confusion would be likely to increase, to the detriment of trans people—and, potentially, women.

Members have repeatedly said that they are in favour not of changing the law, but of simply clarifying it, but it is a change that they are looking for. They are entitled to look for that change; I do not have to agree with it, but they are absolutely entitled to look for it. I do not know why that is the narrative. If they want to change the law, they should absolutely say that.

I am a middle-aged feminist woman, and increasingly a crabbit one, because I am fed up with the fact that women all too often still do not have fair treatment, or the rights that we absolutely should have. So let us hear much more about women's rights. Let us hear about our rights in relation to buffer zones, and our reproductive rights—that is very topical today. Let us hear about our rights at work. Where is that employment Bill, which could have helped women so much? I could go on. Obviously this debate is not in that category, but the thing is that my rights are not diminished by someone else having their rights upheld. What endangers women is predatory and violent men. To be clear, the SNP's support for trans rights does not conflict with our continued strong commitment to upholding rights and protections for women and girls under the Equality Act.

**Joanna Cherry:** Will my hon. Friend give way?

**Kirsten Oswald:** I am not going to give way to my hon. and learned Friend or anyone else. I have not intervened on anyone and for that reason, though I am grateful to her, I will continue.

I grew up and went to school in the 1980s. As I have said before in this Chamber, I thought that there were no LGBT pupils in my large secondary school. Obviously, I now know that that is absolute nonsense. It turned out that a number of my very close friends were LGBT, but I did not know that. Nobody did, because they did not feel safe to make their identity known because of the horrifically hostile environment at the time, with the section 28 debate and all. My real fear is that the current conversation about trans rights, including this debate—although maybe we should not call it a debate; nobody's identity should be up for debate—is very similar in tone, and that is really damaging.

We have to be clear that trans people continue to suffer poorer outcomes. That needs to change, and the suggested amendment to the Equality Act would not change it in a positive way. I also point out that the Scottish Government need to be fully and formally consulted on any proposed material changes, including changes to the current definition of sex. Scotland's Cabinet Secretary for Justice has written to the EHRC to seek clarification on that.

The reality is that recent communication on amending the definition of sex to biological sex represents a shift in direction by the EHRC, and that shift does not appear to have been made on the basis of meaningful evidence or meaningful consultation.

**Joanna Cherry:** Will my hon. Friend give way on that point?

**Kirsten Oswald:** I am not going to give way.

The heat in this debate has appeared only quite recently. The polarisation I see taking hold here resonates with some of the culture war we see in the USA, where a very damaging narrative is taking hold that is imperilling the rights of women and of trans people in a very frightening way.

We have heard that there are a range of practical issues if this is the direction of travel, including confusion and a lack of clarity on basic things such as where you go to the loo. Obviously, people have been going to the loo without any issue for many years. Your appearance might suggest that you should go to the ladies, but what I am hearing today is that maybe you shouldn't—how do you deal with that? That is actually rather a thorny issue and practically quite challenging for people. Unless you are going to accept huge breaches of people's privacy, there is a significant unanswered question here.

The hon. Member for Oxford West and Abingdon (Layla Moran) correctly raised the issue of intersex people. It is important to point out that biological sex consists of a wide range of characteristics. In many cases, people do not possess the sex characteristics that are typically associated with their sex. For instance, a large proportion of adult women do not ovulate. I am one of those women. I hear these debates and I do wonder. Of course, we have heard about intersex characteristics that do not neatly align with binary categories.

There is a significant amount of work that we need to do here. We need to consider the work of organisations such as Engender, which is Scotland's feminist policy and advocacy organisation. It points to evidence indicating that attempts to amend the Equality Act to limit the definition of sex as a protected characteristic to biological sex risk regression in protections for all women, as well as disproportionate and harmful exclusion of trans people. It makes reference to a paper called "On the Basis of Sex", which was written by Nicole Busby, professor of human rights, equality and justice at the University of Glasgow. It commissioned that work, which clearly concludes that the Equality Act's use of non-restrictive definitions is a strength and, as we have heard already, a deliberate approach. It recognises that "discrimination on the grounds of sex often arises in relation to...socially constructed gender roles rather than biological difference".

Their concern, which I share, is that there is no legal precedent for the definition of biological sex, as my hon. Friend the Member for Aberdeen North (Kirsty Blackman) noted. That means that there is not a way of looking at how we support women's rights to privacy, for instance. That kind of change could have regressive consequences: it could actually entrench gender stereotypes and biological determinism for women. These are things that the feminist movement has fought long and hard against. Those are the kinds of concerns, along with the utterly shameful disdain of the UK Government for

Scottish democracy that was aired recently when they rode roughshod over the cross-party will of the Scottish Parliament on gender recognition. Transgender people should not be expected to be treated as some kind of convenient political football for constitutional wrangling. They should not expect to have their identities weaponised in the culture wars, which are causing so much harm in the USA. Please, let us not have that here.

**Joanna Cherry:** Will my hon. Friend give way?

**Kirsten Oswald:** I am trying to continue speaking despite interruptions from behind me.

We should accept that all of us present may disagree—we probably all have various different views—but let us imagine that we are all here with good will and not trying to do others down. We are here because we are saying what we believe to be the case. We started the debate with Mrs Cummins, who was previously in the Chair, telling us to be moderate, sensitive and respectful in our language, and that is how we should aim to continue.

To conclude, I point out that we are talking about a small group of the most vulnerable people. The hon. Member for Darlington (Peter Gibson) pointed that out very eloquently. They are the very people who should be able to expect their Governments to find ways to make life easier and support their rights. Our new First Minister, Humza Yousaf, set that out very well:

"I am firmly committed to equality for everybody, because your rights are my rights regardless of who you are. My starting point is that I've been a minority in this country for my whole life. I have understood that you have to fight for your rights but my rights don't exist in a vacuum or in isolation. They only exist because other people's rights exist too."

All other rights matter. The suggestion that this change would improve our rights is simply not the case.

7.26 pm

**Anneliese Dodds (Oxford East) (Lab/Co-op):** It is a pleasure to speak in the debate with you in the Chair, Sir George. I am grateful to everyone who signed both petitions and to my hon. Friend the Member for Gower (Tonia Antoniazzi) for the respectful way in which she began the debate.

The two petitions that form the subject of the debate and the large numbers of people who signed them make it clear that views on the issue are strongly held. It is vital that the Members of this House set an example on such matters, engaging in constructive, respectful and polite discussion of them. This discussion is important, because as well as the engagement on the petitions, many people relatedly seek clarity on the Conservative Government's plans for the Equality Act. That includes my party, the Labour party, the party of the Equality Act. As many have remarked, it is now 13 years since my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) piloted that landmark legislation through this place, introducing a legal framework against discrimination by employers, businesses, schools, public bodies and many other institutions that many countries lack and still seek to learn from.

**Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op):** My hon. Friend is making a powerful point about the Equality Act. I agree that it has been protecting people for 13 years in a whole range of areas, including



[Stephen Doughty]

in relation to not just gender identity, but race, age, breastfeeding and disability. Does she share my concern that the Conservative Government have a wider agenda here? The Prime Minister said that the Equality Act was “a Trojan horse that has allowed every kind of woke nonsense to permeate public life.”

Does my hon. Friend agree that the wider agenda is to remove all the protections that we all enjoy?

**Anneliese Dodds:** My hon. Friend is absolutely right to point out that there is huge confusion about the Government’s position. We heard those comments from the Prime Minister last summer. In 2020, we heard the then Minister for Women and Equalities, the right hon. Member for South West Norfolk (Elizabeth Truss), criticising what she claimed to be a “focus on protected characteristics” and saying that that had led to “a narrowing of the equality debate”.

A similar position has been maintained by her successor, the right hon. Member for Saffron Walden (Kemi Badenoch), and yet, confusingly, we have also had the Prime Minister claiming to back the protections that the Equality Act contains for women. To listen to him, one would not think that those protections had already been enshrined in law for 13 years—a law that, of course, his party opposed repeatedly as it was being passed.

That is important context, because we cannot understand the Government’s intentions when we have a Prime Minister who will attack the Equality Act one day, only to cast himself as its defender the next. Today, I can be very clear that Labour remains committed to protecting and upholding the Equality Act, including the public sector equality duty, its protected characteristics and its provision for single-sex exemptions.

I ask the Minister to be clear in her remarks. Does she support the Equality Act? Does she agree that statements attacking it from her colleagues risk eroding public confidence in its protections? And will she commit to explaining to her colleagues, including the Prime Minister, that the overwhelming consensus view of the British public is in favour of those protections and of greater equality and fairness?

On the specificities of future changes that many have talked about during the debate, as the party of equality Labour wants trans people to be treated fairly and with dignity and respect. Labour also supports the protection of certain spaces that are for biological women, such as refuges for vulnerable women, which are provided for by the single-sex exemptions contained in the Equality Act. Indeed, it is thanks to Labour’s Equality Act that it is possible today for service providers to create and maintain single-sex services where that is a proportionate means of achieving a legitimate aim. That system has been in place for well over a decade, and many of the service providers I speak to tell me that it provides an effective and robust framework for dealing with what are often difficult decisions around service operation. We can see that in codified form in, for example, the guidance of Women’s Aid Federation of England on these matters.

The Equality Act protects everyone, which is why any changes to it need to be carefully thought through and why clarity on these issues is important. Labour believes

that we need to have a common-sense approach that provides clarity for service providers for different circumstances—both those in which trans people should be included and those in which excluding trans people is a proportionate means to a legitimate end. The problem is that the Government have provided no indication of how they would provide that clarity, aside from leaning into the idea of amending the Equality Act—something that contradicts their written response to today’s petitions. I hope that the Minister can set the record straight on that. It is especially important given that we have heard contradictory statements on the subject from different parts of her Government.

Some colleagues have already referred, I think helpfully, to the recent exchange of letters between the Government Equalities Office and the Equality and Human Rights Commission. The chair of the EHRC made it clear that any potential future changes to the Equality Act could bring clarity to some areas but potential ambiguity to others. That is why the Government need to urgently explain what future changes, if any, they are in the process of identifying and set out whether they agree with the EHRC that such changes could bring greater ambiguity to other areas, and if so what the impact of that would be on anyone with a protected characteristic.

Detailed policy and legal analysis is clearly required before the UK Government can effectively respond to the EHRC’s letter, so can the Minister confirm whether that detailed policy and legal analysis is being carried out? If so, will she commit to publishing it so that the House can scrutinise the Government’s position, and will she confirm whether the Government plan to reply to the EHRC? When the Government come forward with any proposals out of all the rumours that we have heard in the press, Labour will respond accordingly. The last Labour Government did more to advance the cause of equality than any other in history. The next will put equality at the heart of their policies, and break new ground for women and for LGBT+ people.

I associate myself with the remarks made by my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) in relation to recent votes on legislation, and I have to broaden her point. We have seen extensive engagement from those on the Government Benches on the issues that we are discussing today. We need to discuss them—politely and in detail—but I wish that we had seen over the last 13 years the same level of engagement from those on the Government Benches while so many women got poorer and poorer, while so many women saw their health deteriorate, with maternal mortality now increasing, while so many women and girls have become increasingly unsafe, and while impunity for violent men has in many cases increased.

7.34 pm

**The Minister for Women (Maria Caulfield):** It is a pleasure to serve under your chairmanship, Sir George.

I am especially grateful to the hon. Member for Gower (Tonia Antoniazzi) for introducing this debate in such a sensitive way, and I am also grateful to all right hon. and hon. Members for their contributions. I feel that we should be able to debate these issues openly and honestly, without being labelled or attacked for having particular opinions or views, and that we should be able to disagree respectfully. I also feel that on

all sides of the debate, despite the reservations of some, we have been able to do that this afternoon in a civilised way and I pay tribute to everyone involved.

**Peter Gibson:** Members will have noticed that my hon. Friend the Member for Bridgend (Dr Wallis) has not returned to the Chamber. As he is this House's only openly trans Member, I think it is really important that we send a message to him that this important debate is not about him and that it should be conducted with love, respect and care for every single person who is in the trans community, whether they be in this House, in the Public Gallery or watching from outside.

**Maria Caulfield:** I thank my hon. Friend for making that point. I spoke to my hon. Friend the Member for Bridgend (Dr Wallis) before this debate, because he had some genuine concerns that he wanted to raise, and I am very happy to follow up after the debate to make sure that we can talk through any concerns that he did not get a chance to raise.

The Equality Act 2010 is at the heart of today's debate. As with any other piece of legislation, over time we need to reflect on its effectiveness and purpose. It is only right—indeed, it is our duty as parliamentarians—to ensure that we constantly review legislation, to keep assessing whether the statute book is still able to provide a framework that is relevant and responsive to the issues that we face today. Put bluntly, our law has to be functional and able to take into account everyday experiences and respond to modern challenges. Failing to guarantee that would be to do a disservice to our constituents and those who rely on the law to carry out their functions and safeguard their basic rights. With legislation, it is important to note that work on the ground and in practice means recognising that there are instances where protections interact with—and are at times in tension with—the rights of others, giving rise to discussion and debate about how to ensure that the rights of all involved are best protected.

Currently, references to sex in the Equality Act relate to a person being either a man or a woman. A woman is defined as

“a female of any age”,

and a man is defined as

“a male of any age”.

Reference to sex has generally been considered under the Equality Act to refer to whether a person is a man or woman in law, rather than to their biological sex or sex at birth.

**Joanna Cherry:** Can I just be very clear that those of us who support the first petition are not seeking to define sex in law for the first time? Sex has long been recognised in the common law. I refer to the Minister to the House of Lords definition in *Bellinger v. Bellinger*. I am sure that the Minister will agree that we are not seeking to define it for the first time. Everyone knows what a man is and what a woman is.

**Maria Caulfield:** Absolutely. For most people, their sex in law is the same as their biological sex. It is different where a transgender person has legally changed their sex to their acquired gender on their birth certificate by obtaining a gender recognition certificate. If “sex” meant someone's sex in law, references to a woman in the Equality Act would include a trans woman with a

gender recognition certificate but not a trans woman without a gender recognition certificate. That said, the Equality Act protection applies on the basis of perceived characteristic as well as actual characteristics, so a trans woman who passes as a woman can claim protection from discrimination on that basis. The debate today is about whether that basis of sex, based on law rather than on biology, needs changing to ensure that the rights of biological women are also protected. That is the crux of the matter that we have been debating today.

It is in that spirit that the Minister for Women and Equalities, my right hon. Friend the Member for Saffron Walden (Kemi Badenoch), sought advice from the EHRC as the independent equality regulator for Great Britain. When seeking that advice, she set out that she is concerned that the Equality Act may not be sufficiently clear in the balance that it strikes between the interests of people with different protected characteristics. It is everyone's best interests that we establish whether the law in its existing format is sufficiently clear, because not doing so, as we have heard today, could have very practical consequences. The continued debate on this matter inevitably creates additional considerations for organisations and service providers to navigate, potentially preventing them from carrying out their functions or indeed from complying with the responsibility for equality.

The Prime Minister has also publicly given his views on this issue. In April he said:

“We should always have compassion and understanding...for those who are thinking about...their gender. But when comes to these issues of protecting women's rights, women's spaces, I think the issue of biological sex is fundamentally important when we think about those questions”.

That is why, when it comes to women's health, sports or spaces, we need to make sure that we are protecting those rights.

**Jess Phillips:** It is interesting to hear the words from the very top of Government. I wonder if the Minister will be joining us in the Lobbies during the Victims and Prisoners Bill to ensure that specialist women's services are defined in law and are protected in commissioning at a local level, where currently they are being let go.

**Maria Caulfield:** I know that the hon. Lady campaigns passionately on those issues from her experience of working in the sector. As a Government, we have done a huge amount for women in the space of domestic violence and abuse.

The Equality and Human Rights Commission has published its considered response to my right hon. Friend the Member for Saffron Walden, stating that on balance it believes that redefining sex in the Equality Act to mean biological sex would

“create rationalisations, simplifications, clarity and/or reduction in risk for maternity services, providers and users of other services, gay and lesbian associations, sports organisers and employers. It therefore merits further consideration.”

It has, as the shadow Minister, the hon. Member for Oxford East (Anneliese Dodds) said, said that it could cause some ambiguity as well. That is why it is important that we consider, both in policy terms and in legal terms, the potential implications of this change before we take any further decisions.

The Government have taken that advice and are considering the next steps at the moment.

**Stephen Doughty:** I wonder if the Minister has had a chance to consider the interim advice given by the United Nations independent expert on sexual orientation and gender identity, who has been very critical of suggestions of opening up the Equality Act and reviewing these positions, seeing them as taking rights away from people who should be protected and are protected at present.

**Maria Caulfield:** As we have heard, there are many views on this issue. That is why it is important that we take the time to properly consider the policy around it and take in the legal considerations, too. There are clearly cases where people are struggling to make practical decisions on a day-by-day basis with the Act as it stands. However, we do not want to create additional unforeseen problems by changing or clarifying the Equality Act.

**Joanna Cherry:** The Minister is being very generous with interventions. Is she aware that the United Nations special rapporteur on sexual orientation and gender identity does not speak for all people who have same-sex orientation? He certainly does not speak for me. Is she equally aware that the United Nations special rapporteur on violence against women and girls, Reem Alsalem, takes the opposite view and is very much focused on the protection of women?

**Maria Caulfield:** The hon. and learned Lady highlights the diversity of views in this space. That is why it is so important to take proper consideration and time before deciding our next steps. I know that Members will be eager to hear updates and reassurances, as well as the timeline for our next steps. However, the issues under discussion today are complex, and we need to proceed carefully and respectfully. As we have heard, a wide number of people will be affected by any change. I hope that Members will agree that it is only right and proper that we take timely consideration of the advice that we have been given before coming to any conclusions.

I will touch on some of the issues that were raised in the debate, particularly around single-sex spaces. I would like to reassure Members that the Government are committed to maintaining the safeguards that allow organisations to provide single-sex services. We recognise that being able to operate spaces reserved for women and girls is an important principle, and—to answer the question from the hon. Member for Oxford East—should be maintained.

As many here will already know, under the Equality Act, providers are already able to restrict the use of spaces on the basis of sex and/or gender reassignment where justified. The Act provides protection against discrimination, harassment and victimisation across a number of grounds, including sex. We are committed to upholding Britain's long-standing record of protecting the rights of individuals against unlawful discrimination.

The EHRC has published guidance on the existing legislation, which provides much-needed clarity to those offering single-sex spaces. It does not change the legal position or the law. As that guidance makes clear, it is currently entirely acceptable for providers of single-sex services to take account of the biological sex of their service users. Where it is a proportionate means of achieving a legitimate aim, the Equality Act is also clear that service providers can exclude, modify or limit access for transgender people even when they have a gender recognition certificate.

When women are asked, privacy and dignity are high on the list of reasons they give for wanting such spaces. That is because they will be in a state of undress or in very vulnerable situations. Those spaces are also frequently relied upon during some of the most harrowing and distressing times that women and girls can experience. Their ability to feel safe and secure should always be of paramount importance, and we understand that creating environments where they are protected from further trauma is a crucial part of enabling them to heal.

My hon. Friend the Member for Bridgend is not now in the Chamber, but I hope he will not mind me saying that single-sex spaces are one of his concerns. We heard a bit about it in today's debate. We have to be careful when making the assumption that one of the reasons that women want single-sex spaces is because they feel that trans people are of a predatory nature. That is not the case. The vast majority of women just want to be with other women. We need to be mindful of our language and tone, so that the trans community do not feel that they are being given labels or are being targeted in an inappropriate way. My hon. Friend made that point to me ahead of the debate.

The EHRC's guidance is helpful for those wishing to navigate such scenarios with the care and delicacy needed. I encourage all Members to review it, and if there are queries from constituents, or organisations within constituencies, to refer people to the guidance, because it is helpful in practical terms.

There were a number of Members who touched on the issue of gender recognition and the long waiting list that many people face when going through the process of changing their legal sex. There are processes in place with the right checks and balances to allow those who wish to legally change their gender to do so. We have taken action to simplify the process following the consultation on the Gender Recognition Act. We have modernised the way that individuals can apply for a gender recognition certificate by moving the process online and making it cost significantly less.

In addition, we are opening up more gender identity services for adults. A new pilot gender clinic was opened in Chelsea and Westminster in 2021. We have since established four new community-based clinics in Greater Manchester, Cheshire, Merseyside, London and the east of England, with a fifth opening in Sussex later this year. All those clinics offer a range of clinical interventions that are offered by conventional gender clinics. We are trying to make the process as easy and supportive as possible by tackling some of the practical barriers that those in the trans community face when they want to transition in a clinical way.

I thank Members again for their contributions. There are strong feelings on all sides, as shown by the numbers of people who signed both petitions, and by the Members of Parliament who fairly represented both sides of the argument today. The Government recognise the importance of biological sex, and we have taken it seriously enough to ask for advice from the Equality and Human Rights Commission. We will come back to this place once we have considered in detail the policy and the legal implications of changing or updating the Equality Act. I thank everyone for taking part in the debate, contributing to the discussion and affording the issue the respect it warrants.



7.49 pm

**Tonia Antoniazzi:** It is our privilege and responsibility to weigh up different groups' rights, needs, interests and demands as we debate and amend the laws of this land. That is the bread and butter of the work of this House. I applaud all hon. Members—whatever their position on the substance of the two petitions—who have turned up to discuss them, and who have ignored the calls for no debate. We are doing our work, and this is a democracy.

The two petitions concern only the question of whether a GRC changes a person's sex for the purposes of the Equality Act; they are not about gender self-ID. Also, the purpose of the GRC is nothing to do with what some speakers referred to as "intersex". The question of whether GRCs change a person's sex for the purposes of the Equality Act has nothing to do with those medical conditions, and people with those conditions have said many times that they do not want to be drawn into these discussions. They, and organisations that represent them, have said that these are complex medical conditions. There is no third sex or intermediary sex, and people with those variations on the sex development pathway are either male or female.

What has come across very strongly in arguments today is that one of the purposes of single-sex spaces is risk management. Speakers have made it clear that it is not about suggesting that all male people or all trans

people are predators; it is just that single-sex spaces are an important risk management tool, given the overwhelming statistics in the patterns of male violence.

It has been an important debate for me to lead for the Petitions Committee, and to hear various views from across the House—some respectful, some less so. We are responsible for legislating, and we have to discuss issues. I wish no ill on anybody, whether they be trans, lesbian, gay or bisexual. This is important to me and to my trans community in my constituency, and it is important to all of us.

**Sir George Howarth (in the Chair):** Before I put the Question, let me say that my co-Chair appealed to people at the start of the debate to deal with this sensitive issue in a respectful manner. Before she left, she pointed out to me that, during her time in the Chair, it had been dealt with in that way. I thank everybody, as others have, for the respectful and thoughtful way in which they have put their arguments during my time in the Chair. People feel strongly about this issue, but it is no reason to be abusive, and I do not think that people have been. Thank you for that.

*Question put and agreed to.*

*Resolved,*

That this House has considered e-petitions 623243 and 627984, relating to the definition of sex in the Equality Act 2010.

7.52 pm

*Sitting adjourned.*



# Written Statements

Monday 12 June 2023

## CABINET OFFICE

### UK Biological Security Strategy 2023

**The Deputy Prime Minister (Oliver Dowden):** The Government are today publishing the 2023 Biological Security Strategy. The strategy sets out the Government's ambition to ensure that by 2030 the UK is resilient to a spectrum of biological threats and a world leader in responsible innovation, making a positive impact on global health, economic and security outcomes.

The new strategy will equip us to respond to a spectrum of biological risks—improving our preparedness to future pandemics, but also hardening our defences to biological weapons and mitigating the risks of biological accidents and incidents. To overcome these threats, we must be proactive, collaborative and holistic in our approach.

We will adopt a globally-facing, UK-wide posture that strengthens resilience and deterrence, projects global leadership, and exploits opportunities for UK prosperity and science and technology advantage. We will continue to work closely with industry, academia, the devolved administrations and our closest international partners to encourage responsible innovation while ensuring the UK is able to turbo-charge our thriving life sciences and biotechnology sectors, stimulating growth, creating high-tech jobs, and attracting inward investment.

The strategy will prioritise national capabilities to shore up our current defences, learning and applying lessons from our experiences through covid-19.

Key commitments include:

- Developing a biothreats radar and national biosurveillance network to detect and monitor emerging biological threats to the UK;

- Establishing a new UK Biosecurity Leadership Council, bringing together academic and industry leaders to help establish the UK as a world leader in responsible innovation;

- Developing new UK-based microbial forensics tools and capabilities to support efforts to attribute biological incidents and deter the proliferation and use of biological weapons;

- Engaging with industry to further UK efforts to achieve the 100 days mission—reducing the impact of future pandemics by making vaccines, therapeutics and diagnostics available within 100 days of a future outbreak;

- Formalising the leadership structures that oversee our biological security—including a lead Minister who will report annually to Parliament;

- Establishing a biological security task force in the Cabinet Office to co-ordinate UK-wide efforts on biological security, including exercising our response to future threats.

Copies of the strategy are today being laid in Parliament.

[HCWS841]

## TREASURY

### Energy Tax

**The Exchequer Secretary to the Treasury (Gareth Davies):** The Government introduced the Energy (Oil and Gas) Profits Levy (EPL) in May 2022 to tax the temporary extraordinary profits of oil and gas companies, and to help fund vital support for millions of people facing rising bills, including the energy price guarantee and

additional support for those most in need. With this levy in place, the UK has a tax rate of 75% on profits from oil and gas production, which is expected to raise around £50 billion between 2022-23 and 2027-28. This is one of the highest tax rates for oil and gas production globally.

While ensuring that oil and gas companies pay their fair share, it is also important that the Government support jobs, supply chains and the country's energy security. A faster decline in domestic production would mean importing more oil and gas—at greater expense and potentially resulting in additional emissions. This is why today the Government will give operators and lenders the confidence they need to keep investing in the UK's domestic energy reserves, while being clear that while prices remain high, the Government will continue to tax extraordinary profits.

Through the introduction of an energy security investment mechanism, the Government will ensure that the EPL is disapplied if oil and gas prices fall to historically normal levels for a sustained period. The energy security investment mechanism will only be activated when prices consistently meet or fall below a level typically associated with pre-crisis household energy bills. The mechanism will use a 20-year historical average to the end of 2022, so that it is set at \$71.40 per barrel of oil and £0.54 per therm of gas. The Government will require average prices to meet or fall below the level of both price thresholds for two successive quarters before disapplying the EPL and will set out further details on how this will work in due course. This mechanism is not expected to impact receipts from the energy profits levy, based on current market forecasts.

In the 2022 autumn statement, the Chancellor announced a review into the long-term fiscal regime for North sea oil and gas, to ensure that the regime delivers predictability and certainty, supporting investment, jobs and the country's energy security. The Government have published terms of reference for this review, setting out its scope and objectives. The review will focus on how the fiscal regime can support the country's energy security while also realising our net-zero commitments in the medium and long term.

In addition, the review will explore how the fiscal regime should respond to any future price shocks, ensuring that the country retains a fair return in exchange for the use of its resources in a high-price environment.

The full terms of reference can be found on the gov.uk website at:

<https://www.gov.uk/government/publications/review-of-the-oil-and-gas-fiscal-regime-terms-of-reference>.

[HCWS845]

### National Insurance Record Gaps

**The Financial Secretary to the Treasury (Victoria Atkins):** The Government intend to extend the deadline for eligible individuals to retrospectively fill gaps in their national insurance record for the period covering April 2006 to April 2016. The current 31 July 2023 deadline will be extended to 5 April 2025.

This extension will also apply to contributions relating to all years which would reach their payment deadline before 5 April 2025, including tax years 2016 to 2017 and 2017 to 2018. All relevant voluntary national insurance contributions (NICs) payments will be accepted at the rates applicable in 2022 to 2023 until 5 April 2025.



This extension means that people will have more time to fill gaps in their national insurance record that may increase the amount they receive in state pension.

Furthermore, HMRC and DWP are taking the opportunity through the extension period to make improvements to the digital service, with the intention that ultimately the majority of customers should be able to complete the process online. Further announcements will follow in due course.

[HCWS843]

## EDUCATION

### School Inspection

**The Minister for Schools (Nick Gibb):** The Office for Standards in Education, Children's Services and Skills (Ofsted) has today announced a number of changes to its inspection process in England.

Ofsted will be clear that, following the completion of a school inspection, it is for the head teacher to decide which colleagues, or others, they share their provisional inspection outcome with, prior to the publication of the inspection report. As provisional outcomes can sometimes change these should not be published or shared with parents until finalised.

From September, when discussing a school's areas of weakness, inspection reports will normally refer to "the school", rather than to individuals. Contextual information at the end of reports will list all those with responsibility for the school.

Ofsted has today set out more information for schools on the broad timing of their next inspection. Schools will continue to receive one day's notice of an inspection, but will now have more clarity about the year in which they are likely to be inspected. This will be of particular benefit to outstanding schools that were previously exempt from routine inspection.

Inspectors will now return more quickly—within three months—to schools graded inadequate overall due to ineffective safeguarding, but where all other judgements were good or better. If a school has been able to resolve the safeguarding concerns it is likely to see its overall grade improve. The Secretary of State will then be able to decide whether to revoke any academy order applying to the school, or withdraw any warning notice issued to an academy. Where inspectors are due to return to a school in these circumstances, the timeframe for the implementation of an academy order will allow for reinspection and for the Secretary of State to revoke the order where the grade improves.

From September, Ofsted will provide schools with greater clarity about the threshold for what constitutes ineffective safeguarding through its inspection handbook and a range of other mechanisms. Inspectors will also describe ineffective safeguarding more clearly in inspection reports.

Ofsted has today launched a formal consultation on changes to its complaints system.

The Government are today confirming a significant expansion of their wellbeing support programme for school leaders. This will see a doubling of places available for this year, and will enable an additional 500 school leaders to access expert supervision and counselling.

[HCWS839]

## HOME DEPARTMENT

### Publication of the Safe Care at Home Review

**The Parliamentary Under-Secretary of State for the Home Department (Miss Sarah Dines):** My hon Friend the Minister for Social Care (Helen Whately) and I are pleased to announce that the Government have today published the "Safe Care at Home Review", which has been jointly led by the Home Office and the Department of Health and Social Care.

Millions of adults receive excellent support in their own homes from paid, unpaid and voluntary carers. We know this is greatly valued, helping people with practical day-to-day tasks to live more independent and fulfilling lives.

However, we were concerned by the evidence presented by peers and the disability sector during the passage of the Domestic Abuse Act 2021 about existing measures to protect and support people who are abused by people who are providing their care. We undertook this review as a direct response to this evidence.

In this review we spoke to a wide range of stakeholders including representatives from the Deaf community, older people's and disability organisations, people providing care, health and housing professionals, local authorities, social work professionals, the police, the Crown Prosecution Service (CPS) and other Government Departments. We would like to take this opportunity to thank those who provided evidence for this review and especially people who shared their personal and often harrowing stories.

This report includes a clear set of actions for this Government to take forward. We will continue to build on existing efforts to support and protect people in need and deliver quality services to victims and survivors of abuse. We will also redouble efforts to improve our understanding of this horrific form of hidden abuse. The review found this type of abuse can be far-reaching, and in certain cases has grave consequences. We remain committed to making sure people with care and support needs receive high quality and safe care in their own homes, and do not suffer from abuse or neglect by people providing that care.

These commitments go hand in hand with the Government's wider work to improve adult social care, which includes a historic funding uplift over the next two years and the suite of reforms set out in the next steps to put people at the heart of care plan. In particular, the plan acknowledges the importance of investing in and supporting unpaid carers; improving recruitment and retention of paid carers; and ensuring the new Care Quality Commission local authority assessment framework includes monitoring the implementation of safeguarding duties from the Care Act 2014.

The evidence and action plan proposed from this review also reinforces this Government's ongoing work to tackle domestic abuse and violence against women and girls (VAWG) more broadly. We have already taken steps to tackle these crimes including funding £230 million for increased support for victims and survivors; introducing coercive and controlling behaviour as an offence in 2015; passing our landmark Domestic Abuse Act 2021; strengthening guidance on domestic abuse and publishing the ambitious tackling violence against women and girls strategy and domestic abuse plan.

Having listened to stakeholders' concerns and what they want to see in response, this report sets out a series of cross-Government actions to address the following three themes:

Leadership and accountability: we heard concerns about fragmented oversight and accountability of safeguarding in England which can result in an over-reliance on sector led improvement and missed learning opportunities.

Effectiveness of the local response to abuse in the home: local responses to this form of abuse can be inconsistent and ineffective where frontline staff are not equipped with the right tools to understand its nature or navigate the complex legislative framework.

Research, evidence and learning: relevant data is often held in disparate places across Government Departments and agencies. The limited research on this type of abuse poses a significant problem when it comes to understanding and tackling it effectively.

We will continue to work with partners to ensure improvements are made and to progress the 26 actions from the review.

Together, this set of actions will help us continue to protect and support people with care and support needs who are at risk of, or are being, abused in their own home by the person providing their care.

A copy of the review report has been placed in the Libraries of both Houses and published on [www.gov.uk](http://www.gov.uk).

[HCWS842]

## LEVELLING UP, HOUSING AND COMMUNITIES

### Homes for Ukraine Scheme

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Felicity Buchan):** Over 120,000 Ukrainians have now arrived in the UK through the Homes for Ukraine scheme. The generosity of British families willing to open their homes to those seeking shelter has been extraordinary.

Today, I am pleased to confirm the allocation of the £150 million UK-wide funding that will be made available to local authorities and devolved administrations in 2023-24. This will ensure that Ukrainian guests can be supported to move into their own homes and reduce the risk of homelessness.

The funding will be allocated across the UK in relation to the proportion of Ukrainian guests in each part of the UK. Devolved Administrations will receive their share of the funding at supplementary estimates via budget cover transfer.

Funding will be allocated to all local authorities in England reflecting both Homes for Ukraine arrival numbers reported for each local authority and wider homelessness pressures. As a top-up to the existing homelessness prevention grant, this grant is ringfenced to ensure local authorities are resourced to prevent homelessness. We expect funding will be prioritised for supporting our Ukrainian guests into sustainable accommodation, for example through access to the private rental sector, supporting employment access, and facilitating ongoing sponsorship into guests' second year.

Local authorities are best placed to understand the support needed for local communities and, within England, this funding may also be used to support other people at risk of homelessness in line with local pressures. The details of allocations to devolved administrations and local authorities have now been published on [www.gov.uk](http://www.gov.uk).

[HCWS840]

## NORTHERN IRELAND

### Omagh Bombing Inquiry

**The Secretary of State for Northern Ireland (Chris Heaton-Harris):** On 2 February, I announced that I would establish an independent statutory inquiry into the preventability of the Omagh bombing, the Real IRA-perpetrated atrocity in August 1998 which killed 29 people and two unborn children, and injured 220 others. The responsibility for this appalling crime lies with the murderers and those that assisted them. It is important that all lessons are learned and that confidence in this is given to the families of those affected.

The inquiry will be established under the Inquiries Act 2005, with full powers, including the power to compel the production of documents and to summon witnesses to give evidence on oath.

Since that announcement in February, my Department has been steadily progressing the establishment of the inquiry, with a key priority being to identify a suitable chair.

After careful consideration, I am today announcing the appointment of Lord Alan Turnbull as chair of the Omagh Bombing Inquiry. Lord Turnbull has had a distinguished judicial career in Scotland. He was the lead prosecutor in the Lockerbie bombing case in 1998, and in 2006 was appointed a senator of the College of Justice, and a judge of the Court of Session and High Court of Justiciary—the Supreme Courts of Scotland.

Lord Turnbull's appointment to the role of chair of the Omagh Bombing Inquiry follows a recommendation made by the Lord Chief Justice of England and Wales, in conjunction with his counterparts across the rest of the UK. Lord Turnbull's long-standing judicial career and his previous experience of working on terrorism cases will provide the highest levels of knowledge and professionalism. I have no doubt that Lord Turnbull will bring to the inquiry the required rigour, independence and impartiality, and I am grateful to him for accepting this important job.

I will now work with Lord Turnbull to agree the terms of reference for the inquiry. I will update the House further once the terms of reference have been agreed.

[HCWS844]

## WORK AND PENSIONS

### Office for Nuclear Regulation: Corporate Plan 2023-2024

**The Parliamentary Under-Secretary of State for Work and Pensions (Laura Trott):** Later today, I will lay before this House the Office for Nuclear Regulation's corporate plan 2023-2024. This document will also be published on the ONR website.

I can confirm, in accordance with paragraph 25(3) of schedule 7 to the Energy Act 2013, that there have been no exclusions to the published documents on the grounds of national security.

[HCWS846]





# Ministerial Corrections

Monday 12 June 2023

## ENERGY SECURITY AND NET ZERO

### Energy Bills: Support for Businesses

*The following is an extract from Department for Energy Security and Net Zero questions on 28 February 2023.*

6. **Tom Hunt** (Ipswich) (Con): What steps he is taking to help businesses with their energy bills. [903789]

**The Secretary of State for Energy Security and Net Zero (Grant Shapps):** I mentioned before that we are paying around half of the household energy bill. We are also paying around one third of business energy bills right now through the energy bill relief scheme.

*[Official Report, 28 February 2023, Vol. 728, c. 629.]*

*Letter of correction from the Secretary of State for Energy Security and Net Zero (Grant Shapps):*

An error has been identified in my response to my hon. Friend the Member for Ipswich (Tom Hunt).

The correct response should have been:

**The Secretary of State for Energy Security and Net Zero (Grant Shapps):** I mentioned before that we are paying around half of the household energy bill. **We are paying around half of wholesale energy costs for some businesses.**

## Energy Price Guarantee Extension

*The following is an extract from Department for Energy Security and Net Zero questions on 18 April 2023.*

1. **Chris Clarkson** (Heywood and Middleton) (Con): What assessment he has made of the potential impact of the extension of the energy price guarantee on household energy bills. [904470]

**The Secretary of State for Energy Security and Net Zero (Grant Shapps):** The energy price guarantee has been extended at the same level for a further three months until the end of June. By then, the Government will have covered nearly half of a typical household's energy bills during this winter, and a third to a half of business bills as well.

*[Official Report, 18 April 2023, Vol. 731, c. 111.]*

*Letter of correction from the Secretary of State for Energy Security and Net Zero (Grant Shapps):*

An error has been identified in my response to my hon. Friend the Member for Heywood and Middleton (Chris Clarkson).

The correct response should have been:

**The Secretary of State for Energy Security and Net Zero (Grant Shapps):** The energy price guarantee has been extended at the same level for a further three months until the end of June. By then, the Government will have covered nearly half of a typical household's energy bills during this winter, and **around half of wholesale energy costs for some businesses as well.**



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**not later than  
Monday 19 June 2023**

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