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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Tuesday 12 September 2023

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Probation Service

1. **Chris Evans** (Islwyn) (Lab/Co-op): What recent assessment he has made of the effectiveness of the probation service. [906328]

The Minister of State, Ministry of Justice (Damian Hinds): Probation professionals perform a critical and invaluable role for our society. We are injecting an additional £155 million a year to recruit more staff, reduce case loads and continue to deliver better community supervision of offenders. We are seeing improvements in performance as that investment beds in, but there is more to do and I continue to monitor things closely.

Chris Evans: I thank the Minister for that answer, but he will know that Napo, GMB and Unison all say that the probation service is facing soaring workloads. Employees are battling under the pressure and sickness rates are high. With many workers off sick, the impact on public safety will be massive. Something must be done. Stepping outside the politics of this, will he commit to working constructively with unions and other agencies to bring about a strategy that will address this critical area of probation?

Damian Hinds: I am grateful to the hon. Gentleman who I know takes a very close interest in these matters, and rightly so. I commit to working in partnership with unions and other representative bodies and others to make sure that we have the right support for this service. Let me reassure him that recruitment to the probation service has been very encouraging over the past three years and we have managed to exceed our stretching recruitment targets.

Mr Speaker: Let me welcome the shadow Minister to her post.

Ruth Cadbury (Brentford and Isleworth) (Lab): Thank you, Mr Speaker.

In July, His Majesty's Inspectorate of Probation reported that it had found that far too many potential victims of domestic violence are at risk from those on probation due to wide-ranging systemic failures in the service. Furthermore, the chief inspector of the probation service said that things have deteriorated since the 2018 report into the probation service. Is the Minister not concerned

that, once again, after 13 years of Conservative rule, things are continuing to get worse for victims of domestic violence?

Damian Hinds: First, may I join you, Mr Speaker, in welcoming the hon. Lady to her place? I look forward to working constructively with her. She raises an important point about the protection of people from domestic abuse from those who are on probation. I can reassure her that we have put in place further measures and, indeed, invested additional money—£1.5 million a year—to support those extra checks into addresses of where offenders may be going, to make sure that there is not that domestic abuse risk.

Prison Release: Employment

2. **Mrs Sheryll Murray** (South East Cornwall) (Con): What steps his Department is taking to help offenders find employment following release from prison. [906329]

The Minister of State, Ministry of Justice (Damian Hinds): We continue to develop opportunities for work and training, both during custody and on release. I am pleased to say that the proportion of prison leavers employed six months after release has increased markedly over the past two years.

Mrs Murray: What help can the Department give to aid the mobility of this potential workforce and get them to where they need to be?

Damian Hinds: My hon. Friend raises an important point. Going to where the job opportunities are is incredibly important; I would mention to her opportunities such as the Jobcentre Plus railcard through the Department for Work and Pensions. We also need to make sure that, at the point of release, prisoners are put in touch with opportunities near to where they live—where they are going to. Although we work with employers large and small, there is a particular value in working with multi-site firms that have locations in many different places.

Andy Slaughter (Hammersmith) (Lab): There have been seven deaths in Wormwood Scrubs prison as a result of self-harm in the past three years. The first of the inquests into those deaths—that of Luke Clarke—was concluded only last month. It found that inadequate care, fear and confusion contributed to Luke's death. What is the Ministry of Justice doing to prevent the unacceptable level of self-inflicted and avoidable deaths in prison and what is it doing to speed up the inquest process? I am still waiting for the meeting into the inquest process that I was promised on 27 June by the Under-Secretary of State for Justice, the hon. Member for Finchley and Golders Green (Mike Freer).

Damian Hinds: We were talking about employment on release, but what the hon. Gentleman raises is incredibly important. I have visited Wormwood Scrubs. Rates of self-harm are unacceptably high. They vary by place. In the women's estate, we have a particular issue with self-harm. We are working closely with the national health service, which provides mental health support in prisons. I am absolutely determined that we bring down levels of self-harm.

Mr Speaker: I call the new shadow Minister.

Janet Daby (Lewisham East) (Lab): Prison leavers in employment training are less likely to reoffend. That means that education and training for young offenders in prison is crucial. Will the Minister say why the Government have failed so far to implement a new prison education service? It was promised in their party's manifesto in 2019. Implementing it in 2025 is too little, too late.

Damian Hinds: I join you, Mr Speaker, in welcoming the hon. Lady to her place and similarly look forward to working with her. I can bring her good news. First, there is an education service operating in every prison, with four contracted providers. We also have additional provision that governors can put in place, but for the new service that she mentions—it was indeed a manifesto commitment—the process is well under way. I look forward to being able to make further announcements before long.

Violence against Women and Girls

3. **John Cryer** (Leyton and Wanstead) (Lab): What steps his Department is taking to reform the criminal justice system to help tackle violence against women and girls. [906330]

10. **Debbie Abrahams** (Oldham East and Saddleworth) (Lab): What steps his Department is taking to reform the criminal justice system to help tackle violence against women and girls. [906338]

12. **Ruth Jones** (Newport West) (Lab): What steps his Department is taking to reform the criminal justice system to help tackle violence against women and girls. [906340]

The Minister of State, Ministry of Justice (Edward Argar): The crimes associated with VAWG are abhorrent, which is why we have already taken significant action to strengthen the criminal justice system's response to it, including for example through our end-to-end rape review, driving up prosecutions, and the introduction of new protections for victims through the landmark Domestic Abuse Act 2021. Much has been done, but we are ambitious in wanting to go further.

John Cryer: I understand what the Minister is saying, but it takes two years or more for rape cases to come to court, and 69% of victims withdraw from the cases before they come to trial. Has the Minister had the chance to look at our proposal for specialist rape courts in every Crown court in the country?

Edward Argar: I crave your indulgence, Mr Speaker. May I take this opportunity to pay tribute to the hon. Member for Cardiff North (Anna McMorrin), who shadowed me for some time, and to the hon. Member for Lewisham West and Penge (Ellie Reeves), who also did so? I wish them both well, although given the latter's election co-ordination role, hopefully not too well.

It remains our priority to deliver swifter access to justice for victims of rape. As the hon. Gentleman says, the experience of attending court is incredibly difficult for them. That is why we have committed to increasing the number of independent sexual violence advisers and independent domestic violence advisers to more than

1,000 over the next three years. In June 2022, we announced our ambitious specialist sexual violence support project in three Crown courts, aimed at improving facilities and technology.

On the hon. Gentleman's specific question, I would urge a degree of caution on those proposals. Listing is a judicial prerogative, and it is important we retain flexibility in the use of the court estate to maximise the use of courts and judges' time for a range of offences and to meet the needs of the courts.

Debbie Abrahams: The independent inquiry into child sexual abuse recognised the issues with the criminal justice system and said:

"The length of time taken to investigate and prosecute child sexual abuse cases was...a matter of significant concern. Delay within the criminal justice system can add to the harm caused by sexual abuse".

The experience of a constituent I am helping suggests that is still the case. What mandatory training for court, judicial and other criminal justice is available to ensure that they appropriately support people who have been subject to this abuse?

Edward Argar: It is nice to see the hon. Lady in her place and it is always a pleasure to answer questions from her. She highlights an important issue raised by IICSA and historic and current child sexual abuse. It is worth remembering that the investigation of such crimes can be lengthy because of the complexities of the crimes and of obtaining evidence. While training for the judiciary and courts is a matter for the judiciary and the Judicial College rather than for the Government, we have been investing in training, as have police forces, across a range of specialisms, including handling child sexual abuse cases. It is important that they are handled with sensitivity and with an understanding of the impact that the trauma has had on those who are victims, and indeed also those who are witnesses. She touched on a specific case and I am happy to engage with her outwith the Chamber if that would be helpful.

Ruth Jones: According to the latest research, rape charges are taking longer to be brought forward; the average time a victim has to wait for their attacker to be charged—just charged—is now 400 days, over a year. That is disgraceful, and the situation is getting worse. When will Ministers speed up the process and give women, girls and all victims of rape across England and Wales the justice they deserve?

Edward Argar: The hon. Lady is right to highlight the importance of timeliness. One of the key aims of Operation Soteria—the new model for investigating rape and serious sexual offences that is being rolled out to all police forces in the coming months—is to improve timeliness. Investigations in this space are, of necessity, often complex and can take a long time. The number of rape convictions is at or around the level it was in 2010. Now, the number of cases passed by the police to the Crown Prosecution Service for charge is up 130%. The number of cases charged is up more than 90%, and the number of cases received in the Crown court is up by more than 120%. Much has been achieved, but she is right to highlight that there is always more that we can and should do in this important space.

Dame Maria Miller (Basingstoke) (Con): To tackle violence against women and girls, we need a criminal justice system that works. Part of that is having laws that are up to date to deal with the issues that women face today. I had the pleasure of working with my right hon. Friend the Minister on amendments to the Online Safety Bill that will make it a criminal offence to post intimate images online without consent, but he, I and others know that there are still gaps in the law when it comes to the making of those images. Will he give us an indication of when the Government intend to bring forward further legislation, not only to deal with that, but to keep online safety under constant review?

Edward Argar: It has been a pleasure to work with my right hon. Friend on those amendments to the Online Safety Bill, which returns to the Commons today. She is right to highlight the rapidly changing environment that we are legislating for and the need therefore to keep things under constant review. Although she tempts me, I shall resist the temptation to speculate on a forthcoming King's Speech or any future legislative announcements. What I will say, which I hope will give her some reassurance, is that we have been clear that, as soon as legislative time can be found, the Government are committed to implementing the full package of measures in the Law Commission report.

Prisons: Wakefield

4. **Simon Lightwood** (Wakefield) (Lab/Co-op): Whether he has made a recent assessment of the performance of prisons in Wakefield constituency. [906331]

The Minister of State, Ministry of Justice (Damian Hinds): The most recent annual prison performance ratings for 2022-23 were published in July. His Majesty's Prison and Young Offender Institution New Hall was rated a 2, which is a matter of concern. HMP Wakefield was rated a 4, or outstanding.

Simon Lightwood: His Majesty's Inspectorate of Prisons inspected HMP Wakefield last year and had several concerns, including many that remained unaddressed since its previous visit. Those concerns included infrastructure that is in such a poor condition that it needs investment, insufficient healthcare staff, a lack of mental health interventions and too few activity places. The prison leadership and staff continue to do the right thing and should be praised, but when will the Minister play his part and get our prisons back on track?

Damian Hinds: The hon. Gentleman is right to talk about the inspectorate of prisons reports, which are a very important part of our system and help to hold the Prison Service and us to account. In the case of Wakefield, as he mentions, it was judged a 3, which is reasonably good, for safety, for respect and for rehabilitation and release planning. There was more to do on purposeful activity, which I readily accept is a theme we have seen in a number of reports from different prisons over time, particularly since covid. The inspector also mentioned the strong leadership at the prison and that the prison was settled. We need to continue to make progress, but I join the hon. Gentleman in playing tribute to the leadership at that prison and throughout our Prison Service, and to all the brilliant staff who make it what it is.

Criminal Courts: Backlog

5. **Peter Aldous** (Waveney) (Con): What steps his Department is taking to reduce the backlog of criminal court cases. [906332]

The Parliamentary Under-Secretary of State for Justice (Mike Freer): My hon. Friend raises an important point, and we remain committed to working with our partners across the criminal justice system to try to ensure that court processes are as efficient as possible. We have introduced a raft of measures to achieve that aim, including allowing courts for a third year in a row to sit for an unlimited number of days, with extended use of 24 Nightingale courtrooms. In addition, we have opened two permanent super-courtrooms in Manchester and Loughborough and are recruiting an additional 1,000 judges across all jurisdictions.

Peter Aldous: I am grateful to my hon. Friend for that reply. In Suffolk, the backlog of criminal court cases remains stubbornly high, which is not only denying victims justice, but placing a huge burden on the police and costing the local taxpayer a fortune. Working with Suffolk's police and crime commissioner Tim Passmore, can my hon. Friend produce a comprehensive and bespoke plan that first clears the backlog, and then sets out a long-term strategy for the efficient functioning of the courts in the county?

Mike Freer: I can reassure my hon. Friend that in Suffolk the disposals to March 2023 were up by 23% on the previous quarter, while the outstanding case loads slightly reduced in the same period. That reflects the hard work that is done with our partners to ensure that we get through the case load as fast as possible. We continue to work with the judiciary to identify how we can get the high workload moving more smoothly. Across the Department, and working with our partners, the Crown court improvement group continues to look at best practice and the local criminal justice board will always look at best practice across the country to see what we can do to ensure that his area continues to perform.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Is the Minister aware that the criminal courts are full of cases relating to joint enterprise, a terrible miscarriage of justice? Will he and the Justice team promise to meet me and the campaigning group JENGbA—Joint Enterprise Not Guilty by Association—to see whether we can clear the justice system of the many people who should never have been in the courts?

Mike Freer: The hon. Gentleman has campaigned on that issue for some time, and I have met his colleague, the hon. Member for Edmonton (Kate Osamor), to discuss it. The data collection does not support the identification of cases relating to joint enterprise, but I understand that the Crown Prosecution is now doing an exercise on better data collection to see whether the issue that he continues to raise, quite rightly, is borne out by the data, and we can see what action we might take to address any injustices.

Mr Speaker: I call the shadow Minister.

Alex Cunningham (Stockton North) (Lab): As the hon. Member for Waveney (Peter Aldous) pointed out, chaos in our courts continues. Now, 500 security guards have voted for strike action after a pay offer worth just 38p an hour above the minimum wage. Peter Slator, chairman of OCS, which employs the guards, says in his annual review:

“This was an exceptional year where our colleagues went above and beyond to deliver reliable, high-quality services for our customers around the world in the most challenging circumstances. The reliability and resilience of our frontline colleagues during the pandemic has been exceptional.”

I am sure the Minister will agree that the Government should pay Mr Slator’s company enough for him to deliver fair pay. Will he intervene to stop further chaos in our courts?

Mike Freer: Our courts are not in chaos. *[Interruption.]* I am sure that if the hon. Gentleman took the time to talk to all partners across the criminal justice system, they would bear that out. All elements of the criminal justice system, in whatever role they play, continue to ensure that it works smoothly. The pay award is a matter for the private sector employer; I will not intervene.

Discussions with Scottish Government

6. **Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): What recent discussions he has had with the Scottish Government on justice. [906333]

The Parliamentary Under-Secretary of State for Justice (Mike Freer): I am pleased to say that the inaugural meeting of the inter-ministerial group on justice is taking place this afternoon, chaired by Lord Bellamy and attended by the Scottish Government Cabinet Secretary for Justice, Angela Constance MSP, as well the Counsel General for Wales, Mick Antoniw MS. That new forum has been established by an agreement between the four nations of the UK. It has discussed justice issues of mutual interest.

Jamie Stone: I rise as a convinced devolutionist. In fact, I think I am the only Member of this place whose signature is on the Claim of Right for Scotland. As and when a new law is agreed in Edinburgh or Cardiff, say, what mechanism is in place to ensure that any such new law will not disrupt either England or other parts of the United Kingdom?

Mike Freer: The hon. Gentleman raises a good point. We have more recently seen the Scottish Government attempt to railroad the rest of the UK on gender recognition. It is better when our legislatures work in tandem for the benefit of all parties, not when Scotland tries to disrupt other parts of the United Kingdom with ill-thought out legislation.

Mr Speaker: I call the SNP spokesperson.

Chris Stephens (Glasgow South West) (SNP): The Government will amend the Misuse of Drugs Act 1971 this afternoon. That 50-year-old piece of legislation controls the shape of Scotland’s criminal justice system to punish drug addiction with the full force of the law rather than treat users, in health settings, as addicts with health conditions. What conversations has the Minister

had with Cabinet colleagues in the Scottish Government on introducing a safe drug consumption room pilot in Glasgow?

Mike Freer: I am not sure, based on recent reports, that that particular pilot is working well. I will happily ask colleagues to see whether that pilot is working as the hon. Gentleman says it is, but that is not what the newspapers are reporting. The UK Government’s response to it is something for the inter-ministerial group, which is meeting this afternoon.

Chris Stephens: I am a bit confused by the Minister’s response. There currently is no pilot in Glasgow, but perhaps there have been some positive discussions between the Scottish Government and the Government here. Given that there are 100 drug consumption rooms in more than 60 cities across the world, supported by mountains of evidence from NGOs, civil society groups and drug activists, alongside the Lord Advocate’s new policy not to prosecute drug users for possession offences committed within a pilot safer drugs consumption facility, can the Minister give an iron-clad commitment that the Government will not block this life-saving health measure?

Mike Freer: How that legislation is dealt with is a matter for other colleagues, but I can reassure the hon. Gentleman that, if treating drug taking as a health issue is working as he suggests it is, we will learn from that and discuss it with our colleagues in the NHS. The broad principle of it being a health issue is being dealt with by the NHS and the Health Secretary. In terms of legislation, that is a matter for Cabinet colleagues.

Prison Estate

7. **Ms Lyn Brown** (West Ham) (Lab): What recent assessment he has made of the adequacy of the prison estate for housing prisoners. [906335]

The Minister of State, Ministry of Justice (Damian Hinds): We are building 20,000 modern prison places to help rehabilitate prisoners, cut crime and protect the public, and we continue to invest in prison maintenance, so that existing places remain in use and safe.

Ms Brown: The Minister’s answer is very interesting because, let’s face it, our prisons have been run down for 13 years. Many are so old that they were built before RAAC—reinforced autoclaved aerated concrete—was even a twinkle in somebody’s bank account. If we read the inspection reports, as I have, it is a list of woes. They are draughty, damp, infested, terribly overcrowded and woefully understaffed—hardly likely to enable rehabilitation. It is our communities that endure the consequences, with at least 37% of prison leavers reoffending within 18 months. It is simply not good enough, is it?

Damian Hinds: We continue to upgrade the prison estate. As I say, we are investing in 20,000 new places—the biggest expansion in the secure estate since the Victorian era. At the same time, we have been taking out some of our most overcrowded and unsuitable prisons. In the last financial year, we took out 1,900 places, and we are investing £168 million in custodial maintenance for 2023-24 and 2024-25.

The hon. Lady mentioned reoffending. There is no good level of reoffending but zero, but I am pleased to be able to report good progress on reoffending, which has been coming down as a result of more ex-offenders getting into employment, fewer of them being homeless and more being able to get suitable, good treatment for addiction.

Mr Speaker: I call the Chair of the Justice Committee.

Sir Robert Neill (Bromley and Chislehurst) (Con): The Justice Committee is proposing to hold an inquiry into future prison population and estate capacity, and I look forward to the Minister giving evidence to us about that. He will know that that is prompted in part by concerns that overall overcrowding in the adult male estate is some 23%, and it is much worse in many of the old local prisons. While he is right to draw attention to the Government's new prison building programme, even if that were all completed on time, there would, according to figures we have seen, be a shortfall in March 2025 of about 2,300 places as against anticipated demand. What is going to be done to deal with that? Should we have a proper conversation with the public about what is a reasonable expectation of what can be done in prisons, what is the best use of prisons and who should be there?

Damian Hinds: On my hon. Friend's last point, of course we must constantly be having an intelligent, constructive public debate about these matters. On the question of capacity, projections change, and there are many complex factors at play. I look forward, as ever, to being scrutinised by his Committee on that point.

It is important to note that crowding—doubling up in cells—has for a very long time been a feature of our prison system. Crowding overall is 2,000 fewer than it was when we came into government in 2010.

Foreign National Offenders

8. **Dr Luke Evans** (Bosworth) (Con): What steps he is taking with Cabinet colleagues to reduce the number of foreign national offenders in the prison system. [906336]

The Minister of State, Ministry of Justice (Damian Hinds): Between January 2019 and December 2022, we removed 13,851 foreign national offenders from the country. As my hon. Friend rightly suggests, that is all about close working with colleagues, including in the Home Office.

Dr Evans: We have all seen the stories of convicted foreign criminals being pulled off planes at the last minute. The Nationality and Borders Act 2022 was brought in to improve the process of returning criminals—to speed up that process and increase the window for removal of foreign national offenders from prison under the early removal scheme. Could my right hon. Friend comment on how that scheme is working, how he expects it to affect the numbers, and how he expects the process to be sped up?

Damian Hinds: As my hon. Friend mentions, under the Nationality and Borders Act, we expanded the FNO early removal scheme window from nine months to 12 months, allowing for earlier removal. We are working closely with the Home Office on that. In May,

we also agreed a landmark new deal with Albania, and we are working to negotiate new prisoner transfer agreements with EU member states and other countries.

Jim Shannon (Strangford) (DUP): I thank the Minister very much for that response. It has been reported that the proportion of Northern Ireland's total jail population who hail from outside the United Kingdom and Ireland is disproportionately high—the figures indicate that it is between 7% and 9% per year. Has the Minister had an opportunity to assess that with the Department of Justice back home?

Damian Hinds: As the hon. Gentleman knows, given the way we are organised, we do not cover the Northern Ireland Prison Service. However, it is very important that we stay in close touch and, although I have not had that specific conversation recently with colleagues in Northern Ireland, there will no doubt be opportunities in the future.

Reading Gaol

9. **Matt Rodda** (Reading East) (Lab): What progress he has made on the sale of Reading Gaol. [906337]

The Minister of State, Ministry of Justice (Damian Hinds): The sale of Reading Prison is proceeding and, barring any unexpected complications, completion is expected later this autumn.

Matt Rodda: I thank the Minister for his answer, and for meeting me and the right hon. Member for Reading West (Sir Alok Sharma) recently to discuss this matter. Reading Gaol is a hugely important historic building, and nearly 13,000 people across Berkshire have now signed a petition asking the Government to work with me and the local arts community to turn the gaol into an arts hub. It has taken the Government a long time to discuss the proposed sale with their preferred bidder and no progress—or slow progress—appears to be being made. Will the Minister now reconsider the Government's approach and work with me, Reading Borough Council and the local arts community to save this wonderful building?

Damian Hinds: The sale is progressing. Of course, any proposed development would be subject to approval from Reading Borough Council's planning department, and the usual due diligence requirements and so on will apply.

We quite often throw around the term “doughty campaigner” in this Chamber, but I can certainly say that the hon. Gentleman and my right hon. Friend the Member for Reading West (Sir Alok Sharma), his neighbour, have been incredibly assiduous in their attention to this matter on behalf of their constituents. In turn, I commit to him that we will absolutely stay in touch.

Sentencing: Offender Attendance

11. **Gareth Johnson** (Dartford) (Con): What steps his Department is taking to help ensure that offenders attend their sentencing. [906339]

The Minister of State, Ministry of Justice (Edward Argar): It is right that those convicted of a crime face up to its consequences by being in court when they are sentenced. On 30 August, the Lord Chancellor announced his intention to legislate as soon as parliamentary time

allows to enable judges to order an offender to attend court for sentencing, making it clear in legislation that reasonable force can be used to compel attendance and that refusal to comply with a judge's order will cause the offender to face up to two years in custody.

Gareth Johnson: In 2014, Colin Ash-Smith was convicted of murdering 16-year-old Claire Tiltman in my constituency of Dartford. His final insult to her was to refuse to attend the sentencing hearing, so I welcome the proposed changes to compel defendants to face up to the consequences of their actions. However, can the Minister confirm that there will be an opportunity for judges to hear representations from the prosecution, defence, and security staff before such action is taken?

Edward Argar: I am grateful to my hon. Friend, and I hope he will allow me this opportunity to express my sympathy to the friends and family of Claire Tiltman, who lived in his constituency and, in 1993, was tragically murdered. I was glad to see her murderer brought to justice after so many years. Colin Ash-Smith, like Lucy Letby, was cowardly for not attending the sentencing hearing to face up to his appalling crime. Each case is different, so it is important that the court and the judge have discretion in how to make an attendance order, and in reaching that decision—although we are working through the details—we would expect the courts to consider the full circumstances of each individual case, including any representations made by the prosecution or the defence in that context.

Gareth Thomas (Harrow West) (Lab/Co-op): If we want offenders to attend their sentencing, it does rather help if the court is open. Harrow Crown court was closed two and a half weeks ago because of the discovery of crumbling concrete—RAAC—with no indication as yet of any timescale for it to be reopened. Its closure will inevitably exacerbate the backlog of criminal cases in the London area and prevent victims of crime from seeing justice. Could the Minister provide quickly an update on the progress at getting Harrow Crown court modernised, fully repaired and open again?

Edward Argar: I am grateful to the hon. Gentleman, particularly for the dexterity with which he got Harrow Crown court in. He is right to highlight that case. I understand that remedial work is under way and that cases listed there have been transferred to other London courts to ensure they still continue to be heard. I understand from the Under-Secretary of State for Justice, my hon. Friend the Member for Finchley and Golders Green (Mike Freer), that the indicative timescale to complete the works is six to nine months.

Mr Speaker: I welcome the shadow Minister, Kevin Brennan. It will be quieter on the Back Benches but no doubt he will make up for it on the Front Bench.

Kevin Brennan (Cardiff West) (Lab): Thank you, Mr Speaker. I suspect the Minister might anticipate what I am going to ask him because I am beginning to think the Department should be renamed the Department for Justice Delayed. Labour proposed that we change the law on attending sentencing back in 2022, and just last month the Leader of the Opposition said that we were prepared to amend the relevant legislation if there

was no action, so why is it taking so long for the Government to intervene on behalf of victims and their families?

Edward Argar: I am grateful to the hon. Gentleman and may I take the opportunity to welcome him to his place? I suspect there will occasionally be to-and-fros across this Chamber, but I hope there will also be opportunities, where we are in agreement, to work constructively together. We have been clear on our intention to bring forward appropriate legislation to reinforce the existing powers the judiciary has in this respect, but it is important that we get this right and that it builds in that degree of judicial discretion, because there may be some circumstances where victims would not wish to see the offender in court for sentencing because it would be deeply distressing or deeply disruptive. So it is important that we get this right. We are determined to do that, but we will work through the detail to make sure it is robust and effective.

Prison Staff Vacancies: England and Wales

13. **Greg Smith (Buckingham) (Con):** How many staff vacancies there are in prisons in England and Wales. [906341]

The Minister of State, Ministry of Justice (Damian Hinds): We have recently seen indications of an improving national staffing picture in prisons, with an increase of 700 full-time equivalent bands 3 to 5 prison officers and youth justice workers in the year to June 2023.

Greg Smith: I am grateful to my right hon. Friend for that answer, but the damning report into HMP Woodhill, just adjacent to my constituency, was clear that staff shortages were a huge factor in the serious issues that prison faces. It is equally well known that HMP Spring Hill and HMP Grendon in my constituency have faced recruitment challenges. In that light, if we cannot staff the prisons that we do have, surely it is unworkable to carry on with my right hon. Friend's totally unwanted plans to build a new mega-prison in my constituency and that planning appeal should be withdrawn.

Damian Hinds: I am grateful to my hon. Friend, who takes a close interest in these matters, and rightly so, particularly on behalf of his constituents who are prison officers and other staff in and around his constituency. I can assure him we are working urgently to address the findings and the urgent notification at Woodhill. I think we will come on to that a little later in questions from hon. Friends. The Lord Chancellor will, as ever, be publishing an action plan by the end of the month. We also have active recruitment campaigns in place for Grendon and Spring Hill and are seeking to increase numbers by incentivised recruitment.

Magistrates Courts

14. **Mr Alistair Carmichael (Orkney and Shetland) (LD):** What recent assessment he has made of conditions at magistrates courts. [906342]

The Parliamentary Under-Secretary of State for Justice (Mike Freer): I recognise that there continues to be work to be done to improve conditions in some magistrates courts for the users, and that is why we have boosted the capital investment programme to £220 million over the

next two years to March 2025 to improve the quality and enhance the resilience of the court and tribunal estate, allowing us to plan major projects much more in advance and with certainty. The improvements will ensure that those on the frontline of the justice system will benefit from buildings that are more accessible and sustainable.

Mr Carmichael: We speak of access to justice meaning the availability of legal advice and representation but, for too many older and disabled people, physical access to justice through the magistrates courts in particular is well-nigh impossible because the buildings themselves are not fit for purpose. Actually, “not fit for purpose” was the term used to describe the magistrates courts in the Secretary of State’s constituency by the former police and crime commissioner. Do we not need more swift action to remedy the problem than the Minister has outlined?

Mike Freer: I took quite a bit of time to read the report from the Magistrates Association on inaccessible courts to ensure that, where we can make reasonable adjustments, we make them, and that where we need to make more substantial investment to make the courts more accessible, particularly to make them compliant with the Disability Discrimination Act 1995, we do so and those works are prioritised. We continue to work on new courts, as in Blackpool and the City of London, to ensure that the estate is modernised and we have courts that are accessible and fit for purpose. The point is well made and it is in hand.

Magistrates: Training

15. **Michael Fabricant** (Lichfield) (Con): What training is provided to magistrates to help ensure impartial decision making. [906343]

The Parliamentary Under-Secretary of State for Justice (Mike Freer): To preserve the independence of the judiciary, the Lord Chief Justice has a statutory responsibility for the training of the judiciary under the Constitutional Reform Act 2005, and that includes magistrates and their legal advisers. Magistrates, and the legal advisers who support them in court, must complete induction training before hearing cases and, once magistrates are sitting, continuation training is provided on regular cycles. Impartial decision making is woven throughout all the material.

Michael Fabricant: I thank the Minister for his answer. Chris Pincher and I have been working very closely to ensure that the police act strongly and swiftly in Shenstone near Lichfield over constant demonstrations at an Israeli company that supplies arms to the British armed forces. Two people went to trial at a magistrates court in Walsall and they were acquitted. It is reported—we do not know for sure because it is not a court of record—that the judge said

“on the principle of proportionality...their action was proportionate in comparison to the crimes against humanity which they were acting to stop”

by the Israelis. I think that, if it were true, is outrageous. What can be done within the judicial system to ensure that that sort of thing does not happen, if indeed it did?

Mike Freer: My hon. Friend raises an important point about the independence of the judiciary. We have to be careful that we do not rely on reports by a third party, perhaps with a vested interest, because these cases are not reported officially. However, if he wishes to discuss any points of law that may lead to an appeal from the prosecuting authority, he can do so and I am happy to work with him and guide him on how that may be taken up with the Attorney General. In terms of any complaints about the behaviour of the judiciary, there is a clearly defined process that I am happy to discuss with my hon. Friend after today’s session.

Probation Service

16. **Theresa Villiers** (Chipping Barnet) (Con): What steps he is taking to increase recruitment to the probation service. [906344]

The Minister of State, Ministry of Justice (Damian Hinds): At 30 June just over 20,000 people were working in the probation service—an increase of just over 2,300, or 13%, compared with 30 June the previous year.

Theresa Villiers: I thank my right hon. Friend for his answer. Two horrific cases—those of Jordan McSweeney and Damien Bendall—show how vital it is to have effective supervision of recently released offenders. What lessons have been learned from those two cases, and will the Minister provide an update on the action being taken to address problems in the probation service caused by high vacancy rates and consequentially unmanageably large case loads for probation staff?

Damian Hinds: I am grateful to my right hon. Friend and again I express my sincere condolences to the families of Zara Aleena, Terri Harris, Connie Gent and John and Lacey Bennett. We have increased probation staff in the London area by 4.5% over the last year, and that includes 270 trainee probation officers in post. The service has accepted all the chief inspector’s recommendations in respect of the two appalling cases that my right hon. Friend mentioned, and it is implementing robust action plans, especially with regard to improving risk assessments.

Female Offenders: Short Sentences

17. **Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Whether he has held recent discussions with the Welsh Government on developing community-based alternatives to imprisonment for female offenders serving short sentences. [906345]

The Minister of State, Ministry of Justice (Damian Hinds): Ministers engage regularly with colleagues in the Welsh Government, including discussions on female offenders and alternatives to custody. Both Governments work closely on delivering the “Women’s justice blueprint for Wales” on female offending.

Liz Saville Roberts: Short sentences for women often do more harm than good, reinforcing trauma and leading to further reoffending. In 2022, two thirds of sentences for immediate custody for women were for less than 12 months. It is anticipated that 1,000 more women will be in prison by 2026. How does the Secretary of State

justify the growing female prison population and the use of short sentences, given Wales's ambition to divert as many women as possible away from prison?

Damian Hinds: The women's population in prison has come down, and sentencing is a matter for the judiciary and not something in which the Government intervene. It is important that suitable alternatives to custody are available, and I join the right hon. Lady in paying tribute to the people running women's centres, for example, which do a fantastic job specifically for women, as well as to the broader set of alternative and community sentence options. It is important that we make sure we continue to work on those, including working together with the Welsh Government.

Topical Questions

T1. [906353] **Dame Nia Griffith** (Llanelli) (Lab): If he will make a statement on his departmental responsibilities.

The Minister of State, Ministry of Justice (Damian Hinds): I have been asked to reply on behalf of the Lord Chancellor, who has been in Riga attending a Council of Europe meeting, where a political declaration was signed on support for the Ukrainian justice system. He is sorry not to be here for these oral questions, and he has asked me to convey to the House his thanks to the Metropolitan police for their quick work in finding and returning Daniel Khalife to custody. The independent investigation that the Lord Chancellor commissioned must now get to the bottom of this serious breach. Since the last oral questions, the Government have also announced that we will make whole life orders the expectation in sentencing where they can be applied. We have also outlined plans to order the worst offenders to attend court for their sentencing hearings. We want to ensure that the worst offenders receive their sentences in the full glare of the courtroom, and that victims have the opportunity to set out the impact the crime has had on them.

Dame Nia Griffith: With Government spending for housing legal aid falling in the past decade from £44 million to £20 million and the spending for disrepair cases falling from nearly £4 million to just over £1 million, it is not a moment too soon that the Government have begun to restore some legal aid with the housing loss prevention advice service. Due to the Government's disastrous Legal Aid, Sentencing and Punishment of Offenders Act 2012, many housing legal aid providers shut up shop, leaving 42% of the population of England and Wales without a single provider in their local authority area and 84% with no access to welfare legal aid. What recent analysis has the Minister made of legal aid deserts, and what steps is he taking to remedy the situation?

Damian Hinds: We are putting more money into legal aid and criminal legal aid following the independent review. Specifically on housing, which the hon. Lady mentioned, we are injecting an additional £10 million from 1 August.

T3. [906355] **Dame Andrea Leadsom** (South Northamptonshire) (Con): What conversations has my right hon. Friend had across government to make sure that the

sentencing for those convicted of dangerous cycling is equalised with the sentencing guidelines for those convicted of dangerous driving?

The Minister of State, Ministry of Justice (Edward Argar): I am grateful to my right hon. Friend, who I know takes a keen interest in this issue. The safety of our roads is a key objective for the Government, and protecting all road users is a priority. Like all road users, cyclists have a duty to behave in a safe and responsible manner. While laws are in place for cyclists, they are old and it can be difficult to successfully prosecute offences. That is why Department for Transport colleagues are considering bringing forward legislation to introduce new offences concerning dangerous cycling to tackle those rare instances where victims have been killed or seriously injured by irresponsible cycling behaviour.

Mr Speaker: I welcome the new shadow Secretary of State to her post.

Shabana Mahmood (Birmingham, Ladywood) (Lab): I thank the Minister for the update about Daniel Khalife, but the fact remains that HMP Wandsworth has been a known problem for the best part of a decade, with a litany of failures including overcrowding, staffing and security issues. Khalife is not even the first escape from Wandsworth; there was an incident in 2019, which the chief inspector of prisons said was the result of a "serious security breach". Why, after so many warnings about Wandsworth, have the Government failed to act?

Damian Hinds: We take these matters extremely seriously. The independent investigation will of course look at the question the hon. Lady raised specifically about the 2019 incident to ensure that lessons were learned. If we look at the independent review of progress from His Majesty's inspectorate, we see that progress has been made in Wandsworth, particularly on staffing, which I know has rightly been a matter of considerable public interest. There has been an increase of some 25% in staffing specifically at Wandsworth since 2017.

Shabana Mahmood: Years of warnings and years of inaction—I am afraid that rather sums the Government up. On Sunday, the Justice Secretary told us that 40 prisoners have been moved from Wandsworth, claiming that that was out of "an abundance of caution". Will the Minister tell us how many other prisoners will have to be moved across the whole prison estate as a result of this escape? What the public want to see is not an abundance of caution after the fact of an escape but an abundance of certainty that the prison estate is secure. Is it?

Damian Hinds: It is. The hon. Lady would not expect me to get into a running commentary on transfer arrangements when we are talking about security. I want to reassure her, the House and the public that escapes from prisons are very rare, and much rarer now than they used to be. The number of escapes from prison in the last 13 years—since 2010—is considerably lower than it was in the 13 years before.

T5. [906357] **Selaine Saxby** (North Devon) (Con): To encourage active travel, people need to feel confident using our roads, yet the courts can impose only the

same penalties on multiple offenders as on a first-timer. Will my right hon. Friend consider the introduction of escalating penalties for repeat traffic offences?

Edward Argar: My hon. Friend is right to highlight the issue of traffic offences. As part of the Police, Crime, Sentencing and Courts Act 2022, there was an increase in the minimum disqualification periods for the serious offence of causing death by careless driving when under the influence of drink or drugs from two years to five years, and an increase from three to six years if there is a repeat offence within three years. The Department for Transport is also currently considering a broader call for evidence on motoring offences. I hope that the very recent report from the all-party parliamentary group for cycling and walking will be useful to it in that respect. I will ensure that colleagues at the DFT are aware of her interest in this issue.

T2. [906354] **Kenny MacAskill** (East Lothian) (Alba): As the absurdity of terrorist offenders in low category prisons plays out, is it not time to free up space by removing Julian Assange from Belmarsh maximum security facility, where he has languished since April 2019, guilty only of a minor bail breach, when his real offence was exposing war crimes? Regardless of his place of incarceration, will the Minister ensure that he is able to attend proceedings in person, which he has been denied since January 2021, given all the comments about people being at court?

Damian Hinds: I think the hon. Gentleman has achieved his objective: to get something on the record. I will not comment on ongoing cases, but, speaking more generally, access to justice is at the heart of what we do.

T6. [906359] **Priti Patel** (Witham) (Con): I have a constituent who suffered life-changing injuries as a result of an assault eight years ago—she is not on her own, on that basis—but she was awarded only £150 from a compensation order during the criminal case and offered £1,000 from the Criminal Injuries Compensation Authority. Will the Minister look at amending the Victims and Prisoners Bill so that victims can be given adequate care, compensation from offenders and support through the courts and, importantly, through the CICA?

Edward Argar: I am grateful to my right hon. Friend, who throughout her time in the House, and particularly while Home Secretary, has always taken a keen interest in supporting victims of crime. It is vital that victims get the compensation they are entitled to, be that from the offender or the criminal injuries compensation scheme, which paid out more than £173 million in 2022-23. The making of a compensation order is a matter for the court, and there is no limit on the amount that a court can order an offender to pay.

In respect of the criminal injuries compensation scheme, His Majesty's Government are consulting on changes following the report of the independent inquiry into child sexual abuse alongside previous consultations. It is important that that can be considered fully, but that will be post-passage of the Victims and Prisoners Bill.

T4. [906356] **Sarah Green** (Chesham and Amersham) (LD): One of my constituents tells me that they are at risk of losing their home because of how long they have had to wait for a benefit decision appeal. Will the

Minister outline what steps his Department is taking to reduce the current 33-week waiting time for benefit decision appeals to be heard?

The Parliamentary Under-Secretary of State for Justice (Mike Freer): Across the whole tribunal process, the team will constantly monitor who is performing and who is not, and will share best practice. If the hon. Lady would like to write to me with the details of a particular case, I can investigate the particular cause of delay.

T7. [906360] **Mr Philip Hollobone** (Kettering) (Con): Parliament passed a law in 2015 that offenders convicted of a second or subsequent knife offence should go to prison, yet in the year to March, 16,000 such offenders—37% of the total—dodged a jail sentence altogether. That is the highest total since the law was introduced. Will Ministers ensure that the courts now hand down the sentences legislated for in this House eight years ago?

Edward Argar: My hon. Friend is right to highlight the scourge of knife crime and the need for tough sentences. Although sentencing in an individual case is a matter for our independent judiciary, which is able to consider the specific circumstances of individual cases, in legislating on this issue Parliament was clear about its seriousness. That is reflected in average sentences for all types of knife crime, which are up from 6.5 months in 2010 to 8.1 months in 2020. In addition, 87% of those committing repeat offences were given a custodial sentence, including suspended sentences, which are a custodial sentence.

Alison Thewliss (Glasgow Central) (SNP): I have a number of constituents whose asylum appeals were allowed by courts and tribunals service, but have now been thrust into limbo while the case goes back to the Home Office for approval. What conversations have Ministers had with their Home Office colleagues on clearing the backlog that is preventing my constituents from getting on with their lives?

Mike Freer: I am always happy to look at individual cases to see if there are specific issues causing a delay. Broadly speaking, I work with colleagues at the Home Office and the Solicitor General's office to see what we can do to ensure that any delays in the process are smoothed out, so that people do not have to wait for their day in court.

T9. [906362] **Mrs Sheryll Murray** (South East Cornwall) (Con): What review, if any, has the Department carried out to ensure that when courts extend bail, they ensure that the police are dealing with their investigations diligently and expeditiously?

Mike Freer: My hon. Friend raises an important point for her constituents. I must stress that the independence of the judiciary is fundamental to the rule of law and the running of the justice system. Therefore, the Department has not and will not conduct a review into how the judiciary undertakes its functions in individual cases. However, I can reassure her that the judiciary ensures that the relevant agencies that it works with undertake their functions smoothly and effectively.

Ian Lavery (Wansbeck) (Lab): Is it not the case that last-minute cancellations in magistrates courts are largely caused by the inability to recruit and retain legal advisers, who are paid a lot less than other Government legal advisers? What steps will the Minister take to ensure an increase in wages and better terms and conditions for those legal advisers? Will he sit down with the PCS Union to try to resolve this intolerable situation?

Mike Freer: We look carefully at why all cases are vacated; in fact, the biggest cause of vacation is often the non-availability of prosecution or defence counsel, not of legal executives.

Sir Peter Bottomley (Worthing West) (Con): May I put it to Ministers that the nine-month wait for granting simple probate is unfair on people trying to sell their parents' home? I failed to get the probate service to work, and I have a constituent who has written to the Prime Minister. Will Ministers please sort it out?

Mike Freer: The time taken once all required documents are received is between six and nine weeks. We always advise that no one should take a decision on the sale of a property until probate is granted, but I can reassure my hon. Friend that despite a significant increase in applications, the service is recruiting and training up more than 100 new caseworkers to ensure that it delivers the service that my hon. Friend wants, as do I.

Kate Hollern (Blackburn) (Lab): Last month the United Nations called for an urgent Government review of sentences of imprisonment for public protection. Will the Secretary of State listen to the UN? Can he explain why the number of people with an IPP sentence recalled to prison without committing any further offence has soared in recent years?

Damian Hinds: I can confirm that the Lord Chancellor and I—and us all—are very conscious of the difficulties around IPP sentences, which would not be introduced today. We abolished them, as the hon. Lady knows, but there are people in prison who have been recalled or not released by the parole board because they have not been considered safe for release. Our objective is to help to manage people towards safe release into the community. To that end, our recently announced action plan is central.

Mark Eastwood (Dewsbury) (Con): The rehabilitation of offenders is so important in reducing the chances of them committing crime once released from prison, especially if they can get back into work. Could the Minister outline any schemes that help to give offenders the skills they need, and how they can access companies that are willing to give them a second chance in life?

Damian Hinds: My hon. Friend is so right. In topical questions, I do not have the time to start to unpack all the different things I would like say, so I will not. Suffice it to say that brilliant companies are providing training opportunities.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I have written to the Secretary of State about the tragic case of my young constituent Gregg

McGuire. He has agreed to meet with me and I am very grateful. Does his Department have any plans to reassess the current rules which mean that victims' families are unable to appeal sentences for those convicted of causing death by careless driving?

Edward Argar: I am grateful to the hon. Lady. I know she is meeting the Secretary of State to discuss this matter and I do not want to pre-empt that meeting. If she wishes, I am very happy to join that meeting with her, or even to meet her separately to talk about this issue if she feels that would be helpful.

Tim Loughton (East Worthing and Shoreham) (Con): Mr Speaker, you will not believe this, but it is almost six months since I finally secured a meeting with the Justice Minister and the Health Minister, after six cancellations, about what happened to section 4 of my Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019, which empowers coroners to investigate stillbirths. I was assured that the law, passed by this House in February 2019 and with a consultation that closed in June 2019, would be published imminently and progress would be made, but nothing has happened. Is it ever going to happen?

Mike Freer: Yes, it will. Both the Health Minister and I are pushing this as fast as we possibly can.

Mr Gregory Campbell (East Londonderry) (DUP): The scale of the illegal drugs problem in prisons was such that five years ago the Government introduced a programme that cost £100 million. Has the problem got worse or improved in the time since?

Damian Hinds: We are seeing progress. It is a combined approach of drug recovery wings and incentivised subsidised free living, and ensuring that security is able to stop drugs getting into prison through things like x-ray body scanners, which we have deployed in many prisons.

Rob Butler (Aylesbury) (Con): It is perhaps unfortunate that many members of the public and much of the media only take an interest in prisons when there is an escape, but that is, thankfully, very rare. Will my right hon. Friend join me in hoping to now see a calm and measured public debate about the role of prisons, not least working out ways to improve rehabilitation, which ultimately protects the public.

Damian Hinds: My hon. Friend is exactly right. He has a long history with this issue since before he reached this House. It is, ultimately, all about rehabilitation, reducing reoffending and helping to keep the public safe.

Joanna Cherry (Edinburgh South West) (SNP): Over 10,000 women have signed a public letter to the Prime Minister asking him to take action against the escalating campaign of threats and intimidation against women who stand up for women's rights. Many of these women are particularly concerned that the institutions supposed to protect them are failing to do so, including the criminal justice system. Will the Minister with responsibility for victims be good enough to meet me and representatives of those who organised the letter to discuss this important issue?

Edward Argar: I am always happy to meet the hon. and learned Lady.

Sir Robert Neill (Bromley and Chislehurst) (Con): The reputation of our justice system depends on the independence, integrity and professionalism of our judges. At the end of this month, the right hon. Lord Burnett of Maldon will retire as Lord Chief Justice, to be succeeded by Dame Susan Carr, who will be the first ever female Lord Chief Justice. Will the Minister place on the record in this House his appreciation, and all our appreciation, of Lord Burnett for the exceptional leadership he has shown to the judiciary throughout his term in office?

Edward Argar: I am grateful to my hon. Friend. I know the Lord Chief Justice and I am very happy, on behalf of His Majesty's Government and all those on the Government Front Bench, to do exactly as my hon. Friend says: to pay tribute to Lord Burnett's exemplary period as Lord Chief Justice.

Kim Johnson (Liverpool, Riverside) (Lab): I would like to pay tribute to the campaigners who challenged joint enterprise. As a result, the Crown Prosecution

Service has now committed to monitor who is prosecuted. I welcome the report at the end of this month, but will the Minister commit to an audit of all joint enterprise convictions, particularly as more black people are disproportionately impacted?

Mike Freer: I can commit to wait until we have seen what the work being done by the CPS uncovers. Once we have data, we can then have a rational discussion on the next steps.

Mary Kelly Foy (City of Durham) (Lab): Is the Minister aware of the prevalence of the unfounded and unscientific concept of parental alienation within our family courts? It is causing suffering and, in some cases, violence against women and girls. What steps is the Department taking to ensure that the courts recognise the harm of this discredited concept?

Mike Freer: The Department is well aware of the concerns, which is why the matter is currently under review. The results of that review, including publication of all the data and research behind the outcomes, will be published later this year.

Offshore Wind Contracts

12.35 pm

Edward Miliband (Doncaster North) (Lab) (*Urgent Question*): To ask the Secretary of State for Energy Security and Net Zero if she will make a statement on the implications for offshore wind of contracts for difference allocation round 5.

The Minister for Energy Security and Net Zero (Graham Stuart): The first annual contracts for difference auction—the first that we have ever done—was completed last week and delivered a total of 3.7 GW of renewable electricity, with contracts going to a record number of projects. The auction delivered significant quantities of new solar and onshore wind generation, as well as supporting 11 new tidal stream projects and, for the first time, geothermal projects. It was a competitive auction, set against a backdrop of highly challenging macroeconomic conditions that have impacted the sector globally. Given that this was our first annual round, it was to be expected that it would have a lower capacity than the previous biennial rounds, and, because last year's round was the first for three years, a higher annual element than that record round.

The Government remain committed to offshore and floating offshore wind projects, and this round provides valuable learning for subsequent auctions. Work has already started on allocation round 6, incorporating the results of the recent round, and we look forward to a strong pipeline of technologies being able to participate. The move to annual auctions means that allocation round 6 will open in just six months' time, in March 2024, which means that there could be minimal or indeed no delay in the deployment of new capacity through that round.

The Government also remain committed to our target of decarbonising the power system by 2035 and our ambitions for 50 GW of offshore wind, including up to 5 GW of floating offshore wind. Our trajectory for meeting these aims, as well as our legally binding carbon budget 6 targets, is not linear. The outcome for one technology in one auction does not prevent us from reaching those goals.

Edward Miliband: What a load of nonsense. No wonder the Secretary of State is in hiding.

This auction is an energy security disaster for Britain, and an act of economic self-harm on the part of the Government. No new offshore wind projects means that families' energy bills will be £2 billion higher and our energy security will be weakened. Worst of all, this was totally avoidable. Ministers were warned again and again about the impacts of higher inflation—in a letter from RenewableUK in March, and again in July—and offshore wind is so much cheaper than gas that they could have raised the price in the auction and it would still have saved billions of pounds for families, but they refused to listen.

First, will the Minister tell us why the Government ignored those repeated warnings? Secondly, he said on Friday that every country was in the same boat, but that is just wrong. Ireland listened to industry and adjusted its price, and had a successful auction in March 2023. Why did the Government not learn that lesson? Thirdly, is not the terrible truth that this episode reveals a much

deeper flaw in their approach? For month after month this summer, they claimed that the answer to our energy crisis was more oil and gas, and this is the result. We will now be more dependent on expensive, insecure fossil fuels. We will be more exposed to the whims of petrostates and dictators. Every wind farm that we fail to build makes us more exposed to dictators like Putin, and he knows it.

Bills higher, security worse, jobs lost, climate failure—the Government have trashed offshore wind, the crown jewels of our energy system, raising bills, just as they trashed onshore wind by banning it, raising bills, and just as they trashed home insulation, raising bills. We have seen 13 years of failed energy policy, and all this fiasco shows is that the Conservatives are, quite simply, a party unfit to govern.

Graham Stuart: I was pleased to see the other day that the rumours of the right hon. Gentleman no longer being in his position were not true. It is perhaps understandable in that context that he is so passionate about this highly successful round that has seen 3.7 GW on an annualised basis. I think that is a record round. He was a member of the previous Labour Government who left this country with 6.7% of its electricity coming from renewables. In the first quarter of this year, 48% of our electricity was from renewables. It was this Government, with our contracts for difference system, who transformed the economics of offshore wind. We have 77 GW of offshore wind in the pipeline—more than enough. We have 7.5—[*Interruption.*] The right hon. Gentleman understandably, given the weakness of his arguments, wants to heckle at all times, knowing how easy it is to dismantle them. He asks me where that capacity is, and I can tell him that 7.5 GW is currently under construction.

As ever, the right hon. Gentleman fails to be on the side of consumers. We moved to an annualised auction precisely to ensure that we could learn the lessons from each round, add them to our industry insight and ensure that we could move forward. The projects take multiple years to be developed, and none of them has disappeared. I predict that, moving on from the triumph of 3.7 GW of renewables, which came through successfully on Friday, allocation round 6 will be more successful still. We will continue to build our reputation as the country that has cut emissions more than any other major economy and that has transformed our electricity generation. He mentioned insulation—how he has the gall, I do not know. We have moved from 14% of homes being properly insulated when he left power to over 50% by the end of this year.

Selaine Saxby (North Devon) (Con): I thank the Minister for his engagement with this process, particularly with the new technology of floating offshore wind. Three floating offshore wind projects were due to bid in allocation round 5 but none did, due to the low administrative strike price. As chair of the all-party parliamentary group for the Celtic sea, I have repeatedly been told that these projects are part of our future energy supply. Can he outline what steps he is taking to ensure that these projects will float in allocation round 6 and to give confidence to developers in the region?

Graham Stuart: I thank my hon. Friend, who is an absolute champion of floating wind and the economic opportunities it offers for her area and the rest of the

UK. I was delighted to speak to her last week and meet her yesterday, and I pay tribute to her efforts. We have the largest floating wind pipeline in the world, based on confirmed seabed exclusivity arrangements. We have around 25 GW already identified, including through the ScotWind leasing round and innovation and targeted oil and gas—INTOG—processes. As she, as a great champion, knows, the Crown Estate is moving forward with its leasing round 5 for up to 4 GW of capacity in the Celtic sea this year. We have been the world leader on floating energy and we are going to stay the world leader. Thanks to the efforts of my hon. Friend, I know that we will have support across the House.

Mr Speaker: I call the Scottish National party spokesperson.

Dave Doogan (Angus) (SNP): The Minister failed to point out that 3.7 GW is scarcely half of what was achieved in auction round 5. He also failed to mention, when he was heralding onshore wind, that 90% of that will be found in Scotland. Since 2014, the four auction rounds have yielded 1 GW, 2.5 GW, 5 GW and 7 GW, so a nil return is an utter catastrophe.

The critical need for massive investment in offshore is patently obvious for bills and for the climate, yet this ambition has been thwarted by an incompetent previous Secretary of State and by the Treasury, which knows the price of everything and the value of nothing. Can the Minister assure us that the Department will get round the table with industry as a matter of urgency to try to repair this damage? Industry needs a strike price that reflects the not-mutually-exclusive goals of lower bills, net zero, and jobs and investment in Scotland and elsewhere. Can he confirm whether a recovery group for auction round 5 will be convened by him or the Secretary of State to try to get this catastrophe resolved? And where is she?

Graham Stuart: The hon. Gentleman and his party never fail to trash this country—*[Interruption.]* He can heckle all he wishes. I will be meeting industry representatives this afternoon and, as I have said, we will be announcing in two months' time the price ceiling for the next round—*[Interruption.]* I am getting heckling, not least from His Majesty's Opposition, who left us in that parlous situation. We are the world leader in so many of these technologies and we are going to continue to be. If the hon. Member for Angus (Dave Doogan) were to recognise the need to attract investment to this country and not talk it down, he might find that Scottish jobs would be even stronger in the pipeline than they are already.

Sir Desmond Swayne (New Forest West) (Con): If any, how much of the completed wind capacity still requires connection to the national grid?

Graham Stuart: Until wind capacity is constructed, it is not normally connected to the grid. That which has not been connected to the grid will need to be connected to the grid.

Mr Speaker: I call the Chair of the Select Committee on Energy Security and Net Zero.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (Ind): The boom and bust of this fiasco will inevitably have knock-ons for the supply chain. How concerned is the Minister about that? Also, how concerned is he about projects that were built on CfD securities but have not invoked the contracts and are now literally raking in the windfall of that act?

Graham Stuart: I do not quite follow the second part of the hon. Gentleman's question, but I am happy to write to him on that topic.

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): West Somerset, as the Minister knows, is ideal for offshore wind. I am interested to know why people did not bid in this round. What were their reasons? What can the Government do to learn the lessons of this round so that people like my hon. Friend the Member for North Devon (Selaine Saxby) can make sure that people are bidding in the next round?

Graham Stuart: We typically set out the key auction parameters in November, and those include the ceiling of what we will pay for particular technologies. We do that based on our analysis of supply chain costs, and we also commission external analysis. The most important data of all comes from individual auction rounds, and it is on that basis that we set the price parameters. The industry warned us, as it does every year, that it wants us to pay more. We always have to make a judgment call between making sure that we minimise—*[Interruption.]* It would be so much easier to give my answer, Mr Speaker, if the right hon. Member for Doncaster North (Edward Miliband) would stop—

Mr Speaker: Order. I think that, as a man who was always happy to heckle from the Back Benches, the Minister deserves a little bit himself.

Graham Stuart: We set the prices, and we immediately learn from each auction. One of the reasons for having an annual auction is that we can quickly adjust and, as I said, projects can then come into the next round with minimal delay.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): The wind farm off Brighton has probably become as iconic as the pier itself, but the reality is that the Government's failure will delay the construction of more of these beautiful installations around our coast. Is this failure not also a failure of the market-based private investment system that this Government are determined to pursue, rather than a publicly owned and co-ordinated building programme that can work alongside private investment so that we no longer have this failure where nobody bids?

Graham Stuart: I thank the hon. Gentleman for revealing the true face of where the Labour party is going. We can go back to the days when we had hardly any renewables, and we can allow Great British Energy, or whatever Labour is going to call its creature, to squeeze out private investment and destroy the most successful renewables market in Europe, and to destroy this Government's progress on tackling the parlous position left behind by the right hon. Member for Doncaster North and his friends. We will continue to be the world leader in cutting emissions, but not if we

[Graham Stuart]

move to the state-run, left-wing obsessions of colleagues like the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle).

Peter Aldous (Waveney) (Con): Offshore wind plays, and will continue to play, a key strategic role in enhancing energy security, achieving net zero and revitalising coastal communities such as Lowestoft. To get back on track, can my right hon. Friend confirm that the criteria applying to round 6 will take account of current economic realities, that appropriate fiscal measures are being considered ahead of the autumn statement and that specific focus will be given to enhancing local supply chains?

Graham Stuart: I thank my hon. Friend, who has been such a consistent champion not only for the power of renewables to meet our environmental challenges but for the economic benefits that come from them. He is absolutely right that the nature of the CfD system is that it learns from the previous auction round, which is the most real data of all, and uses that learning to inform the next round. That is why I am confident that, just as we had a success with 3.7 GW on Friday, AR6 promises to be more successful still.

Caroline Lucas (Brighton, Pavilion) (Green): I congratulate the Minister on turning complacency and chutzpah into a new art form. The ineptitude of Tory Ministers means that this latest CfD round saw the smallest auction return since 2015—a failing that was entirely avoidable. How will he ensure that the UK delivers the 35 GW of new offshore wind capacity that is needed in just six years? Why did Ministers yet again fail to heed the warnings from industry and experts in advance?

Graham Stuart: We have to set the parameters based on the best information we have. As I say, one reason for moving to an annual round is to allow us quickly to learn the lessons of each round. We did not get the wind on this occasion, which I regret, and we will put the real-world prices and learnings from that into the next round. That is the system we have, because we are always trying to make sure that we get the parameters right so that we balance the need to generate additional green energy with the cost to the taxpayer. Understandably, given their carelessness with the public finances and with consumers, the Opposition do not seem to care about that. My job is to balance it, ensuring that we get the generation, and we have 77 GW in the pipeline. We are in position and on track to meet our ambitions, which lead Europe—not that we would know that to listen to the hon. Lady.

Cherilyn Mackrory (Truro and Falmouth) (Con): I thank the Minister for including geothermal projects in allocation round 5, as that is very welcome. However, I echo everything my hon. Friend the Member for North Devon (Selaine Saxby) says about the Celtic sea projects. What will we do differently in round 6? What advice would he give to those in the supply chains, specifically ports, that are trying to submit applications for the FLOWMIS—floating offshore wind manufacturing investment scheme—funding? What conversations has he had about grid capacity, to ensure that all of this eventually runs smoothly?

Graham Stuart: As ever, my hon. Friend is well-informed. We are working on all those fronts. FLOWMIS applications closed just two weeks ago, and we are working flat out to analyse them. I hope that by the end of the year we will have shortlisted to the primary list and those schemes will move forward to due diligence, as we take forward not only our floating wind deployment, but the supply chain in the south-west, Wales, Scotland and around the rest of the UK. We are working on all those fronts and are determined to do that. As she rightly highlights, seeing our first geothermal projects come through the CfD is fantastic, as are the 11 tidal projects. I pay tribute to all colleagues who have worked so hard to promote tidal energy and make sure that we continue to be a world leader in that as well.

Olivia Blake (Sheffield, Hallam) (Lab): This is an embarrassment for the Government and shows that we are falling further and further behind in the race for green jobs internationally. We have the lowest growth in these industries among the eight biggest economies. Should the Government not be focusing much more on broadening and increasing the capacity of offshore wind, rather than not listening to industry and making fatal errors?

Graham Stuart: If the Labour party is not nationalising or creating some state-owned behemoth, it wants just to hurl money in the direction of business. Our judgment is to balance those things and I am pleased to say that we have been successful; we have the largest offshore wind sector in Europe. This country and this Government, through the CfDs, transformed the economics from the situation we inherited after the right hon. Member for Doncaster North and his colleagues had been in power.

Stephen Crabb (Preseli Pembrokeshire) (Con): Delivering on the floating offshore wind project in the Celtic sea is vital for our energy security and decarbonisation. Does the Minister agree that we now need to bolster confidence in this emerging industry? There are two things he can do. Does he agree that a successful allocation of FLOWMIS money to the south Wales ports in order to get this industry moving is vital? Does he also agree that we need to ensure that the Crown Estate's leasing round at the end of the year is done successfully, but with more than 4 GW of visibility, in order to send a strong market signal to the industry to invest?

Graham Stuart: My right hon. Friend is also someone who, through thick and thin, promotes that industry and sees the opportunity it offers Wales. He makes a special bid for the Welsh ports, as I would expect him to do, but he will understand that I can make no comment on that. I entirely agree with him on the importance of the Crown Estate round. Suffice it to say that across Government we have been working flat out, with his and other colleagues' support, to support the Crown Estate to ensure that we maximise the opportunity in the Celtic sea.

Wera Hobhouse (Bath) (LD): The Government's obsession with oil and gas has left us in this mess. The Department has prioritised new oil and gas licences over support for wind power, which flies in the face of our climate change commitments and our responsibilities to UK citizens—our constituents—to keep energy prices

low. Oil and gas will always be more expensive than wind energy. When will the Minister fill the gap of 5 GW of offshore wind that we have now missed out on, which would have saved consumers £2 billion a year? I am not talking about the sixth auction round—I am talking about the fifth one, where we have missed out now.

Graham Stuart: The hon. Lady is completely mistaken. We are working flat out both to reduce demand for fossil fuels in this country and to build up our renewables. I would hope she would celebrate the fact that we have the largest offshore wind sector in Europe.

Mick Whitley (Birkenhead) (Lab): The Government have long been warned that their focus on CfDs as the primary mechanism for financing new renewables risks undermining investor confidence in infrastructure assets with long lifespans but significant up-front capital costs, such as nuclear and tidal range generation. Following the Government's decision to employ a regulated asset base model to support the development of new nuclear, will the Minister now commit to looking urgently at the optimum financial model for new tidal range projects, which could make a crucial contribution to the future UK energy mix?

Graham Stuart: The CfD scheme is among the most successful, if not the most successful, of its sort in the world. We always look at ways in which we can improve it. We are looking at bringing in non-price factors as we finesse it, but the Opposition party's idea of some state-run enterprise, squeezing out private investment, would destroy the opportunities going forward. We need at least another £100 billion to be invested by 2030 and if the Labour party ever did threaten to come into power, it would put all that at risk.

Alex Cunningham (Stockton North) (Lab): On Teesside, we have been promised thousands of jobs in the offshore wind industry, but investors are getting a little nervous as a direct result of Government failures to provide the right business environment. What will the Minister do to get the business environment right to deliver the jobs we have been promised, which are being put in jeopardy by Government failures?

Graham Stuart: We are getting that balance right and we will continue to do so. Making sure that we look after the consumer is always my guiding light, and we balance that with getting the generation we need. We have seen companies such as SeAH investing in Teesside and Sumitomo looking at investing in Scotland—

Alex Cunningham They are getting nervous—

Graham Stuart: As the hon. Gentleman decries this and talks both the area and the nation down, he then tells me that investors are getting nervous. If he were to champion all the successes we have had instead of decrying them, he might find that he would give investors even more confidence still.

Sammy Wilson (East Antrim) (DUP): I do not agree with the policy that the Minister pursues. His net zero policy is disastrous and has been costly in terms of electricity prices and future planning. However, I feel

some sympathy for him today. He is being criticised by those who have highlighted high energy prices for not offering inflated prices to the wind industry, which claims that producing wind energy is getting cheaper but of course wants higher prices. As it was not offered that, it would not bid in the auction. Is the real reason for this not that for the first time he has refused to allow those who bid to walk away from their CfD agreements, to price electricity at whatever price they want and therefore to have inflated profits? Does that not indicate to him that the wind industry knows it cannot produce electricity cheaply and wants the system balanced in its favour?

Graham Stuart: The right hon. Gentleman and I do not see eye to eye on net zero or on the economic benefits of the wind industry. It does offer cost-effectiveness. It has been amazing to see how as it is scaled, it has been able to bring the price down. It was not obvious when we went out into the North sea that we would be able to bring the price crashing down, yet this country led the world in doing that. If he looks at the numbers, I hope he will find that the whole of this House can agree on one thing: offshore wind is an economic way of producing energy, and one that all of us should support.

Beth Winter (Cynon Valley) (Lab): Last week, the think-tank Common Wealth made the critical point:

“Reliance on market coordination leaves the transition vulnerable to the demands of private capital”.

It is abundantly clear that private capital cannot deliver what is urgently required to stem the climate crisis. In Wales, the Welsh Government know that, which is why, over the summer, they launched the community-owned renewable energy company, Ynni Cymru. Does the Minister agree that that is what is required, and what action is he taking to address this?

Graham Stuart: I thank the hon. Lady for pulling back the veil on Labour's real policy, which is that it hates private capital, it hates private investment and it would destroy the phenomenal success of this country in generating that. [*Interruption.*] The Front Benchers can heckle all they like, but that is what their Back Benchers want. That is the policy that threatens the British people and threatens our path to net zero. We must make sure that people such as the hon. Lady never have power in this country.

Joanna Cherry (Edinburgh South West) (SNP): Scottish Renewables has said that the results are a major blow to the renewables sector in Scotland and should serve as an indication that urgent reform is needed. Scottish Renewables, not a political party but part of the industry, has also said that these disastrous results are bad for Scotland's energy supply chain, which desperately needs a steady stream of projects to make its own investments in skilling up and in new technology. Will the Minister acknowledge that his and his Department's failure to listen to warnings from the industry is holding back Scotland's renewable sector?

Graham Stuart: I thank the hon. and learned Lady for her question. Industry always asks to be paid more money. Our job is to make the right judgment call on getting the balance right.

Hywel Williams (Arfon) (PC): I saw in the newspapers yesterday that astronomers have discovered a water-covered planet in a far away galaxy. I have to disappoint these excited scientists that, from his answers today, the Minister appears to have got there before them. [*Interruption.*] On another planet, yes.

Seriously though, this setback to the Erebus project in south-west Wales is deeply disappointing. It was the first of its kind in Wales and was supposed to pave the way to a developing industry. I hope the Minister can reassure me that he is taking steps to make sure that, in AR6, projects such as Erebus are enabled to compete successfully and to lead the way for this industry in Wales.

Graham Stuart: I thank the hon. Gentleman, not least for his attempt at a gag. I can tell him that what he says is the whole basis of the system—that it learns from each round. The most real economic data that we get is from an auction round. Moving to annual rounds, there will be ebb and flow as the right balance is sought between getting the generation that we require, set against our extremely ambitious deadlines, and not paying too much. That is the balance that we strike. We have 3.7 GW and I imagine that we will do even better next time.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I feel as if I am almost taking my life in my hands, but I do want to commend the Minister for one small piece of good news in this round, which is in relation to the development of marine renewables. The success of the auction for tidal stream development illustrates what would be possible for wave power if it were to be given the same opportunity in AR6. But for tidal stream, does the Minister agree that what is now needed is the 1 GW target for deployment? Will he work with me and other people in the House with an interest in this and the marine renewables sector itself to deliver that ahead of AR6?

Graham Stuart: May I pay tribute to the right hon. Gentleman? I met him in his constituency when I visited the European Marine Energy Centre and saw for myself some of the projects in the water. I am personally determined to ensure that tidal stream continues to grow. We maintain our global leadership, with a very high percentage UK supply chain as a further positive to it. He tempts me to get ahead of myself on policy, but I cannot do that. However, what we are doing and what our dedicated pot this year did is further strengthen that so that we can get in a position where that might be a realistic policy position to take.

Dame Nia Griffith (Llanelli) (Lab): Even with a higher price, offshore wind would help to slash bills. When the Minister saw the Irish Government recognise inflation, up the price and proceed to a successful auction, what discussions did he have with the industry and with Treasury colleagues about the price to be set?

Graham Stuart: I thank the hon. Lady for her question, which is a good one. Obviously, we did look at whether intervention, given that prices continue to change after they are set, was the right thing to do. We think that the CfD mechanism—the way that it is operated—is sound and that the best thing to do is to allow that to pass for the year. One reason for having the annual auction was

precisely to allow us quickly to adjust, and, as I say, as soon as November, we will be setting the parameters for the next year.

Richard Foord (Tiverton and Honiton) (LD): Last November, the Government paid up to £700 million to China General Nuclear Corporation to buy out China's state-owned nuclear power enterprise from Sizewell C, and we spent the best part of 2022 freeing ourselves from our reliance on Russian oil and gas. Given the failure of this Government to sell offshore wind projects in the latest round, can the Minister please comment on how energy independence from authoritarian states was served by this inability to run an auction?

Graham Stuart: We are now running these auctions every year, and every year, we will be seeking to get the generation that we require at the lowest possible cost to the consumer. I make no apology for doing that. The fact that we have the most successful system, not only in Europe, but globally, is something that should be applauded and recognised.

Jonathan Edwards (Carmarthen East and Dinefwr) (Ind): The Windsor report last month provides a sobering analysis about the scale of new electricity transmission infrastructure required to serve increased renewable generation and consumer demand in a very short space of time. However, as the report finds, there is considerable resistance locally to pylon development, as we are finding out in my constituency. Competence for such development is with the Welsh Government, but will the Minister pull together a working group of Ministers from across the UK and experts to consider the Windsor report, and in particular the advantages of cable ploughing technology, which would underground those cables at a comparable cost to overhead pylons without the visual damage?

Graham Stuart: I thank the hon. Gentleman for his constructive and effective question. He is absolutely right to highlight the challenges of making sure that we have the right transmission and connection infrastructure to facilitate offshore wind. We have to do that in a way that minimises negative impacts on communities, that rewards them for hosting it, and that looks at new technologies and innovations, just as we do in other areas, in order to facilitate that effective connection with minimal negative impact on communities that host.

Jim Shannon (Strangford) (DUP): In light of the disappointing results of the CfD AR5 auction and given that I am always trying to be constructive in my contributions in this House, will Government revisit the exclusion of Northern Ireland renewable projects from the scheme, especially in light of the significant increase in onshore wind and tidal stream projects supported by the AR5? Northern Ireland is perfectly positioned for onshore wind and tidal stream to make a major contribution to energy security and net zero from AR6 and beyond. Will the Minister commit to enable Northern Ireland to be part of AR6?

Graham Stuart: I suggest that it is the hon. Gentleman and his colleagues who need to commit to facilitating that in Northern Ireland. Energy is devolved and it is up

to them to get the devolved Assembly up and running. If they get devolved government going in Northern Ireland, they will unleash these opportunities. It is not for this Department, which is not responsible for energy in Northern Ireland.

Mr Speaker: That completes the urgent question.

Points of Order

1.7 pm

Mary Kelly Foy (City of Durham) (Lab): On a point of order, Mr Speaker. St Leonard's in my constituency is one of the schools affected by reinforced autoclaved aerated concrete. Last week, we received a ministerial statement from the Secretary of State for Education, but, this week, despite RAAC still being an issue, we have heard nothing from the Secretary of State or a Minister. The issue may be yesterday's news to some, but it is a very real issue for my constituents, many of whom have written to me to express their anger and anxiety about this avoidable crisis. May I please seek your guidance, Mr Speaker, as to how we can implore the Secretary of State to come back to the House this week—preferably tomorrow when it is well attended—and update us on what her Department is doing?

Mr Speaker: First, I thank the hon. Member for notice of her point of order. As she says, the Secretary of State did make a statement on the subject last week. I have had no notice from Ministers that they intend to make a further statement on this matter this week. However, I am sure that Ministers on the Treasury Bench will have heard her point of order, and I know that Members would like an update before the House goes off again.

Daisy Cooper (St Albans) (LD): On a point of order, Mr Speaker. I should say that this point of order comes with a trigger warning. Today BBC News, *The Times* and others carry shocking reports that female surgeons are sexually harassed, assaulted and in some cases raped by colleagues, and some of the sexual assaults take place in operating theatres while female surgeons perform surgery on anaesthetised patients. The House will also be aware that on 23 May this year it was reported that more than 35,000 incidents of sexual misconduct or sexual violence were recorded on NHS premises in England between 2017 and 2022.

Those reports are just as serious as some of the revelations about sexual misconduct in the Metropolitan police, which rightly led to the creation of the Casey review of the standards of behaviour and internal culture of the Met. But when revelations are repeatedly made about the scale of the same problem in the NHS, they are met with Government inaction. I would be grateful if you could confirm whether the Secretary of State for Health and Social Care intends to make a statement to the House on today's shocking revelations, or whether he intends to announce an independent inquiry so that we can expose the scale of sexual misconduct in the NHS and put an end to that horrific practice and culture of silence.

Mr Speaker: I thank the hon. Member for giving me notice of the point of order. I have had no indication from Ministers that they intend to make a statement on this important matter, but I am sure that the Government Front Bench will have heard the point of order. If not, I am sure the hon. Lady will pursue it through other means, and there will be opportunities to do so before the House rises.

Electricity Supply (Vulnerable Customers)

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

1.11 pm

Sam Tarry (Ilford South) (Lab): I beg to move,

That leave be given to bring in a Bill to require Ofgem to amend the conditions of an electricity supply licence in relation to vulnerable customers; to require Ofgem to establish a fund for the purpose of rectifying dangerous electrical faults for vulnerable customers; to require energy supply companies to inform vulnerable customers about the services available to customers on the Priority Services Register; and for connected purposes.

I rise to propose a Bill that would address a critical issue in our energy sector. The Bill aims to require Ofgem to revise the terms of electricity supply licences with a much-needed focus on vulnerable customers. Specifically, it calls for the creation of a fund by Ofgem to rectify dangerous electrical faults affecting vulnerable customers. Additionally, it would mandate energy supply companies to inform vulnerable customers about their entitlements under the Priority Services Register and related matters.

As the UK moves towards achieving net zero emissions, our homes are undergoing a transformation in how they use energy. We are transitioning away from gas and increasingly adopting cleaner energy systems. Currently, 74% of homes rely on gas boilers for heating, but by 2035, up to 47% of homes could depend on electrically powered technologies such as heat pumps. The shift to electricity is expected to continue in the years ahead. In this transition, it is imperative that we prioritise the safety and well-being of our vulnerable citizens.

Last year in England alone, there were a staggering 2,695 fires caused by home electrical installations, an average of seven fires a day. Those incidents encompassed issues related to electrical distribution within homes and heating systems. Despite support from organisations such as Electrical Safety First, the Gas Safe Charity, the Chartered Institute of Housing, the National Home Improvement Council and National Energy Action, the Priority Services Register maintained by energy suppliers has fallen short in addressing critical electrical safety concerns for the most vulnerable in our society.

The PSR, administered by Ofgem, serves as a support system for vulnerable energy customers, offered voluntarily by suppliers. It provides assistance tailored to specific requirements. While the types of help can vary among suppliers, they typically include free gas safety checks for customers on means-tested benefits living with children under five years old, those receiving pensions and those who are disabled or chronically ill. That invaluable service has undoubtedly saved lives, and the Bill seeks to extend similar safeguards to the many households across the country using and depending on electricity.

While existing legislation in England, Scotland and Wales mandates electrical safety checks for vulnerable individuals living in the private rented sector, the recent Social Housing (Regulations) Act 2023 has extended these checks to those in the social rented sector, aligning England with Wales and Scotland. However, a significant portion of vulnerable people may still fall through the cracks.

Data from various housing surveys across the UK indicates that in 2021 as many as 10.8 million households could have qualified for the Priority Services Register, marking them as part of a vulnerable household. Furthermore, the elderly population, often eligible for the PSR, predominantly resides in the owner-occupied sector, which lacks mandatory requirements for essential electrical safety protections. The risk of electrical fire fatalities is notably higher for people aged 60 and above, particularly those living alone or in older housing with outdated electrics. This is significantly heightened if they have health conditions such as dementia or Parkinson's.

Vulnerable people are more susceptible to electrical fires when they lack the financial means to pay for electrical safety checks or are physically unable to respond swiftly in case of a fire. Many of them may reside in substandard housing with outdated electrical systems, potentially in higher-density housing, further increasing the risk of fire spreading to neighbouring properties.

The Bill also addresses the pressing issue of fuel poverty among PSR-registered people. There is a significant overlap between vulnerable individuals on the PSR and those experiencing fuel poverty. The rising cost of living has hit many households hard, but it is incredibly challenging for older and vulnerable groups, particularly regarding energy costs. As of 2022, England alone had 3.26 million households in fuel poverty. In my constituency of Ilford South, 15% of households—more than 6,000 families—are grappling with fuel poverty. Shockingly, cold homes, linked to fuel poverty, contributed to 4,020 excess winter deaths in England and Wales last year: 45 lives lost each day during the winter months. For vulnerable people who already face the difficult choice between heating their homes and having enough to eat, affording electrical system checks is often impossible. That hidden danger compounds the already distressing issue of fuel poverty.

Although the PSR is a voluntary system for energy providers, it includes a requirement for free gas and carbon dioxide checks under Ofgem's licensing conditions. None the less, concerns have been raised by organisations such as National Energy Action regarding the alarmingly low awareness of available assistance. It is crucial for energy suppliers not only to promote their services, but actively to enrol all eligible people on to the PSR, expanding the reach of these services across the board. In a November 2022 study of eligible PSR customers, Electrical Safety First found that around a quarter of respondents had never checked their electrical installations or were unsure if they had been checked. Some 85% of them supported the idea of the energy sector providing regular electrical checks as a requirement of the PSR, a viewpoint shared by both private and social housing landlords.

Of course, some of the checks may reveal severe and dangerous faults in the electrical systems. The Bill also addresses that concern. It would require energy suppliers, Ofgem and local authorities to have the necessary grant-making capabilities to address those issues. That would ensure that vulnerable people with electrical faults were afforded the same protections as those with gas safety issues.

We have a moral obligation to shield the most vulnerable members of our society from the devastating consequences of fuel poverty and electrical dangers. Today, as the Bill receives its First Reading, we take the first crucial step

toward achieving this goal. It would guarantee that, as a statutory minimum, those most susceptible to fuel poverty during this era of rising living costs would receive enhanced electrical safety protections.

We cannot permit millions of people to make the heart-wrenching choice between food, safety, and living in peril. I urge the House to support my Bill today.

Question put and agreed to,

Ordered,

That Sam Tarry, Mike Amesbury, Andrew Western, Olivia Blake, Lloyd Russell-Moyle, Karl Turner, Jim Shannon, Sarah Olney, Chris Loder, Derek Thomas, Sir Peter Bottomley and Alison Thewliss present the Bill.

Sam Tarry accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 24 November, and to be printed (Bill 365).

Speaker's Statement

1.20 pm

Mr Speaker: Colleagues, imminently we will come to the motion on the retirement of the Clerk of the House, and I will look to the Leader of the House to move the motion of congratulations to the outgoing Clerk of the House, Sir John Benger. Just before I do so, I would like to place on record a letter to me from Sir John. He writes:

“You notified the House last February of my intention to retire as Clerk of the House to take up a new role next month as Master of St Catharine’s College Cambridge.

I wanted to thank you, Mr Speaker, for your unfailing support both to me personally and to the House of Commons Administration. You care deeply about the institution of Parliament, but also about all of the staff who work here. I want to record your personal contribution to improving the welfare spaces for many of our staff on rotas working unsociable hours in often difficult conditions. I also want to thank you for placing so high a priority on security for all who work in Parliament—you sat in this Chamber during those difficult hours following the murder of PC Keith Palmer, an event I know which affected you deeply.

May I also thank the deputy speakers who have been a pleasure to work with.

The murders of two honourable Members, Sir David Amess, and Jo Cox, caused us all great sadness. I knew Sir David personally—he served on the Health Committee for all of the six years I clerked it, always enthusiastic, never failing to see the absurdity in life, but, like Jo Cox, a tireless champion of his constituents and of the causes he believed in.

Nowadays, every Member has to deal with more than their fair share of abuse and hostility. But I have to say I have found almost all Members to be passionately committed to changing the world for the better and serving their constituents. I will always remember and appreciate that commitment by Members to public service.

I took up my current role in March 2019 and my main objective was to help implement the recommendations made by Dame Laura Cox in her report following the dreadful accounts of bullying and harassment in Parliament. All Dame Laura’s key recommendations have been implemented, and we should celebrate the fact that our Parliament now leads the world in having an independent process to examine such matters. There is more to be done as we all know, and too much unacceptable behaviour still occurs, but I salute those Members and staff who had the courage to help introduce the ICGS.

My first few months were occupied with the fraught challenges of Brexit, in the context of a minority government, and many of us will remember what a difficult parliament that was. But of course, even greater challenges lay around the corner, with the advent of Covid-19, prompting dramatic changes to how we operate. I am so proud of my colleagues for helping this Parliament to lead the world in sitting in hybrid form, transforming procedures, adapting our physical spaces and rapidly introducing the necessary technology, to achieve this in a matter of days, a truly astonishing achievement.

Here in Parliament we have some of the finest public servants—dedicated, professional and at their best when there is a challenge. But it is their friendship and support, as much as their professionalism that I will remember, and for which I will always be grateful.

Yours sincerely,

John.”

I would now like to take this opportunity to say a few words of my own about Sir John. Hon. Members may not realise this, but John is in fact a northerner, having grown up in Stockport. If you want proof of those northern roots, I suggest you say something derogatory about Manchester United. His continued commitment to the north will then become very clear. The team has been left a little in the shadows by Manchester City of late, and he struggles to stomach that.

[Mr Speaker]

John left the north, however, to join the House in 1986, having, on the way, read English Literature at St Catharine's College, trained as a teacher and completed his doctorate in English at Oxford University. His first role in the then Clerk's Department was as second Clerk on what was then the Trade and Industry Committee. It was there that he first met the Member of Parliament for Warrington North, one Doug Hoyle. That was not to be the last Hoyle he would work with. Indeed, both as Speaker and before that as Chairman of Ways and Means, I have been privileged to have worked alongside John since he was appointed the 51st Clerk of the House.

John has been Clerk through what by anyone's estimation has been a challenging period. He provided leadership during the pandemic with the same diligence and focus that he applies to everything he turns his hand to, tempered as always with his signature good humour. He has also been at the helm during many occasions when this House has been at the centre of national and international attention, as it was following the death of Her Majesty Queen Elizabeth II just a year ago. It is a credit to his leadership, and of course to all those who work here and support the House, that through all these turbulent times the House of Commons has shown itself in its very best light.

John should be very proud of the progress he has made in improving the culture and environment in which we all work, following the findings of bullying and harassment by Laura Cox in 2018. He has been a personal champion of work on inclusion and diversity in the House of Commons and a mentor for colleagues in and out of Parliament. I know I speak for all those who work here when I thank him for his dedication to those important areas of work.

I will always be grateful to John for the support and sound guidance he has given me over his past four years as Clerk. John has been a friend as well as Clerk of the House. To know John takes a little bit of understanding; he is always dedicated to the House and will always put the House first, but he is more dedicated to Erskine and May, his two cats, who are of a great age at over 18 years, and nothing will stop him leaving to ensure they are fed and well looked after. John's other speciality is chicken. If I ever hear him say, "I have got to get home, I must put the chicken in", I am never quite sure whether it is for the family or for Erskine and May.

I know the House will join me today in thanking Sir John for contributing nearly four decades of exemplary public service. I wish him all the very best in his new role as Master of St Catharine's College, Cambridge. Their gain is our loss, but we wish him well, and I know the House will continue as he would expect.

Retirement of the Clerk of the House

1.28 pm

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

That Mr Speaker be requested to convey to Sir John Benger KCB, on his retirement from the office of Clerk of the House, this House's gratitude for his long and distinguished service, for his wise contribution to the development of the procedure of the House during testing times and in the face of the unprecedented challenge of the pandemic, for his engaged and inclusive leadership and his professionalism in the discharge of his duties as head of the House Administration, and for the courteous and helpful advice always given to individual honourable Members.

It is a real pleasure to move the motion to give the House the opportunity to pay tribute to Sir John, who leaves this place on 30 September to take up the role of master of St Catharine's College, Cambridge. I am sure that I speak on behalf of the whole House when I say that Sir John has been an outstanding Clerk and has given an incredible level of service to the House of Commons, not just in this Chamber but throughout the House and the estate—a service spanning 37 years.

Sir John has been Clerk to a number of the busiest and most high-profile Select Committees, including Public Accounts, Treasury and Health. He stayed at the latter Committee for six years while it undertook a number of landmark inquiries on tobacco, the pharmaceutical industries and obesity. He has also worked in a number of procedural teams, including the Public Bill Office and the Table Office, as well as being director of service delivery in the department for information services between 2010 and 2015.

Sir John was appointed the 51st Clerk of the House of Commons in February 2019 following the formal approval of Her late Majesty Queen Elizabeth II. In the four years of service since, he has worked with five Leaders of the House: my right hon. Friends the Members for South Northamptonshire (Dame Andrea Leadsom), for Central Devon (Mel Stride), for North East Somerset (Sir Jacob Rees-Mogg) and for Sherwood (Mark Spencer), as well as myself. He knows parliamentary procedure better than almost anyone, and he knows that there is a right and a wrong way to adhere to protocol, but he is also a pragmatist and knows how to help Members navigate procedure when practices need to evolve.

That pragmatism and adaptability were exceedingly valuable as Sir John faced a challenge that none of his predecessors had ever encountered: covid-19 presented incredible difficulties to the business of this House. I think we can now safely say that the House Administration, led by Sir John, rose to meet those challenges with great speed and efficiency. It would have been unthinkable before 2020 but, for the first time, right hon. and hon. Members could make contributions to debates virtually. On 22 April 2020, just a month after the country had locked down, my hon. Friend the Member for Dudley North (Marco Longhi) asked the first remote question during Welsh questions. There were also experiments with a number of voting styles before the pass reader voting system that we have was settled on.

Sir John has given so much of himself to this House. I thank him, on behalf of us all, for his service and for the care that he has shown us all, as evidenced in the letter that you just read out, Mr Speaker. I do not think

that I could have thought any more of him, but having learned that he has given a home to two moggies, I hold him in even greater esteem. I wish him all the best in his new career. I commend the motion to the House.

Mr Speaker: I call the shadow Leader of the House, whom I welcome to her new position.

1.32 pm

Lucy Powell (Manchester Central) (Lab/Co-op): It is a real pleasure, as one of my first acts as shadow Leader of the House, to pay tribute to the work of Sir John Benger, who will leave his role as Clerk of the House at the end of the month. I will not take it personally that he is leaving his job only a few days after I started mine. Maybe, given what you said, Mr Speaker, it is because I am a Manchester City fan, but I will discuss that with him offline.

The Leader of the House has rightly paid tribute to Sir John's long career and the many achievements that he has clocked up over his decades of service to Parliament. Despite not having had the privilege to work much with Sir John directly, I have in my short time in this role heard time and again about his knowledge, generosity and wisdom, which have been invaluable to so many Members.

Sir John's tenure as Clerk came during a period of extraordinary turbulence for our Parliament. It probably threw up more challenges to the way the House works than any other time in our history. He started with Parliament locked in stalemate, with seemingly no majority on how to deal with the fallout of Brexit. The most obscure parliamentary procedure was dusted off shelves and used in ways it had not been used for decades.

Sir John has always ensured that, no matter how controversial or challenging the debates, he gave fair and impartial advice to Members across the House. As we have heard, covid presented unprecedented challenges for the traditions of how we work. We had to bring our 200-year-old Parliament quickly into the digital age in a matter of hours. Some ways of working were changed for good—perhaps not as many as I would like. I think I asked my first hybrid PMQ in my living room as my children danced in the background—it was a challenging time.

Of course, after the death of Her late Majesty Queen Elizabeth, Parliament became a place of national mourning and helped to bring the country together through that difficult time. It was also the epicentre of global interest, with millions tuning into the live feed of Westminster Hall, which does not happen all that often. Parliament and all its staff, under Sir John's leadership, did our country so proud during that period.

Sir John has also seen many happier events, such as the unveiling of Big Ben after major restoration works—I was amused to find out that the Clerk of the House technically owns Big Ben, as I understand it. He oversaw improvements in welfare facilities, training opportunities and support for House staff, as well as the independent complaints and grievance scheme. Those improvements are rapidly changing the culture in this place and will serve as part of his legacy.

Sir John has worked to move us on to the next stage of restoration and renewal, which will preserve this historic estate into the future. In addition, the Clerk is

chief executive officer of the Commons and responsible for around 3,000 staff performing a variety of roles, including, as John himself has described:

“pastry chefs, lawyers, clock winders, security guards, researchers, and even a chaplain and a falconer”.

And if that was not enough, he sits at the Table of the House for at least part of every day, to advise and record decisions.

Those are serious responsibilities, and I am not sure how Sir John has found the time to do them all while maintaining the professionalism, kindness and wisdom for which he is so well known, giving the right advice at the right time, always in confidence. I am sure that colleagues across the House will join me in wishing Sir John the very best at St Catharine's College, Cambridge. They are lucky to have him. We look forward to welcoming Tom Goldsmith from October.

Mr Speaker: I call the Father of the House.

1.36 pm

Sir Peter Bottomley (Worthing West) (Con): It is a pleasure to follow the first three speeches—yours, Mr Speaker, and those of the Leader of the House and the shadow Leader of the House.

One distinguished Under Clerk of the Parliaments—otherwise known as the Clerk of the Commons—was John Hatsell. In Orlo Williams's great book, “The Clerical Organisation of the House of Commons 1661-1850”, Hatsell is described as attracting the confidence of leading politicians

“by his sympathetic understanding, though he was no sycophant of those in power.”

I think that is the right role for the Clerk and for those they lead in the Clerks department.

Sir John drew the attention of a commentator in the Press Gallery three years ago. A Member of a particular party complained that, if everyone had to stay six feet—or two metres—apart, there would not possibly be room for all SNP Members to perch in their usual seats. The commentator wrote:

“The clerk, with the smallest flash of weariness, said most problems could be resolved by ‘common sense and everyone behaving in a grown-up way’. Common sense and grown-up behaviour? We may need to keep an eye on Clerk Benger.”

They added that Sir John was

“a model clerk: circumspect, bookish, fair...in the best sense, a modest public servant.”

I think that that is the kind of reputation that each person joining the Clerks department would wish to have, whether or not they achieve the highest office.

Sir John was, in his academic life, an expert on Martin Marprelate's tracts, which basically mocked the Church of England. The style is described as

“a heady mixture of nonsense, satire, protest, irony and gossip, combined with pungent wit, full of the language of the street”—

or unparliamentary language. Were Sir John's predecessor, Sir David Natzler, here, he would say that the tracts were good preparation for the intrigue, deception and vituperation a member of the House of Commons Commission had to get used to in the old days.

Mr Speaker, let me use the words of your predecessor, John Bercow, who said that the Clerks department was “unstinting, selfless, formidable and...quite exceptional.”

[Sir Peter Bottomley]

He went on to say that a good Clerk is

“Blessed with a brilliant brain, an understated manner, unfailing courtesy, and an absolute and undiluted passion for Parliament”.— [Official Report, 13 February 2019; Vol. 654, c. 921.]

Following his retirement as Clerk, Sir Thomas Erskine May—who, like Sir John, spent time in the Library as well as in the Clerks department—went on to become Baron Farnborough of Hampshire, and he held that role for six days before he died, making it the second shortest peerage. I hope that Sir John’s time at St Catharine’s is longer and that, when he gets to Cambridge, he will understand what it is like to be a member of the Denis Thatcher society, married to a person more important than you are. His wife, Professor Susan, is an expert Anglo-Saxonist. I refer those who are interested to her Chadwick memorial lecture in 2017 on uncertain beginnings. I think the Clerk arriving in Cambridge will not be uncertain. As the 40th master of St Catharine’s, I hope he has as good a time as we hope he has had with us, and we thank him for his service.

Mr Speaker: I call the SNP spokesperson.

1.40 pm

Deidre Brock (Edinburgh North and Leith) (SNP): It is a great pleasure to speak in this debate on behalf of the Scottish National party, to add to the tributes paid to Sir John Benger and congratulate him on his new role as master of St Catharine’s College, Cambridge—his alma mater, as you shared with us, Mr Speaker.

Sir John’s departure marks the end of nearly four decades of exceptional service to the House of Commons in various capacities. Only a handful of MPs have served this institution as long as Sir John has. During his four-year tenure as Clerk of the House, Sir John faced a series of unique and unprecedented challenges. Just a year into his tenure, he was tasked with leading the House service’s swift and extremely successful response to the outbreak of covid-19, ensuring the continued and safe operation of Parliament. Those early lockdowns were, as everyone will recall, a very worrying and uncertain time for everyone, and Sir John’s calm, diligent efforts to navigate the House through the pandemic, including the swift implementation of remote and virtual participation, stand out as some of his most significant achievements.

Patrick Grady (Glasgow North) (SNP): I want to echo the tributes that my hon. Friend and others are paying to John Benger today. During my time as SNP Chief Whip, he was always a source of extremely valuable advice and, while some of the issues we had to deal with were perhaps easier than others, as my hon. Friend alludes to, his professionalism and courtesy shone throughout it all. I am pleased to have the opportunity to say how grateful I am to him for his service and to wish him all the best.

Deidre Brock: I thank my hon. Friend for that fitting tribute; I know he worked closely with Sir John over the years.

I also pay great tribute to Sir John for overseeing the establishment of the Independent Expert Panel, to determine complaints of bullying and harassment in relation to MPs, implementing the recommendations in Dame Laura Cox’s report.

Another major project during Sir John’s term has been the ongoing restoration and renewal of the parliamentary estate. The Public Accounts Committee warned:

“there is a real and rising risk that a catastrophic event will destroy the Palace before it is ever repaired and restored.”

The evidence that Sir John gave to the Committee earlier this year should be read carefully by all Members of both Houses, especially those who think that this building is perfect and nothing needs to change.

I have not known Sir John for very long on a personal level, so I will admit that I did pop in to see a senior Clerk to gather some of her insights. She described him as a deeply intelligent man with a sharp sense of humour who has a truly passionate love of football. As we have heard, he is a Man United fan, so I am sure he will be hoping for some improvement after a slightly difficult start to the season.

Colleagues who have worked with Sir John closely remark on his rich, eclectic cultural and intellectual interests. That is one of the qualities, perhaps, that has helped him successfully transition between various different roles in this place—for example, at one point moving from the Commons clerking team to the Commons Library.

Sir John drew inspiration from different fields and sectors to inform his work in Parliament. I am told that he was a keen reader of the *Harvard Business Review* at a time when that was considered unusual, and he engaged with banks and other such organisations to gain insight into improving customer service for Members. Parliament has certainly benefited from that approach. The “MPs’ Guide to Procedure”, which I know Members and staff find enormously helpful and practical, was an initiative that he led on, as well as introducing simple things such as the buddying system for new MPs, which newcomers found invaluable when attempting to navigate the complexities of this place.

I wish Sir John all the best in his new role and his future endeavours, and I warmly congratulate Tom Goldsmith on his appointment as Sir John’s successor. Tom was most recently Principal Clerk of the Table Office, and he has been with the House service since 1996, so he will bring a vast range of expertise and experience to the job. My colleagues and I very much look forward to working with him.

Mr Speaker: I call the former Leader of the House. Sir Jacob Rees-Mogg.

1.44 pm

Sir Jacob Rees-Mogg (North East Somerset) (Con): One of the great virtues of the Clerks—and particularly of the Under Clerk of the Parliaments—is that whether we are the most junior, most recently elected Member or the Leader of the House, we get the best, cleverest advice confidentially. During that difficult time of the 2017-19 Parliament, which Sir John handled brilliantly, people were going in to seek advice to do completely opposite things. Some wanted to smooth Government business through, and others wanted to obstruct it, and each one of us was given good, professional, thoughtful advice and treated without any difference according to seniority or recent appearance in this House. That is a true mark of a good Clerk and of fairness.

To give an example of the complexity of the issues, one that came up was whether a Humble Address fell at Prorogation or not. The first edition of “Erskine May” says that it does. A subsequent edition of “Erskine May”—about the 12th, I think—says that it does not. After that, nobody mentioned it, because we had not had Humble Addresses for 150 years. The Clerks had to work out which it was and how it was, and advise accordingly. Although this is not the occasion for paying tribute to you, Mr Speaker, because I hope you are going to stay in office for a very long time, it has to be said that you then made the very important statement that you would stick to clerkly advice or give a written reason as to why not, reinforcing the importance and independence of the role, because it is a key constitutional role.

Others have mentioned covid and what Sir John did to ensure that the House sat. He turned the whole House around; it was a really remarkable thing. We went away for the Easter recess having no idea how this House would sit when it came back—none at all. We had no idea whether the technology would possibly work, and yet the Clerk was being told that he had to get Parliament back. It was our democratic requirement that this House should sit and sit safely. That was perhaps easy for some of us to say, because it was the Clerk who had the legal responsibility. We must bear in mind the uncertainty of that time; nobody knew how serious or how dangerous the disease was or what its effect might be, but we knew we had to have Parliament back. As we said to him from time to time, “It is all very well, but you, Sir John”—or Dr Benger, as he was then—“are the one who goes to prison if you get it wrong.” He took that responsibility and ensured that democracy carried on.

He has been an innovator and has introduced things in this House. We have mentioned the ICGS, which he was a great driver behind and which has been hugely to the benefit of the House. He also got rid of the wigs. That came as a great surprise to me. I had always known that the Clerks are some of the cleverest people in the world. We know that whenever we go to see them to ask a question on some procedural point. Their wisdom is phenomenal. I thought that this was because they kept their brains warm by wearing wigs, and that without that warmth, the brainpower would not carry on as it had. But I confess, I turned out to be wrong; their brainpower continues without that warmth.

I should have known what a radical our Clerk really is at heart. As my hon. Friend the Member for Worthing West (Sir Peter Bottomley) pointed out, his specialist subject was the Marprelate tracts. One of the things that Marprelate was so against was clerical dress—he ridiculed the clothes worn by the clergy—so it is no surprise that, in a radical act, Sir John simplified the dress of the Clerks. We all wish him enormously well. He has been a model of clerkly wisdom and service to this House.

Mr Speaker: I call the Mother of the House.

1.49 pm

Ms Harriet Harman (Camberwell and Peckham) (Lab): Thank you, Mr Speaker. I associate myself with everything you said about Sir John, and also what the Leader of the House and the shadow Leader of the House, my

hon. Friend the Member for Manchester Central (Lucy Powell)—who I welcome to her position—said. I do not intend to repeat everything that everybody has already said, but to warmly and very personally thank Sir John and pay tribute to him.

When somebody has been working in the same field for four decades, they accumulate a huge amount of experience and wisdom, but it can sometimes be the case that they get stuck in the old ways and think things should not change. The great thing about Sir John is that he accumulated all that wisdom and experience, but he was never stuck in the past; he fiercely protected the enduring values of this House, but also showed himself to be an ally of progress and modernisation. I think we all recognise that there is further to go, but he had that remarkable duality of characteristics. He led an absolutely extraordinary team of Clerks; we always need to take the opportunity to say how lucky we know we are to have the Clerks’ advice. It is quite easy to take it for granted, because it is always like that and it has always been like that, but we depend on it so much. I pay tribute to Sir John for his leadership of that Clerks team.

Clearly, Sir John had a brain the size of a planet, but he was never condescending with it: he was always very pleasant, and never pompous. Many people who are that clever cannot resist looking down on those who are not, but he never did that—he was always a pleasure to deal with. I wish him well in his new role at St Catharine’s, and I also hope that he will write his memoirs. As colleagues have said, he has been through an enormous swathe of history from a bird’s-eye point of view, so if he does, I for one will certainly be reading them. Once again, I thank him for his extraordinary service and wish him all the best for the future, and I also wish all the best to his successor.

1.51 pm

Sir William Cash (Stone) (Con): Mr Speaker, I too would like to associate myself with your remarks, and with the tributes paid to Sir John Benger by all other persons in the Chamber. It is always an enormous pleasure to know that the Clerks Department, which is so important to the functioning of this House, is in such safe hands.

I will just refer to one or two incidents that have occurred. My right hon. Friend the Member for North East Somerset (Sir Jacob Rees-Mogg) and one or two others referred to what I call the paralysis Parliament between 2017 and 2019, where there was a great deal of fractiousness. Effectively, decisions were taken—sometimes by a coalition, shall we call it, across the Floor of the House—the result of which was that nothing could be done. It was a time of very considerable frustration to many of us, but having such wise Clerks such as Sir John Benger at the front of the ship, guiding us through that period of time, was incredibly important. Of course, we came out of it eventually.

That is as compared with 1986—I am bound to say this, am I not? If I did not, I would regard myself as having walked away from the subject. In 1986, I was told by the Clerks, and also by the Deputy Chairman of Ways and Means, that I was not allowed to even debate the issue of sovereignty. I tabled an amendment to the Single European Act 1987; I have to confess that I was the only person in the House who had an amendment

[*Sir William Cash*]

on the subject. By 2020, the situation had changed so much that the sovereignty amendment to the European Union (Withdrawal Agreement) Act 2020, section 38 of that Act, went through without any adverse comment, either in this House or in the House of Lords. That is a tribute to the changes that have taken place, and to the guidance and navigation of Sir John Benger and others who allowed those important constitutional changes to take place.

People have spoken eloquently about covid, and I could not agree more. I had not the faintest idea what was going to happen when we all returned to the country, up in Shropshire or wherever it happened to be, and wondered what on earth we were going to do—how on earth were we going to be able to participate? It ran very, very smoothly, and it could only have run so smoothly with the wisdom and judgment of those like Sir John Benger, and Sir John in particular. I also pay tribute to his contribution to the funeral arrangements for Her late Majesty the Queen.

With those thoughts, I simply wish Sir John the very best when he gets to St Catharine's, Cambridge. When I heard that it was St Catharine's, I thought for one moment that it might have been St Catherine's, Oxford, but it was not: it is St Catharine's, Cambridge. Whichever university he is going to, I wish him the best of luck, and I hope it all works well for him.

1.55 pm

Wendy Chamberlain (North East Fife) (LD): Like other speakers, I associate myself with your remarks, Mr Speaker, and those we have heard so far today in recognising Sir John Benger and his departure from the House to St Catharine's. I was elected in December 2019, and my first engagement with Sir John in that first and last sitting week of 2019 was bleary-eyed and tired, here in the Chamber with other new MPs, being privy to the procedures and processes that we needed to follow. I did my best to listen, but I also believe that an MP is not properly an MP in this place until they have stood up at an oral questions session, started to ask their substantive question, and been told by yourself, Mr Speaker, to say “Question number eight—apologies” and sit back down. We all do our best to pay attention to the Clerk and the guidance he and his team give, but sometimes we do not quite manage it.

We of the 2019 intake had been MPs for such a short period of time before covid took place that we were still getting to grips with the way the processes worked. I can certainly speak for my right hon. Friend the Member for Orkney and Shetland (Mr Carmichael) by saying that the communications we had from the House via the Clerk ensured that we were as well equipped as we could possibly be as we came back in a virtual environment. It was a very different environment; it is very good that we are back here in this place, but the amendments and adjustments that were able to be made, including those that we have taken forward, are part of Sir John's legacy.

Since September 2020, I have acted as the Whip for the Liberal Democrats. The Father of the House mentioned that a previous Clerk had “sympathetic understanding”, and I would certainly say that that has been the case for John in relation to me. He has been sympathetically

understanding of my sometimes completely daft questions, treated them with respect, and given me the appropriate advice accordingly. I am hugely grateful for that.

We are reflecting on what has happened since Sir John became Clerk of the House. I have reflected on covid, the work that took place to mark the death of Her Majesty Queen Elizabeth, and the restoration works that this place requires going forward. However, for me—particularly as a Whip—his longest-lasting legacy will be changing the culture in this place, the things that we do not see. As we recognise that the Clerk's role is to provide non-political, impartial advice, it behoves us as parliamentarians to think about how we change that culture for the better in much the same way.

1.57 pm

Sir Charles Walker (Broxbourne) (Con): It is always sad when we say goodbye to a Clerk of the House—exciting when we welcome a new one, but sad when we see a Clerk depart. Sir John has been kind, thoughtful and reflective. This has been a very challenging Parliament, but all Parliaments are challenging, and we would expect the Clerk to rise to that challenge. I will miss him greatly.

People have said that he was wise, and I have benefited from that wisdom on a number of occasions. However, one of his most underappreciated talents was that he did not speak very often and he did not speak very loudly, so when he did speak, he captured the room and people listened. We benefit in our Parliament from the very best Clerks in the world. That is a testament to Sir John's efforts over his four years leading this place and his team, and to his predecessors. I am sure the next Clerk will deliver a great Parliament and lead a great team.

1.59 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I rise on behalf of my party, Plaid Cymru, to pay tribute to John Benger for his commitment to this House. We are talking about four decades, and 36 years is a very long time in a workplace. He has served diligently and conscientiously, and during that tenure he has undoubtedly seen some of the highs and lows of parliamentary life. Sir John's tireless work, whether through Brexit or the pandemic, as we have heard, has ensured an extraordinarily smooth running of this place through what were often the most torrid of times.

I would particularly like to thank Sir John for his work in implementing the Independent Complaints and Grievance Scheme. It has been clear that the welfare of staff has been of the utmost importance to him, and the guidance in this place is a testament to his good work. We are talking about a cultural sea change and how to put that into effect, and seeing its being put into effect here has been extremely interesting. Of course, it is not over—it is not done—but it does change how we handle ourselves and each other. I think that that work is one of the things we will hold on to, and seeing him realise it is one of the things we will remember him for, alongside the technological changes and his own style of working.

I would like to place on the record my personal thanks, and those of my party, for his adept, agile stewardship as Clerk of the House, and of course to wish him the very best for his new position as the master of St Catharine's College.

2.1 pm

Karen Bradley (Staffordshire Moorlands) (Con): I rise to speak as Chair of the House of Commons Procedure Committee, and I wish to associate myself and my Committee with the remarks made so far. I know that we as a Committee agree wholeheartedly with the tributes that have been paid so far.

The Procedure Committee constituted itself on 2 March 2020, and at the end of our agenda, when we got to “Any other business”, somebody asked, “Do you think we should find out something about this coronavirus that people are talking about?” We agreed that we would invite Sir John to come to speak to the Committee privately the following Monday, and he was faced with a Committee of very enthusiastic MPs, all keen to hear about procedure and what we might do with this unknown thing called coronavirus—I see a fellow member of the Committee, the hon. Member for Aberdeen North (Kirsty Blackman), who was there at the time. We heard from Sir John terms such as “social distancing”, and he talked about our sitting, as one would expect from Sir John, “six feet” apart, not “two metres.” He talked about how he would transform this place so that we could continue to sit, and we would have to have spacing between Members and make sure there were lists of speakers. We sat there just astonished, because this was not something anyone on the Procedure Committee had expected we would be facing so soon after being constituted, but we did.

Only a few weeks later, this House went into hybrid form, and introduced new voting systems and new ways of working. It is to the credit of Sir John and you, Mr Speaker, that this Parliament continued to sit throughout the pandemic, because many others did not manage to do so. We continued to sit here, holding Ministers to account, scrutinising legislation and getting business done. That is a great credit to you and to Sir John.

As others have reflected, Sir John’s tenure had three of the great moments in this place—Brexit, the pandemic and the passing of Her Majesty the Queen—all of which he managed, as the chief executive of this place, with such aplomb, so courteously and so wisely. Of course, he was here for the change in culture in this place, and the grievance procedures that have been introduced would be enough for any Clerk’s tenure, never mind doing it in the background of all of the other great things that were happening.

I wish Sir John well. I know he will be fantastic in his new role at St Catherine’s College, Cambridge. I hope he does not have to deal with quite so many momentous activities during his time there and that he can enjoy his time as master. I wish his successor well, and again I hope we have a slightly less frenetic Parliament for him.

2.4 pm

Navendu Mishra (Stockport) (Lab): It is a matter of pride for me to contribute to this debate because Sir John is from Stockport, and many people are not aware of the fact. I remember when, after I was elected, I walked through those doors, took the affirmation and signed the register, that he shook my hand and informed me that he was from Stockport and had been to Stockport Grammar, and I was fascinated by that

and by his manner. Anyone who interacted with him knew that he was extremely intelligent. Well, he is extremely intelligent—I am speaking of him in the past tense for some reason—as well as very polite and extremely helpful, and he goes out of his way to help people.

I often talk about the north-south divide, the Westminster bubble and all those things, so it is wonderful for me to see that someone who was born and brought up in Stockport and grew up and went to school in Stockport then found his way to the House Service, gave all those years—almost 37 years—of service to this House and rose up through the ranks to become the head of the House Service, which I think is fantastic. I was also interested when I found out that Sir John not only went to Stockport Grammar, but went on a scholarship and then went on to read English literature at St Catharine’s, Cambridge.

Over the last four years I have had several interactions with Sir John, and he was always very polite and helpful. A few months ago, he was supposed to visit my constituency and I was supposed to organise a visit for him to a local school so that he could talk about his journey from Stockport to Westminster and, in the future, back to Cambridge. Unfortunately, that visit hit a snag, so I want to place on the record that the invitation is still open, and I think Sir John has agreed to come back. I have only just found out from your contribution, Mr Speaker, that he supports Manchester United. I assure him that I would be happy to take him to Edgeley, where Stockport County plays, although I cannot guarantee that he will find many Manchester United supporters there.

I wish Sir John the best for the future. People often talk about MPs and Lords when they talk about this place, but it is outstanding Crown servants who are the real engine of this institution. Without people like Dr Bengier, our democratic institutions would fail to function. I want to place on the record, on behalf of the people of Stockport, our thanks to him for his service. I wish Mr Tom Goldsmith, the incoming Clerk, the best success in the future. Once again, it is a matter of great pride that someone from the north came down and achieved this status, and I really hope that Sir John will take up my offer of a visit.

2.6 pm

Jim Shannon (Strangford) (DUP): It is a pleasure for me, on behalf of the Democratic Unionist party, to place on the record our sincere thanks to the Clerk, Sir John Bengier, and to pass on our best wishes to him in his new vocation and job at Cambridge.

Sir John was a very active Clerk, as we all know. He was very helpful, appreciative and responsive to us all. As an active participant myself in this House, along with others, I am well aware of his tremendous role, and he may even hold the record for attendance and indeed for participation. Sir John has worked as the head of administration during all those times others have referred to, such as Brexit, the murders of hon. Members of this House and the responses we all took in what were incredibly difficult times, and the murder of Constable Keith Palmer. Those all stick in my mind. I remember our being protected, if that is the right word—I was going to say imprisoned, but we were

[Jim Shannon]

protected—in this House for a period of time and unable to get out, but that was the best thing. We may not have thought so at the time, but it was the best way to respond.

With the pandemic, obviously for myself and others in this House the question was: how do we handle that? Well, Sir John knew how to handle it. He did it right, and we all supported him. Maybe we personally did not quite understand all the precautions and things that were happening, but we understood the reasons for them, and that was important. There were difficult times and poignant times. Obviously, there was the Queen's funeral—one of those occasions that I believe only we British can do so well—and I take that on board. There were the heavy times as well, when emotions were high and people's tempers and what they said were not always conducive to the House behaving in the way it should. However, Sir John was that controlling word, that controlling feature or that controlling character. I do not mean controlling in telling us what to do, but controlling in giving us the type of personality to respond in a good way.

Sir John's long and distinguished service to this House and its Members has been valued not just by me personally, but by my party and, indeed—I am convinced of this—by everyone in this House. His presence here will be greatly missed. I pass on our sincere desire that God will bless him and keep him in his new role, and that he will enjoy the challenges it brings. We hope that Sir John gets the relaxation he so richly deserves. If he can look after us in this House, he can certainly look after Cambridge.

Mr Speaker: May I, on behalf of Sir John, thank everybody for their contributions? He thinks the world of Lady Susan and their two sons, Matthew and Timothy, but I have to tell you that the real eye-opener for everyone, if you ever talk about it, is his grandson Solly—the apple of his eye. We wish him well, and we wish Tom Goldsmith great success as the new Clerk.

Question put and agreed to,

Resolved,

That Mr Speaker be requested to convey to Sir John Benger KCB, on his retirement from the office of Clerk of the House, this House's gratitude for his long and distinguished service, for his wise contribution to the development of the procedure of the House during testing times and in the face of the unprecedented challenge of the pandemic, for his engaged and inclusive leadership and his professionalism in the discharge of his duties as head of the House Administration, and for the courteous and helpful advice always given to individual honourable Members.

Mr Deputy Speaker (Sir Roger Gale): Before we proceed, I hope that the House will not mind if I abuse my position by expressing my own appreciation for the work of Sir John Benger, and for his friendship, his courtesy and his wisdom. It is greatly appreciated.

ONLINE SAFETY BILL (PROGRAMME) (NO. 5)

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

That the following provisions shall apply to the Online Safety Bill for the purpose of supplementing the Order of 19 April 2022 in the last session of Parliament (Online Safety Bill (Programme)) as varied and supplemented by the Orders of 12 July 2022 (Online Safety Bill (Programme) (No. 2)), 5 December 2022 (Online Safety Bill (Programme) (No. 3)) and 5 December 2022 (Online Safety Bill (Programme) (No. 4)):

Consideration of Lords Amendments

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

(2) The Lords Amendments shall be considered in the following order: 182, 349, 391, 17, 20, 22, 81, 148, 1 to 16, 18, 19, 21, 23 to 80, 82 to 147, 149 to 181, 183 to 348, 350 to 390, 392 to 424.

Subsequent stages

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

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

Question agreed to.

Online Safety Bill

Consideration of Lords amendments

Clause 82

GENERAL DUTIES OF OFCOM UNDER SECTION 3 OF THE COMMUNICATIONS ACT

2.11 pm

The Parliamentary Under-Secretary of State for Science, Innovation and Technology (Paul Scully): I beg to move amendment (a) to Lords amendment 182.

Mr Deputy Speaker (Sir Roger Gale): With this it will be convenient to discuss the following:

Lords amendment 349, and Government amendments (a) and (b).

Lords amendment 391, Government amendment (a), and Government consequential amendment (a).

Lords amendment 17, Government motion to disagree, and Government amendments (a) and (b) in lieu.

Amendment (i) to Government amendment (a) in lieu of Lords amendment 17.

Lords amendment 20, and Government motion to disagree.

Lords amendment 22, and Government motion to disagree.

Lords amendment 81, Government motion to disagree, and Government amendments (a) to (c) in lieu.

Lords amendment 148, Government motion to disagree, and Government amendment (a) in lieu.

Lords amendment 1, and amendments (a) and (b).

Lords amendments 2 to 16, 18, 19, 21, 23 to 80, 82 to 147, 149 to 181 and 183 to 188.

Lords amendment 189, and amendment (a) in lieu.

Lords amendments 190 to 216.

Lords amendment 217, and amendment (a).

Lords amendments 218 to 227.

Lords amendment 228, and amendment (a).

Lords amendments 229 and 230.

Lords amendment 231, and amendment (a).

Lords amendments 232 to 319.

Lords amendment 320, and amendment (a).

Lords amendment 321, and amendment (a).

Lords amendments 322 to 348, 350 to 390 and 392 to 424.

Paul Scully: As we know from proceedings in this place, the Online Safety Bill is incredibly important. I am delighted that it is returning to the Commons in great shape, having gone through extensive and thorough scrutiny in the Lords. The Bill is world-leading, and the legislative framework established by it will lead to the creation of a profoundly safer online environment in this country. It will kickstart change where that is sorely needed, and ensure that our children are better protected against pornography and other content that is harmful to them. The Bill will also guard children against perpetrators of abhorrent child sexual exploitation and abuse, and ensure that tech companies take responsibility for tackling such content on their platforms, or be held criminally accountable.

Sir William Cash (Stone) (Con): As I am sure my hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates) will agree, may I say how much we appreciate what the Government have done in relation to the matter just referred to? As the Minister knows, we withdrew our amendment in the House of Commons after discussion, and we had amazingly constructive discussions with the Government right the way through, and also in the House of Lords. I shall refer to that if I am called to speak later, but I simply wanted to put on record our thanks, because this will save so many children's lives.

Paul Scully: I thank my hon. Friend and my hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates) for all their work on this. I hope that this debate will show that we have listened and tried to work with everybody, including on this important part of the Bill. We have not been able to capture absolutely everything that everybody wants, but we are all determined to ensure that the Bill gets on the statute book as quickly as possible, to ensure that we start the important work of implementing it.

We have amended the Bill to bolster its provisions. A number of topics have been of particular interest in the other place. Following engagement with colleagues on those issues, we have bolstered the Bill's protections for children, including a significant package of changes relating to age assurance. We have also enhanced protections for adult users.

Sajid Javid (Bromsgrove) (Con): My hon. Friend will know that Ministers and officials in his Department have worked extensively—I thank them for that—with me, Baroness Kidron, and the Bereaved Families for Online Safety group, on the amendment that will make it easier for coroners to have access to data from online companies in the tragic cases where that might be a cause of a child's death. He will also know that there will still be gaps in legislation, but such gaps could be closed by further measures in the Data Protection and Digital Information Bill. His ministerial colleague in the other place has committed the Government to that, so may I invite my hon. Friend to set out more about the Government's plans for doing just that?

Paul Scully: I thank my right hon. Friend for his work on this, and Baroness Kidron for her work. I will cover that in more detail in a moment, but we remain committed to exploring measures that would facilitate better access to data for coroners under specific circumstances. We are looking for the best vehicle to do that, which includes those possibilities in the Data Protection and Digital Information Bill. We want to ensure that the protections for adult users afford people greater control over their online experience.

2.15 pm

The Bill will ensure that Ofcom has the powers it needs to ensure that coroners are provided with the information they need following such a tragedy. As well as my right hon. Friend and Baroness Kidron, that provision was also championed by Ian Russell and other bereaved parents with whom we have worked closely, to ensure that we get the right solution. I am grateful for their tireless efforts. We have made sure that we can address the concerns raised by Members about the risks relating to the design and functionality of

services, because this is a complicated issue, for a number of reasons that have been well rehearsed. The changes I have outlined will ensure that the Bill contains the strongest possible protections for children, that users' rights to freedom of expression and privacy are protected, and that services are transparent and accountable.

Let me go into more detail on the Government amendments that were passed during the Bill's passage through the Lords, and the amendments that I present to the House today. As I have said, child safety is a key priority in the Bill, and during its passage through the Lords we have further strengthened its protections for children. That has included placing the categories of "primary priority" and "priority" content that is harmful to children in the Bill. That will provide companies and Ofcom with explicit and early confirmation on the kind of content that children must be protected from, rather than addressing those issues later via secondary legislation. Providers of the largest services will also be required to publish summaries of their risk assessments for illegal content and content that is harmful to children. That will empower children and their parents or carers to clearly understand the risks to children presented by such services.

The Government listened to the views expressed in both Houses and introduced new offences in Committee that will more effectively hold technology companies to account if they fail to protect children. Ofcom will now be able to hold companies and senior managers, where they are at fault, criminally liable if the provider fails to comply with Ofcom's enforcement notices in relation to specific child safety duties or to child sexual abuse and exploitation on their service.

Sir John Hayes (South Holland and The Deepings) (Con): The Minister is setting out a powerful case for how the Government have listened to the overtures in this place and the other place. Further to the interventions from my hon. Friend the Member for Stone (Sir William Cash) and my right hon. Friend the Member for Bromsgrove (Sajid Javid), the former Culture Secretary, will the Minister be clear that the risk here is under-regulation, not over-regulation? Although the internet may be widely used by perfectly good people, the people who run internet companies are anything but daft and more likely to be dastardly.

Paul Scully: This is a difficult path to tread in approaching this issue for the first time. In many ways, these are things that we should have done 10 or 15 years ago, as social media platforms and people's engagement with them proliferated over that period. Regulation has to be done gently, but it must be done. We must act now and get it right, to ensure that we hold the big technology companies in particular to account, while also understanding the massive benefits that those technology companies and their products provide.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I agree with the Minister that this is a groundbreaking Bill, but we must be clear that there are still gaps. Given what he is saying about the requirements for regulation of online social media companies and other platforms, how will he monitor, over a period of time, whether the measures that we have are as dynamic as they need to be to catch up with social media as it develops?

Paul Scully: The hon. Lady asks an important question, and that is the essence of what we are doing. We have tried to make this Bill flexible and proportionate. It is not technology specific, so that it is as future-proofed as possible. We must obviously lean into Ofcom as it seeks to operationalise the Act once the Bill gains Royal Assent. Ofcom will come back with its reporting, so not only will Government and the Department be a check on this, but Parliament will be able to assess the efficacy of the Bill as the system beds in and as technology and the various platforms move on and develop.

I talked about the offences, and I will just finalise my point about criminal liability. Those offences will be punishable with up to two years in prison.

John Penrose (Weston-super-Mare) (Con): Further to that point about the remaining gaps in the Bill, I appreciate what the Minister says about this area being a moving target. Everybody—not just in this country, but around the world—is having to learn as the internet evolves.

I thank the Minister for Government amendment 241, which deals with provenance and understanding where information posted on the web comes from, and allows people therefore to check whether they want to see it, if it comes from dubious sources. That is an example of a collective harm—of people posting disinformation and misinformation online and attempting to subvert our democratic processes, among other things. I park with him, if I may, the notion that we will have to come back to that area in particular. It is an area where the Bill is particularly weak, notwithstanding all the good stuff it does elsewhere, notably on the areas he has mentioned. I hope that everyone in this House accepts that that area will need to be revisited in due course.

Paul Scully: Undoubtedly we will have to come back to that point. Not everything needs to be in the Bill at this point. We have industry initiatives, such as Adobe's content security policy, which are good initiatives in themselves, but as we better understand misinformation, disinformation, deepfakes and the proliferation and repetition of fake images, fake text and fake news, we will need to keep ensuring we can stay ahead of the game, as my hon. Friend said. That is why we have made the legislation flexible.

Dame Margaret Hodge (Barking) (Lab): I have two things to ask. First, will the Minister spell out more clearly how Parliament will be able to monitor the implementation? What mechanisms do we have to do that? Secondly, on director liability, which I warmly welcome—I am pleased that the Government have listened to Back Benchers on this issue—does he not agree that the example we have set in the Bill should be copied in other Bills, such as the Economic Crime and Corporate Transparency Bill, where a similar proposal exists from Back Benchers across the House?

Paul Scully: The right hon. Lady raises some interesting points. We have conversed about harms, so I totally get her point about making sure that we tackle this issue in Parliament and be accountable in Parliament. As I have said, that will be done predominantly by monitoring the Bill through Ofcom's reporting on what harms it is having to deal with. We have regular engagement with Ofcom, not only here and through the Select Committees, but through the Secretary of State.

On criminal liability, we conversed about that and made sure that we had a liability attached to something specific, rather than the general approach proposed at the beginning. It therefore means that we are not chilling innovation. People can understand, as they set up their approaches and systems, exactly what they are getting into in terms of risk for criminal liability, rather than having the general approach that was suggested at the beginning.

Kirsty Blackman (Aberdeen North) (SNP): The review mechanism strikes me as one of the places where the Bill falls down and is weakest, because there is not a dedicated review mechanism. We have needed this legislation for more than 30 years, and we have now got to the point of legislating. Does the Minister understand why I have no faith that future legislation will happen in a timely fashion, when it has taken us so long even to get to this point? Can he give us some reassurance that a proper review will take place, rather than just having Ofcom reports that may or may not be read?

Paul Scully: I have talked about the fact that we have to keep this legislation under review, because the landscape is fast-moving. At every stage that I have been dealing with this Bill, I have said that inevitably we will have to come back. We can make the Bill as flexible, proportionate and tech-unspecific as we can, but things are moving quickly. With all our work on AI, for example, such as the AI summit, the work of the Global Partnership on Artificial Intelligence, the international response, the Hiroshima accord and all the other areas that my hon. Friend the Member for Weston-super-Mare (John Penrose) spoke about earlier, we will have to come back, review it and look at whether the legislation remains world-beating. It is not just about the findings of Ofcom as it reports back to us.

I need to make a bit of progress, because I hope to have time to sum up a little bit at the end. We have listened to concerns about ensuring that the Bill provides the most robust protections for children from pornography and on the use of age assurance mechanisms. We are now explicitly requiring relevant providers to use highly effective age verification or age estimation to protect children from pornography and other primary priority content that is harmful to children. The Bill will also ensure a clear privacy-preserving and future-proofed framework governing the use of age assurance, which will be overseen by Ofcom.

There has been coverage in the media about how the Bill relates to encryption, which has often not been accurate. I take the opportunity to set the record straight. Our stance on challenging sexual abuse online remains the same. Last week in the other place, my noble Friend Lord Parkinson, the Parliamentary Under-Secretary of State for Arts and Heritage, shared recent data from UK police forces that showed that 6,350 offences related to sexual communication with a child were recorded last year alone. Shockingly, 5,500 of those offences took place against primary school-age children. Those appalling statistics illustrate the urgent need for change. The Government are committed to taking action against the perpetrators and stamping out these horrific crimes. The information that social media companies currently give to UK law enforcement contributes to more than 800 arrests or voluntary attendances of suspected child

sexual offenders on average every month. That results in an estimated 1,200 children being safeguarded from child sexual abuse.

There is no intention by the Government to weaken the encryption technology used by platforms. As a last resort, on a case-by-case basis, and only when stringent privacy safeguards have been met, Ofcom will have the power to direct companies to make best efforts to develop or source technology to identify and remove illegal child sexual abuse content. We know that this technology can be developed. Before it can be required by Ofcom, such technology must meet minimum standards of accuracy. If appropriate technology does not exist that meets these requirements, Ofcom cannot require its use. That is why the powers include the ability for Ofcom to require companies to make best endeavours to develop or source a new solution.

Damian Collins (Folkestone and Hythe) (Con): Does my hon. Friend agree that the companies already say in their terms of service that they do not allow illegal use of their products, yet they do not say how they will monitor whether there is illegal use and what enforcement they take? What the Bill gives us, for the first time, is the right for Ofcom to know the answers to those questions and to know whether the companies are even enforcing their own terms of service.

Paul Scully: My hon. Friend makes an important point, and I thank him for the amazing work he has done in getting the Bill to this point and for his ongoing help and support in making sure that we get it absolutely right. This is not about bashing technology companies; it is about not only holding them to account, but bringing them closer, to make sure that we can work together on these issues to protect the children I was talking about.

Despite the breadth of existing safeguards, we recognise the concerns expressed about privacy and technical feasibility in relation to Ofcom's power to issue CSE or terrorism notices. That is why we introduced additional safeguards in the Lords. First, Ofcom will be required to obtain a skilled person's report before issuing any warning notice and exercising its powers under clause 122. Ofcom must also provide a summary of the report to the relevant provider when issuing a warning notice. We are confident that in addition to Ofcom's existing routes of evidence gathering, this measure will help to provide the regulator with the necessary information to determine whether to issue a notice and the requirements that may be put in place.

We also brought forth amendments requiring Ofcom to consider the impact that the use of technology would have on the availability of journalistic content and the confidentiality of journalistic sources when considering whether to issue a notice. That builds on the existing safeguards in clause 133 regarding freedom of expression and privacy.

We recognise the disproportionate levels of harm that women and girls continue to face online, and that is why the Government have made a number of changes to the Bill to strengthen protections for women and girls. First, the Bill will require Ofcom to produce guidance on online harms that disproportionately affect women and girls and to provide examples of best practice to providers, and it will require providers to bring

[Paul Scully]

together in one clear place all the measures that they take to tackle online abuse against women and girls on their platforms. The Bill will also require Ofcom to consult the Victims' Commissioner and the Domestic Abuse Commissioner, in addition to the Children's Commissioner, while preparing codes of practice. That change to the Bill will ensure that the voices of victims of abuse are brought into the consultation period.

2.30 pm

The offence of controlling or coercive behaviour has been added as a priority offence and will require companies to proactively tackle such content and activity that disproportionately affects women and girls. The Bill also introduces new offences relating to intimate image abuse, including criminalising deepfakes for the first time in England and Wales. Those new offences to protect women and girls sit alongside other changes that we have made to the criminal law to ensure that it is fit for purpose in the modern age. For example, we have also introduced a new communications offence of intentionally encouraging or assisting serious self-harm. Our amendments will also require platforms to remove the most harmful self-harm content for all users. The offence has been designed to avoid criminalising or removing recovery and support content.

The Government are committed to empowering adults online and made changes to the Bill to strengthen the user empowerment content duties. First, we have introduced a new content assessment duty in relation to the main user empowerment duties. That will require big tech platforms to carry out comprehensive assessments of the prevalence of content that falls in scope of their providers' user empowerment duties on their services, such as legal content that encourages suicide or an act of self-harm. They will need to keep a record of that assessment and publish a summary of it for their users in their terms of service. The new duty will underpin the main duties to offer user empowerment tools, ensuring that platforms and users have a comprehensive understanding of the relevant types of content on their services.

Secondly, where category 1 providers offer the user empowerment tools, we have further strengthened the duties on them by requiring them to proactively ask their registered adult users whether they wish to use the user empowerment content features. That will help to make the tools easier for users to opt into or out of. This approach continues to balance the empowerment of users and the protection of freedom of expression by avoiding the "default on" approach.

Baroness Fraser of Craigmaddie made amendments in the other place that aligned the definition of the term "freedom of expression" in the Bill with that in the European convention on human rights. That also reflects the approach of other UK legislation, including the Higher Education (Freedom of Speech) Act 2023. Those amendments will increase clarity about freedom of expression in the Bill.

The Government recognise the difficulties that coroners and bereaved families have when seeking to understand the circumstances surrounding a child's death and have introduced a number of amendments to address those issues; I have outlined a bit of those. First, we expanded

Ofcom's information gathering powers so that the regulator can require information from regulated services about a deceased child's online activity following a request from a coroner. That is backed up by Ofcom's existing enforcement powers. We have also given Ofcom the power to produce a bespoke report for the coroner and enabled the regulator to share information with a coroner without the prior consent of a business to disclose. That will ensure that Ofcom can collect such information and share it with the coroner where appropriate, so that coroners have access to the expertise and information they need to conduct their investigations.

Finally, we have introduced amendments to ensure that the process for accessing data regarding the online activities of a deceased child is more straightforward and humane. The largest companies must set out policies on disclosure of such data in a clear, accessible and sufficiently detailed format in their terms of service. They must also respond in writing in a timely manner, provide a dedicated means for parents to communicate with the company and put in place a mechanism for parents to complain if they consider that a service is not meeting its obligations.

We recognise the valuable work of researchers in improving our collective understanding of online safety issues, which is why we have made amendments to the Bill that require Ofcom to publish its report into researcher access to information within 18 months rather than two years. Ofcom will then be required to publish guidance on the issue, setting out best practice for platforms to share information in a way that supports their research functions while protecting user privacy and commercially sensitive material. While we will not be making additional changes to the Bill during the remainder of its passage, we understand the call for further actions in this area. That is why we have made a commitment to explore this issue further and report back to the House in due course on whether further measures to support researcher access to data are required and, if so, whether they could also be implemented through other legislation such as the Data Protection and Digital Information Bill.

The Government heard the House's concerns about the risk of algorithms and their impact on our interactions online. Given the influence they can have, the regulator must be able to scrutinise the algorithms' functionalities and other systems and processes that providers use. We have therefore made changes to provide Ofcom with the power to authorise a person to view specific types of information remotely: information demonstrating the operation of a provider's systems, processes or features, including algorithms, and tests or demonstrations. There are substantial safeguards around the use of that power, which include: Ofcom's legal duty to exercise it proportionately; a seven-day notification period; and the legal requirement to comply with data protection rules and regulations.

The Government are grateful to Baroness Morgan of Cotes and my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), who like many in the House have steadfastly campaigned on the issue of small but risky platforms. We have accepted an amendment to the Bill that changes the rules for establishing the conditions that determine which services will be designated as category 1 or category 2B services and thus have additional duties. In making the regulations

used to determine which services are category 1 or category 2B, the Secretary of State will now have the discretion to decide whether to set a threshold based on the number of users or the functionalities offered, or both factors. Previously, the Secretary of State was required to set the threshold based on a combination of both factors.

It is still the expectation that only the most high risk user-to-user services will be designated as category 1 services. However, the change will ensure that the framework is as flexible as possible in responding to the risk landscape. I say to my hon. Friend the Member for Yeovil (Mr Fysh), who I know will speak later, that it is not meant to capture user-to-user systems; it is very much about content but not about stifling innovation in areas such as distributed ledgers and so on.

Dame Margaret Hodge: I am grateful for the amendment, which I think is important. Will the Minister make it clear that he will not accept the amendments tabled by the hon. Member for Yeovil (Mr Fysh).

Paul Scully: Indeed, we will not be accepting those amendments, but I will cover more of that later on, after I have listened to the comments that I know my hon. Friend wants to make.

As a result of the amendment, we have also made a small change to clause 98—the emerging category 1 services list—to ensure that it makes operational sense. Prior to Baroness Morgan’s amendment, a service had to meet the functionality threshold for content and 75% of the user number threshold to be on the emerging services list. Under the amended cause, there is now a plausible scenario where a service could meet the category 1 threshold without meeting any condition based on user numbers, so we had to make the change to ensure that the clause worked in that scenario.

We have always been clear that the design of a service, its functionalities and its other features are key drivers of risk that impact on the risk of harm to children. Baroness Kidron’s amendments 17, 20, 22 and 81 seek to treat those aspects as sources of harm in and of themselves. Although we agree with the objective, we are concerned that they do not work within the legislative framework and risk legal confusion and delaying the Bill. We have worked closely with Baroness Kidron and other parliamentarians to identify alternative ways to make the role that design and functionalities play more explicit. I am grateful to colleagues in both Houses for being so generous with their time on this issue. In particular, I thank again my right hon. and learned Friend the Member for Kenilworth and Southam for his tireless work, which was crucial in enabling the creation of an alternative and mutually satisfactory package of amendments. We will disagree to Lords amendments 17, 20, 22 and 81 and replace them with amendments that make it explicit that providers are required to assess the impact that service design, functionalities and other features have on the risk of harm to children.

On Report, my hon. Friend the Member for Crawley (Henry Smith) raised animal abuse on the internet and asked how we might address such harmful content. I am pleased that the changes we have since made to the Bill fully demonstrate the Government’s commitment to tackling criminal activity relating to animal torture online. It is a cause that Baroness Merron has championed

passionately. Her amendment in the other place sought to require the Secretary of State to review certain offences and, depending on the review’s outcome, to list them as priority offences in schedule 7. To accelerate measures to tackle such content, the Government will remove clause 63—the review clause—and instead immediately list section 4(1) of the Animal Welfare Act 2006 as a priority offence. Officials at the Department for Environment, Food and Rural Affairs have worked closely with the Royal Society for the Prevention of Cruelty to Animals and are confident that the offence of unnecessary suffering will capture a broad swathe of behaviour. I hope the whole House will recognise our efforts and those of Baroness Merron and support the amendment.

You will be pleased to know, Mr Deputy Speaker, that I will conclude my remarks. I express my gratitude to my esteemed colleagues both here and in the other place for their continued and dedicated engagement with this complicated, complex Bill during the course of its parliamentary passage. I strongly believe that the Bill, in this form, strikes the right balance in providing the strongest possible protections for both adults and children online while protecting freedom of expression. The Government have listened carefully to the views of Members on both sides of the House, stakeholders and members of the public. The amendments we have made during the Bill’s progress through the Lords have further enhanced its robust and world-leading legislative framework. It is groundbreaking and will ensure the safety of generations to come. I ask Members of the House gathered here to support the Government’s position on the issues that I have spoken about today.

Mr Deputy Speaker (Sir Roger Gale): I call the Opposition spokesperson.

Alex Davies-Jones (Pontypridd) (Lab): Before I address the amendments at hand, let me first put on record my thanks for the incredible efforts of our colleagues in the other place. The Bill has gone on a huge journey. The Government have repeatedly delayed its passage, and even went to great effort to recommit parts of the Bill to Committee in an attempt to remove important provisions on legal but harmful content. For those reasons alone, it is somewhat of a miracle that we have arrived at this moment, with a Bill that I am glad to say is in a much better place than when we last debated it here. That is thanks to the tireless work of so many individuals, charities and organisations, which have come together to coalesce around important provisions that will have a positive impact on people’s lives online.

Today, we have the real privilege of being joined by Ian Russell, Stuart Stephens, Emilia Stevens, Hollie Dance and Lisa Kenevan, who have all been impacted by losing a child at the hands of online harm. I want to take a moment to give my most heartfelt thanks to them all, and to the other families who have shared their stories, insights and experiences with colleagues and me as the Bill progressed. Today, in our thoughts are Archie, Isaac, Olly, Molly and all the other children who were taken due to online harm. Today, their legacy stands before us. We would not be here without you, so thank you.

We also could not have arrived at this point without the determination of colleagues in the other place, notably Baroness Kidron. Colleagues will know that she has been an extremely passionate, determined and

[Alex Davies-Jones]

effective voice for children throughout, and the Bill is stronger today thanks to her efforts. More broadly, I hope that today's debate will be a significant and poignant moment for everyone who has been fighting hard for more protections online for many years.

It is good to see the Minister in his place. This is a complex Bill, and has been the responsibility of many of his colleagues since its introduction to Parliament. That being said, it will come as no surprise that Labour is pleased with some of the significant concessions that the Government have made on the Bill. Many stem from amendments the Opposition sought to make early on in the Bill's passage. Although his Department's press release may try to claim a united front, let us be clear: the Bill has sadly fallen victory to Tory infighting from day one. The Conservatives truly cannot decide if they are the party of protecting children or of free speech, when they should be the party of both. Sadly, some colleagues on the Government Benches have tried to stop the Bill in its tracks entirely, but Labour has always supported the need for it. We have worked collaboratively with the Government and have long called for these important changes. It is a welcome relief that the Government have finally listened.

Let me also be clear that the Bill goes some way to regulate the online space in the past and present, but it makes no effort to future-proof or anticipate emerging harms. The Labour party has repeatedly warned the Government of our concerns that, thanks to the Bill's focus on content rather than social media platforms' business models, it may not go far enough. With that in mind, I echo calls from across the House. Will the Minister commit to a review of the legislation within five years of enactment, to ensure that it has met their objective of making the UK the safest place in the world to be online?

Richard Burgon (Leeds East) (Lab): My hon. Friend is making an important speech. It is clear that the Government want to tackle harmful suicide and self-harm content. It is also clear that the Bill does not go far enough. Does she agree that we should support Samaritans' suggested way forward after implementation? We need the Government to engage with people with lived experience of suicide and self-harm, to ensure that the new legislation makes things better. If it is shown—as we fear—not to go far enough, new legislative approaches will be required to supplement and take it further, to ensure that the internet is as safe as possible for vulnerable people of all ages.

Alex Davies-Jones: I thank my hon. Friend for that intervention. He has been a passionate advocate on that point, speaking on behalf of his constituent Joe Nihill and his family for more protections in the Bill. It is clear that we need to know whether the legislation works in practice. Parliamentary oversight of that is essential, so I echo calls around the Chamber for that review. How will it take place? What will it look like? Parliament must have oversight, so that we know whether the legislation is fit for purpose.

2.45 pm

Let me turn to the amendments. Labour is particularly pleased to see the Government follow the excellent lead of Baroness Kidron in the other place by addressing the

alarming gaps in children's risk assessments. Those amendments will go some way to ensuring that social media platforms have to carefully consider harmful content both created and disseminated to children when using their services. This is an incredibly important point. With online content being constantly available and drip-fed to children thanks to autoplay features, it is right that risk assessments relating to harm will have to include widespread provisions.

I wonder, however, if the Minister could explain one particular point. The Government's own press releases have long lauded the Bill as focused on child safety. Indeed, in the Secretary of State's open letter in December to all parents, carers and guardians, she notes:

“The strongest protections in this legislation are for children and young people.”

I would therefore be interested to hear from the Minister exactly why the Bill makes no specific reference to children's rights, or more specifically the UN convention on the rights of the child. It is the most widely ratified international human rights treaty in history, yet it is missing from the Bill. I hope the Minister can clarify that for us all.

It will come as no surprise that Labour is proud that the Government have conceded on an important amendment that will see social media sites required to proactively remove animal torture content online. I first raised that issue in Committee more than a year ago. Vile animal torture content has no place online or in society. I am proud that it was the Labour party that first recognised the alarming gap in the Government's earlier draft of the Bill. Research from the RSPCA showed that, in 2021, there were 756 reports of animal abuse on social media, compared with 431 in 2020 and 157 in 2019. We can all see that this horrific content is more widespread and common than we might initially have believed. Thanks to Labour party colleagues in the other place, particularly Baroness Merron, it will no longer be tolerated online.

I am particularly proud to see the Government adopt an amendment that represents a move towards a risk-based approach to service categorisation. This is an important point and a significant concession from the Government. Along with many others, I repeatedly warned the Government that, by focusing on a size versus risk approach to categorisation, the online safety regime was doomed to fail. Put simply, we could have been left in a position where some of the most harmful websites and platforms, including 4chan and BitChute, which regularly host and promote far right, antisemitic content, slipped through the cracks of the legislation. None of us wanted that to happen, but in May 2022 the then Minister chose not to accept a cross-party amendment in Committee that could have resolved the issue more than a year ago.

We are pleased to see progress, and thank colleagues in the other place for seeing sense, but that approach highlights the Government's wider strategy for online safety: one based on delay and indecision. If we needed more proof, we only have to turn to the Government's approach to allow researcher access to data relating to the online safety regime. Labour welcomes small Government amendments in the other place on this point, but there are real-world consequences if the Government do not consider improving levels of transparency. Other jurisdictions across the globe are

looking at strengthening their data transparency provisions because they recognise that regulators such as Ofcom need academics and civil society to have sight of data in the most complex of cases. In Australia and Canada, there is real progress. Our friends across the pond in the USA have recently signed a deal with the EU that will see them committed to working together on researcher access to data.

The Secretary of State talks a good game about our world-leading universities and research environment, and claims that she wants the UK to be a leader, yet inaction is putting our country and our homegrown talent pool at a disadvantage. Let us be clear: access to data goes further than academics. In the last month, Elon Musk has sought to sue the Centre for Countering Digital Hate and the Anti-Defamation League, organisations filled to the brim with brilliant British research excellence. I recognise that the Government have made a loose commitment to go further in future legislation, but that has not been formally outlined. I sincerely hope that the promises made to bereaved parents about further progress in the Data Protection and Digital Information Bill are kept. I would be grateful for some reassurance from the Minister on that point.

Labour has long campaigned for stronger protections to keep people—both children and adults—safe online. The Bill has made remarkable progress, thanks to our colleagues in the other place coming together and genuinely putting people's priorities over party politics and political gain. Labour has always supported an online safety regime, and has sought to work with the Government while raising valid concerns carefully throughout. We all want to keep people safe and there is broad consensus that social media companies have failed to regulate themselves. Labour is proud of the changes it has developed and pushed on, but this is not the end. We will continue to push the Government to deliver this regime in good time and to ensure that it is reviewed regularly and has appropriate parliamentary oversight. After all, children and adults across the UK deserve, as a first priority, to be kept safe. The Minister knows we will be closely watching.

Several hon. Members *rose*—

Mr Deputy Speaker (Sir Roger Gale): I call the Chair of the Select Committee.

Dame Caroline Dinenge (Gosport) (Con): I welcome the return of the Online Safety Bill from its exhaustive consideration in the other place. As the Minister knows, this vital legislation kicked off several years ago under the leadership of my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), with the ambitious aim of making the UK the safest place in the world to go online. While other countries picked at the edges of that, we were the first place in the world to set ourselves such an ambitious task.

The legislation is mammoth in size and globally significant in scope. Its delivery has been long-winded and I am so pleased that we have got to where we are now. As one of the Ministers who carried the baton for this legislation for around 19 months, I understand the balance to be struck between freedom of speech campaigners, charities and the large pressures from the platforms to get this right.

Sir William Cash: I commend my hon. Friend for her remarks. May I point out that there is a provision in European legislation—I speak as Chairman of the European Scrutiny Committee—called the data services protection arrangements? They have nothing to compare with what we have in the Bill. That demonstrates the fact that when we legislate for ourselves we can get it right. That is something people ought to bear in mind.

Dame Caroline Dinenge: My hon. Friend is absolutely right to point that out. Much of the European legislation on this was taken from our own draft legislation, but has not gone anywhere near as far in the protections it offers.

We know that the internet is magnificent and life changing in so many ways, but that the dark corners present such a serious concern for children and scores of other vulnerable people. I associate myself with the comments of the hon. Member for Pontypridd (Alex Davies-Jones) on the child protection campaigners who have worked so incredibly hard on this issue, particularly those who have experienced the unimaginable tragedy of losing children as a result of what they have seen in the online world. To turn an unspeakable tragedy of that nature into a campaign to save the lives of others is the ultimate thing to do, and they deserve our massive thanks and gratitude.

I am also grateful to so many of our noble colleagues who have shaped the Bill using their unique knowledge and expertise. I would like to mention a few of them and welcome the changes they brought, but also thank the Minister and the Government for accepting so many of the challenges they brought forward and adapting them into the Bill. We all owe a massive debt of gratitude to Baroness Kidron for her tireless campaign for children's protections. A children's safety stalwart and pioneer for many years, virtually no one else knows more about this vital issue. It is absolutely right that the cornerstone and priority of the Bill must be to protect children. The Minister mentioned that the statistics are absolutely horrible and disturbing. That is why it is important that the Secretary of State will now be able to require providers to retain data relating to child sexual exploitation and abuse, ensuring that law enforcement does not have one hand tied behind its back when it comes to investigating these terrible crimes.

I also welcome the commitment to the new powers given to Ofcom and the expectations of providers regarding access to content and information in the terrible event of the death of a child. The tragic suicide of Molly Russell, the long and valiant battle of her dad, Ian, to get access to the social media content that played such a key role in it, and the delay that brought to the inquest, is the only example we need of why this is absolutely the right thing to do. I know Baroness Kidron played a big part in that, as did my right hon. Friend the Member for Bromsgrove (Sajid Javid).

I am still concerned that there are not enough protections for vulnerable adults or for when people reach the cliff-edge of the age of 18. People of all ages need protection from extremely harmful content online. I am still not 100% convinced that user empowerment tools will provide that, but I look forward to being proved wrong.

[*Dame Caroline Dinenage*]

I welcome the news that Ofcom is now required to produce guidance setting out how companies can tackle online violence against women and girls and demonstrate best practice. I am thankful to the former Equalities Minister, Baroness Morgan of Cotes, for her work on that. It is a vital piece of the puzzle that was missing from the original Bill, which did not specifically mention women or girls at all as far as I can remember.

It is important to stay faithful to the original thread of the Bill. To futureproof it, it has to be about systems and processes, rather than specific threats, but the simple fact is that the online world is so much more hostile for women. For black women, it is even worse. Illegal activity such as stalking and harassment is a daily occurrence for so many women and girls online. Over one in 10 women in England have experienced online violence and three in 10 have witnessed it. We also know that women and girls are disproportionately affected by the abuse of intimate images and the sharing of deepfakes, so it is welcome that those will become an offence. I also welcome that controlling and coercive behaviour, which has been made a recognised offence in real life, will now be listed as a priority offence online. That is something else the Government should take pride in.

I thank Baroness Merron for bringing animal welfare into the scope of the Bill. All in-scope platforms will have proactive duties to tackle content amounting to the offence of causing unnecessary suffering of animals. I thank Ministers for taking that on board. Anyone who victimises beings smaller and weaker than themselves, whether children or animals, is the most despicable kind of coward. It shows the level of depravity in parts of the online world that the act of hurting animals for pleasure is even a thing. A recent BBC story uncovered the torture of baby monkeys in Indonesia. The fact that individuals in the UK and the US are profiting from that, and that it was shared on platforms like Facebook is horrifying.

In the brief time left available to me, I must admit to still being a bit confused over the Government's stance on end-to-end encryption. It sounds like the Minister has acknowledged that there is no sufficiently accurate and privacy-preserving technology currently in existence, and that the last resort power would only come into effect once the technology was there. Technically, that means the Government have not moved on the requirement of Ofcom to use last resort powers. Many security experts believe it could be many years before any such technology is developed, if ever, and that worries me. I am, of course, very supportive of protecting user privacy, but it is also fundamentally right that terrorism or child sexual exploitation rings should not be able to proliferate unhindered on these channels. The right to privacy must be trumped by the need to stop events that could lead to mass death and the harm of innocent adults and children. As my hon. Friend the Member for Folkestone and Hythe (Damian Collins) said, that is also against their terms of service. I would therefore welcome it if the Minister were to make a couple of comments on that.

I also welcome the changes brought forward by Baroness Morgan of Cotes on the categorisation of harm. I, too, have been one of the long-standing voices over successive stages of the Bill saying that a platform's size should not

be the only measure of harm. Clearly, massive platforms, by definition of their reach, have huge potential to spread harmful content, but we know that online platforms can go viral overnight. We know there are some small but incredibly pernicious platforms out there. Surely the harmful content on a site should be the definer of how harmful it is, not just its size. I welcome the increased flexibility for the Secretary of State to set a threshold based on the number of users, or the functionality offered, or both. I would love to know a little more about how that would work in practice.

We were the first country in the world to set out the ambitious target of comprehensive online safety legislation. Since then, so much time has passed. Other countries and the EU have legislated while we have refined and in the meantime so much harm has been able to proliferate. We now need to get this done. We are so close to getting this legislation over the finish line. Can the Minister assure me that we are sending out a very clear message to providers that they must start their work now? They must not necessarily wait for this legislation to be in place because people are suffering while the delays happen.

I put on record my thanks to Members of this House and the other place who have worked so hard to get the legislation into such a great state, and to Ministers who have listened very carefully to all their suggestions and expertise. Finally, I put on record my thanks to the incredible Government officials. I was responsible for shepherding the Bill for a mere 19 months. It nearly finished me off, but some officials have been involved in it right from the beginning. They deserve our enormous gratitude for everything they have done.

Several hon. Members *rose*—

Mr Deputy Speaker (Sir Roger Gale): Order. Thirteen Members wish to participate in the debate. The winding-up speeches will need to start shortly before 5 pm, and the Minister has indicated that he has quite a bit to say. I therefore suggest a self-denying ordinance of between seven and eight minutes following the speech from the Scottish National party spokesman. It is up to colleagues, because we have not imposed a mandatory time limit at this stage, but if Members are sensible and not greedy, everyone should get in with no difficulty.

3 pm

Kirsty Blackman (Aberdeen North) (SNP): It is a pleasure to speak during what I hope are the final stages of the Bill. Given that nearly all the Bills on which I have spoken up to now have been money Bills, this business of “coming back from the Lords” and scrutinising Lords amendments has not been part of my experience, so if I get anything wrong, I apologise.

Like other Members, I want to begin by thanking a number of people and organisations, including the Mental Health Foundation, Carnegie UK, the Internet Watch Foundation, the National Society for the Prevention of Cruelty to Children and two researchers for the SNP, Aaron Lukas and Josh Simmonds-Upton, for all their work, advice, knowledge and wisdom. I also join the hon. Members for Pontypridd (Alex Davies-Jones) and for Gosport (Dame Caroline Dinenage) in thanking the families involved for the huge amount of time and energy—and the huge amount of themselves—that they have had to pour into the process in order to secure

these changes. This is the beginning of the culmination of all their hard work. It will make a difference today, and it will make a difference when the Bill is enacted. Members in all parts of the House will do what we can to continue to scrutinise its operation to ensure that it works as intended, to ensure that children are kept as safe as possible online, and to ensure that Ofcom uses these powers to persuade platforms to provide the information that they will be required to provide following the death of a child about that child's use of social media.

The Bill is about keeping people safe. It is a different Bill from the one that began its parliamentary journey, I think, more than two years ago. I have seen various Ministers leading from the Dispatch Box during that time, but the voices around the Chamber have been consistent, from the Conservative, Labour and SNP Benches. All the Members who have spoken have agreed that we want the internet to be a safer place. I am extremely glad that the Government have made so many concessions that the Opposition parties called for. I congratulate the hon. Member for Pontypridd on the inclusion of violence against women and girls in the Bill. She championed that in Committee, and I am glad that the Government have made the change.

Another change that the Government have made relates to small high-risk platforms. Back in May or June last year I tabled amendments 80, 81 and 82, which called for that categorisation to be changed so that it was not based just on the number of users. I think it was the hon. Member for Gosport who mentioned 4chan, and I have mentioned Kiwi Farms a number of times in the Chamber. Such organisations cannot be allowed to get away with horrific, vile content that encourages violence. They cannot be allowed a lower bar just because they have a smaller number of users.

The National Risk Register produced by the Cabinet Office—great bedtime reading which I thoroughly recommend—states that both the risk and the likelihood of harm and the number of people on whom it will have an impact should be taken into account before a decision is made. It is therefore entirely sensible for the Government to take into account both the number of users, when it is a significant number, and the extremely high risk of harm caused by some of these providers.

Sir John Hayes: The hon. Lady is making an excellent speech, but it is critical to understand that this is not just about wickedness that would have taken place anyway but is now taking place on the internet; it is about the internet catalysing and exaggerating that wickedness, and spawning and encouraging all kinds of malevolence. We have a big responsibility in this place to regulate, control and indeed stop this, and the hon. Lady is right to emphasise that.

Kirsty Blackman: The right hon. Gentleman is entirely correct. Whether it involves a particularly right-wing cause or antisemitism—or, indeed, dieting content that drags people into something more radical in relation to eating disorders—the bubble mentality created by these algorithms massively increases the risk of radicalisation, and we therefore have an increased duty to protect people.

As I have said, I am pleased to see the positive changes that have been made as a result of Opposition pressure and the uncompromising efforts of those in the House of Lords, especially Baroness Kidron, who has

been nothing short of tenacious. Throughout the time in which we have been discussing the Bill, I have spoken to Members of both Houses about it, and it has been very unusual to come across anyone who knows what they are talking about, and, in particular, has the incredible depth of knowledge, understanding and wisdom shown by Baroness Kidron. I was able to speak to her as someone who practically grew up on the internet—we had it at home when I was eight—but she knew far more about it than I did. I am extremely pleased that the Government have worked with her to improve the Bill, and have accepted that she has a huge breadth of knowledge. She managed to do what we did not quite manage to do in this House, although hopefully we laid the foundations.

I want to refer to a number of points that were mentioned by the Minister and are also mentioned in the letters that the Government provided relating to the Lords amendments. Algorithmic scrutiny is incredibly important, and I, along with other Members, have raised it a number of times—again, in connection with concern about radicalisation. Some organisations have been doing better things recently. For instance, someone who searches for something may begin to go down a rabbit hole. Some companies are now putting up a flag, for instance a video, suggesting that users are going down a dark hole and should look at something a bit lighter, and directing them away from the autoplaying of the more radical content. If all organisations, or at least a significant number—particularly those with high traffic—can be encouraged to take such action rather than allowing people to be driven to more extreme content, that will be a positive step.

I was pleased to hear about the upcoming researcher access report, and about the report on app stores. I asked a previous Minister about app stores a year or so ago, and the Minister said that they were not included, and that was the end of it. Given the risk that is posed by app stores, the fact that they were not categorised as user-to-user content concerned me greatly. Someone who wants to put something on an Apple app store has to jump through Apple's hoops. The content is not owned by the app store, and the same applies to some of the material on the PlayStation store. It is owned by the person who created the content, and it is therefore user-to-user content. In some cases, it is created by one individual. There is no ongoing review of that. Age-rating is another issue: app stores choose whatever age they happen to decide is the most important. Some of the dating apps, such as match.com, have been active in that regard, and have made it clear that their platforms are not for under-16s or under-18s, while the app store has rated the content as being for a younger age than the users' actual age. That is of concern, especially if the companies are trying to improve age-rating.

On the subject of age rating, I am pleased to see more in the Bill about age assurance and the frameworks. I am particularly pleased to see what is going to happen in relation to trying to stop children being able to access pornography. That is incredibly important but it had been missing from the Bill. I understand that Baroness Floella Benjamin has done a huge amount of work on pushing this forward and ensuring that parliamentarians are briefed on it, and I thank her for the work that she has done. Human trafficking has also been included. Again, that was something that we pushed for, and I am glad to see that it has been put on the face of the Bill.

[Kirsty Blackman]

I want to talk briefly about the review mechanisms, then I will go on to talk about end-to-end encryption. I am still concerned that the review mechanisms are not strong enough. We have pushed to have a parliamentary Committee convened, for example, to review this legislation. This is the fastest moving area of life. Things are changing so dramatically. How many people in here had even heard of ChatGPT a year and a half ago? How many people had used a virtual reality headset? How many people had accessed Rec Room of any of the other VR systems? I understand that the Government have genuinely tried their best to make the Bill as future-proof as possible, but we have no parliamentary scrutiny mechanisms written in. I am not trying to undermine the work of the Committee on this—I think it is incredibly important—but Select Committees are busy and they have no legislative power in this regard. If the Government had written in a review, that would have been incredibly helpful.

Mr David Davis (Haltemprice and Howden) (Con): The hon. Lady is making a very good speech. When I first came to this House, which was rather a long time ago now, there was a Companies Act every year, because company law was changing at the time, as was the nature of post-war capitalism. It seems to me that there is a strong argument for an annual Act on the handling and management of the internet. What she is saying is exactly right, and that is probably where we will end up.

Kirsty Blackman: I completely support the right hon. Member's point—I would love to see this happening on an annual basis. I am sure that the Ministers who have shepherded the Bill through would be terrified of that, and that the Government team sitting over there are probably quaking in their boots at the suggestion, but given how fast this moves, I think that this would be incredibly important.

The Government's record on post-implementation reviews of legislation is pretty shoddy. If you ask Government Departments what percentage of legislation they have put through a post-implementation review in the timeline they were supposed to, they will say that it is very small. Some Departments are a bit better than others, but given the number of reshuffles there have been, some do not even know which pieces of legislation they are supposed to be post-implementation reviewing. I am concerned that this legislation will get lost, and that there is no legislative back-up to any of the mechanisms for reviewing it. The Minister has said that it will be kept under review, but can we have some sort of governmental commitment that an actual review will take place, and that legislation will be forthcoming if necessary, to ensure that the implementation of this Bill is carried out as intended? We are not necessarily asking the Government to change it; we are just asking them to cover all the things that they intend it to cover.

On end-to-end encryption, on child sexual exploitation and abuse materials, and on the last resort provider—I have been consistent with every Minister I have spoken to across the Dispatch Box and every time I have spoken to hon. Members about this—when there is any use of child sexual exploitation material or child sexual abuse material, we should be able to require the provider to find it. That absolutely trumps privacy. The largest

increase in child sexual abuse material is in self-generated content. That is horrific. We are seeing a massive increase in that number. We need providers to be able to search—using the hash numbers that they can categorise images with, or however they want to do it—for people who are sharing this material in order to allow the authorities to arrest them and put them behind bars so that they cannot cause any more harm to children. That is more important than any privacy concerns. Although Ministers have not put it in the Bill until this point, they have, to their credit, been clear that that is more important than any privacy concerns, and that protecting children trumps those concerns when it comes to abuse materials and exploitation. I am glad to see that that is now written into the Bill; it is important that it was not just stated at the Dispatch Box, even though it was mentioned by a number of Members.

3.15 pm

I have spoken about the huge number of online harms, the huge number of issues with accessing the internet and the huge number of concerns we have for the future, but I also need to say that the internet is a wonderful place. It is absolutely great to be able to go and play online games. It is great to be able to have a community of people that I can speak to online and have a conversation with. It is good that the Government have included in some of the risks the issues about platforms where adults can contact children, for example. That was another thing I addressed during the course of the amendments. It is great that people can find their tribe online in a way that they perhaps cannot do in real life. It is brilliant that people can have a try-out at being someone else online. That is not about trying to confuse or upset people or about catfishing. Sometimes we need to have a wee bit of self-exploration in order to try and work out who we are. There are so many positive aspects of the internet, but we need to ensure that children and the most vulnerable adults in particular are kept safe online.

This is not the perfect Bill. This is not necessarily the Bill that I would have liked to see. It has gone through so many changes and iterations over the time we have been trying to scrutinise it that some of it has gone back to what it previously looked like, except the harmful content in relation to adults. I am pleased that the internet will be a safer place for our children and our children's children. I am pleased that they will have more protections online. I have an amount of faith and cautious optimism in the work of Ofcom, because of how fast it has been scaling up and because of the incredible people it has employed to work there—they really know what they are talking about. I wish the Government and Ofcom every success in ensuring that the Bill is embedded and ensuring that the internet is as safe as possible. I would just really like a commitment from the Minister on ensuring that this legislation is kept under proper review and that legislative change will be made, should we identify any loopholes.

Damian Collins: The draft Bill was published in April 2021, so it is fantastic that we are now discussing its final stages after it has gone through its processes in the House of Lords. It went through pre-legislative scrutiny, then it was introduced here, committed to the Bill Committee, recommitted, came back to the House, went to the Lords and came back again. I do not think

any Bill has had as much scrutiny and debate over such a long period of time as this one has had. Hon. Members have disagreed on it from time to time, but the spirit and motivation at every stage have never been political; it has been about trying to make the Bill the best it can possibly be. We have ended up with a process that has seen it get better through all its stages.

Picking up on the comments of the hon. Member for Aberdeen North (Kirsty Blackman) and others, the question of ongoing scrutiny of the regime is an important one. In the pre-legislative scrutiny Committee—the Joint Committee that I chaired—there was a recommendation that there should be a post-legislative scrutiny Committee or a new Joint Committee, perhaps for a limited period. The pre-legislative scrutiny Committee benefited enormously from being a Committee of both Houses. Baroness Kidron has rightly been mentioned by Members today and she is watching us today from the Gallery. She is keeping her scrutiny of the passage of the Bill going from her position of advantage in the Gallery.

We have discussed a number of new technologies during the Bill's passage that were not discussed at all on Second Reading because they were not live, including the metaverse and large language models. We are reassured that the Bill is futureproof, but we will not know until we come across such things. Ongoing scrutiny of the regime, the codes of practice and Ofcom's risk registers is more than any one Select Committee can do. The Government have previously spoken favourably of the idea of post-legislative scrutiny, and it would be good if the Minister could say whether that is still under consideration.

Sir John Hayes: My hon. Friend makes a powerful point, echoing the comments of Members on both sides of the House. He is absolutely right that, as well as the scale and character of internet harms, their dynamism is a feature that Governments must take seriously. The problem, it seems to me, is that the pace of technological change, in this area and in others, does not fit easily with the thoroughness of the democratic legislative process; we tend to want to do things at length, because we want to scrutinise them properly, and that takes time. How does my hon. Friend square that in his own mind, and what would he recommend to the Government?

Damian Collins: The length of the process we have gone through on this Bill is a good thing, because we have ended up with probably the most comprehensive legislation in the world. We have a regulator with more power, and more power to sanction, than anywhere else. It is important to get that right.

A lot of the regulation is principle-based. It is about the regulation of user-to-user services, whereby people share things with each other through an intermediary service. Technology will develop, but those principles will underpin a lot of it. There will be specific cases where we need to think about whether the regulatory oversight works in a metaverse environment in which we are dealing with harms created by speech that has no footprint. How do we monitor and scrutinise that?

One of the hardest challenges could be making sure that companies continue to use appropriate technology to identify and mitigate harms on their platforms. The problem we have had with the regime to date is that we have relied on self-reporting from the technology companies

on what is or is not possible. Indeed, the debate about end-to-end encryption is another example. The companies are saying that, if they share too much data, there is a danger that it will break encryption, but they will not say what data they gather or how they use it. For example, they will not say how they identify illegal use of their platform. Can they see the messages that people have sent after they have sent them? They will not publicly acknowledge it, and they will not say what data they gather and what triggers they could use to intervene, but the regulator will now have the right to see them. That principle of accountability and the power of the regulator to scrutinise are the two things that make me confident that this will work, but we may need to make amendments because of new things that we have not yet thought about.

Sir William Cash: In addition to the idea of annual scrutiny raised by my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), does my hon. Friend think it would be a reasonably good idea for the Select Committee on Culture, Media and Sport to set up a Sub-Committee under its Standing Orders to keep any eye on this stuff? My hon. Friend was a great Chairman of that Select Committee, and such a Sub-Committee would allow the annual monitoring of all the things that could go wrong, and it could also try to keep up with the pace of change.

Damian Collins: When I chaired the Digital, Culture, Media and Sport Committee, we set up a Sub-Committee to consider these issues and internet regulation. Of course, the Sub-Committee has the same members. It is up to the Select Committee to determine how it structures itself and spends its time, but there is only so much that any one departmental Select Committee can do among its huge range of other responsibilities. It might be worth thinking about a special Committee, drawing on the powers and knowledge of both Houses, but that is not a matter for the Bill. As my hon. Friend knows, it is a matter of amending the Standing Orders of the House, and the House must decide that it wants to create such a Committee. I think it is something we should consider.

We must make sure that encrypted services have proper transparency and accountability, and we must bring in skilled experts. Members have talked about researcher access to the companies' data and information, and it cannot be a free-for-all; there has to be a process by which a researcher applies to get privileged access to a company's information. Indeed, as part of responding to Ofcom's risk registers, a company could say that allowing researchers access is one of the ways it seeks to ensure safe use of its platform, by seeking the help of others to identify harm.

There is nothing to stop Ofcom appointing many researchers. The Bill gives Ofcom the power to delegate its authority and its powers to outside expert researchers to investigate matters on its behalf. In my view, that would be a good thing for Ofcom to do, because it will not have all the expertise in-house. The power to appoint a skilled person to use the powers of Ofcom exists within the Bill, and Ofcom should say that it intends to use that power widely. I would be grateful if the Minister could confirm that Ofcom has that power in the Bill.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is very kind of you to call me to speak, Mr Deputy Speaker. I apologise to your good self, to the Minister and to the House for arriving rather tardily.

My daughter and her husband have been staying with me over the past few days. When I get up to make my wife and myself an early-morning cup of tea, I find my two grandchildren sitting in the kitchen with their iPads, which does not half bring home the dangers. I look at them and think, “Gosh, I hope there is security, because they are just little kids.” I worry about that kind of thing. As everyone has said, keeping children safe is ever more important.

The Bill’s progress shows some of the best aspects of this place and the other place working together to improve legislation. The shadow Minister, the hon. Member for Pontypridd (Alex Davies-Jones), and the hon. Member for Aberdeen North (Kirsty Blackman) both mentioned that, and it has been encouraging to see how the Bill has come together. However, as others have said, it has taken a long time and there have been a lot of delays. Perhaps that was unavoidable, but it is regrettable. It has been difficult for the Government to get the Bill to where it is today, and the trouble is that the delays mean there will probably be more victims before the Bill is enacted. We see before us a much-changed Bill, and I thank the Lords for their 150 amendments. They have put in a lot of hard work, as others have said.

The Secretary of State’s powers worry my party and me, and I wonder whether the Bill still fails to tackle harmful activity effectively. Perhaps better things could be done, but we are where we are. I welcome the addition of new offences, such as encouraging self-harm and intimate image abuse. A future Bill might be needed to set out the thresholds for the prosecution of non-fatal self-harm. We may also need further work on the intent requirement for cyber-flashing, and on whether Ofcom can introduce such requirements. I am encouraged by what we have heard from the Minister.

We would also have liked to see more movement on risk assessment, as terms of service should be subject to a mandatory risk assessment. My party remains unconvinced that we have got to grips with the metaverse—this terrifying new thing that has come at us. I think there is work to be done on that, and we will see what happens in the future.

As others have said, education is crucial. I hope that my grandchildren, sitting there with their iPads, have been told as much as possible by their teachers, my daughter and my son-in-law about what to do and what not to do. That leads me on to the huge importance of the parent being able, where necessary, to intervene rapidly, because this has to be done damned quickly. If it looks like they are going down a black hole, we want to stop that right away. A kid could see something horrid that could damage them for life—it could be that bad.

Kirsty Blackman: Once a child sees something, they cannot unsee it. This is not just about parental controls; we hope that the requirement on the companies to do the risk assessments and on Ofcom to look at those will mean that those issues are stopped before they even get to the point of requiring parental controls. I hope that such an approach will make this safer by design when it begins to operate, rather than relying on having an

active parent who is not working three jobs and therefore has time to moderate what their children are doing online.

Jamie Stone: The hon. Lady makes an excellent point. Let me just illustrate it by saying that each of us in our childhood, when we were little—when we were four, five or six—saw something that frightened us. Oddly enough, we never forget that throughout the rest of life, do we? That is what bad dreams are made of. We should remember that point, which is why those are wise words indeed.

3.30 pm

Finally, I shall try your excellent patience, Mr Deputy Speaker, with a few words about encryption, to which reference has been made. I commend the Government for their recognition of the dangers that exist online and the inadequacy of current protections. However, regulation and enforcement must be based on clear evidence of well-defined harm and must respect the rights to privacy and free expression of those who use social media legally and responsibly. On encryption, for the vast majority, privacy means security. We have always to test that theory, but I think that is what most of us believe. If I picked it up right, the right hon. Member for Haltemprice and Howden (Mr Davis) said that this should be revisited on a regular basis. Perhaps the advisers that Ofcom will hire will address this sort of thing, but this is about constant vigilance, is it not? Let me put it on the record that my party would fundamentally oppose any attempts to undermine or weaken encryption.

Once again, I wish to thank all the Members who have put together a good piece of legislation. In the spirit of generosity, let me say that the Government have tried their very best on a tricky issue, and I give credit to those on both sides of the House for this step in the right direction.

Dame Maria Miller (Basingstoke) (Con): This Bill may well have been with us since April 2021 and been subject to significant change, but it remains a Bill about keeping people safer online and it remains groundbreaking. I welcome it back after scrutiny in the Lords and join others in paying tribute to those who have campaigned for social media platforms to release information following the death of a child. I am pleased that some are able to be with us today to hear this debate and the commitment to that issue.

This will never be a perfect Bill, but we must recognise that it is good enough and that we need to get it on to the statute book. The Minister has helped by saying clearly that this is not the endgame and that scrutiny will be inherent in the future of this legislation. I hope that he will heed the comments of my hon. Friend the Member for Folkestone and Hythe (Damian Collins), who encouraged him to set up a bespoke Committee, which was one of the recommendations from the initial scrutiny of the Bill.

I will confine my remarks to the Government’s Lords amendment 263 and those surrounding it, which inserted the amendments I tabled on Report into the Bill. They relate to the sharing of intimate images online, including deepfakes, without consent. I wish wholeheartedly to say thank you to the Minister, who always listens intently, to the Minister of State, Ministry of Justice, my right hon. Friend the Member for Charnwood (Edward Argar),

who has recently joined him, and to the Secretary of State for Science, Innovation and Technology. They have all not only listened to the arguments on intimate image abuse, but acted. The changes today are no less a testament to their commitment to this Bill than any other area. Focusing on children's safety is very important, but the safety of adults online is also important. We started on a journey to address intimate image abuse way back in 2015, with the Criminal Justice and Courts Act 2015, and we have learned to provide that protection much better, mostly through the work of the Law Commission and its report on how we should be tackling intimate image abuse online.

The Bill, as it has been amended, has been changed fundamentally on the treatment of intimate image abuse, in line with the debate on Report in this place. That has created four new offences. The base offence removes the idea of intent to cause distress entirely and relies only on whether there was consent from the person appearing in the image. Two more serious offences do include intent, with one being sending an image with intent to cause alarm and distress. We also now have the offence of threatening to share an image, which will protect people from potential blackmail, particularly from an abusive partner. That will make a huge difference for victims, who are still overwhelmingly women.

In his closing comments, will the Minister address the gaps that still exist, particularly around the issue of the images themselves, which, because of the scope of the Bill, will not become illegal? He and his colleagues have indicated that more legislation might be in the planning stages to address those particular recommendations by the Law Commission. Perhaps he could also comment on something that the Revenge Porn Helpline is increasingly being told by victims, which is that online platforms will not remove an image even though it may have been posted illegally, and that will not change in the future. Perhaps he can give me and those victims who might be listening today some comfort that either there are ways of addressing that matter now or that he will address it in the very near future.

Richard Burgon (Leeds East) (Lab): As we reflect on the Bill today, it is important to say that it has been improved as it has progressed through the Parliament. That is due in no small measure to Members from across the parties—both here and in the other place—who have engaged very collegiately, and to individuals and groups outside this place, particularly the Samaritans and those who have lived experience of the consequences of the dangers of the internet.

People from my constituency have also been involved, including the family of Joe Nihill, whom I have mentioned previously. At the age of 23, Joe took his own life after accessing dangerous suicide-related online content. His mother, Catherine, and sister-in-law, Melanie, have bravely campaigned to use the Online Safety Bill as an opportunity to ensure that what happened to Joe so tragically does not happen to others. I thank the Minister and his team for meeting Joe's mother, his sister-in-law and me, and for listening to what we had to say. I recognise that, as a result, the Bill has improved, in particular with the Government's acceptance of Lords amendment 391, which was first tabled by Baroness Morgan of Cotes. It is welcome that the Government have accepted the amendment, which will enable platforms to be placed in

category 1 based on their functionality, even if they do not have a large reach. That is important, because some of the worst and most dangerous online suicide and self-harm related material appears on smaller platforms rather than the larger ones.

I also welcome the fact that the Bill creates a new communications offence of encouraging or assisting self-harm and makes such content a further priority for action, which is important. The Bill provides an historic opportunity to ensure that tackling suicide and self-harm related online content does not end with this Bill becoming law. I urge the Government to listen very carefully to what the Samaritans have said. As my hon. Friend the shadow Minister asked, will the Government commit to a review of the legislation to ensure that it has met the objective of making our country the safest place in the world in which to go online? Importantly, can the Government confirm when the consultation on the new offence of encouraging or assisting self-harm will take place?

As I mentioned in an intervention, it is clear that the Government want to tackle harmful suicide and self-harm related content with the Bill, but, as we have heard throughout our discussions, the measures do not go far enough. The Samaritans were correct to say that the Bill represents a welcome advance and that it has improved recently, but it still does not go far enough in relation to dangerous suicide and self-harm online content. How will the Government engage with people who have lived experience—people such as Melanie and Catherine—to ensure that the new laws make things better? Nobody wants the implementation of the Bill to be the end of the matter. We must redouble our efforts to make the internet as safe a place as possible, reflect on the experiences of my constituents, Joe Nihill and his family, and understand that there is a lot of dangerous suicide and self-harm related content out there. We are talking about people who exploit the vulnerable, regardless of their age.

I urge all those who are following the progress of the Bill and who look at this issue not to make the mistake of thinking that when we talk about dangerous online suicide and self-harm related content, it is somehow about freedom of speech. It is about protecting people. When we talk about dangerous online material relating to suicide and self-harm, it is not a freedom of speech issue; it is an issue of protecting people.

Sir William Cash: Has the hon. Gentleman noted, I hope with satisfaction, that the Government yesterday and today have made statements on a strategy for preventing suicide nationally, and that what he is saying—which I agree with—will be implemented? It has just been announced, it is very important and it is related to the Bill.

Richard Burgon: I thank the hon. Gentleman for his intervention. It is important that the Government have announced a strategy: it is part and parcel of the ongoing work that is so necessary when we consider the prevalence of suicide as the leading cause of death among young men and women. It is a scourge across society. People should not make the mistake of thinking that the internet merely showcases awful things. The internet has been used as a tool by exploitative and sometimes disturbed individuals to create more misery and more instances of awful things happening, and to lead others down a dangerous path that sometimes ends, sadly, in them taking their own lives.

[Richard Burgon]

I thank the Minister for his engagement with my constituents, and the shadow Minister for what she has done. I also thank Baroness Kidron, Baroness Morgan and hon. Members who have engaged with this issue. I urge the Government to see the Bill not as the end when it comes to tackling dangerous online content related to suicide and self-harm, but as part of an important ongoing journey that we all work on together.

Siobhan Baillie (Stroud) (Con): I rise to speak to Lords amendment 231 on visible identity verification. I will not press the amendment to a vote. I have had several discussions with Ministers and the Secretary of State, and I am grateful for their time. I will explain a little more.

The dry nature of the amendment masks the fact that the issue of identity verification—or lack of it—affects millions of people around the country. We increasingly live our lives online, so the public being able to know who is or is not a real person online is a key part of the UK being the safest the place to be on the internet, which is the Bill's ambition. Unfortunately, too often it feels as though we have to wade through nutters, bots, fake accounts and other nasties before coming to a real person we want to hear from. The Bill takes huge steps to empower users to change that, but there is more to do.

Hon. Members will recall that I have campaigned for years to tackle anonymous abuse. I thank Stroud constituents, celebrities and parents who have brought to me sad stories that I have conveyed to the House involving abuse about the deaths of babies and children and about disabled children. That is absolutely awful.

Alongside a smart Stroud constituent and Clean Up The Internet—a fantastic organisation—we have fought and argued for social media users to have the option of being verified online; for them to be able to follow and be followed only by verified accounts, if that is what they want; and, crucially, to make it clear who is and is not verified online. People can still be Princess Unicorn if they want, but at the back end, their address and details can be held, and that will give confidence.

Sir John Hayes: My hon. Friend is making a powerful case. Umberto Eco, the Italian philosopher, described the internet as the empire of imbeciles, and much of social media is indeed imbecilic—but it is much worse than that. My hon. Friend is right that the internet provides a hiding place for the kind of malevolence she has described. Does she agree that the critical thing is for the Government to look again at the responsibility of those who publish this material? If it were written material, the publisher would have a legal liability. That is not true of internet companies. Is that a way forward?

3.45 pm

Siobhan Baillie: I am interested in that intervention, but I fear it would lead us into a very long discussion and I want to keep my comments focused on my amendment. However, it would be interesting to hear from the Minister in response to that point, because it is a huge topic for debate.

On the point about whether someone is real or not real online, I believe passionately that not only famous people or those who can afford it should be able to show that they are a real and verified person. I say, “Roll out the blue ticks.”—or the equivalents—and not just to make the social media performs more money; as we have seen, we need it as a safety mechanism and a personal responsibility mechanism.

All the evidence and endless polling show that the public want to know who is and who is not real online, and it does not take rocket science to understand why. Dealing with faceless, anonymous accounts is very scary and anonymous abusers are terrifying. Parents are worried that they do not know who their children are speaking to, and anonymous, unverified accounts cannot be traced if details are not held.

That is before we get to how visible verification can help to tackle fraud. We should empower people to avoid fake accounts. We know that people are less likely to engage with an unverified account, and it would make it easy to catch scammers. Fraud was the most common form of crime in 2022, with 41% of all crimes being fraud, 23% of all reported fraud being initiated on social media and 80% of fraud being cyber-related. We can imagine just how fantastically clever the scams will become through AI.

Since we started this process, tech companies have recognised the value of identity verification to the public, so much so that they now sell it on Twitter as blue ticks, and the Government understand the benefits of identity verification options. The Government have done a huge amount of work on that. I thank them for agreeing to two of the three pillars of my campaign, and I believe we can get there on visibility; I know from discussions with Government that Ofcom will be looking carefully at that.

Making things simple for social media users is incredibly important. For the user verification provisions in this Bill to fulfil their potential and prevent harm, including illegal harm, we believe that users need to be able to see who is and is not verified—that is, who is a real person—and all the evidence says that that is what the public wants.

While Ministers in this place and the other place have resisted putting visible verification on the face of the Bill, I am grateful to the Government for their work on this. After a lot of to-ing and fro-ing, we are reassured that the Bill as now worded gives Ofcom the powers to do what the public wants and what we are suggesting through codes and guidance. We hope that Ofcom will consider the role of anonymous, inauthentic and non-verified accounts as it prepares its register of risks relating to illegal content and in its risk profiles.

Dame Maria Miller: I pay tribute to the way my hon. Friend has focused on this issue through so many months and years. Does she agree that, in light of the assurances that she has had from the Minister, this is just the sort of issue that either a stand-alone committee or some kind of scrutiny group could keep an eye on? If those guidelines do not work as the Minister is hoping, the action she has suggested will need to be taken.

Siobhan Baillie: Absolutely. Given the fast nature of social media and the tech world, and how quickly they adapt—often for their own benefit, sadly—I think that a committee with that focus could work.

To wrap up, I thank MPs from across the House, and you, Madam Deputy Speaker, for your grace today. I have had help from my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) in particular, for which I am very grateful. In the other place, Lord Clement-Jones, Lord Stevenson, Baroness Morgan, Baroness Fall and Baroness Wyld have all been absolutely excellent in pushing through these matters. I look forward to hearing what the Minister says, and thank everybody for their time.

Sir Jeremy Wright (Kenilworth and Southam) (Con): As others have done, I welcome the considerable progress made on the Bill in the other place, both in the detailed scrutiny that it has received from noble Lords, who have taken a consistent and expert interest in it, and in the positive and consensual tone adopted by Opposition Front Benchers and, crucially, by Ministers.

It seems that there are very few Members of this House who have not had ministerial responsibility for the Bill at some point in what has been an extraordinarily extensive relay race as it has moved through its legislative stages. The anchor leg—the hardest bit in such a Bill—has been run with dedication and skill by my right hon. Friend the Secretary of State, who deserves all the praise that she will get for holding the baton as we cross the parliamentary finish line, as I hope we are close to doing.

I have been an advocate of humility in the way in which we all approach this legislation. It is genuinely difficult and novel territory. In general, I think that my right hon. Friend the Secretary of State and her Ministers—the noble Lord Parkinson and, of course, the Under-Secretary of State for Science, Innovation and Technology, my hon. Friend the Member for Sutton and Cheam (Paul Scully)—have been willing to change their minds when it was right to do so, and the Bill is better for it. Like others who have dealt with them, I also thank the officials, some of whom sit in the Box, some of whom do not. They have dedicated—as I suspect they would see it—most of their lives to the generation of the Bill, and we are grateful to them for their commitment.

Of course, as others have said, none of this means that the Bill is perfect; frankly, it was never going to be. Nor does it mean that when we pass the Bill, the job is done. We will then pass the baton to Ofcom, which will have a large amount of further work to do. However, we now need to finalise the legislative phase of this work after many years of consideration. For that reason, I welcome in particular what I think are sensible compromises on two significant issues that had yet to be resolved: first, the content of children's risk assessments, and secondly, the categorisation process. I hope that the House will bear with me while I consider those in detail, which we have not yet done, starting with Lords amendments 17, 20 and 22, and Lords amendment 81 in relation to search, as well as the Government amendments in lieu of them.

Those Lords amendments insert harmful “features, functionalities or behaviours” into the list of matters that should be considered in the children's risk assessment process and in the meeting of the safety duties, to add to the harms arising from the intrinsic nature of content itself—that is an important change. As others have done, I pay great tribute to the noble Baroness Kidron,

who has invariably been the driving force behind so many of the positive enhancements to children's online safety that the Bill will bring. She has promoted this enhancement, too. As she said, it is right to recognise and reflect in the legislation that a child's online experience can be harmful not just as a result of the harm an individual piece of content can cause, but in the way that content is selected and presented to that child—in other words, the way in which the service is designed to operate. As she knows, however, I part company with the Lords amendments in the breadth of the language used, particularly the word “behaviours”.

Throughout our consideration of the Bill, I have taken the view that we should be less interested in passing legislation that sounds good and more interested in passing legislation that works. We need the regulator to be able to encourage and enforce improvements in online safety effectively. That means asking the online platforms to address the harms that it is within their power to address, and to relate clearly the design or operation of the systems that they have put in place.

The difficulty with the wording of the Lords amendments is that they bring into the ambit of the legislation behaviours that are not necessarily enabled or created by the design or operation of the service. The language used is

“features, functionalities or behaviours (including those enabled or created by the design or operation of the service) that are harmful to children”—

in other words, not limited to those that are enabled or created by the service. It is a step too far to make platforms accountable for all behaviours that are harmful to children without the clarity of that link to what the platform has itself done. For that reason, I cannot support those Lords amendments.

However, the Government have proposed a sensible alternative approach in their amendments in lieu, particularly in relation to Lords amendments 17 and Lords amendment 81, which relates to search services. The Government amendments in lieu capture the central point that design of a service can lead to harm and require a service to assess that as part of the children's risk assessment process. That is a significant expansion of a service's responsibilities in the risk assessment process which reflects not just ongoing concern about types of harm that were not adequately captured in the Bill so far but the positive moves we have all sought to make towards safety by design as an important preventive concept in online safety.

I also think it is important, given the potential scale of this expanded responsibility, to make clear that the concept of proportionality applies to a service's approach to this element of assessment and mitigation of risk, as it does throughout the Bill, and I hope the Minister will be able to do that when he winds up the debate.

Sir William Cash: My right hon. and learned Friend has mentioned Ofcom several times. I would like to ask his opinion as to whether there should be, if there is not already, a special provision for a report by Ofcom on its own involvement in these processes during the course of its annual report every year, to be sure that we know that Ofcom is doing its job. In Parliament, we know what Select Committees are doing. The question is, what is Ofcom doing on a continuous basis?

Sir Jeremy Wright: My hon. Friend makes a fair point. One difficult part of our legislative journey with the Bill is to get right, in so far as we can, the balance between what the regulator should take responsibility for, what Ministers should take responsibility for and what the legislature—this Parliament—should take responsibility for. We may not have got that exactly right yet.

On my hon. Friend's specific point, my understanding is that because Ofcom must report to Parliament in any event, it will certainly be Ofcom's intention to report back on this. It will be quite a large slice of what Ofcom does from this point onwards, so it would be remarkable if it did not, but I think we will have to return to the points that my hon. Friend the Member for Folkestone and Hythe (Damian Collins) and others have made about the nature of parliamentary scrutiny that is then required to ensure that we are all on top of this progress as it develops.

I was talking about what I would like my hon. Friend the Minister to say when he winds up the debate. I know he will not have a huge amount of time to do so, but he might also confirm that the balancing duties in relation to freedom of speech and privacy, for example, continue to apply to the fulfilment of the safety duties in this context as well. That would be helpful.

The Government amendments in lieu do not replicate the reference to design in the safety duties themselves, but I do not see that as problematic because, as I understand it, the risks identified in the risk assessment process, which will now include design risks, feed through to and give rise to the safety duties, so that if a design risk is identified in the risk assessment, a service is required to mitigate and address it. Again, I would be grateful if the Minister confirmed that.

We should also recognise that Government amendment (b) in lieu of Lords amendment 17 and Government amendments (b) and (c) in lieu of Lords amendment 81 specifically require consideration of

“functionalities or other features of the service that affect how much children use the service”

As far as I can tell, that introduces consideration of design-related addiction—recognisable to many parents; it cannot just be me—into the assessment process. These changes reflect the reality of how online harm to children manifests itself, and the Government are to be congratulated on including them, although, as I say, the Government and, subsequently, Ofcom will need to be clear about what these new expectations mean in practical terms for a platform considering its risk assessment process and seeking to comply with its safety duties.

I now turn to the amendments dealing with the categorisation process, which are Lords amendment 391 and the Government amendments arising from it. Lords amendment 391 would allow Ofcom to designate a service as a category 1 service, with the additional expectations and responsibility that brings, if it is of a certain scale or if it has certain functionalities, rather than both being required as was the case in the original Bill. The effect of the original drafting was, in essence, that only big platforms could be category 1 platforms and that big platforms were bound to be category 1 platforms. That gave rise to two problems that, as my hon. Friend the Minister knows, we have discussed before.

4 pm

The first problem was that smaller platforms where highly harmful material was to be found, whether organically or because it was seeking refuge from the greater regulation of larger platforms, could not be made subject to a more restrictive regime. The second was that larger platforms whose operations give rise to very little concern in the context of this Bill—Wikipedia being a common example—would have to be subject to more extensive regulatory requirements than is justified by the risk they really present. Lords amendment 391 in the name of my right hon. Friend the noble Baroness Morgan seeks to resolve those two problems at once. Given that I proposed an identical amendment in this House, I am unsurprisingly in favour of it, and I congratulate Baroness Morgan on doing a better job of persuading the other place of its merits than I managed to do in this place. I am pleased to see the Government effectively accept that amendment today.

Finally, I will say a few words about the amendments tabled by other right hon. and hon. Members. If you will forgive me, Madam Deputy Speaker, in the interests of time, I will not speak to all the amendments proposed by my hon. Friend the Member for Yeovil (Mr Fysh)—I can see that you approve. However, from what I have just said, he will gather that I cannot support his amendment (a) to Lords amendment 1, which would limit application of all the safety duties in the Bill to

“providers of significant size and capacity, and with a substantial involvement in the communication of media content”.

I cannot support my hon. Friend's amendment for both technical and substantive reasons. The technical reason is that Lords amendment 1 adds an introductory clause to the Bill that is designed to be a guide to its contents and effects, and his amendment to that clause is not followed through in the rest of the Bill. As such, the introductory clause would say that the Bill's scope is limited to larger platforms only, but the rest of the Bill would not say the same. The more substantive reason is that in my view, my hon. Friend's amendment is both inappropriate and unnecessary. It is inappropriate because highly harmful content can be found on smaller platforms, and all platforms should surely do what they can to minimise harm to children and the presence of illegal content on their service, which are the focuses of the Bill. It is unnecessary because the concept of proportionality runs through the Bill, so the regulator's expectations of small platforms can and should be different from its expectations of large ones.

My hon. Friend's other amendments seek to avoid introducing, by means of the imposition of the safety duties, what he describes as

“systemic weakness and vulnerabilities relating to compliance with the duties”.

He seeks to do so in a number of places in the Bill. However, that concept of systemic weaknesses and vulnerabilities is not defined and could be extraordinarily wide, potentially undermining the whole purpose of those safety duties. I am being slightly unfair to my hon. Friend, because he has not spoken yet, but I think he is primarily concerned with the Bill's effect on encrypted services. Others have expressed concern, too—my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) and the hon. Member for Brighton, Pavilion (Caroline Lucas) have made their concern known through their amendment to Lords amendment 217—which raises

an important question about where we are on encryption. Throughout the progress of the Bill, Ministers have been clear that it involves no ban on the use of encryption. However, as others have said, there will need to be some further clarity—not least, by the way, about the interaction of the regime we are creating with the data protection regime and the involvement of the Information Commissioner’s Office.

Encryption clearly cannot be a “get out of jail free” card for safety duty compliance. Surely, people cannot say, “I operate an encrypted service, so I do not have to comply with the safety duties.” Does it therefore follow that if there is no prohibition on the use of encryption and no exemption from safety duties just because a service uses it, each service that is within the scope of the Bill and uses encryption must show Ofcom that it can meet its safety duties proportionately and with due weight given to balancing duties—particularly on privacy—with the use of encryption? If a service cannot do so, does it follow that Ofcom will require that service to not use encryption, to the extent that that is necessary for it to meet its safety duties to Ofcom’s satisfaction? We need clarity on that point.

Finally, as I said at the start, the Bill is not perfect and there is still much work to be done, but if we can agree the final changes we are discussing and, indeed, if their Lordships are prepared to endorse that next week, the very real prize to be won is that Ofcom can begin the work that it needs to do sooner rather than later and we can bring nearer the benefits that this legislation can deliver for the vulnerable online. More than that, we can enhance the reputation of Parliament as we show that we can do difficult legislation in otherwise fractious times with sincerity, seriousness and a willingness to compromise. I think that is a valuable prize and one within our grasp, and it is why I shall support the Government amendments.

Mr Marcus Fysh (Yeovil) (Con): It is a pleasure to follow my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), who made a characteristically thoughtful speech. At the outset, I want to put on record my entry in the Register of Members’ Financial Interests, and also my chairmanships of the all-party parliamentary groups on digital identity and on central bank and digital currency, which includes stablecoins. I also put on record the fact that I am the father of an eight-year-old girl and a nine-year-old girl, who have both just got iPads, and I am very aware of the need to protect them as all other children in the UK.

I just want to say that I have had good engagement with Ministers during the progress of this Bill through all of its stages, and I want to thank them and their teams for that. I also want to say that I really welcome what is now in the Bill to progress what I talked about in this place at the last stage it was discussed, which was the effect of algorithms and all of those design features that are part of the addiction we have heard several Members talk about as a potential harm. I think it is really good that that is in the Bill, and it is really good that the tech companies are being forced to think hard about these things.

My amendments—they are proposals for amendments rather than ones I realistically thought we would adopt through votes today—were designed to address a couple of potential shortcomings I saw in the Bill. One was the potential chilling effect on innovation and in the use of

really important services that are user-to-user services from a technical point of view, but are not involved in the transmission of the content we are trying to deal with as the main objectives of this Bill. So it was very welcome to hear my hon. Friend the Minister speak at the Dispatch Box about the Government’s intention not to cover the sorts of services to do with data exchange and multi-party computation—some of the more modern methods by which the internet of things, artificial intelligence and various other types of platform run—which are not about making content available that could be a risk in the context we are talking about.

The other shortcoming I was trying to address was this idea, coming back to my right hon. and learned Friend the Member for Kenilworth and Southam, of the potential for the introduction of systemic weaknesses and vulnerabilities into the core systems that all our communications, many of our services, Government services and others rely on day by day for their secure operation. I think he made a very interesting point about the need to think through the precise legal impact that the potential uncertainty about some of those issues might have on the operation of those systems.

I am trying to introduce amendments—for example, amendment (a) in lieu of Lords amendment 189—essentially to provide clarification. This is particularly important when we are thinking about the remote access powers or the remote viewing of information powers in Lords amendment 189, which is why I have proposed an amendment in lieu. It is incredibly important that what we do in this Bill does not create the really fundamental weaknesses that could undermine the security that we and all of our systems rely on for their core operations.

I was also trying to address people’s understandable desire for their data not to be potentially accessible by an unauthorised third party. That type of systemic weakness, which could be introduced by doing the access process in the wrong way, is something we need to think carefully about, and I hope the Minister will say something about intent in respect of that at the Dispatch Box.

I do not want to take too much more time because I know that lots of other Members wish to speak, but the place where I got these ideas, particularly around systemic weakness, were powers in Australian law that are there to provide protection from exactly that type of application of the regulations. I know officials think that Lords amendment 189 does not present such a systemic risk, because it is about viewing information remotely rather than having access to the system directly, but I think that needs more clarity. It actually states:

“view remotely—
information...in real time”

which could potentially be interpreted as requiring that type of access.

On proportionality—this is my last point—we must think about the concept of necessity within that. We must try to strike the right balance—I hope we will all try to do this—between wanting to encourage tech firms to divulge how their systems work, and give people, including the Government, tools to say when something is not working well and they want to opt out of it, while also ensuring that fundamental operative things that are used in cryptography and computer systems to communicate with each other securely, are not inadvertently undermined.

Vicky Ford (Chelmsford) (Con): Let me start, like others, by saying how extraordinarily pleased I am to see the Bill return to the House today. I put on record my enormous gratitude to the many people who have worked on it, especially the families of those who have lost loved ones, organisations such as the Internet Watch foundation, of which I have been a champion for over a decade, the Mental Health Foundation, the many Ministers who have worked on this, and especially the Secretary of State, who continued to work on it through her maternity leave, and those in the other place. It was wonderful to be at the Bar of the other place, listening to Baroness Kidron, and others, when they spoke, and I thank her for being here today. I also particularly wish to thank Baroness Morgan and Lord Bethell.

A few months ago at the beginning of the year I went to one of those meetings that all MPs do, when they go and speak to politics students in their own sixth form. They normally throw loads of questions at us, but before I let them throw questions at me, I said, "Listen, I have a question I need to ask." As a Back Bencher in this place we get asked to work on so many different issues, so I grabbed the white board and scribbled down a list of many issues that I have been asked to work on, both domestically and internationally. I gave the students each three votes and asked them what they wanted my priority to be. The issue of tackling online pornography, and the impact it was having, was way up that list.

I thank the Children's Commissioner for the work done with young people to identify and understand that risk more. Our research asked 16 to 21-year-olds when they had first seen online pornography, and 10%—one in 10—had seen online pornography by the age of nine, and 27% had seen it by the age of 11, so more than one in four. Fifty per cent.—that is half; that is every other one of those young people—had seen online pornography before they turned 13.

It is also the case that the type of pornography they have been seeing is increasingly more violent in nature, and that is changing young people's attitude towards sex. Young people aged 16 to 21 are more likely to assume that girls expect or enjoy sex involving physical aggression such as airway restriction—strangling—or slapping, than those who do not see such pornography. Among the respondents, 47% stated that girls expect sex to involve physical aggression, and 42% said that most girls enjoy acts of sexual aggression. Some 47% of respondents aged 18 to 21 had experienced a violent sexual act. The Children's Commissioner also asked these young people where they were watching pornography, and the greatest number of young people were watching that pornography on Twitter—now X—not pornography platforms.

4.15 pm

This is not just an issue in this country. I took a delegation with the Inter-Parliamentary Union to the UN Commission on the Status of Women, where we held a joint meeting with the Women and Equalities Committee, and it was standing room only, with women from hugely diverse parts of the world, including South Korea, India, Canada, New Zealand and many different European countries. I said that in the UK we were seeing younger and younger children viewing online pornography that is increasingly violent in content, leading to more violence in relationships and more

sexual abuse. I asked them which of them were seeing that in their own country, and every single hand in that room—standing room only—went up. They had come to that room because they knew that the UK was going to legislate in this area and they wanted to see what we did.

By passing the amendments, working with the House of Lords, we will ensure that we have age assurance to stop young people being able to see pornography, and not just on pornography sites but on social media sites. We are taking massive steps to safeguard our children and young people, and the rest of the world will follow. Thank you for everything that has been done.

I also want to talk about self-harm and, in particular, eating disorders. Madam Deputy Speaker, you will remember the last time I spoke about this matter, and I speak as a former anorexic. Anorexia is the largest killer of all mental health conditions. Last week, I met mental health experts in my constituency, and they were talking about the increases we have seen recently in acute mental health issues, especially in people considering suicide and in people with eating disorders. They completely agreed, from what they are seeing on the ground, that online content encouraging or glamorising self-harm is part of what is fuelling this rise. That is why the Mental Health Foundation, Beat and other charities have worked so hard, and I thank them for their advice and work. They have long called for better regulation of dangerous suicide and eating disorder forums.

I am absolutely delighted that the Government have accepted and strengthened the amendment from Baroness Morgan of Cotes, because dangerous platforms are not just large platforms. I heard from the group I met last week about a tiny forum that is setting young women their death dates. Two young people had already killed themselves on their death date, as set by this platform, before the mental health experts had found out about it. They have been able to rescue at least two others by knowing about it. Small platforms can be really dangerous. The amendment will enable smaller platforms to be regulated in the same way as major platforms, such as Facebook.

The Mental Health Foundation said:

"We are delighted that the Government has accepted the amendment... This will make it harder for people to stumble upon the worst content and help protect their mental health. The Government is to be congratulated for this important change... We also thank all parliamentarians from both Houses and from all parties who have supported this change."

I listened to my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), and I absolutely agree with how he set out his support for this measure. It is why I am afraid we cannot support the amendments from my hon. Friend the Member for Yeovil (Mr Fysh) in this area.

In particular, I want to make sure that the new criminal offence of intentionally encouraging people to self-harm covers eating disorders. I was grateful to the Minister of State, Ministry of Justice, my right hon. Friend the Member for Charnwood (Edward Argar), for writing to me earlier this year on 17 May, confirming that the definition of serious self-harm, when it comes to this offence, will cover, for example, encouraging someone not to eat, not to drink or not to take prescribed medication. He confirmed that those provisions were included with eating disorders in mind. Actually, when

we delve deeper into this, we see that it is sometimes not the individual bit of content but the way in which a vulnerable person gets bombarded with content on those platforms that can be so damaging.

Last December, the Center for Countering Digital Hate did some research into that and found that TikTok was bombarding vulnerable users with harmful content every 39 seconds. That is how the algorithm is affecting the issue. I therefore wrote back to the Minister and asked him whether the offence would cover the algorithm as well as the content. I will try to be quick, Madam Deputy Speaker, but I want to put on the record exactly what he said, because I think it is important. He said that

“the offence cannot apply to algorithms themselves. Algorithms are designed to automatically send people material that may be of interest to them. It seems unlikely that if a person merely creates an algorithm and does not themselves send, transmit or publish the communication (for example), they could be said to be undertaking a ‘relevant act’. However, every case will turn on its specific facts, and if the circumstances are such that a person’s action does constitute ‘a relevant act capable of encouraging or assisting the serious self-harm of another person’ and that act is intended to encourage or assist the serious self-harm of another person, then the creator of the algorithm will be captured.”

I wanted to read that out in this place because it is really important that creators of algorithms are aware that there is a risk that if they continue with this behaviour, which is bombarding our young people with this most dangerous content, they could be caught under that offence. Will the Minister, in his closing remarks, kindly confirm from the Dispatch Box that that is exactly what the Minister of State for Justice put in writing to me?

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): I have three more speakers. I ask that colleagues bear that in mind so that I can bring in the Minister.

Sir William Cash: I would like to mention a very long journey in relation to the protection of children, because to my mind that is right at the heart of the Bill’s social value. I think it was Disraeli who said:

“The youth of a nation are the trustees of posterity.”

If we get it right in the early stages of their lives and we provide legislation that enables them to be properly protected, we are likely to get things right for the future. The Bill does that in a very good way.

The Bill also reflects some of the things in which I found myself involved in 1977—just over 45 years ago—with the Protection of Children Bill when Cyril Townsend came top of the private Member’s Bill ballot. I mention that because at that time we received resistance from Government Ministers and others—I am afraid I must say that it was a Labour Minister—but we got the Bill through as the then Prime Minister James Callaghan eventually ensured it did so. His wife insisted on it, as a matter of fact.

I pay tribute to the House of Lords. Others have repeatedly mentioned the work of Baroness Kidron, but I would also like to mention Lord Bethell, Baroness Morgan and others, because it has been a combined effort. It has been Parliament at its best. I have heard others, including my hon. Friend the Member for Folkestone and Hythe (Damian Collins) and my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), make that point. It has been a

remarkably lengthy but none the less essential process, and I pay tribute to those people for what they have done.

In retrospect, I would like to mention Baroness Lucy Faithfull, because back in 1977-78 I would not have known what to do if she had not worked relentlessly in the House of Lords to secure the measures necessary to protect children from sexual images and pornographic photography—it was about assault, and I do not need to go into the detail. The bottom line is that it was the first piece of legislation that swung the pendulum towards common sense and proportionality in matters that, 45 years later, have culminated in what has been discussed in the Bill and the amendments today.

I pay tribute to Ian Russell and to the others here whose children have been caught up in this terrible business. I pay specific tribute to the Secretary of State and the Minister, and also the Health Secretary for his statement yesterday about a national suicide strategy, in which he referenced amendments to the Bill. Because I have had a lot to do with him, I would like to pay tribute to Richard Collard of the National Society for the Prevention of Cruelty to Children, who has not been mentioned yet, for working so hard and effectively.

I pay tribute to my hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates) for her work to help get the amendments through. The written ministerial statement came after some interesting discussions with the Minister, who was a bit surprised by our vehemence and determination. It was not chariots of fire but chariots on fire, and within three weeks, by the time the Bill got to the House of Lords, we had a written ministerial statement that set the tone for the part of the Bill that I discussed just now, to protect children because they need protection at the right time in their lives.

The NSPCC tells us that 86% of UK adults want companies to understand how groomers and child abusers use their sites to harm children, and want action to prevent it by law. I came up with the idea, although the right hon. Member for Barking (Dame Margaret Hodge) gave us a lot of support in a debate in this House at the time, and I am grateful to her for that. The fact that we are able to come forward with this legislation owes a great deal to a lot of people from different parts of the House.

I very much accept that continuing review is necessary. Many ideas have been put forward in this debate, and I am sure that the Minister is taking them all on board and will ensure that the review happens and that Ofcom acts accordingly, which I am sure it will want to. It is important that that is done.

I must mention that the fact we have left the European Union has enabled us to produce legislation to protect children that is very significantly stronger than European Union legislation. The Digital Services Act falls very far short of what we are doing here. I pay tribute to the Government for promoting ideas based on our self-government to protect our voters’ children and our society. That step could only have been taken now that we have left the European Union.

Research by the NSPCC demonstrates that four in five victims of online grooming offences are girls. It is worth mentioning that, because it is a significant piece of research. That means that there has to be clear

[Sir William Cash]

guidance about the types of design that will be incorporated by virtue of the discussions to be had about how to make all this legislation work properly.

The only other thing I would like to say is that the £10-million suicide prevention grant fund announced yesterday complements the Bill very well. It is important that we have a degree of symmetry between legislation to prevent suicide and to ensure that children are kept safe.

4.30 pm

There is much more I could say but I do not need to say any more, except to say thank you to everybody in this House and in the other place, and to officials for the advice we have received from the Department and for the co-operation we have had. I believe that this will be a groundbreaking Bill when it is applied in practice. It is not enough just to pass pieces of legislation; the question is how we manage to implement them. That, to my mind, is the most important thing. I thank everybody concerned for the work they have done to make sure the Bill will eventually reach the statute book.

Miriam Cates (Penistone and Stocksbridge) (Con): I will follow on from the remarks made by my right hon. Friend the Member for Chelmsford (Vicky Ford), who talked powerfully about the impact of online pornography, particularly on children who see it.

Sadly, online pornography is increasingly violent. Many videos depict graphic and degrading abuse of women, sickening acts of rape and incest, and many underage participants. I also want to refer to the excellent study by the Children's Commissioner, which revealed that the average age at which children first encounter pornography online is just 13 years old, and that there are 1.4 million visits to pornography sites by British children each and every month. As my right hon. Friend said, that is rewiring children's brains in respect of what they think about sex, what they expect during sex and what they think girls want during sex. I think we will all look back on this widespread child exposure to pornography in a similar way to how we look back on children working down mines or being condemned to the poor house. Future generations will wonder how on earth we abandoned our children to online pornography.

Ending the ready availability of pornographic content to children and criminalising those who fail to protect them should surely be the most important goal of the Online Safety Bill. Indeed, that was most of the aim of part 3 of the Digital Economy Act 2017, which was never enacted. Without the Government amendments tabled in the Lords last week, which I strongly support, the Online Safety Bill would have been in danger of missing this opportunity. As my colleagues have done, I want to thank the Secretary of State and Ministers for their engagement in what has been a cross-party campaign both in this place and the other place, with Baroness Kidron and Lord Bethell leading the way, along with charities and the campaigning journalist Charles Hymas at *The Daily Telegraph*, who did a fantastic job of reporting it all so powerfully. I also thank my hon. Friend the Member for Stone (Sir William Cash), who has taught me all I ever needed to know about how to negotiate with Government.

We now have these brilliantly strengthening amendments, including, significantly, an amendment that will criminalise directors and managers if they do not comply with Ofcom's enforcement notices in relation to specific child safety duties. That is really important, because we are talking about the wealthiest companies in the world. Just having fines will not be enough to generate the kind of culture change at board level that we need. Only potential jail terms, which have worked in the construction industry and the financial services industry, will do what it takes.

Lords amendments 141 and 142 make pornography a primary priority harm for children. Importantly, user-to-user providers, as well as dedicated adult sites, will now be explicitly required to use highly effective age verification tools to prevent children accessing them. The wording "highly effective" is crucial, because porn is porn wherever it is found, whether on Twitter, which as my right hon. Friend the Member for Chelmsford said is the most likely place for children to find pornography, or on dedicated adult sites. It has the same effect and causes the same harm. It is therefore vital that tech companies will actually have to prevent children from going on their sites, and not just try hard. That is an incredibly important amendment.

Sir William Cash: Does my hon. Friend agree that what has really put their teeth on edge most of all is the idea that they might go to prison?

Miriam Cates: My hon. Friend is completely right. The impact of not taking responsibility for protecting children has to go to the very top.

Lords amendment 105 would compel Ofcom to submit its draft codes of practice within 18 months. That is an improvement on the previously lax timescale, which I welcome—along with the other significant improvements that have been made—and I repeat my gratitude to the Minister and the Secretary of State. Let us not pretend, however, that on Royal Assent our children will suddenly be safe from online pornography or any other online harms. There are serious questions to be asked about Ofcom's capabilities to enforce against non-compliant porn sites, and I think we should look again at part 3 of the Digital Economy Act 2017, which would have allowed the British Board of Film Classification to act as the regulator.

Ian Paisley (North Antrim) (DUP): I congratulate the hon. Lady on the excellent efforts she has made over a long period to highlight these matters. Does she agree that this is not the end but only the beginning of the first days of ensuring that we have proper digital access protection for not only children but adults who have access to digital devices?

Miriam Cates: I thank the hon. Gentleman for his support. What he says is entirely correct.

The key to this does, of course, lie in the implementation. One of the capabilities of the BBFC is to disrupt the business model and the payment provision of the adult online industry. I ask the Minister to consider whether he can direct Ofcom to examine the way in which the BBFC deals with offline and streamed pornography, and whether Ofcom could learn some lessons from that. There is still a disparity between the kind of pornography

that is allowed offline, on DVD or streamed services, and the kind that appears online. Offline, certain acts are illegal and the BBFC will not classify the content: any act that looks non-consensual, for example, is illegal and the material cannot be distributed, whereas online it proliferates.

The Bill should have been the perfect vehicle to expand those rules to all online services offering pornographic content. Sadly, we have missed that opportunity, but I nevertheless welcome the Government's recently announced porn review. I hope it can be used to close the online/offline gap, to insert verification checks for people appearing in pornographic videos and to deal with related offences. Many of those people did not consent and do not know that they are in the videos.

We also need to take account of the complete lack of moderation on some of the sites. It was recently revealed in a court case in the United States that 700,000 Pornhub sites had been flagged for illegal content, but had not been checked. Pornhub has managed to check just 50 videos a day, and has acknowledged that unless a video has been flagged more than 15 times for potential criminal content, such as child rape, it will not even join the queue to be moderated and potentially taken down. The children and the trafficked women who appear in those videos are seeing their abuse repeated millions of times with no ability to pull it down.

The Bill has been controversial, and many of the arguments have concerned issues of free speech. I am a supporter of free speech, but violent pornography is not free speech. Drawing children into addiction is not free speech. Knowingly allowing children to view horrific sex crimes is not free speech. Publishing and profiting from videos of children being raped is not free speech. It is sickening, it is evil, it is destructive and it is a crime, and it is a crime from which too many profit with impunity. A third of the internet consists of pornography. The global porn industry's revenue is estimated to be as much as \$97 billion. The Bill is an important step forward, but we would be naive to expect this Goliath of an industry to roll over and keep children safe. There is much more to be done which will require international co-operation, co-operation from financial institutions, and Governments who are prepared to stand their ground against the might of these vested interests. I very much hope that this one will.

Anna Firth (Southend West) (Con): I want to speak briefly about Lords amendments 195 and 153, which would allow Ofcom, coroners and bereaved parents to acquire information and support relating to a child's use of social media in the event of that child's tragic death. Specifically, I want to speak about Archie Battersbee, who lived in my constituency but lost his life tragically last year, aged only 12. Archie's mum, Hollie, was in the Public Gallery at the beginning of the debate, and I hope that she is still present. Hollie found Archie unconscious on the stairs with a ligature around his neck. The brain injury Archie suffered put him into a four-month coma from which, sadly, doctors were unable to save him.

To this day, Hollie believes that Archie may have been taking part in some form of highly dangerous online challenge, but, unable to access Archie's online data beyond 90 days of his search history, she has been

unable to put this devastating question to rest. Like the parents of Molly, Breck, Isaac, Frankie and Sophia, for the last year Hollie has been engaged in a cruel uphill struggle against faceless corporations in her attempt to determine whether her child's engagement with a digital service contributed to his death. Despite knowing that Archie viewed seven minutes of content and received online messages in the hour and a half prior to his death, she has no way of knowing what may have been said or exactly what he may have viewed, and the question of his online engagement and its potential role in his death remains unsolved.

Lords amendment 195, which will bolster Ofcom's information-gathering powers, will I hope require a much more humane response from providers in such tragic cases as this. This is vital and much-needed legislation. Had it been in place a year ago, it is highly likely that Hollie could have laid her concerns to rest and perhaps received a pocket of peace in what has been the most traumatic time any parent could possibly imagine.

I also welcome Lords amendment 153, which will mandate the largest providers to put in place a dedicated helpline so that parents who suffer these tragic events will have a direct line and a better way of communicating with social media providers, but the proof of the pudding will obviously be in the eating. I very much hope that social media providers will man that helpline with real people who have the appropriate experience to deal with parents at that tragic time in their lives. I believe that Hollie and the parents of many other children in similar tragic cases will welcome the Government's amendments that allow Ofcom, coroners and bereaved parents to access their children's online data via the coroner directing Ofcom.

I pay tribute to the noble Baroness Kidron, to my right hon. Friend the Member for Bromsgrove (Sajid Javid) and to the Bereaved Families for Online Safety group, who have done so much fantastic work in sharing their heartrending stories and opening our eyes to what has been necessary to improve the Online Safety Bill. I also, of course, pay tribute to Ian Russell, to Hollie and to all the other bereaved parents for their dedication to raising awareness of this hugely important issue.

If I could just say one last thing, I have been slipped from the Education Committee to attend this debate today and I would like to give an advert for the Committee's new inquiry, which was launched on Monday, into the effects of screen time on education and wellbeing. This Bill is not the end of the matter—in many ways it is just the beginning—and I urge all Members please to engage with this incredibly important inquiry by the Education Committee.

Paul Scully: I thank all right hon. and hon. Members for their contribution to the debate today and, indeed, right through the passage of this complex Bill.

First, let me turn to the amendments tabled by my hon. Friend the Member for Yeovil (Mr Fysh). I understand that the intention of his amendments is to restrict the reach of the new online safety regulatory regime in a number of ways. I appreciate his concern to avoid unnecessarily burdensome business, and I am sympathetic to his point that the Bill should not inhibit sectors such as the life sciences sector. I reassure him that such

[Paul Scully]

sectors are not the target of this regime and that the new regulatory framework is proportionate, risk-based and pro-innovation.

The framework has been designed to capture a range of services where there is a risk of significant harm to users, and the built-in exemptions and categorisations will ensure it is properly targeted. The alternative would be a narrow scope, which would be more likely to inadvertently exempt risky science or to displace harm on to services that are out of scope. The extensive discussion on this point in both Houses has made it clear that such a position is unlikely to be acceptable.

The amendments to the overarching statement that would change the services in scope would introduce unclear and subjective terms, causing issues of interpretation. The Bill is designed so that low-risk services will have to put in place only proportionate measures that reflect the risk of harm to their users and the service provider's size and capacity, ensuring that small providers will not be overly burdened unless the level of risk requires it.

The amendment that would ensure Ofcom cannot require the use of a proactive technology that introduces weaknesses or vulnerabilities into a provider's systems duplicates existing safeguards. It also introduces vague terms that could restrict Ofcom's ability to require platforms to use the most effective measures to address abhorrent illegal activity.

Ofcom must act proportionately, and it must consider whether a less intrusive measure could achieve the same effect before requiring the use of proactive technology. Ofcom also has duties to protect both privacy and private property, including algorithms and code, under the Human Rights Act 1998.

4.45 pm

Ian Paisley: I thank the Minister for engaging with us on access to private property and for setting up, with his officials, a consultation on the right to access a person's phone after they are deceased or incapacitated. I thank him for incorporating some of those thoughts in what he and the Government are doing today. I hope this is the start of something and that these big digital companies will no longer be able to bully people. The boot will be on the other foot, and the public will own what they have on their digital devices.

Paul Scully: The hon. Gentleman is talking about the access of coroners, families and others to information, following the sad death of Molly Russell. Again, I pay tribute to Ian Russell and all the campaigners. I am glad that we have been able to find an answer to a very complex situation, not only because of its international nature but because of data protection, et cetera.

The measures I have outlined will ensure that risks relating to security vulnerabilities are managed. The Bill is also clear that Ofcom cannot require companies to use proactive technology on privately communicated content, in order to comply with their safety duties, which will provide further safeguards for user privacy and data security.

Damian Collins: Will the Minister make it clear that we should expect the companies to use proactive technology, because they already use it to make money by

recommending content to people, which is a principal reason for the Bill? If they use proactive technology to make money, they should also use it to keep people safe.

Paul Scully: My hon. Friend absolutely nails it. He said earlier that businesses are already collecting this data. Since I was first involved with the Bill, it has primarily been about getting businesses to adhere to their own terms and conditions. The data they use should be used in that way.

The amendment to the definition of "freedom of expression" in part 12 would have no effect as these concepts are already covered by the existing definition. Changing the definition of "automated tool" would introduce untested terms and would have an unclear and confusing impact on the duties.

My hon. Friend the Member for Yeovil also asked for clarification of how Ofcom's power to view information remotely will be used, and whether the power is sufficiently safeguarded. I assure the House that this power is subject to strict safeguards that mean it cannot be used to undermine a provider's systems.

On Third Reading in the other place, the Government introduced amendments that defined the regulator's power to view information remotely, whereas previously the Bill spoke of access. As such, there are no risks to system security, as the power does not enable Ofcom to access the service. Ofcom also has a duty to act proportionately and must abide by its privacy obligations under the Human Rights Act. Ofcom has a stringent restriction on disclosing businesses' commercially sensitive and other information without consent.

My hon. Friend also asked for clarification on whether Ofcom will be able to view live user data when using this power. Generally, Ofcom would expect to require a service to use a test dataset. However, there may be circumstances where Ofcom asks a service to execute a test using data that it holds, for example, in testing how content moderation systems respond to certain types of content on a service as part of an assessment of the systems and processes. In that scenario, Ofcom may need to use a provider's own test dataset containing content that has previously violated its own terms of service. However, that would be subject to Ofcom's privacy obligations and data protection law.

Lords amendment 17 seeks to explicitly exempt low-risk functionality from aspects of user-to-user services' children's risk assessment duties. I am happy to reassure my hon. Friend that the current drafting of the Government's amendment in lieu of Lords amendment 17 places proportionate requirements on providers. It explicitly excludes low-risk functionality from the more stringent duty to identify and assess the impact that higher-risk functionalities have on the level of risk of harm to children. Proportionality is further baked into this duty through Ofcom's risk assessment guidance. Ofcom is bound by the principle of proportionality as part of its general duties under the Communications Act 2003, as updated by the Bill. As such, it would not be able to recommend that providers should identify and assess low-risk functionality.

The amendment to Lords amendment 217 tabled by my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) would introduce a new safeguard

that requires Ofcom to consider whether technology required under a clause 122 notice would circumvent end-to-end encryption. I wish to reassure him and others who have raised the question that the amendment is unnecessary because it is duplicative of existing measures that restrict Ofcom's use of its powers. Under the Bill's safeguards, Ofcom cannot require platforms to weaken or remove encryption, and must already consider the risk that specified technology can result in a breach of any statutory provision or the rule of law concerning privacy. We have intentionally designed the Bill so that it is technology neutral and futureproofed, so we cannot accept amendments that risk the legislation quickly becoming out of date. That is why we focused on safeguards that uphold user rights and ensure measures that are proportionate to the specific risks, rather than focusing on specific features such as encryption. For the reasons I have set out, I cannot accept the amendment and hope it will not be pressed to a vote.

The amendment tabled by my hon. Friend the Member for Stroud (Siobhan Baillie) would create an additional reporting requirement on Ofcom to review, as part of its report on the use of the age assurance, whether the visibility of a user's verification status improves the effectiveness of age assurance, but that duplicates existing review requirements in the Bill. The Bill already provides for a review of user verification; under clause 179, the Secretary of State will be required to review the operation of the online safety regulatory framework as a whole. This review must assess how effective the regulatory framework is at minimising the risk of harm that in scope services pose to users in the UK. That may include a review of the effectiveness of the current user verification and non-verified users duty. I thank my hon. Friend also for raising the issue of user verification and the visibility of verification status. I am pleased to confirm that Ofcom will have the power to set out guidance on user verification status being visible to all users. With regard to online fraud or other illegal activity, mandatory user verification and visibility of verification status is something Ofcom could recommend and require under legal safety duties.

Let me quickly cover some of the other points raised in the debate. I thank my hon. Friend the Member for Gosport (Dame Caroline Dinéage), a former Minister, for all her work. She talked about young people and the Bill contains many measures, for example, on self-harm or suicide content, that reflect them and will still help to protect them. On the comments made by the hon. Member for Aberdeen North (Kirsty Blackman) and indeed the shadow Minister, the hon. Member for Pontypridd (Alex Davies-Jones), whom I am glad to see back in her place, there are a number of review points. Clause 179 requires the Secretary of State to review how the Bill is working in practice, and there will be a report resulting from that, which will be laid before Parliament. We also have the annual Ofcom report that I talked about, and most statutory instruments in the Bill will be subject to the affirmative procedure. The Bill refers to a review after two to five years—Ministers can dictate when it takes place within that period—but that is based on allowing a long enough time for the Bill to bed in and be implemented. It is important that we have the ability to look at that in Parliament. The UN convention on the rights of the child principles are

already in the Bill. Although the Bill does not cite the report by name, the EU convention principles are all covered in the Bill.

My hon. Friend the Member for Folkestone and Hythe (Damian Collins) did an amazing job in his time in my role, and before and afterwards as Chair of the Joint Committee responsible for the pre-legislative scrutiny of the Online Safety Bill. When he talked about scrutiny, I had the advantage of seeing the wry smile of the officials in the Box behind him. That scrutiny has been going on since 2021. Sarah Connolly, one of our amazing team of officials, has been involved with the Bill since it was just a concept.

Damian Collins: As Carnegie UK Trust observed online, a child born on the day the Government first published their original internet safety strategy would now be in its second year of primary school.

Paul Scully: I do not think I need to respond to that, but it goes to show does it not?

My hon. Friend talked about post-legislative scrutiny. Now that we have the new Department of Science, Innovation and Technology, we have extra capacity within Committees to look at various aspects, and not just online safety as important as that is. It also gives us the ability to have sub-Committees. Clearly, we want to make sure that this and all the decisions that we make are scrutinised well. We are always open to looking at what is happening. My hon. Friend talked about Ofcom being able to appoint skilled persons for research—I totally agree and he absolutely made the right point.

My right hon. Friend the Member for Basingstoke (Dame Maria Miller) and the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) talked about cyber-flashing. As I have said, that has come within the scope of the Bill, but we will also be implementing a broader package of offences that will cover the taking of intimate images without consent. To answer my right hon. Friend's point, yes, we will still look further at that matter.

The hon. Member for Leeds East (Richard Burgon) talked about Joe Nihill. Will he please send my best wishes and thanks to Catherine and Melanie for their ongoing work in this area? It is always difficult, but it is admirable that people can turn a tragedy into such a positive cause. My right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) made two points with which I absolutely agree. They are very much covered in the Bill and in our thinking as well, so I say yes to both.

My right hon. Friend the Member for Chelmsford (Vicky Ford) and my hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates) talked about pornography. Clearly, we must build on the Online Safety Bill. We have the pornography review as well, which explores regulation, legislation and enforcement. We very much want to make sure that this is the first stage, but we will look at pornography and the enforcement around that in a deeper way over the next 12 months.

Sir Jeremy Wright: It has just crossed my mind that the Minister might be saying that he agreed with everything that I said, which cannot be right. Let me be clear about the two points. One was in relation to whether, when we look at design harms, both proportionality and balancing

[*Sir Jeremy Wright*]

duties are relevant—I think that he is saying yes to both. The other point that I raised with him was around encryption, and whether I put it in the right way in terms of the Government’s position on encryption. If he cannot deal with that now, and I would understand if he cannot, will he write to me and set out whether that is the correct way to see it?

Paul Scully: I thank my right hon. Friend for that intervention. Indeed, end-to-end encrypted services are in the scope of the Bill. Companies must assess the level of risk and meet their duties no matter what their design is.

Vicky Ford: Can the Minister confirm whether the letter I received from the Minister of State, Ministry of Justice, my right hon. Friend the Member for Charnwood (Edward Argar) is accurate?

Paul Scully: I was just coming to that. I thank my right hon. Friend for the rest of her speech. She always speaks so powerfully on eating disorders—on anorexia in particular—and I can indeed confirm the intent behind the Minister’s letter about the creation and use of algorithms.

Finally, I shall cover two more points. My hon. Friend the Member for Stone (Sir William Cash) always speaks eloquently about this. He talked about Brexit, but I will not get into the politics of that. Suffice to say, it has allowed us—as in other areas of digital and technology—to be flexible and not prescriptive, as we have seen in measures that the EU has introduced.

I also ask my hon. Friend the Member for Southend West (Anna Firth) to pass on my thanks and best wishes to Hollie whom I met to talk about Archie Battersbee.

5 pm

Alex Davies-Jones: On the small high-harm platforms that are now in the scope of the Bill, will the Minister join me in thanking Hope Not Hate, the Antisemitism Policy Trust and CST, which have campaigned heavily on this point? While we have been having this debate, the CST has exposed BitChute, one of those small high-harm platforms, for geoblocking some of the hate to comply with legislation but then advertising loopholes and ways to get around that on the platform. Can the Minister confirm that the regulator will be able to take action against such proceedings?

Paul Scully: I will certainly look at that. Our intention is that in all areas, especially relating to children and their protection, that might not fall within the user enforcement duties, we will look to make sure that the work of those organisations is reflected in what we are trying to achieve in the Bill.

We have talked about the various Ministers that have looked after the Bill during its passage, and the Secretary of State was left literally holding the baby in every sense of the word because she continued to work on it while she was on maternity leave. We can see the results of that with the engagement that we have had. I urge all Members on both sides of the House to consider carefully the amendments I have proposed today in lieu of those made in the Lords. I know every Member looks forward eagerly to a future in which parents have surety about the safety of their children online. That future is fast approaching.

I reiterate my thanks to esteemed colleagues who have engaged so passionately with the Bill. It is due to their collaborative spirit that I stand today with amendments that we believe are effective, proportionate and agreeable to all. I hope all Members will feel able to support our position.

Amendment (a) made to Lords amendment 182.

Lords amendment 182, as amended, agreed to.

Amendments (a) and (b) made to Lords amendment 349.

Lords amendment 349, as amended, agreed to.

Amendment (a) made to Lords amendment 391.

Lords amendment 391, as amended, agreed to.

Government consequential amendment (a) made.

Lords amendment 17 disagreed to.

Government amendments (a) and (b) made in lieu of Lords amendment 17.

Lords amendment 20 disagreed to.

Lords amendment 22 disagreed to.

Lords amendment 81 disagreed to.

Government amendments (a) to (c) made in lieu of Lords amendment 81.

Lords amendment 148 disagreed to.

Government amendment (a) made in lieu of Lords amendment 148.

Lords amendments 1 to 16, 18, 19, 21, 23 to 80, 82 to 147, 149 to 181, 183 to 348, 350 to 390, and 392 to 424 agreed to, with Commons financial privileges waived in respect of Lords amendments 171, 180, 181, 317, 390 and 400.

Ordered, That a Committee be appointed to draw up Reasons to be assigned to the Lords for disagreeing to their amendments 20 and 22;

That Paul Scully, Steve Double, Alexander Stafford, Paul Howell, Alex Davies-Jones, Taiwo Owatemi and Kirsty Blackman be members of the Committee;

That Paul Scully be the Chair of the Committee;

That three be the quorum of the Committee.

That the Committee do withdraw immediately.—*(Mike Wood.)*

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

Dangerous Drugs

5.11 pm

The Minister for Crime, Policing and Fire (Chris Philp): I beg to move,

That the draft Misuse of Drugs Act 1971 (Amendment) Order 2023, which was laid before this House on 5 September, be approved.

The order proposes an amendment to paragraph 1(a) of part 3 of schedule 2 to the Misuse of Drugs Act 1971 to bring nitrous oxide under the control of that Act as a class C drug. In September 2021, following increasing reports of the harms associated with the use of nitrous oxide, the Government commissioned the Advisory Council on the Misuse of Drugs to undertake an independent assessment of it. The Government requested that the ACMD include in its assessment a recommendation on the appropriate legislative control of the substance. I thank the ACMD for the updated harms assessment that it published in March 2023. Its work has been helpful, and we are grateful for the time it spends advising the Government on this and other issues. The ACMD report did not recommend the control of nitrous oxide under the MDA, but it did note concerning health harms such as nerve damage.

Claire Hanna (Belfast South) (SDLP): On health harms, does the Minister acknowledge that the amendment is just tinkering with an Act that does not address the health harms of drugs? Does he agree that a wider review of the Act, which is half a century old, is needed to take drug dealers off the streets, tackle sinister organised crime, and treat those with addiction issues with compassion?

Chris Philp: I do not agree that the amendment is tinkering; it is an important measure, as I will outline in just a moment. On action against drug abuse more generally, we have a whole 10-year drug strategy that we are a year and a half into. It includes tough enforcement at the border and action to disrupt criminal gangs who deal drugs—we had a record level of drug seizures recently. In addition, we are investing record sums in drug treatment—£582 million extra over a three-year period—and increasing the number of treatment places by 54,000, so there is a comprehensive programme of work, both on enforcement to break drug importation and drug gangs, and, critically, on treatment to help people out of addiction and into a better life.

Jim Shannon (Strangford) (DUP): I thank the Minister for clearly outlining the Government's intentions. The amendment deals very specifically with nitrous oxide, and I welcome it. The Government have recognised the need to make changes. I would like more stringent drug controls—as, I think, would the Minister—but, bearing in mind the Government's intentions, and the intention of some Members to divide the House, can the Minister confirm that the amendment will not place more onerous conditions on those who need to use nitrous oxide, such as dentists? Will they be outside its scope? At the same time, the need for the law is clear.

Chris Philp: Yes, I can provide that assurance. I will expand on this later, but those who are using nitrous oxide for legitimate purposes, which includes the catering industry, the dental sector, research and even semiconductor manufacture, will be outside the scope of these restrictions.

The hon. Gentleman touched on the control of harmful drugs more generally. It is important to control harmful drugs, particularly where they are very addictive and cause health harms. We have seen in cities in North America that have liberalised their drug laws substantially, such as San Francisco, Portland and some Canadian cities, that it has resulted in widescale public health problems.

Ronnie Cowan (Inverclyde) (SNP): I knew that the Minister was going to bring up Portland at some point. There has been a clarion call to the extreme right wing to clamp down on drug policies, but we have to look at Portland in its entirety. Yes, it decriminalised drugs, but it also cut back all its support services drastically and had a fentanyl crisis at exactly the same time. That created a perfect storm for the damage that has been done there. We would not want to undermine some of the good work that has been done there as well.

Chris Philp: Well, if we look at the centre of San Francisco at the moment, it is not a very happy sight. The de facto decriminalisation of drugs and, indeed, the failure to police certain criminal offences such as shoplifting has led to disastrous outcomes, and I am determined that we do not see the same in our jurisdiction. I do accept that treatment is very important, which is why we are investing all that extra money in treatment.

Anna Firth (Southend West) (Con): The Minister talks about problems in San Francisco. Does he agree that this legislation will also help to stop the havoc that nitrous oxide is wreaking in our coastal communities, in particular by tackling the increased availability of these higher-harm larger canisters? Last summer, Southend police confiscated 400 on one day. I welcome this motion, and I thank the Minister for engaging with me and other Members across the House and listening to our concerns.

Chris Philp: I thank my hon. Friend for her kind words. The campaigning that she has done, on behalf of her Southend constituents, is an important part of why we are moving this motion. I can see my hon. Friend the Member for Wyre Forest (Mark Garnier) in his place. I recall a Westminster Hall debate just a few months ago in which he and other colleagues raised the harms that nitrous oxide was doing in their communities. People may sometimes wonder about the value of Westminster Hall debates, but I can honestly say that the contributions made by my hon. Friends the Members for Southend West (Anna Firth) and for Wyre Forest and others were instrumental in bringing about this change.

Mark Garnier (Wyre Forest) (Con): I am grateful to my right hon. Friend for mentioning that Westminster Hall debate. Does he agree that campaigners such as Dr David Nicholl, an eminent neurosurgeon in Bromsgrove, were also instrumental? He was responsible for raising with me and many colleagues the unbelievable harm that this does to children, who think that, because it is called laughing gas, it is amusing, but it actually causes profound neurological problems for those who use it too much.

Chris Philp: My hon. Friend is right to point to Dr Nicholl's work, and I thank him again for his campaigning on this issue, without which we possibly

[Chris Philp]

would not be here today taking this legislation through Parliament. The evidence we have seen about the neurological damage caused in particular by large-scale consumption of nitrous oxide is very worrying. Neurological units around the country have seen cases of people who have been paralysed and suffered really quite serious consequences. The numbers are not enormous, but they are extremely worrying, and the severe cases, including paralysis, are deeply concerning. I agree completely with what my hon. Friend just said.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): I draw the House's attention to my declaration in the Register of Members' Financial Interests: until recently, I was an acting consultant addiction psychiatrist. On the point about other uses of nitrous oxide—legitimate medicinal and industrial uses—moving it away from the psychoactive substances regulations to the Misuse of Drugs Act puts a number of limitations on its use in its current settings. What consultation has my right hon. Friend or his Department done with the medical sector as a whole, and also with other commercial providers or users of nitrous oxide, in advance of laying these regulations before the House?

Chris Philp: We have conducted further engagement and consultation with the ACMD and others in industry to understand the implications of this move. I am jumping ahead a little, but we intend to table a further statutory instrument that will take effect alongside this one, which will make it clear that the sale and use of nitrous oxide for legitimate purposes will not be criminalised in any way—it will continue to be permitted. The definition of legitimate use will be very broadly drawn in that SI, because nitrous oxide is used for a wide range of medical research and commercial purposes, and we are not going to try to comprehensively list those purposes. A wide-based exemption for legitimate use will be put in place to make sure that we do not unintentionally stymie either medical research or commercial use of this drug.

It is worth saying that the use of nitrous oxide is quite widespread. Among those aged 16 to 24—

Kit Malthouse (North West Hampshire) (Con): Could we have a little clarity on those two SIs? Does that mean that there is going to be a period in which otherwise legitimate uses will be illegitimate until the new SI is in place, and is that new SI needed because people came forward and said, "Whoops, you've missed this use"? I am not quite sure how the two SIs are going to interact.

Chris Philp: No, there will be no gap, and it is not unintentional or inadvertent; it is just likely that we will have to amend the way schedule 5 to the 1971 Act works in order to create this new category, essentially to accommodate nitrous oxide. The two SIs will be implemented on the same day—there will be no lacuna or gap. That is just how we have to sequence the secondary legislation under the Act.

Let me return to the question of prevalence. Some 230,000 young people inhaled this harmful substance in the year ending June 2022. It was the third most misused substance among that age group and, as we have discussed already, there is evidence that it has harmful neurological effects, particularly when consumed in quite large quantities.

Beyond that, we know that nitrous oxide has a significant effect on antisocial behaviour—indeed, we announced the measure for which we are legislating today in the antisocial behaviour action plan. Again, I thank parliamentary colleagues for raising the impact that nitrous oxide has had on their communities. It is fuelling antisocial behaviour and having an impact on the decent, hard-working majority who want to use their local park or go down their local high street without being harassed by antisocial behaviour or seeing the little silver canisters littered all over the place. To give an illustration of the scale of the problem, after the Notting Hill carnival a couple of weeks ago, it is estimated that 13 tonnes of those nitrous oxide canisters and others were collected from the street by the clean-up crews. That is an extraordinary amount.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): How many tonnes of beer cans were collected?

Chris Philp: The hon. Gentleman will be aware that the consumption of beer does not, generally speaking, lead to severe neurological damage and paralysis in the way that the consumption of large amounts of nitrous oxide does.

Dr Poulter: I do not wish to be disobliging to the Minister, but the ACMD was very clear that it did not believe that the medical harms of nitrous oxide pose anything like the significance of those caused by many other street drugs, or indeed alcohol. Alcohol-related brain damage causes much more neurological harm than many street drugs do, so I think it would be helpful for the Minister to correct the record on that point.

Chris Philp: I have referred to the ACMD advice before, and the ACMD did note the anecdotal reports of severe paralysis caused by excessive nitrous oxide consumption to which I have referred already. On this occasion—rarely, but not uniquely, disagreeing with ACMD advice—the Government, as we are entitled to do, took a broader view. We thought about the association with antisocial behaviour and about the fact that among 16 to 24-year-olds nitrous oxide is the third most used harmful substance, and that is why we took the step we did. Of course, I acknowledge that, as my hon. Friend said, alcohol can have an adverse effect as well, but we feel that in this particular case the misuse of nitrous oxide merits action. Many Members have raised concerns about the effect it has had in their communities, and we are responding at least in part to the concerns that Members have raised.

Nitrous oxide is currently regulated under the Psychoactive Substances Act 2016. It is not, of course, currently an offence to possess nitrous oxide; it is only an offence under the PSA to knowingly or recklessly sell it for personal consumption. So by controlling nitrous oxide as a class C drug under the Misuse of Drugs Act, it will not just be an offence to recklessly or intentionally sell this substance for personal consumption, but be an offence to possess it except for the legitimate use exemptions I mentioned earlier. As I said in response to my hon. Friend's earlier intervention, we will be bringing through a further SI to set out the definition of those legitimate uses. As I said a moment or two ago, those will be extremely wide-ranging to make sure we do not inadvertently stymie legitimate commercial, medical or research use.

In summary, it is clear that drug misuse ruins lives. In the case of nitrous oxide, it also contributes significantly to antisocial behaviour. The Government have listened to the public and to parliamentarians who have been speaking for their constituents, and that is why we are taking this action.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Minister.

5.26 pm

Alex Norris (Nottingham North) (Lab/Co-op): Nitrous oxide causes significant problems in our communities. As we have heard, it is the third most misused substance among 16 to 24-year-olds, it leads to antisocial behaviour, and the litter associated with it is a blight on our streets, parks and pavements. We know from our own mailbags that our communities are sick of having to literally and figuratively pick up after the problem that nitrous oxide creates. We feel that what the Government are proposing is a relatively minor change to how we approach this, and we do not intend to stand in the way, but I do have a number of questions that I hope the Minister can address.

It has to be said that, as a psychoactive substance, nitrous oxide is already covered by the Psychoactive Substances Act 2016. In practice, that means it is already an offence to produce it, supply it, offer to supply it, possess it with the intent to supply it, import it or export it on a similar basis. The only thing that is not an offence is the possession of it outside custody. That is in practice what will be different as a result of this instrument, so I would say, as I did at the beginning, that this is relatively modest.

I am glad that the Minister has addressed the points relating to the Advisory Council on the Misuse of Drugs, because it is important when the Government diverge from what their independent advisers tell them—which they are of course able to do—that they explain why they are doing so. The Opposition's view is that we would have given greater weighting to the creation and impact of antisocial behaviour than the ACMD did in its report, which is why taking action is reasonable.

The ACMD did raise other points, and the Minister has covered them to some degree, but I want to get some greater clarity, starting with the legitimate use of nitrous oxide. We heard a couple of answers from the Minister—originally that there would be no change, but later that there would be a follow-up statutory instrument to make sure there is no change. Those two things are slightly different. I think I heard him say that they will come into force on the same day, so there will be no interregnum, but I would be grateful for more clarity if he is willing to say that that is the case.

The ACMD report also discussed a tighter definition of nitrous oxide so that lawful activities are not disrupted. The Minister, in his response, seemed to indicate that he was minded to do that. Could he say what the timeline might be? It also raised the crucial point about the move from the 2016 Act to the 1971 Act, and that the impact of that ought to be kept under review. Can he confirm that will be the case, because we do need to know that this will not excessively criminalise certain groups, especially young people?

Lloyd Russell-Moyle: It is clear that the 1971 Act is vastly out of date and has many adverse consequences in its application. I wonder whether those on the Labour Front Bench would welcome the idea of our committing to review the use of that Act and to update and modernise it. I am not saying we should scrap it, but we definitely need to investigate its use. That would give me some reassurance and enable me to do what those on the Front Bench are asking later on.

Alex Norris: I am afraid that I am going to disappoint my hon. Friend by not setting such a broad policy while debating a statutory instrument on a narrow bit of policy, but I know he will continue to make his case to me and my colleagues ahead of the election down the road.

Let me address the point about the diversionary work. From what I understand from the impact assessment, the Government envisage a relatively small minority of those caught in possession being charged, with the others instead having conditional cautions, community resolutions or diversionary activities. I would be keen for the Minister to state what he has based that assessment on, and how he thinks it is likely to work in practice.

The Minister, I think rightly and importantly, has coupled this issue with that of antisocial behaviour, so we must take a reckoning of the Government's broader record on antisocial behaviour. They have had 13 years. The Minister talks about the antisocial behaviour action plan and the pilot programmes in 10 police forces, but that is less than a quarter of all forces. We have seen from the Minister and his colleagues a complete failure to reverse the cuts to neighbourhood policing, and we still have 10,000 fewer neighbourhood police officers and police community support officers than we did eight years ago. Half the population say that they rarely see the police on the beat, and that proportion has doubled since 2010. It is clear that the Government's plans are too modest to meet this challenge.

Chris Philp: I welcome the shadow Minister to his place. Will he join me in expressing pleasure at the fact that we now have record numbers of police officers? As of 31 March, there are 149,566 in England and Wales, which is about 3,500 more than we have ever had at any time in history.

Alex Norris: I am grateful for that intervention and for the Minister's kind words of introduction. As he says, I am new to this parish, but if I were in his seat and not mine, I might be a little less gleeful about there being 10,000 fewer neighbourhood police officers and PCSOs than eight years ago, and about the fact that the people of this country, whom we serve, are twice as likely to say that they rarely see police on the beat than when this Government started in 2010. That should perhaps be a point for reflection, rather than the grandstanding that we saw.

People will ask—it is important that the Minister addresses this—what non-legislative actions are being taken alongside this statutory instrument to ensure it is effective. On enforcement, this provision has important implications for our police, and I would be keen to know the Minister's assessment of the overall readiness of those who are already busy, and who we will be asking to enforce this ban. What training does he think

[Alex Norris]

it will take to be effective? Again, we must see this record in its historical context to know where we are building from. The Government have weakened powers over the last decade, and brought in powers that have not been used, such as the community trigger. They have abandoned the major drug intervention programmes that the previous Labour Government left, they have slashed youth service budgets by £1 billion and they have let charges for criminal damage halve. We did not hear from the Minister what sort of broader preventive actions he intends to implement alongside this statutory instrument to make it effective.

We see in the independent report that standalone publicity campaigns are likely to have limited effectiveness, so what more thoughtful, community-level approaches are going to be used? Labour Members have set out a full comprehensive plan, with 13,000 extra neighbourhood officers and PCSOs, paid for by savings that have been identified by the Police Foundation, but which Ministers are refusing to make. We would introduce new respect orders for repeat offenders, hotspot policing to tackle drug dealing, and strong action on fly-tipping. Those are the sorts of things we could align alongside the decisions being taken today to make sure that they are actually meaningful. Otherwise there is a risk, which the Minister will have to reflect on, that people think the Government are chasing headlines, rather than chasing change. To conclude, we will not stand in the way of this instrument today, but it must be seen for what it is: a small intervention when we need much bigger ideas.

5.35 pm

Kit Malthouse (North West Hampshire) (Con): I am grateful to the Minister for laying out the reasons for this SI. I recognise the impact on communities up and down the land of this particular substance, not least in littering and antisocial behaviour. I am anxious, as I am sure is the Minister, that if we are going to introduce this new measure, we do it properly. I have a couple of questions for the Minister about the impact of this instrument, particularly on the criminal justice system.

Looking at the impact assessment, I am surprised by the relatively low number of individuals it is envisaged will be put through the system. As the Minister will know, if we are to have an impact, there has to be a significant deterrent effect. If we are to have a deterrent effect, there has to be a sense in people's minds that there is a very high probability of their being caught and that when they are caught, there will be a swift and certain consequence. Can he reassure us that the police are gearing up to deal with the numbers—even the relatively low numbers in the impact assessment—and that he has an ambition to go beyond those numbers? I know he does not want to do something that is merely performative, but that he wants to have an impact on this issue. We want to see fewer and fewer of these ampoules on the street and, indeed, fewer and fewer young people in particular using this substance.

If the Minister hits his ambition, what impact will that have on the criminal justice system overall? The estimate is that we will put, I think, a total of 500-odd people in prison for possession of this substance. As far as I can see, that is small against a background number that is running into the hundreds of thousands.

Nevertheless, that will have an impact on the prison system. The thousands who will be going through the magistrates courts will obviously have an impact there. The police cost per capita of an arrest, charge and disposal of any kind by my calculation comes in at about £880, which seems light to me. Can the Minister reassure us about the cost, the capacity in the system and the ability for police forces to do this properly?

When this SI lands, will we see some action out there on the street? I am concerned we will see broadly what happened after the Blair-Brown reforms to cannabis possession. If the House remembers, at the tail end of that particular period in our political history, the notion was brought in of a cannabis warning, and then a cannabis penalty of 90 quid for police to hand out for pure possession. What happened was that we saw a bit of a bump in numbers, and then it tailed off, because the police realised there was little effect and it was not cost-effective to do it. The numbers diminished over the years.

As the Minister will know, a White Paper last year looked at a different set of consequences for possession, but in the absence of a response to that White Paper, I am keen to hear from him what the plan will be once the SI is in place, because as he and I both know, the policy is not the product; the product is what happens out there on the street. We are holding out a promise to our communities up and down the land that they will see fewer of these ampoules and less antisocial behaviour as a consequence. I hope there is an action plan.

My second point is to ask about unintended consequences. One of the characteristics of my youth in Liverpool in the 1970s and 1980s was the groups of young people gathering together to sniff glue. It was a horrible thing to do and obviously had a serious impact on their brains. The chemicals are even more noxious than this particular substance, so how will the Minister ensure that there is not a diversion towards those kinds of substances and the resumption of glue-sniffing in parks and playgrounds instead of taking this gas? If he can reassure me on both those points, I will be happy to support the SI.

Several hon. Members *rose*—

Mr Deputy Speaker (Mr Nigel Evans): Order. Before I call Alison Thewliss, I point out that, as Members can see, there is a bit of interest in the debate. I will not impose a time limit, but I intend to call the Minister no later than 6.30 pm. If there are to be Divisions, they will come when the Minister sits down.

5.39 pm

Alison Thewliss (Glasgow Central) (SNP): It is pretty unusual that I come to a debate entitled “Dangerous Drugs” where I have direct experience of having taken some of those dangerous drugs, because I live a very quiet life. However, for many in the Chamber—women in particular—nitrous oxide will have been better experienced as gas and air, which, when used under medical supervision, is generally a very safe drug, although my hon. Friend the Member for Aberdeen North (Kirsty Blackman) would tell us that she had a collapsed lung as a result of her use of it. It is not something to be taken lightly, but I would certainly dispute whether it is a dangerous drug.

As the Minister pointed out, nitrous oxide is not an uncontrolled substance. Non-legitimate use for psychoactive effects is currently controlled under the Psychoactive Substances Act 2016, and the Advisory Council on the Misuse of Drugs points out that production, supply and importation is illegal. There is an offence to supply if the person knows or is reckless as to whether it will be used for psychoactive effects. In 2015, the advisory council did not advise control under the Misuse of Drugs Act, and in March 2023 it advised exactly the same, so I am curious as to why the Minister was so light on his reasons for ignoring his expert advisers, who have looked at this in great detail. We are hardly in the realms of evidence-based policy. He has decided that he must do something, and that this is something. That is why we are here.

We do not dismiss the public nuisance of these substances. We have all seen the silvery capsules littered in the street—they are a particular hazard to cyclists—and in parts of my constituency I have also seen some of the larger canisters discarded, but all of that could be said for other drugs. As the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) said, we see beer cans littered all over our streets regularly. In parts of my constituency we see syringes littered about the place, and the Government do nothing about it because they do not want people to have safe consumption rooms to take their drugs. Somehow uniquely, the Government seem concerned by the small canisters and the public nuisance of nitrous oxide.

Nothing that the Minister said has given me any reassurance on that. He said nothing really about the supply of these substances, because clearly they are being sold to people against the current legal framework, which is illegal. It will be interesting to hear from the Minister on summing up how many people have been arrested, charged and jailed for supply of this substance under the current rules. If it is zero, he has a bit of a cheek coming here and asking us to agree to further legislation.

What conversations has the Minister had with social media companies? One of my members of staff, Mhairi Love, saw an advert on Facebook for nitrous oxide being sold online. Again, how many prosecutions have happened for that supply for entirely illegitimate purposes, which would fall under the current legislation and be prosecutable?

Mark Garnier: The hon. Lady makes a very important point about how it is easy to get hold of this stuff. These little canisters can be bought in corner shops, and they can also be bought by the pallet-load for £18,000, which would keep an entire festival going for the weekend. She is right that those people should be arrested for supplying it, but it is also important to ensure that we limit the market to buy it, and if we clamp down on the market where people buy it, that will dry up the supply.

Alison Thewliss: That is not how the market works. We have had the Misuse of Drugs Act for 50 years and it has not stopped anybody from taking heroin, cocaine or anything else. Those drugs are quite moreish and people tend to keep taking them regardless of the legislation put before them to deter them. It does not work. What we need to do is go after the suppliers, but from what the Minister said it seems to me that the Government have no intention of doing that.

The Minister also talked about the broad legitimate use and the regulations he will bring forward on that. Without seeing them, it is difficult to see how effective this will be. If that legitimate use is incredibly broad—it must be to allow people to continue to buy the substance to run their cafés and produce whipped cream—he will find it very difficult to continue that enforcement game. We have no sight of those regulations tonight, so I argue that it would be irresponsible of the House to pass this statutory instrument without having seen the other part of the equation.

Lloyd Russell-Moyle: Is there not a danger that the “broad uses” clause will mean that good, middle-class white people, with houses where they can consume this drug in private, will be able to continue to do so and poor, working-class young people in parks, possibly predominantly black, Asian and minority ethnic, will end up being criminalised, as with many other drugs?

Alison Thewliss: That is a legitimate question and a legitimate risk, but I do not see it in the Government’s impact assessment.

There is also nothing about the preventive actions that the ACMD talks about in its report. There is nothing about a public health campaign, education or wider knowledge of the health impacts of the drug, which the ACMD recommends that the Government take forward. There are things such as B12 deficiency, nerve damage, incontinence and erectile dysfunction, but the Government are not promoting a plan of how to disseminate that information to people.

I worry—as do the neurologists who have written to the Government with their concerns about further regulation and criminalisation—about stigmatising people who have used this substance and want come forward and get support. Criminalisation will make them less likely to come forward. By criminalising, the Misuse of Drugs Act dissuades people, particularly women, from coming forward for help. The Government have said nothing tonight or in the impact assessment about whether people are less likely to come forward for medical support for having used the substance if they are criminalised.

Furthermore, if kids are using the drug, what support services do the Government intend to put in place to tackle addiction in that age group? If that is a problem, what is the Government’s specific response for addiction support for young people who abuse the drug? The Minister had nothing to say on that whatsoever.

Let me come to the position of Scotland on this issue. The Scottish Government responded to the ACMD report on the use of nitrous oxide and were crystal clear, saying:

“The Scottish government has and will continue to promote a public health approach, rather than continuing the failed war on drugs. It is our view that banning nitrous oxide will further criminalise people for their drug use, serving only to heap additional harms on vulnerable individuals, our young people and communities while doing little to improve the health of these individuals.”

The point about health is absolutely crucial. The Government have said nothing about the health impacts of the drug and intervening on it. What they have outlined in the impact assessment is the cost. They say, in an incredibly vague paragraph on page 15:

“Total costs across all monetised set up and ongoing costs are estimated to be between £19.6 to £178.1 million...with a central estimate of £67.9 million...over the 10-year appraisal period.”

[Alison Thewliss]

That is an incredibly wide range. The Government, again, are not explaining exactly why they should pass the legislation. They also say at the top of page 19:

“There is limited evidence available to estimate how nitrous oxide misuse may change following the intervention.”

They want to spend tens of millions of pounds and they do not even know whether the intervention will have an impact.

Framing this issue under the Misuse of Drugs Act does not recognise tackling addiction as a public health issue. It is a public health issue. We cannot arrest our way out of a public health issue. It does not tackle the reasons why people are taking this drug in the first place, not does it tackle supply or public health. The Home Affairs Committee recently concluded in its report on drugs that the Misuse of Drugs Act 1971 and the Misuse of Drugs Regulations 2001 require reform. The report says:

“We recommend that the UK Government reform the 1971 Act and 2001 Regulations in a way that promotes a greater role for public health in our response to drugs, whilst maintaining our law enforcement to tackling the illicit production and supply of controlled drugs.”

This SI does nothing about production and supply, and nothing about public health.

We are here tonight because the Government have decided that something must be done, and this is something. The Scottish National party opposes this SI and will vote against it tonight. It criminalises people at unclear cost. There is no sense of tackling the source, reducing demand or treating this as a public health issue. It is bang on form—if I may say so, Mr Deputy Speaker—that the Labour party is going along with this unevidenced drivel. In Scotland, we want a humane drug policy. We have a caring and compassionate human rights-informed drug policy for Scotland, but we do not yet have the powers to implement it. Until such time as the Scottish Government have full control over all our powers as a normal independent country, we seek the devolution of drug laws to allow us to deal with them as a public health issue, as they should be.

5.50 pm

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): It is a pleasure to follow the SNP spokesperson, the hon. Member for Glasgow Central (Alison Thewliss). I do not disagree with much of what she said. I believe the Government will achieve very little through these measures, except perhaps to cause considerable disruption to industry and the medicinal use of nitrous oxide. I am far from convinced by the changing reassurances given by the Minister at the Dispatch Box in that respect.

I once again draw the attention of the House to my entry in the Register of Members' Financial Interests. I am a practising NHS psychiatrist. Until recently, I was working as an acting addictions consultant psychiatrist and I have dealt with the misuse of drugs extensively throughout my medical career.

I believe in an evidence-based approach to policymaking. This issue has been examined by the ACMD at the request of the Government. The ACMD suggested very clearly that this was not the appropriate legislative vehicle to deal with nitrous oxide. It made that recommendation for two reasons. First, we already have the Psychoactive

Substances Act 2016, so if we want to deal with the illegitimate sale and supply of nitrous oxide there is already legislation in place to do that. Secondly, we have other laws that can be used, for example to deal with the unacceptable littering that sometimes occurs with the canisters used in the recreational use of nitrous oxide.

Mark Garnier: Is my hon. Friend aware that the ACMD was asked many years ago to opine on exactly this point and it was chased up by two Home Secretaries to try to get a response? It was not until this statutory instrument was first talked about earlier this year that the ACMD got around to answering the Government's request to make a judgment.

Dr Poulter: I am aware that it takes some time to compile ACMD reports. The reason is that the ACMD likes to look at the evidence in the round. There are a number of issues to look at here, such as harms of use. There is relatively limited evidence and data to suggest that nitrous oxide is substantially more harmful than many of the substances we use daily, such as caffeine. Using caffeine to great excess has very profound and immediate health consequences, as does alcohol. The point was made by the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) about the Notting Hill carnival and the number of beer cans and other forms of rubbish left there. If we look at the social and health harms of alcohol, which is a legal drug and one that is misused legally, they are considerably more profound than what we are talking about or indeed many other street drugs.

Sir Greg Knight (East Yorkshire) (Con): Can my hon. Friend clarify to the House what his conclusion is on this matter? Is he saying that he opposes the measure, or is he saying that if the measure goes ahead he wants the Government to keep the matter under review?

Dr Poulter: If the House divides this evening I will be voting against the measure for the further reasons I am about to outline.

I think it would be helpful to remind the Minister what the ACMD actually said with regard to legislation:

“Based on this harms assessment, the Psychoactive Substances Act 2016 remains the appropriate drug legislation to tackle supply of nitrous oxide for non-legitimate use. There is, however, a need for enforcement of the Psychoactive Substances Act 2016 to be supported by additional interventions designed to reduce health and social harms. Based on this harms assessment, nitrous oxide should not be subjected to control under the Misuse of Drugs Act 1971 for the following reasons”.

Those reasons have been drawn out to some extent during the debate, but they are neatly summarised by the ACMD in its recommendations to the Government in its report.

First,

“Level of health and social harms”,

which is relatively limited, and

“current evidence suggests that the health and social harms are not commensurate with control under the Misuse of Drugs Act 1971.”

Secondly,

“Proportionality of sanctions: the offences under the Misuse of Drugs Act 1971 would be disproportionate for the level of harm associated with nitrous oxide and could have significant unintended consequences.”

Thirdly,

“Impact on legitimate uses: control under the Misuse of Drugs Act 1971 could produce significant burdens for legitimate medical, industrial, commercial, and academic uses. The current scale and number of legitimate uses that stand to be affected is unknown but is estimated to be large.”

I think it is fairly clear that the Government did not carry out a proper impact assessment before bringing this measure to the House.

Bob Stewart (Beckenham) (Con): I thank my good friend for allowing me to intervene. Does that mean that he thinks we should do nothing at all?

Dr Poulter: No, I do not think it means we should do nothing. I think that if we believe, as I think many of us do, that we should control the illegitimate supply of nitrous oxide, we should look at existing legislation, such as the Psychoactive Substances Act 2016, which was designed and taken through its stages by my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning). This point was discussed at some length during its passage. The focus was not on criminalising use and the potential users, but on controlling the supply: a clear distinction was drawn. The Minister may correct this view, but the ACMD made it clear in its report that better enforcement of that existing legislation to control illegitimate supply would be a much better and more proportionate way of dealing with the issue at hand, and the same was suggested more broadly in the evidence supplied to the ACMD while it was compiling its report.

So there is already a legitimate means of dealing with this, but unfortunately there is the potential for unintended consequences, and I was not reassured when the Minister said earlier that the Government would introduce another measure—which no one in the House has seen as yet—to ensure that there would be no such unintended consequences. If a Government are introducing two good pieces of legislation, they should introduce both of them together so that the House can consider them in the round. My concern is that primary legislation such as the Misuse of Drugs Act is tightly drawn, and unless it is amended, it is difficult to introduce another measure to sit beneath it and mitigate its provisions. I am therefore not reassured by the Minister’s comments, but in any event it is not good or effective government not to present the two measures at the same time so that we could consider the issues in the round.

Because I believe that there is already legislation in place which needs to be better enforced to deal with illegitimate supply, and because I do not believe that the Government have given adequate weight or consideration to the potential unintended consequences for legitimate users of nitrous oxide—which the Minister effectively admitted in his opening comments—I believe that the Government are in the wrong place at present, and that it would have been better to produce a proper impact assessment of the legitimate uses to sit alongside this measure before bringing it to the attention of the House. For all those reasons, I will vote against the order if it is put to a vote.

5.58 pm

Justin Madders (Ellesmere Port and Neston) (Lab): To my constituents nitrous oxide is an irritant, manifesting itself in the plethora of canisters that we see clustering

in certain places—seemingly in never-ending numbers, judging by the number that my constituents and I collect during our litter picks. However, for users of nitrous oxide there is a far more serious side. Picking up on the comments by the hon. Member for Central Suffolk and North Ipswich (Dr Poulter), it seems obvious that the powers of the Psychoactive Substances Act 2016 have not been effective, because we are here today talking about this. I have come to a different conclusion to him, though, on what we should do with this regulation.

We know from investigations by the likes of Sky News that it is very easy to acquire this drug. It was described as being as “easy as buying bread”. It is probably cheaper at the moment as well. The Sky News investigators found that age verification was skipped and that balloons were offered in accompaniment to canisters, so there was no pretence at all that those sales were for legitimate purposes. That ease and the apparent openness about the intended use of the gas is astonishing, especially given that someone can end up with a seven-year prison sentence for selling it, but with just 31 and 49 reported convictions in 2020 and 2021 respectively, it is clear that only a tiny fraction of the transgressions are leading to action.

More than this, it is failing the predominantly young people who are consuming the substance. It appears that the potential side effects of the drug are underappreciated. To many, it is considered harmless and short-lasting, but there is mounting evidence that there are significant issues, particularly for those who regularly consume large amounts of the drug. I have spoken to the families of those who have been affected. Between 2001 and 2020 there were 56 registered deaths involving nitrous oxide, most of which have taken place in the last decade. While that figure is relatively low compared with benzodiazepines, for which over 2,000 deaths were registered in the same period, the fact that some of those heavy users have developed myeloneuropathy, which causes damage to tracts of the spinal cord and nerves, should not be overlooked.

Medical professionals have warned of a notable increase in the numbers of people requiring medical interventions as a result of using the drug. Data released by the London Ambulance Service showed an almost 500% increase in the number of incidents related to nitrous oxide between 2018 and 2022, with more than a tripling in the number of calls between 2021 and 2022. If those trends in London are being reflected across the country, we are in the middle of a rude awakening about the consequences of this so-called safe drug. Certainly, my constituent whose son was admitted to hospital after rupturing his lung following inhalation of nitrous oxide would attest to the need for greater awareness of the risks of taking it. She has certainly done her bit in highlighting her son’s hospitalisation, but it really should not be up to her to point out the dangers of nitrous oxide.

There is also the impact of nitrous oxide usage on communities. As we have heard, it causes a significant amount of litter and environmental damage. Constituents are fed up with having to see collections of small containers littered in parks and on street corners. In my constituency, users are now graduating to the larger canisters, which are even more unsightly and presumably cause far more damage than the little canisters. Constituents are fed up with the antisocial behaviour that often comes along with this, and there is also a danger when

[Justin Madders]

people drive vehicles having inhaled nitrous oxide. According to the ACMD, that misuse when driving accounted for 20% of the deaths associated with nitrous oxide in the last half century.

I support the Government's motion today but there are questions that have been left unanswered, which many Members have picked up on. I know that various options are being considered for the licensing regime, which the Minister talked about. It is clear to me that just classifying nitrous oxide under these regulations without dealing with the licensing regime will not be sufficient. It will just criminalise those using it instead of tackling the problem of those supplying the drug for non-legitimate purposes, which appears to account for the majority of sales. Those glaring loopholes have raised concerns.

One of my constituents whose family have been impacted worries that this is a knee-jerk reaction from the Government and that they have not properly considered the views of healthcare professionals, addiction services and those with lived experiences. She also has concerns about unintended consequences as a result of this legislation. It would have been extremely helpful if we had had full details of the licensing regime when we were considering this statutory instrument today. This legislation is only going to work if we have a properly enforced licensing regime that is effective in dealing with non-legitimate sales. If we are going to support this motion, we need to be assured that there will be an effective licensing regime coming off the back of it.

Of course, we are cognisant of the fact that criminalising this substance must be accompanied by other measures, such as increased community policing. The impact assessment states:

"investigation costs to the Police have not been estimated."

Surely, if use remains as ubiquitous as it is now, it will have a huge impact on police resources, unless users are given a free pass. Given that thousands of kids are currently inhaling nitrous oxide without any police intervention at all, I wonder what the approach will be to enforcement, unless we expect the cells to clog up.

Paragraph 58 of the impact assessment states:

"It is estimated that between 8 and 63...additional prison places will need to be built."

This implies that there will be some enforcement action, and it comes with a price tag of between £2 million and £15.8 million, which is not an inconsiderable figure. Can the Minister advise us on where these new prison places will appear? It looks like this will lead to at least some people ending up in prison.

There also needs to be a campaign to increase awareness of this new criminal liability, because young people have been inhaling nitrous oxide without any criminal consequences. That campaign needs to be accompanied by a better awareness campaign on the dangers of inhaling nitrous oxide, be it criminalisation or hospitalisation. People who see it as a bit of harmless fun need to know that there are consequences.

6.6 pm

Sir Mike Penning (Hemel Hempstead) (Con): I refer the House to my outside interests on the Register of Members' Financial Interests.

I bear the scars of being on the Treasury Bench in 2016 when, as my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter) alluded to, I took through the primary legislation on what most people called "legal highs" or synthetic drugs. We had many a debate, like we are having this evening, on how far that legislation should go and what it should contain. I learned an awful lot during the Bill's passage—I took it all the way through—about certain habits and certain uses of certain products. We discussed nitrous oxide, and at the time I was comfortable with it being exactly where it was until today.

I agree with many colleagues on both sides of the House that the enforcement envisaged when we passed that legislation has not materialised in quite the way we would have liked. Corner shops were selling legal highs and, sadly, there were some really tragic deaths. People were not only hospitalised but long-term hospitalised, and parents lost young children, so we had to pass that legislation. Alongside this statutory instrument we should have more enforcement, although I know that not everyone in the House agrees.

Local government could do more, and it is asking for these powers. My constituents are fed up to the hind teeth with their parks and streets being turned into dumps. I have many beautiful parks in my constituency, and I recently spoke to the gardeners responsible for looking after Gadebridge Park. I was astonished when they told me of the sheer quantities of these little capsules—we also have some degree of the larger ones coming through now. I stand to be corrected, but do not think these little capsules are for commercial use. They are specifically manufactured for the predominantly young people who think nitrous oxide is safe, which is massively dangerous. When we had the debates back in 2016, we heard that the same language was being used to indicate that legal highs were safe. Nitrous oxide, or "laughing gas" as it is called by those who want to undermine the argument we are making today, is not safe. It is dangerous. Some people using it will feel, at the stage they have been using it now—God knows what will happen further down the line—that it is okay and has had no effect on them. However, like others who have spoken this evening, I have heard from my constituents of instances where nitrous oxide has had a devastating effect on their young children. It appears that younger and younger children are using this product and it is becoming increasingly freely available.

I support this measure and will go through the Lobby in support of it, but legitimate questions have been raised in the House today. If we pass legislation, we have to feel that it is going to make a difference and be enforceable. I do not quite know how my local police force in Hertfordshire is going to be able to enforce this. I do not know how it enforces the legislation, which I voted against, on people smoking in their car if there is a young person there. We all know that that legislation was right and logical, but it is almost unenforceable and there have been almost no prosecutions. So there is a lot more work to be done, and the Minister is going to have some of the scars that I had on my back as a result of this, but what we are doing is right. Let me go back to the issue of advice. Ministers get advice from many different places—colleagues, experts, their civil servants and their special advisers—but at the end of the day they have to make the decision. On the decision that this

Minister has made, there will be work to be done when we bring the further secondary legislation through, and we might need to amend primary legislation in the distant future. We have heard from both Front Benchers that there is no intention to do that imminently, which will disappoint some in the House this evening. However, it is right to concentrate on what we can do today in this House to protect our constituents and their loved ones, and I hope that this legislation will do that.

Several hon. Members *rose*—

Mr Deputy Speaker (Mr Nigel Evans): As I said, I will be calling the Minister at 6.30 pm, if not before. Three Members wish to speak. If you could all help one another so that everybody gets in, that would be really useful. I call Ronnie Cowan.

6.11 pm

Ronnie Cowan (Inverclyde) (SNP): I was delighted to hear that there were moves afoot to change the Misuse of Drugs Act 1971, because if ever a piece of legislation needed changing, it is the 1971 Act—it is followed closely by the Gambling Act 2005, but that is for another day. There are so many things wrong with the 1971 Act. It was bad legislation in its day and for more than 50 years it has ensured that people are criminalised, stigmatised and ostracised. It has created divisions in society and led to unnecessary pain and suffering. That should not be a surprise to anyone, because that is what it was designed to do. It was never intended to provide support for those harmed by drugs. It was never based on compassion. It was never meant to address the issues associated with recreational drug use. Therefore it comes as no surprise that in the past 50 years things have simply got worse.

Sadly, today, rather than righting some of the wrongs by decriminalising or legalising drugs, and rather than striving for drug consumption rooms, safe consumption facilities, naloxone provision, medication assisted treatment, education and support, we are being asked to make matters worse. We are being asked to turn a blind eye to the evidence and learn nothing from the misclassification of cannabis; instead, we now want to persecute more people with the continued aim of arresting our way out of a drugs crisis. It is widely acknowledged that given the many legitimate uses of nitrous oxide, enforcement will be a nightmare. Currently, the Government have three licensing proposals but are still in consultation over which to adopt. Perhaps the Minister can clarify that in his response. Quite why we are pursuing the reclassification before we have sorted out the licensing is beyond me. In the meantime, we are being asked to remove this regulated substance and create a marketplace for criminals to fill with who knows what—it is absolutely bonkers. As Steve Rolles said in *ConservativeHome*:

“Empowering”—
and enriching—

“criminal groups will fuel violence and anti-social behaviour, not reduce it.”

Jane Stevenson (Wolverhampton North East) (Con): I am a bit sceptical, as we are talking about nitrous oxide use as though it is a much harder drug. A lot of the kids taking it, certainly those in Wolverhampton, are not hardened drug users, but young people who do not think they are doing anything wrong. They do not

hear about the medical risks, and this drug is so cheap and so widely available. Surely the Government are doing the right thing in nipping this in the bud so that these young people do not go down the road of falling in with the wrong crowd and continually moving on to harder drugs.

Ronnie Cowan: My point is that the Government are not nipping this in the bud. What will happen here is that they will hand this over to the criminal fraternity, and kids who want to take drugs will continue to take drugs, but now we will not know what they are taking and it could be doing them more harm. Meanwhile, they will be arrested and given a criminal record, which will live with them for the rest of their days. That is not helping the situation at all.

I was just going to say that this change will result in people being arrested and convicted. That conviction will lead to stigma and damage employment opportunities, housing, personal finance, travel and relationships. That is what we have been doing for 50 years, and that has been a rolling success, has it not? There is little or no evidence that says that this action will address—*[Interruption.]* Does the right hon. Member for North West Hampshire (Kit Malthouse) want to intervene?

Kit Malthouse *indicated dissent.*

Ronnie Cowan: There is little or no evidence that says that this action will address the problem. Can the Minister provide me with one example—just one—over 50 years where arresting someone for personal possession and giving them a criminal record has helped reduce the misuse of drugs? As has been highlighted already in this debate, the problems of antisocial behaviour and littering can be addressed through existing legislation properly applied.

This change is driven by the Government’s desire to be seen to be coming down hard on crime and, by doing so, they are ignoring evidence from their own expert body, the Advisory Council on the Misuse of Drugs, along with the Royal Society of Medicine, the World Health Organisation and the United Nations. The focus should be on education, not punishment.

This change does nothing to address the question of why people fall into addiction, or indeed why they take drugs in the first place. It does nothing to reduce criminality; it just pushes it on to the consumer. It does nothing to make people safer. It creates a vacuum for criminals to fill. It is a wolf whistle to the “hang ’em high” brigade and it is typical of the lack of long-term strategic planning that is required. There are no short-term solutions; no magic wand exists.

Finally, continuing to bolster a policy that has not worked for 50 years will only add to the misery and pain that has already been inflicted. It is time to think outside the box and radically overhaul this Act and make it fit for the 21st century, where drug harm is a health issue and not a matter for the criminal justice system.

6.7 pm

Mark Garnier (Wyre Forest) (Con): Having had a Westminster Hall debate on exactly this subject a few months ago, I do not propose to take up too much of the House’s time. I just want to thank the Minister for listening to that debate and actually taking action as a result.

[Mark Garnier]

I got involved in this matter as a result of being lobbied by BBC Hereford & Worcester and Dr David Nicholl, a Liberal Democrat councillor in Bromsgrove, who is a neurologist. He highlighted for me the damage that nitrous oxide does to kids. He likened it to an electrical appliance that has had the insulation stripped off the wiring inside it and then expecting that electrical appliance to carry on working. This is what it does to your nerves and it is a huge problem for people who take it.

There has been a lot of debate this afternoon about the fact that the measure will criminalise people and that we should be attacking the suppliers rather than the users. At the end of the day, if something is called laughing gas and is said to be a harmless drug—a harmless and safe high—that misleads people into thinking that it is perfectly safe to take. But it is not perfectly safe; it has profound implications for people's health. It is absolutely terrible. The hon. Member for Inverclyde (Ronnie Cowan) made the important point that we are going to be criminalising people. Ultimately, of course, some people will be criminalised, but is it not worth a small number of people being criminalised to act as a deterrent for the majority who—

Ronnie Cowan: It has not been proven to be a deterrent. Look at the numbers that we have across the United Kingdom. Has arresting people and criminalising them ever been proven to be a deterrent?

Mark Garnier: It is always very difficult to prove a negative. I take the hon. Member's point, but I am happy that we will be providing a deterrent for kids of the generation of my children; that is what I care about. I am incredibly grateful to the Minister for listening, incredibly grateful to Dr David Nicholl, a neurologist, for giving me scientific evidence to support his campaign, and incredibly grateful to BBC Hereford & Worcester.

As with all these issues, we are reminded of particular communications that we have from constituents. When I was preparing for my Westminster Hall debate, I received an email from somebody who wanted to talk about her brother. He was a very talented sportsman who was possibly going to play rugby for England. He was also a talented investment banker—I know we do not always like investment bankers—with a very good career ahead of him in the City of London. He found nitrous oxide, thinking it was a harmless high, but within a year he had committed suicide as a result of the damage he had done to his system. If we know that is a possible outcome, I do not think it is right to do anything other than send a very strong message that this is a dangerous drug. Criminalising it sends that message to try to put people off using it.

6.20 pm

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): I rise with great scepticism about this measure, because it is using an Act that is fundamentally flawed. The 1971 Act does not work. It does not work in criminalising people or in reducing drug use, drug deaths or drug harms. In fact, the evidence across comparable countries, especially Portugal and other southern European countries, is that the Act increases the harm for people. It drives people away from getting treatment and support.

I am also sceptical about the slight moral panic. That is not to dismiss the marginal cases of horrible and acute harm for those affected, including death in the worst circumstances—by the way, we have caffeine deaths in this country—and heart, lung and neurological problems. As the Minister said, this is the most widely taken drug by young people, but the harms caused do not even rank in the top 50 harms caused to young people. The idea that this drug is causing great harm is just not true.

Most people use this drug. I have used it at the dentist. People have used it in hospital settings. But most people use the drug recreationally, harmlessly and acceptably. My view is that that is fine. I have not used the drug recreationally, but I have been in rooms where top judges from the High Court, lawyers, senior politicians and celebrities have used these kinds of drugs, and other drugs, and it causes them no harm. The police do not come knocking at their doors, because the usage is behind closed doors by wealthy people, predominantly white, who are out of sight and out of mind. The state does not mind.

This classification will target poor people, young people, and predominantly people from ethnic minorities. We know that is the case because that is what has happened with all other forms of drug taking, where large numbers of people from different demographics take the drugs but the laws criminalise a specific set of demographics. That is the fundamental problem with the 1971 Act—it targets people and communities, rather than helping them get off the drugs they are addicted to or to move to a safe space. This measure will make things worse.

The measure will also make things worse in terms of gangs and criminal syndicates. It should come as no surprise: the Conservative Government has been giving get-out clauses to criminal gangs for the last 10 years in many other sectors, through bungs to their mates or legislation that allows dodgy dealings. But this measure will move this trade underground. It will suddenly mean that a premium can be charged on this particular drug. It will mean that people will not know what is in the canisters safely. It will mean more deaths and it will mean profits for criminal gangs—they will go laughing to the bank. The people who really want this measure are the gangs. The people who really want the continuation of the 1971 Act are the gangs. I want the Government and my party to stop being the cheerleaders of gangs and criminals, because while they continue to cheerlead for the 1971 Act, that is what they are.

Let us look at the evidence of what the Government's own Advisory Council on the Misuse of Drugs says: that this drug has no effect on crime whatsoever at the moment. There is no evidence that it causes or exacerbates crime, although there is some minor evidence that it causes antisocial behaviour. I suggest to hon. Members that the antisocial behaviour is not really caused by laughing gas; it is caused by the fact that there are young people hanging around park and benches with nothing better to do, because youth services have been slashed in this country and billions of pounds taken out of support services. People who live in miserable accommodation, who do not have living rooms to sit in because they live in horrible, filthy bedsits, who are out on the streets in the evening trying to while away the hours and take the edge off their often miserable and difficult lives, because they are in absolute poverty or

they have other social issues around them, and there is no one in the state to support them—that is what is antisocial. Yes, for the person in their nice big house who does not want to be disturbed in the evening it is a bit of a frustration, but those things can be dealt with, just as we deal with many other issues.

The same argument can also be made on littering; it is a reason, surely, to move to producer responsibility, where we have stamps and marks on the canisters so we can see who is supplying those canisters and ensure that suppliers of those canisters are punished properly. Many of my constituents think we should do that with the plastic cups strewn on our beaches, because we do not know which bar has given them out and not picked them up. I agree with that. I think that for waste and recycling we need to move to a completely different model, but that is not a model of criminalising young people.

This measure is criminalising young people, because the only change here is to criminalise young people. If there was a way to stop this substance being produced, if there was a way to ensure that people can enjoy themselves—personally, I do not have a problem with people enjoying themselves with drugs—but in a safe way that does not cause antisocial behaviour, I would be all for it. However, I am afraid that all this measure will do is exacerbate the situation.

Personally, I would like not to have a vote on this measure today, because I think it would be better for the Government to go away and rethink it, given the cross-party opposition to it, and to find a way forward. If there is a vote, I am afraid I will, very reluctantly, not to be able to support the Government on this.

6.28 pm

Chris Philp: This has been an interesting and wide-ranging discussion, and I will try to conclude relatively briefly. I start by thanking the shadow Minister for his support for this measure in principle; it is good to start off on this note of cross-party consensus, which I hope will continue for the remainder of his tenure in his new role. He asked some questions, as did my right hon. Friend the Member for North West Hampshire (Kit Malthouse), about plans for enforcement and the resources that will be dedicated to this issue. I can confirm that it is something we expect the police to be focusing on.

The shadow Minister also asked about the antisocial behaviour action plan. It is true that we are starting with pilots in just 10 force areas doing the antisocial behaviour hotspot patrols, but in April of next year that will expand to all 43 police forces across England and Wales, backed by around £43 million pounds of extra new funding to make sure those ASB hotspot patrols are out and about, both dealing with antisocial behaviours more widely and looking specifically at the issue of nitrous oxide consumption.

There were a number of questions about prison places. We are in the process of building more than 20,000 extra prison places. We expect this measure to have a significant deterrent effect on the consumption of the drug. As my hon. Friend the Member for Wyre Forest (Mark Garnier) said, reducing consumption will reduce the incentive to supply the drug as well. We expect it to be enforced.

I pay tribute to my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) for his work on the Psychoactive Substances Act 2016. Some Members asked about the action that followed, and I think my right hon. Friend can take pride in the fact that 332 retailers stopped selling psychoactive substances as a result of his legislation, and that there have been at least 230 prosecutions under that Act, which, of course, covers nitrous oxide. I think I said earlier that it regulates nitrous oxide, but it would be more accurate to say that it covers it.

There has been some discussion about the ACMD. I put on the record again my thanks to that council for its work advising the Government. We almost always follow the ACMD's advice, although there have been occasions, including under the last Labour Government, when the Government have taken a slightly broader and different view, for reasons that many Members, including my hon. Friend the Member for Wyre Forest, the hon. Member for Ellesmere Port and Neston (Justin Madders) and the shadow Minister, have outlined. We have taken a slightly different and broader view in considering the social harm and our concern that the harm and paralysis the substance causes may get worse if its use is allowed to spread, but we have also consulted the ACMD on how we will go about implementing the legislation. We have done a public consultation on implementation, and the report was published on 5 September, making it clear that there will be a wide-ranging exemption for legitimate use.

Some Members asked about legitimate use. We will amend the Misuse of Drugs Regulations 2001 to make it clear that legitimate use is any use that does not involve inhalation by a human. Inhalation by a human for research and medical purposes will, of course, be lawful. I hope that that gives the little extra clarity that Members asked for.

A couple of Members referred to people who consume the substance medically. Of course, when people consume nitrous oxide at the dentist's or in the context of giving birth, they are being supervised by a medical professional. In the case of giving birth, an anaesthetist is typically supervising the administration of the drug. That is necessary because it is potentially very harmful.

A few comments have been made about the Misuse of Drugs Act 1971 more widely. I do not propose to go into that in detail, save to say that if we consider jurisdictions where they have taken an incredibly permissive view, such as San Francisco, it has not resulted in more people going into treatment; it has led to a significant increase in deaths as a result of drug overdoses, particularly from synthetic opioids, and to widescale disorder on the streets. I do not accept the thesis that we can have treatment only if we liberalise drug laws and have out-of-control public consumption, as in some American cities. We do not want that happening in this country. That is why a combination of going after drug supply at the border and going after criminal gangs is important, combined with the funding of treatment, which we are doing with an extra £582 million for treatment over three years, and record police numbers. We have 149,566 police officers—more than ever before.

The measure, which I hope we will vote through this evening, will help us to combat antisocial behaviour across the country. It will protect people—particularly young people, but adults as well—from the medical

[Chris Philp]

harm that the drug can do. It is a critical part of the Government's battle against antisocial behaviour. I commend the order to the House.

Question put.

The House divided: Ayes 404, Noes 36.

Division No. 323]

[6.33 pm

AYES

Abrahams, Debbie
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Ali, Rushanara
Ali, Tahir
Allin-Khan, Dr Rosena
Anderson, Lee
Anderson, Stuart
Ansell, Caroline
Antoniazzi, Tonia
Argar, rh Edward
Ashworth, rh Jonathan
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baldwin, Harriett
Barclay, rh Steve
Baynes, Simon
Beckett, rh Margaret
Benn, rh Hilary
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blake, Olivia
Blomfield, Paul
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brennan, Kevin
Brereton, Jack
Bridgen, Andrew
Britcliffe, Sara
Brown, Ms Lyn
Brown, rh Mr Nicholas
Browne, Anthony
Bruce, Fiona
Bryant, Sir Chris
Buchan, Felicity
Buck, Ms Karen
Buckland, rh Sir Robert
Burghart, Alex
Burgon, Richard
Butler, Rob
Byrne, rh Liam
Cadbury, Ruth
Cairns, rh Alun
Campbell, rh Sir Alan
Carter, Andy

Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, rh Alex
Champion, Sarah
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Feryal (*Proxy vote cast by Chris Elmore*)
Clarke, rh Sir Simon
Clarke, Theo
Clarke-Smith, Brendan
Colburn, Elliot
Collins, Damian
Cooper, rh Yvette
Costa, Alberto
Coutinho, rh Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Creasy, Stella
Crosbie, Virginia
Crouch, Tracey
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Daly, James
David, Wayne
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Dhesi, Mr Tanmanjeet Singh
Dinenage, Dame Caroline
Dixon, Samantha
Djanogly, Mr Jonathan
Dodds, Anneliese
Donelan, rh Michelle (*Proxy vote cast by Mr Marcus Jones*)
Double, Steve
Doughty, Stephen
Dowd, Peter
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Eagle, rh Maria
Eastwood, Mark
Edwards, Ruth
Elliott, Julie
Ellis, rh Sir Michael
Elmore, Chris
Elphicke, Mrs Natalie
Esterson, Bill
Eustice, rh George

Evans, Chris
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Mark
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Fovargue, Yvonne
Fox, rh Dr Liam
Foxcroft, Vicky
Foy, Mary Kelly
Freeman, George
French, Mr Louie
Fuller, Richard
Furniss, Gill
Fysh, Mr Marcus
Gardiner, Barry
Garnier, Mark
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Gill, Preet Kaur
Glen, rh John
Glendon, Mary
Goodwill, rh Sir Robert
Graham, Richard
Grant, Mrs Helen (*Proxy vote cast by Mr Marcus Jones*)
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Grundy, James
Gullis, Jonathan
Gwynne, Andrew
Haigh, Louise
Halfon, rh Robert
Hall, Luke
Hamilton, Mrs Paulette
Hammond, Stephen
Hardy, Emma
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, Helen
Hayes, rh Sir John
Heald, rh Sir Oliver
Healey, rh John
Henderson, Gordon
Hendrick, Sir Mark
Henry, Darren
Hinds, rh Damian
Hodgson, Mrs Sharon
Hollern, Kate
Hollinrake, Kevin
Hollobone, Mr Philip
Holmes, Paul
Howarth, rh Sir George
Howell, Paul
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)

Hunt, Tom
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Kim
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Gerald
Jones, rh Mr Kevan
Jones, rh Mr Marcus
Jones, Ruth
Jones, Sarah
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Knight, rh Sir Greg
Kruger, Danny
Kyle, Peter
Lammy, rh Mr David
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Lavery, Ian
Leadbeater, Kim
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Lewell-Buck, Mrs Emma
Lewer, Andrew
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Lightwood, Simon
Loder, Chris
Logan, Mark
Lopez, Julia (*Proxy vote cast by Mr Marcus Jones*)
Lord, Mr Jonathan
Loughton, Tim
Lynch, Holly
Mackinlay, Craig
Mackrory, Cheryl
Maclean, Rachel
Madders, Justin
Mahmood, Shabana
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mather, Keir
May, rh Mrs Theresa
Mayhew, Jerome
Maynard, Paul
McCarthy, Kerry
McCartney, Jason
McCartney, Karl
McDonald, Andy
McFadden, rh Mr Pat
McGovern, Alison
McMorrin, Anna
Mearns, Ian

Menzies, Mark
 Merriman, Huw
 Miller, rh Dame Maria
 Mills, Nigel
 Mishra, Navendu
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morden, Jessica
 Morgan, Stephen
 Morris, Anne Marie
 Morris, David (*Proxy vote cast by Mr Marcus Jones*)
 Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran (*Proxy vote cast by Mr Marcus Jones*)
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, James
 Murray, Mrs Sheryll
 Nandy, Lisa
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 Norris, Alex
 O'Brien, Neil
 Onwurah, Chi
 Opperman, Guy
 Oppong-Asare, Abena
 Osamor, Kate
 Owatemi, Taiwo
 Patel, rh Priti
 Pawsey, Mark
 Peacock, Stephanie
 Penning, rh Sir Mike
 Pennycook, Matthew
 Penrose, John
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Philp, rh Chris
 Pollard, Luke
 Pow, Rebecca
 Powell, Lucy
 Prentis, rh Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Reed, Steve
 Rees, Christina
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Rimmer, Ms Marie
 Robertson, Mr Laurence
 Robinson, Mary
 Rodda, Matt
 Russell, Dean
 Rutley, David
 Saxby, Selaine
 Scully, Paul
 Seely, Bob

Selous, Andrew
 Shah, Naz
 Sharma, rh Sir Alok
 Sharma, Mr Virendra
 Shelbrooke, rh Alec
 Siddiq, Tulip
 Simmonds, David
 Skidmore, rh Chris
 Slaughter, Andy
 Smith, Cat
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Nick
 Smith, Royston
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevens, Jo
 Stevenson, Jane
 Stevenson, John
 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
 Tarry, Sam
 Thomas, Derek
 Thomas, Gareth
 Thornberry, rh Emily
 Throup, Maggie
 Timms, rh Sir Stephen
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Trickett, Jon
 Trott, Laura
 Tuckwell, Steve
 Tugendhat, rh Tom
 Twigg, Derek
 Twist, Liz
 Vara, rh Shailesh
 Vaz, rh Valerie
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Western, Andrew
 Western, Matt
 Wheeler, Mrs Heather
 Whitehead, Dr Alan
 Whittaker, rh Craig
 Wiggan, Sir Bill
 Wild, James
 Williams, Craig

Williamson, rh Sir Gavin
 Winter, Beth
 Wood, Mike
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Yasin, Mohammad

Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Ayes:
 Amanda Solloway and
 Fay Jones

NOES

Black, Mhairi
 Bonnar, Steven
 Brock, Deidre
 Cameron, Dr Lisa
 Cherry, Joanna
 Cowan, Ronnie
 Day, Martyn
 Dorans, Allan (*Proxy vote cast by Marion Fellows*)
 Eastwood, Colum
 Edwards, Jonathan
 Fellows, Marion
 Flynn, Stephen
 Gibson, Patricia
 Grady, Patrick
 Hanvey, Neale
 Holloway, Adam
 Lake, Ben
 Law, Chris
 Lucas, Caroline

MacAskill, Kenny
 MacNeil, Angus Brendan
 McDonald, Stuart C.
 Nicolson, John (*Proxy vote cast by Marion Fellows*)
 Poulter, Dr Dan
 Qaisar, Ms Anum
 Ribeiro-Addy, Bell
 Saville Roberts, rh Liz
 Stephens, Chris
 Sultana, Zarah
 Thewliss, Alison
 Thompson, Owen
 Whitford, Dr Philippa
 Whittome, Nadia
 Williams, Hywel
 Wishart, Pete

Tellers for the Noes:
 Kirsty Blackman and
 Hannah Bardell

Question accordingly agreed to.

Resolved,

That the draft Misuse of Drugs Act 1971 (Amendment) Order 2023, which was laid before this House on 5 September, be approved.

Business without Debate

Mr Deputy Speaker (Mr Nigel Evans): We now have a number of motions, which I am going to take separately.

DELEGATED LEGISLATION

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

COUNCIL TAX

That the draft Mayoral and Police and Crime Commissioner Elections, Recall Petitions and Referendums (Ballot Secrecy, Candidates and Undue Influence) Regulations 2023, which were laid before this House on 6 July, be approved.—(*Jacob Young.*)

Question agreed to.

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

LOCAL GOVERNMENT

That the draft Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023, which were laid before this House on 6 July, be approved.—(*Jacob Young.*)

Question agreed to.

POLICE

That the draft Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023, which were laid before this House on 6 July, be approved.—(*Jacob Young.*)

The House divided: Ayes 278, Noes 148.

Division No. 324]

[6.49 pm

AYES

Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Anderson, Lee
 Anderson, Stuart
 Ansell, Caroline
 Argar, rh Edward
 Atkins, Victoria
 Bacon, Gareth
 Bacon, Mr Richard
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baldwin, Harriett
 Barclay, rh Steve
 Baynes, Simon
 Benton, Scott
 Beresford, Sir Paul
 Bhatti, Saqib
 Blackman, Bob
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Sir Robert
 Burghart, Alex
 Butler, Rob
 Cairns, rh Alun
 Carter, Andy
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clarke, rh Sir Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Coutinho, rh Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, rh David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Dinenage, Dame Caroline
 Djanogly, Mr Jonathan
 Donelan, rh Michelle (*Proxy vote cast by Mr Marcus Jones*)
 Double, Steve

Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, Sir James
 Duguid, David
 Duncan Smith, rh Sir Iain
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Sir Michael
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Firth, Anna
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Freeman, George
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Girvan, Paul
 Glen, rh John
 Goodwill, rh Sir Robert
 Graham, Richard
 Grant, Mrs Helen (*Proxy vote cast by Mr Marcus Jones*)
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Henderson, Gordon
 Henry, Darren
 Hinds, rh Damian
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, Paul
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)
 Hunt, Tom
 Javid, rh Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark

Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, rh Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Knight, rh Sir Greg
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Lopez, Julia (*Proxy vote cast by Mr Marcus Jones*)
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherylyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 Menzies, Mark
 Merriman, Huw
 Miller, rh Dame Maria
 Mills, Nigel
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David (*Proxy vote cast by Mr Marcus Jones*)
 Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran (*Proxy vote cast by Mr Marcus Jones*)
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Opperman, Guy
 Paisley, Ian
 Patel, rh 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
 Pursglove, Tom
 Quin, rh Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Russell, Sean
 Rutley, David
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Sharma, rh Sir Alok
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Trott, Laura
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vara, rh Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, rh Craig
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Williamson, rh Sir Gavin
 Wilson, rh Sammy
 Wood, Mike

Wragg, Mr William
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Ayes:

Fay Jones and
Amanda Solloway

NOES

Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Allin-Khan, Dr Rosena
Antoniazzi, Tonia
Ashworth, rh Jonathan
Beckett, rh Margaret
Benn, rh Hilary
Blake, Olivia
Blomfield, Paul
Brennan, Kevin
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Sir Chris
Buck, Ms Karen
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Campbell, rh Sir Alan
Champion, Sarah
Clark, Feryal (*Proxy vote cast
by Chris Elmore*)
Cooper, rh Yvette
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
David, Wayne
Dhesi, Mr Tanmanjeet Singh
Dixon, Samantha
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Duffield, Rosie
Eagle, rh Maria
Eastwood, Colum
Elliott, Julie
Elmore, Chris
Esterson, Bill
Evans, Chris
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gill, Preet Kaur
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Mrs Paulette
Hardy, Emma
Hayes, Helen
Hendrick, Sir Mark
Hodgson, Mrs Sharon
Hollern, Kate
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, Kim

Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Lucas, Caroline
Lynch, Holly
Madders, Justin
Mahmood, Shabana
Maskell, Rachael
Mather, Keir
McCarthy, Kerry
McDonald, Andy
McFadden, rh Mr Pat
McGovern, Alison
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Morden, Jessica
Morgan, Stephen
Murray, James
Nandy, Lisa
Norris, Alex
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Owatemi, Taiwo
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Powell, Lucy
Reed, Steve
Rees, Christina
Ribeiro-Addy, Bell
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Siddiq, Tulip
Slaughter, Andy
Smith, Cat
Smith, Nick
Smyth, Karin
Sobel, Alex
Spellar, rh John
Stevens, Jo
Stuart, rh Graham

Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thomas, Gareth
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Twigg, Derek
Twist, Liz
Vaz, rh Valerie
Western, Andrew

Western, Matt
Whitehead, Dr Alan
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Winter, Beth
Yasin, Mohammad

Tellers for the Noes:

Christian Wakeford and
Mary Glindon

Question accordingly agreed to.

Mr Deputy Speaker (Mr Nigel Evans): With the leave of the House, we shall take motions 9 to 12 together.

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

NORTHERN IRELAND

That the draft Local Elections (Northern Ireland) Order 2023, which was laid before this House on 4 September, be approved.

REPRESENTATION OF THE PEOPLE

That the draft Representation of the People and Recall Petition (Northern Ireland) (Amendment) Regulations 2023, which were laid before this House on 4 September, be approved.

CONSUMER PROTECTION

That the draft Product Security and Telecommunications Infrastructure (Security Requirements for Relevant Connectable Products) Regulations 2023, which were laid before this House on 10 July, be approved.

NORTHERN IRELAND

That the Northern Ireland (Ministerial Appointment Functions) Regulations 2023 (SI, 2023, No. 776), dated 10 July 2023, a copy of which was laid before this House on 10 July, be approved.—
(*Jacob Young.*)

Question agreed to.

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

EXITING THE EUROPEAN UNION

That the draft Windsor Framework (Enforcement etc.) Regulations 2023, which were laid before this House on 4 September, be approved.—(*Jacob Young.*)

The Deputy Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until tomorrow (Standing Order No. 41A).

RESTORATION AND RENEWAL PROGRAMME BOARD

Resolved,

That this House

(1) notes the report from the House of Commons Commission and the House of Lords Commission on the membership of the Restoration and Renewal Programme Board, HC 1792, dated 6 September 2023; and

(2) appoints Dr Michèle Dix as an external member of the Board.—(*Sir Charles Walker, on behalf of the House of Commons Commission.*)

COMMITTEES

Mr Deputy Speaker: With the leave of the House, we will take motions 15 to 22 together.

Ordered,

BUSINESS AND TRADE

That Alan Brown be discharged from the Business and Trade Committee and Douglas Chapman be added.

DEFENCE

That Dave Doogan be discharged from the Defence Committee and Martin Docherty-Hughes be added.

FOREIGN AFFAIRS

That Drew Hendry be discharged from the Foreign Affairs Committee and Brendan O'Hara be added.

HEALTH AND SOCIAL CARE

That Martyn Day be discharged from the Health and Social Care Committee and Amy Callaghan be added.

JUSTICE

That Stuart C McDonald be discharged from the Justice Committee and Chris Stephens be added.

PROCEDURE

That Owen Thompson be discharged from the Procedure Committee and Kirsty Blackman be added.

TREASURY

That Douglas Chapman be discharged from the Treasury Committee and Drew Hendry be added.

WOMEN AND EQUALITIES

That Ms Anum Qaisar be discharged from the Women and Equalities Committee and Kirsten Oswald be added.—(*Sir Bill Wiggan, on behalf of the Committee of Selection.*)

PETITIONS

Levenshulme Station and Gorton Station Ticket Office Closures

7.3 pm

Afzal Khan (Manchester, Gorton) (Lab): I rise to present a petition about the proposed closure of ticket offices at Levenshulme and Gorton train stations, which will lead to difficulties for many railway passengers and the loss of vital jobs, and is likely to prevent people from using public transport. The petition states:

“The petitioners therefore request that the House of Commons urge the Government to prevent the closure of Levenshulme Station and Gorton Stations’ ticket offices.

And the petitioners remain, etc.”

Following is the full text of the petition: [The petition of residents of the constituency of Manchester Gorton,

Declares that Levenshulme Station and Gorton Station’s ticket offices are vital for residents of the area; notes that by closing these ticket offices, vital jobs will be lost; further declares that ticket offices are helpful for the older population and those with disabilities, who may have difficulty using ticket machines; further declares that this loss may prevent people from wanting to use trains in the future.

The petitioners therefore urge the House of Commons to urge the Government to prevent the closure of Levenshulme Station and Gorton Stations’ ticket offices.

And the petitioners remain, etc.]

[P002853]

Dynamic Pricing Strategy

Martyn Day (Linlithgow and East Falkirk) (SNP): I rise to present a petition from the constituents of Linlithgow and East Falkirk regarding the dynamic pricing strategy, which, along with secondary ticket selling, is a disgraceful, exploitative practice that rips off many of our constituents and even denies them access to events. The petitioners therefore request

“that the House of Commons urge the Government to acknowledge these problems and reconsider introducing further regulation in this area, or support an inquiry into the practices of ticket sales and distribution companies operating in the UK.”

Following is the full text of the petition:

[The petition of residents of the constituency of Linlithgow and East Falkirk,

Declares that there is frustration with the dynamic pricing strategy and secondary ticket selling within the UK market; acknowledges the unfairness of increasing prices to an unreasonable level and reselling of tickets at grossly inflated prices; notes the recent publicised problems with entry to events that these practices cause; and believe that urgent action should be taken to mitigate these issues.

The petitioners therefore request that the House of Commons urge the Government to acknowledge these problems and reconsider introducing further regulation in this area, or support an inquiry into the practices of ticket sales and distribution companies operating in the UK.

And the petitioners remain, etc.]

[P002854]

Reddish North Station Ticket Office Closures

Andrew Gwynne (Denton and Reddish) (Lab): I rise to present a petition about the closure of Reddish North station ticket office. Its closure, alongside the proposed closure of neighbouring ticket offices used by my constituents, including those at Guide Bridge, Heaton Chapel, Gorton and Belle Vue stations, and other local stations such as Levenshulme, Mauldeth Road and Burnage, will cost jobs and make our railways less accessible. The petitioners therefore

“request the House of Commons to urge the Government to prevent the closure of Reddish North ticket office.”

Following is the full text of the petition:

[The petition of residents of the constituency of Denton and Reddish,

Declares that Reddish North’s ticket offices are vital for residents of the area; notes that by closing this ticket office, vital jobs will be lost; further declares that ticket offices are helpful for vulnerable customers and those who may have difficulty using ticket machines; further declares that this loss may prevent people from wanting to use trains in the future.

The petitioners therefore request the House of Commons to urge the Government to prevent the closure of Reddish North ticket office.

And the petitioners remain, etc.]

RSE Curriculum: Northern Ireland Schools

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

7.6 pm

Carla Lockhart (Upper Bann) (DUP): Thank you, Mr Deputy Speaker, for the opportunity to address this most important issue today in the House. I do so with the support of my colleagues in the Democratic Unionist party, including our leader, the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson), and the deputy leader, the hon. Member for Belfast East (Gavin Robinson), who unfortunately have a prior engagement.

Let me say at the outset—this is no slight on the Minister responding—that it is disappointing yet not surprising that neither the Secretary of State nor the Minister of State is in this place to respond today. Once again, that shows a lack of connection with the issues that matter. Although the investment conference in Belfast is important, so too is the very foundation stone of our society, our children and their education.

One thing I have learned in my time in politics is that Governments mess with children's education at their peril; they do not meddle in issues where parents are—and should be—first educators; and they certainly do not do it without consulting and engaging with parents, teachers and boards of governors. Parents in Northern Ireland are genuinely angry and fearful. Teachers feel vulnerable and fearful, yet this Government continue on a track of potential wide-reaching changes to the teaching of relationships and sex education in post-primary Northern Ireland schools, with no consultation, little scrutiny and no care for the devolution settlement.

Sammy Wilson (East Antrim) (DUP): This change is imposing a teaching regime on schools that many parents object to. Does my hon. Friend agree that one of the most sinister aspects is that teachers, who will have strong convictions about some of these issues, will be forced by law to teach the subject within the parameters set down by the Government?

Carla Lockhart: As a former teacher, my right hon. Friend knows only too well the impact that the change will have on teachers, which I will refer to throughout my speech.

I am proud to have stood in this House time and again to be unequivocal in my opposition to these liberal and irresponsible agendas. I am proud to sit on these Benches with my DUP colleagues, who have consistently voted against the regulations. My party has and will continue to oppose, unpick and expose them for what they are. I pay tribute to my colleague Diane Dodds, our education spokesperson at Stormont, who has done a deep dive with us into the detail of the changes, exposing the wrongs of this latest RSE legislative change.

We on the Democratic Unionist party Benches will be working with parents, teachers and boards of governors to ensure that our children and young people are protected, that their innocence is protected, that teachers can exercise conscience and remove themselves from teaching something they do not agree with, and that boards of governors have the flexibility and ability to protect the ethos of their schools.

Miriam Cates (Penistone and Stocksbridge) (Con): The hon. Lady is giving an excellent speech. Does she agree with me that it is not only contrary to the spirit of devolution—education is, of course, a devolved matter—to impose this on Northern Ireland, but that, given the controversies that have surrounded RSE in Great Britain and the inquiry the Government have launched because of those controversies, it seems absurd to implement this right now when the inquiry is still ongoing?

Carla Lockhart: I want to get into that, in detail. The law on RSE in England changed three years ago and since then public concern has been building steam. Mistakes have been made, so much so that, as the hon. Lady says, the Government have had to bring forward their review of RSE and appoint an external body to assist the Department for Education here in its review.

What concerns me now is the risk of the same errors being repeated in Northern Ireland. I am asking the Government to take steps to ensure that we have a credible approach to RSE in Northern Ireland, which parents, teachers, schools and our community as a whole can have confidence in. Unfortunately, the Secretary of State has got off to a very bad start with his approach to introducing the regulations with a lack of consultation, scrutiny and the pretence of CEDAW—the convention on the elimination of all forms of discrimination against women—being used to justify the move.

Ian Paisley (North Antrim) (DUP): My hon. Friend must have been delighted at the turnout of over 1,000 schoolteachers, boards of governors and political representatives in her constituency last night, campaigning on this issue of letting kids be kids. Is that not the important message? As she rightly said, interfere in the education of our children at your peril. It will not be tolerated by people across the community in Northern Ireland. Is that not the message the Secretary of State should hear loud and clear?

Carla Lockhart: Absolutely. Parents, teachers and boards of governors are angry, frustrated and really concerned. That has been demonstrated through meetings held locally in Northern Ireland.

I am about operating in the realms of reality. I am not about platitudes or throwaway lines that will be forgotten. I am about protecting our children and young people. I come asking the Government to listen to the concerns and to make amends. The changes as per the Northern Ireland RSE 2023 regulations are deeply concerning. They will change RSE teaching in Northern Ireland in post-primary schools, forcing the teaching of contraception and abortion. That, coupled with the long-term agenda of implementing the RSE progression framework, has invoked so much anger and genuine concern.

When it comes to teaching about abortion, the Government have sought to reassure us that it should take place in

“a factual way that does not advocate, nor oppose, a particular view on the moral and ethical considerations of abortion”.

But such assurances are impossible to deliver. The very act of teaching about abortion is not morally neutral. It normalises it, presenting the subject—the taking of innocent human lives at their most vulnerable stage—as a mere moral dilemma about which people may be free

[Carla Lockhart]

to disagree, whereas for those who are pro-life, human lives are at stake. Further, it diminishes the value of life because if young people are taught about the legal availability of abortion and how to access it, they are more likely to do so in greater numbers. We have seen that in England and Wales since the Abortion Act 1967 was introduced. Indeed, the widely used Sexwise RSE resource in England and Wales even teaches girls that they can go and do it privately without their parents knowing—so much for assurances on parental consultation.

The Secretary of State also sought to assure us that education on so-called

“sexual and reproductive health rights”

should be “scientifically accurate”. Again, I would point out that this is a cause of significant contention. For example, many people in Northern Ireland and many scientists would contend that an unborn baby is, scientifically, a human being. The Education for Choice website, recommended as an RSE resource in England and Wales, asserts that

“before the limit of viability...the foetus is not considered a human being”.

Such a claim is highly contentious and, I would suggest, neither neutral nor scientific. The point is that it is not possible to be neutral on this issue, where science and ethics are interwoven. It is highly likely that resources in Northern Ireland will therefore end up being biased, as in England and Wales. In short, these are matters which should be left to parents, not schools. RSE is not just like any other school subject. It deals with issues on which there are a wide range of views and perspectives. It is a highly sensitive topic that involves very personal issues, and it is critical for parents, teachers and school governors across Northern Ireland to feel confident that the regulations and the guidance now being drawn up recognise that. They need to know that the Government will ensure that schools understand the sensitivity of the topic, and approach it appropriately and in a way that respects the range of views that exist.

Unfortunately, in recent times it has seemed that one view is not respected: that of the Christian, or of the citizen who values life and respects others. The pro-life view is scorned—the view that those who do not want to get pregnant should not have sex, the view that teaches faithfulness in relationships, and the view that subscribes only to the fact that a boy is born a boy and a girl is born a girl and there are not more than 100 different gender ideologies, and that it is ludicrous that people can now identify as cats, dogs and foxes. I say this not to provoke but because these are the views of the vast majority of people in Northern Ireland and throughout this United Kingdom, and unfortunately they appear no longer to be welcome.

The vote on the amendment relating to RSE in Northern Ireland took place on 29 June, and the Secretary of State announced the result that evening in a speech at the PinkNews Belfast summer reception. Let me say seriously that if the aim is to give stakeholders in Northern Ireland confidence that RSE will be balanced and not partisan, objective and not ideological, and sensitive to the communities that schools serve, that was an odd choice.

The position of school governors must be respected. A major part of their role is to safeguard the ethos of schools and ensure that a school serves its local community,

and to do so they need a degree of flexibility and freedom to make decisions on the school’s approach and policy. That cannot be dictated in detail from Belfast, still less from Westminster. Indeed, a large proportion of schools in Northern Ireland were not established by Government but by the Churches, and were later transferred—not sold—into Government hands on the understanding that they would continue to provide an education in accordance with their Church foundations. Of course I understand that the Government can now make law on the education that takes place in those schools, as they have now done in respect of teaching on contraception and abortion, but it is crucial for teaching to be handled in a sensitive and balanced manner that does not disempower governors in their important role. That is my first ask: for school governors to have the autonomy that will allow them to produce RSE policy in line with the school ethos.

Most young people in Northern Ireland grow up to form healthy relationships. Many form the stable families that are so important to the upbringing of children, providing the care, personal knowledge and understanding that only a parent can give. Safeguarding is important, and we are right to be alert to the very tragic cases in which parents present a risk of real harm to their children, but those cases are extremely rare—they are the exception to the universal rule that parents make the best parents, not the state—so parents must be given the power to make the final decisions.

Miriam Cates: As I said earlier, the hon. Lady is making an excellent speech, and I entirely agree with her that parents should have the power to make the final decisions about what are particular and personal values for each individual family, but does she agree that part of the problem is the fact that parents cannot make those decisions? Given that many of the materials concerned are not available for parents to view, how can they know whether they want to exercise their right of withdrawal?

Carla Lockhart: The hon. Member has done an immense amount of work in this regard, and she speaks about the issue in a very educated way. She is absolutely right: parents should be at the heart of this.

The consultation that is currently open in Northern Ireland asks about balancing parent and child rights, but, with respect, that is not how it works. Parents have rights to empower them to do their job of caring for their child. It is parents who are the first and best guardians of their children’s rights, and their role must therefore be safeguarded.

At present in Northern Ireland, it is common for schools to allow parents to remove their children from RSE, but it does not happen frequently, because affording that ability to parents discourages schools from adopting radical and controversial approaches. Schools want to avoid pushing parents into making the decision. When schools empower parents in this way, it builds trust and confidence on both sides in the school’s delivery of RSE.

The Education Department in Northern Ireland is currently carrying out a public consultation on rights of withdrawal. The plan emphasised in that consultation is to afford a statutory right of withdrawal only from the new statements introduced into the minimum content order, thereby narrowing the ability of many parents in

Northern Ireland to withdraw their children from any part of RSE that they are concerned about. I urge the Minister to ensure that this does not happen. My second ask is therefore that the guidance will not restrict parents' ability to withdraw their children from all parts of RSE about which they have a concern.

Most teachers are highly professional, care deeply about their job and the children, families and communities they serve and are conscientious in following school policy and instructions from school leaders, but teachers also have their own views and sensitivities. The UK Supreme Court has recognised that no one should be compelled to express a view with which they fundamentally disagree, yet regrettably some of the teaching resources produced by the Council for the Curriculum, Examinations and Assessment present as fact opinions that many teachers disagree with. While there are safeguards built in currently allowing for ethos to be upheld by the board of governors, thus protecting teachers, there is no clarity on whether those safeguards extend to the changes that will be implemented in January 2024.

Quite frankly, when we do a deep dive into the resources and materials that could make their way on to our children's desks, it is scary; it is worrying. I want to put on record my thanks to the many boards of governors and schoolteachers who have held the line and resisted forcing down pupils' throats ideologies that their parents and communities do not support. Therefore, my third ask is to make provision for teachers with conscientious objections to refuse to teach something they do not agree with.

The statutory guidance for schools that will be issued in January will be crucial, yet no draft of this guidance has been provided as part of the consultation, and nor does the consultation provide any clarity on the scope or detail of its content. This is simply not good enough. Therefore, my fourth ask is that this is made available.

I stand in this place today not only as a parliamentarian, but as a mum and as a board governor of three schools. And I stand here on behalf of the people of Northern Ireland, who do not support what is being done by this Government, who want protections for their children and who want the classroom to be a safe space, not a space that forces on their children opinions and ideologies that are not in keeping with their views.

Before I left home this morning, I dressed my little boy for school—Charlie, aged four. I entrusted him into the care and keeping of his new school, safe in the knowledge that the school he attends promotes and supports a Christian ethos. My nieces and nephews travelled to their post-primary schools, where a Christian ethos is upheld and the teaching of RSE is measured, balanced and does not promote some of the most bizarre and liberal views. I do this for them, for every child and young person in Northern Ireland, and for every teacher and board governor who wants to protect. I ask the Secretary of State to stop meddling. Stop, stop, stop this agenda of devaluing life and radically changing the very bedrock of our society, our children and their education.

7.23 pm

Robert Largan (High Peak) (Con): Let me start by thanking the hon. Member for Upper Bann (Carla Lockhart) for securing tonight's debate on an issue that

I know she feels very strongly about. The Secretary of State is disappointed that he cannot respond himself, but unfortunately this debate has coincided with the Northern Ireland investment summit, where he is busy showcasing Northern Ireland's innovation and potential to investors from around the world. As a result, I am making my somewhat improbable Dispatch Box debut.

Relationship and sexuality education for children in the United Kingdom is a sensitive issue and I recognise and respect the fact that there are strongly held personal views on the issue across the House. In responding for the Government, I seek to continue in the spirit of respect that has characterised the hon. Member's remarks. Let me start by outlining why the Government have acted.

Earlier this year the Secretary of State for Northern Ireland laid the Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023. In doing so, he was acting to implement the clear will of Parliament with respect to sexual and reproductive health education in Northern Ireland. When passing the Northern Ireland (Executive Formation etc) Act 2019, this Parliament, by an overwhelming majority in a free vote, voted to impose a duty on the Secretary of State to implement in full the recommendations of the United Nations committee on the elimination of discrimination against women.

Miriam Cates: What legal authority does CEDAW, a committee of unelected officials from other countries, have over UK law? In what other point of UK law does it have the authority to tell us what to do?

Robert Largan: The authority comes not from CEDAW, but from an overwhelming majority of this House, in a free vote, for that statutory duty.

Fiona Bruce (Congleton) (Con): Does the Minister agree that at that time there was minimal opportunity for debate and confusion about the vote itself? That is no way to impose legislation on Northern Ireland from this place.

Robert Largan: Given that the vote took place before I was a Member of this House, it is difficult for me to comment. I will state only that the result was 332 Ayes to 99 Noes.

That legislation thereby placed a statutory duty on the Secretary of State to make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of the curriculum for adolescents in grant-aided schools in Northern Ireland, and to monitor its implementation. This is a specific and unique duty, which colleagues will recall also placed the Government under a duty to establish abortion services in Northern Ireland. The regulations to deliver on this decision of Parliament were passed in the House of Commons, again by an overwhelming majority, on 28 June 2023.

The Secretary of State did not take lightly the decision to bring forward this legislation. It has always been the Government's preference that, because education is a devolved matter, the Department of Education in Northern Ireland should update the curriculum. The Government gave it every opportunity to act, but regrettably it did not do so.

[Robert Largan]

It is widely acknowledged that there is a problem with how sexual education is being taught in schools in Northern Ireland. Indeed, a recent report from the Northern Ireland Human Rights Commission recommended that a standard level of RSE throughout all schools be introduced.

Sammy Wilson: The Minister comes to the nub of the issue. One of the criticisms was that, when they were teaching it, people were introducing some values into their teaching. The objection was that faith schools and Christian teachers, because they believe certain things, brought those values into their teaching. These regulations are designed to prevent people and schools from reflecting those values in their teaching and in the curriculum. That is the crux of the issue, and it should not be the case in a free society.

Robert Largan: I am grateful for the right hon. Gentleman's intervention. It is the Government's view that educating adolescents on issues such as contraception and access to abortion should be done in a factual way that does not advocate or oppose a particular view on the moral and ethical considerations of abortion or contraception.

Nearly four years have passed since the Northern Ireland (Executive Formation etc) Act, and adolescents in Northern Ireland are still not receiving comprehensive and scientifically accurate education on sexual and reproductive health and rights, and the Government have therefore acted to implement the will of the House. In doing so, the Government have sought to ensure that the education provided is broadly in line with that already provided in England with regard to contraception and abortion—these regulations do that.

The regulations passed earlier this year amend the curriculum for key stage 3 and 4 pupils—11 to 16-year-olds.

Nick Fletcher (Don Valley) (Con): Will the Minister give way?

Robert Largan: I will make some progress, if that is okay.

The regulations make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of the curriculum in Northern Ireland. This covers prevention of early pregnancy and access to abortion.

In recognition of the fact that education in Northern Ireland is a devolved matter, the Secretary of State has sought to ensure that the Department of Education in Northern Ireland has led in determining the content and delivery of this education—they are the experts. The regulations place a duty on that Department to issue guidance by 1 January 2024, and to place a duty on the board of governors and principal of every grant-aided school to have regard to the guidance.

As I noted at the beginning of my remarks, this Government recognise the sensitivity of this topic. Some parents may wish to teach their child about sex education or make alternative arrangements for sex education to be provided in line with their religious background or their belief about the age at which their children should access sex education. Let me assure hon. Members that

in recognition of that the regulations also place a duty on the Department of Education in Northern Ireland to make regulations about the circumstances in which a pupil may be withdrawn from such education, or elements of that education, at the request of a parent. That mirrors the opt-out approach taken in England and Scotland.

Sammy Wilson: The Minister has used the word “sensitivity” on a number of occasions during his speech. Does he accept that advising someone on the killing of a child is one of the most sensitive issues that there could possibly be, yet, according to what the Secretary of State has said, what CEDAW has said and what these regulations will result in, any teacher who has a deeply held view that killing a child is wrong will be prevented from saying so to the children they are trying to guide?

Robert Largan: On the point of teacher opt-outs, it is important to stress that this will be a matter for the Department of Education in Northern Ireland, as it has overall responsibility for education in Northern Ireland. It will be part of its consultation, which I will be coming to in a moment, and the guidance that is published next year. On teacher opt-outs, it is also worth pointing out that a large majority of the schools in Northern Ireland outsource their relationship and sexuality education to third-party providers.

Robin Millar (Aberconwy) (Con): Thank you for indulging me on this, Mr Deputy Speaker. The Minister said that the “Government recognise the sensitivity” of this matter and he then used the words “some parents may wish to”. How does he reconcile that with the fact that scrutiny in the other place said that there had been insufficient consultation with parents? Does he not think that some stronger legislation may have been brought forward, if that was deemed appropriate, following proper consultation with parents?

Mr Deputy Speaker (Mr Nigel Evans): By the way, you should first have apologised for not being present throughout the entire debate.

Robert Largan: I will be coming to that report from the other place shortly.

Ian Paisley *rose*—

Robert Largan: I am very short on time; I have only three minutes. If the hon. Gentleman will forgive me, I would like to make some progress.

Ian Paisley It will be a short intervention—

Robert Largan: In that case, I will give way.

Ian Paisley: The Minister should accept that he is very popular tonight on his debut at the Dispatch Box.

As my colleagues have said, the mechanics of teaching sex, the mechanics of an abortion and the mechanics of contraception are one thing; this is about the teaching of values. Going through life, as we all know, is about one thing: relationships—relationships with each other, how we build those relationships, whether they become sexual, and whether they take place in a loving environment. When those values are removed, what happens to the things that we believe in passionately? It is, “You can

have an abortion because it is an inconvenience to have a child.” That is where the problem comes. Can the Minister give us an assurance that values will be allowed to be kept, so that at the centre of all our relationships we have value?

Robert Largan: I am not sure that was quite the short intervention that the hon. Member promised. I reiterate what I said earlier about the need to have the education done in a factual way. But that does not exclude parents being able to teach those values to their children, which surely would be the most primary thing when it comes to this.

The Department for Education has confirmed that it intends to have the opt-out regulations in force on the same day as the guidance on the updated curriculum, which is 1 January next year. On 1 September, the Department for Education launched a consultation on the guidance and the opt-out regulations. This will run for 12 weeks, until 24 November. I encourage hon. Members who feel strongly about this to engage in that consultation. Northern Ireland Office officials will continue to work closely with the Department for Education as it works towards implementation of the curriculum.

Hon. Members have noted in this debate that the House of Lords brought the regulations to the special attention of the House as a result of their concerns about the decision not to publicly consult on them. The Secretary of State has already addressed the issues in a

subsequent debate on those regulations, but I just reiterate that, in line with the Government’s statutory obligations under section 75 of the Northern Ireland Act 1998, and in consultation with the Equality Commission for Northern Ireland, the Government completed an equality assessment screening, the outcome of which did not indicate the need to consult publicly on the policy. The Secretary of State’s duty is clear that it requires topics such as abortion and contraception to be compulsory curriculum components. A public consultation would not change this requirement. As I have mentioned, there is the consultation now open on both the guidance and the opt-out provisions.

In closing, I reiterate that the Government have only stepped in where necessary on this issue to deliver on a statutory duty. In bringing forward these regulations—

Miriam Cates *rose*—

Robert Largan: I am afraid that I am out of time.

In bringing forward these regulations, the UK Government did not set a new policy direction, but rather gave effect to a decision taken by Parliament in 2019 by an overwhelming majority in a free vote. The Department for Education in Northern Ireland—

7.36 pm

House adjourned without Question put (Standing Order No. 9(7)).

Westminster Hall

Tuesday 12 September 2023

[PETER DOWD *in the Chair*]

PANS and PANDAS

9.30 am

Wendy Chamberlain (North East Fife) (LD): I beg to move,

That this House has considered PANS and PANDAS.

It is a pleasure to serve under your chairpersonship, Mr Dowd. I will refer to paediatric acute-onset neuropsychiatric syndrome—PANS—and paediatric autoimmune neuropsychiatric disorders associated with streptococcal infections—PANDAS—as PANS/PANDAS throughout. Before I begin my speech, I welcome members of the all-party parliamentary group on PANS and PANDAS who are here and those Members who supported the Backbench Business debate application that brought us here. Most importantly, I welcome representatives from PANS PANDAS UK and medical specialists who are here to watch the debate; they will be available to meet MPs in room W3 afterwards.

I acknowledge that there may well be a significant variation in knowledge of the conditions PANS/PANDAS in the room. On the one hand, we are joined by experts and many MPs, including me, who know a little or something about the condition through our casework and campaigning, but I would not be surprised, Mr Dowd, if you did not know what we are here to discuss. The reason that that would not surprise me is because it is also the reason that we are here today: despite becoming increasingly widespread among children and young people, there is little awareness of or treatment for PANS/PANDAS. I hope that colleagues will bear with me if I briefly set out what PANS/PANDAS are.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): I congratulate the hon. Lady on securing this debate. She mentioned that awareness is crucial. A family in my constituency of Merthyr Tydfil and Rhymney has been living through what has been described as a living hell—it is a really heartbreaking story—since their daughter first had symptoms back in January. Awareness is low across the country, including in the medical profession in, and the APPG will undoubtedly help with that. I am sure that we are all rallying to raise awareness and support and get awareness out there across the country.

Wendy Chamberlain: A “living hell” is certainly how it has been described to me in conversations that I have had, not only because of the symptoms themselves and dealing with them, but because of the lack of support compounding that distress.

I will outline what PANS/PANDAS are. PANS is a condition in children and young people that can result from an initial mild infection such as chickenpox or covid. PANDAS is a specific sort of PANS that stems from strep. While the initial infection might be mild, in some cases it triggers a misdirected immune response and/or a brain inflammation that causes the rapid onset

of severe symptoms, which can include obsessive compulsive disorder, tics, severely restricted food intake, anxiety, aggression, depression, memory deficiency, poor cognitive function and behavioural and developmental regression. These changes can and do take place literally overnight. Understandably, the impact of those symptoms on a child and their family is monumental. We do not need to be parents ourselves, although many of us here may be, to understand how utterly distressing it must be to have a formerly healthy, happy child suddenly find themselves unable to leave their bedroom, dress, eat, wash, talk to others or attend school and to see them vanish as the illness takes over. Sadly, that distress is compounded and worsened many times over by the lack of available support for patients and their families, as PANS is often not even suggested, considered or acknowledged.

Globally, PANS/PANDAS are recognised and treatment pathways have been set up. The World Health Organisation has explicitly acknowledged the conditions in its latest guidance. However, as things stand, there is neither NHS nor National Institute for Health and Care Excellence guidance on the diagnosis or treatment of PANS/PANDAS in any part of the UK. That leaves patients subject to an unfair and arbitrary lottery. All the evidence suggests that the best treatment is early diagnosis and a two-week course of antibiotics. If that window is missed, antibiotics may become less effective and other treatments are needed.

However, in the UK, without those pathways the vast majority of children are given inappropriate and ineffective treatment for their symptoms, rather than for the underlying cause. That often involves long waits for mental health treatments from child and adolescent mental health services, which I think we all know and recognise are overburdened. In a survey carried out in 2020 for PANS PANDAS UK, 95% of parents said that their GP had not suggested PANS/PANDAS as a diagnosis. Often, they can suggest no diagnosis at all; families must then research and fight for treatment themselves. The reality is that, after months of seeing their child suffer without any explanation, families end up turning to private healthcare, but that it only an option for a few. It is only at that point that a diagnosis is forthcoming.

I suspect that I am like most MPs, in that I became aware of PANS because a constituent approached me for support with her local NHS doctor. In the run-up to this debate, I had the privilege of speaking to some of the children and young people who sit on the PANS PANDAS UK youth advisory board, who shared their experiences with me. Their experiences of being diagnosed are all different, with only one exception: they were all negative. If any of them are watching today, I want to thank them for being able to talk to me about their experiences. It was really important to hear directly from them, and I thank them very much for that.

One of the children on the board talked about the fact that the doctors really did nothing for her. Every time she went to the hospital, she was made to feel like a mystery. Because the doctors did not understand what was wrong with her, it felt as if they were just going to leave it and give up. Another child told us about being sent from place to place, with no medical department taking responsibility. She went through waiting list and waiting list, with no resolution, as the symptoms continued and worsened.

[Wendy Chamberlain]

It is really important to remember that the initial recommendation on diagnosis is for two weeks of antibiotics. As a parent, I find it quite difficult to understand why that is not being pursued by GPs, because it treats the initial infection if it is PANS/PANDAS. It would prevent the symptoms from deteriorating further, which might lead to someone needing more mental health support. Frankly, if it is not PANS, the antibiotics will not work and we will be able to rule that out pretty quickly.

Almost all the children I spoke to had received private treatment and given up on the NHS, but private diagnosis and treatment plans are often rejected by local GPs and health boards. One child remembers a doctor saying that he would refuse to treat an American illness. Another was refused ongoing treatment because the consultant did not believe that PANS was real. Many children have their medications stopped when their parents move back to NHS care; indeed, this is something I am supporting one of my constituents with now, with NHS Fife newly refusing to provide prescriptions for privately recommended medication. That is despite the fact that my constituent's child has had both an NHS and private diagnosis. Imagine being a child and going through the trauma of this change in your life and condition—it is terrifying—then being told by the adults treating you that they do not believe that what you are experiencing is real or exists.

There is a lack of direction from the top. I have asked before about the implementation of the World Health Organisation guidelines that will formally acknowledge PANS/PANDAS and its treatments within our domestic health systems, and I have been told it will take some time. In the meantime, children are suffering needlessly, as are their families. We have to consider the wider impact on the siblings of children experiencing this condition.

I understand that the Minister might not want to pre-empt the independent medical process relating to the NICE guidelines, but if she would confirm her position that PANS/PANDAS is as real as having a broken leg or the flu, I really believe that that would be a significant step. I hope that that will not be a difficult ask.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I am grateful to the hon. Member for securing the debate. I wonder whether they agree that clinical evidence and lived experience across the whole of the UK must inform the evidence base that clinicians and NICE make, and that that must be based on the reality experienced by our constituents who are suffering from PANS/PANDAS. Through this debate, I hope the hon. Member will be able to force that through not just to Ministers, but to the civil servants who are advising them and the clinicians who say that this condition does not exist.

Wendy Chamberlain: I am conscious that we need to deal with the medical profession in relation to this condition, but we must be able to do things as parliamentarians, and the Government must be able to do things too. Obviously, I am standing here as a Scottish MP, as is the hon. Member. It is about ensuring that there is parity of treatment across the UK.

As I say, I hope it will not be a difficult ask for the Minister to say that PANS/PANDAS is real, because I am privileged to have sight of a letter that she sent earlier this year to another Member, which confirmed such a position. In that letter she noted the common practice of treating infections with antibiotics and that PANS/PANDAS could be treated successfully in that way if caught early enough. I am sure she will also be aware of the PANS/PANDAS working group statement that was issued earlier this year.

The working group consisted of representatives from the British Paediatric Neurology Association, the Royal College of Psychiatrists, the Royal College of Paediatrics and Child Health, the Royal College of Nursing, the Royal College of Occupational Therapists, and the British Paediatric Allergy, Immunity and Infection Group, as well as parents, social workers and campaigners. The statement is an important step. It signposts clinicians to the international peer-reviewed treatment guidance in the absence of peer-reviewed treatment guidance domestically. The position appears to be the same as the Minister set out in her letter. I therefore ask her to use her time today to confirm that to the House and pledge to make a written statement to the same effect. The power of such a statement in the face of doctors refusing to believe in your child's illness would be literally life changing and potentially life saving. As I have said, as a Scottish MP I would want to see parity of support in Scotland. I hope that when the SNP spokesperson, the hon. Member for Motherwell and Wishaw (Marion Fellows), speaks in the debate she will agree to take forward a request from me to the Cabinet Secretary for health to ensure that we see that parity of care in Scotland.

Julian Smith (Skipton and Ripon) (Con): I commend the hon. Member on the preparation that went into this debate and the information that she sent round to colleagues. One issue that seems to be present in the condition is the crossover with autism spectrum disorder, attention deficit hyperactivity disorder, and pathological demand avoidance and other types of autism. It would be useful to hear more from her about how the symptoms can sometimes be confused.

Wendy Chamberlain: I accept that the presentation of the symptoms can and does give clinicians pause for thought. The very severe onset of symptoms is clearly very different from other mental health conditions that develop over a period of time. As I say, when a patient presents with those symptoms to a GP there is an opportunity to take the antibiotic step that would allow PANS/PANDAS to be ruled out at an early stage, if that is not the condition that they have. Today's debate is aimed at raising awareness so that we can separate out the different conditions. I am grateful to the right hon. Member for Skipton and Ripon (Julian Smith) for taking part in the debate.

I hope the Minister will be able to take such vital steps today. Looking to the future, I think we all want to see NHS and NICE guidance and proper research into the conditions and their treatment. I am sure the Minister and her officials have regular meetings with representatives from the NHS, the Academy of Medical Royal Colleges and the National Institute for Health and Care Research. Can she ensure that PANS is discussed in those places, that awareness is raised and that there is

home-grown leadership? Medical conditions do not have nationalities and, with political will, there is no reason why the UK cannot be a world leader in treating this one.

I want to look at aspects of dealing with a health condition that do not just stem from medical diagnosis and treatment. I hope the Minister regularly speaks to colleagues from other Departments where their remit cross. There is a remit for the Department of Health and Social Care in building the hospitals, but it is the Department for Transport that makes sure there are roads to get people to them. It is the Minister's Department that comes up with a cancer strategy, but the Department for Work and Pensions sets the policy on statutory sick pay and disability benefits. In this case, although she has an incredibly important role in ensuring the recognition and treatment of PANS/PANDAS, we need to look at the other impacts on a child who is so poorly.

The first and most obvious point is that a child who is too poorly to get dressed is probably unlikely to be in school. If they are in school, flare-ups of the condition—one of the symptoms is difficulties with cognitive processing—can mean dropping behind. When I recently asked children on the youth board about that, I was told that universally before they were ill they had loved school and had been doing well there. In fact, a survey carried out by PANS PANDAS UK this year found that, pre-onset, only 9% of patients were below the expected academic standard for their age group. After onset, the figure soared to 53%.

As with treatment, support from the school is a lottery for families. Most schools and teachers do not know what PANS/PANDAS is and have no idea how to support students with it. I have spoken to families of children who have been out of education for over a year because they have been too ill to go to school. I have spoken to others who say that the support is so poor that they have moved to home schooling. Others count themselves as lucky, because the special educational needs department has been open to supporting them.

One girl on the youth board told me that the SEN department at school was her safe place, that it was really calm, and that her teachers had researched the condition and made allowances for her school work. That should not be the exception in children's experience—it should be what we aspire to for all of them. Not being in school is a reality for many children with PANS/PANDAS, particularly if they are not receiving the proper medical support to help them get better.

Ruth Cadbury (Brentford and Isleworth) (Lab): The hon. Lady is making a powerful speech. Given that we do not know how many children are undiagnosed, is it possible that many of them could be in hugely expensive specialist education for children with autism or ADHD with high student-staff ratios that is wholly inappropriate for them and would not be needed if they had been diagnosed and treated?

Wendy Chamberlain: It comes back all the time to this root issue: recognition and treatment of this condition mean that outcomes on every level are much better, not only for the individual children and their families, but from a wider societal perspective. When I asked the youth board what it thinks needs to change to help other children with PANS, one of the main responses

was more support and information for schools. I know that that is not the Minister's portfolio, but given the overlap I trust that she will be able to raise that with her colleagues.

Childhood and adolescence are important times in someone's development, not just educationally but socially. Childhood and teenage friendships are a vital part of how we mature and learn to navigate the world, and never more so than when facing a terrifying illness. It was difficult to hear children on the youth board talk about losing their friendships because as adults there is so little we can do, but I felt that it was important to ask the question because it is fundamental to children growing up. One child told me that they lost most of their friends when they transitioned to secondary school and how hard it was to make new friends when people only see how they act when their illness is in control. Another talked of how they lost all their friends seemingly overnight—they simply became a taboo subject that other children and their families did not talk about.

There were other more positive stories. One mum told me how her daughter's friends would come and sit outside her bedroom door to try to convince her to come out and that when her daughter finally got the right treatment, her friends were some of the first people there, literally running up to their house to see her. They told her that they felt they had her back, and within a week they were out having fun together. As a parent, I am the first to acknowledge that there is nothing we can do to make children be friends with each other, but when we talk about appropriate treatment and support in school, it is these friendships that are also at stake.

I want to focus on the children and young people who suffer so much with PANS/PANDAS, but of course we need to think about their families too. Putting aside the strains and stresses experienced by a parent who witnesses their child being so ill, caring for them and having to fight battle after battle for treatment, they might face the choice of accepting a prescription for anti-psychotic medication for their 9-year-old child or social workers deciding to remove that child from their care.

Financially, this illness has a huge impact, whether through parents stopping work to care for their child or through seeking private treatment. The PANS PANDAS UK 2020 parents survey found that less than 20% of parents had experienced little or no financial impact. Almost a quarter estimated a financial impact of over £10,000, while over 8% estimated that it was over £100,000. An additional quarter simply said, "substantial" without putting a figure on it. Considering that a substantial financial impact is relative, that might be enough to put a family on the poverty line, whether the actual figure is £1,000 or £100,000. What about those children where private medication or support is simply not an option? The reality is that, at the moment, money matters for someone with a child who has PANS/PANDAS. Without NHS guidance and diagnosis and with so many families relying on private healthcare, we have absolutely no way of knowing how many children are going undiagnosed, as the hon. Member for Brentford and Isleworth (Ruth Cadbury) referenced.

What we do know is we are seeing a crisis in mental health conditions among our young people. Anxiety is skyrocketing, as are compulsive behaviours and tics. We cannot rule out the likelihood that the PANS/PANDAS

[Wendy Chamberlain]

cases that we know about are just the tip of the iceberg. We need urgent research, treatment and diagnosis to be universally available so that it does not matter where a child lives or what their family means are; their chances for support are the same.

I pay tribute to the support that PANS PANDAS UK and the wider community have given me, but also to families and children around the country. I would like to end by returning to the reflections of some of the children I met; they are so brave. They talked about how confusing and scary it was to suddenly have voices in their head. They talked about the panic of suddenly having to touch the same item in their bedroom over and over again—of not knowing what was happening, of sharing that with anyone in their family, or of having a brain that could not focus. This is their message to adults in Government, and to all of us here today: what is happening to them is not a choice. They care about school, their friends and their lives. They are not naughty children. If after this debate even just one more person understands that, that would help. This is not just a healthcare problem; it is a political problem, a societal problem, and one that increasingly needs urgent attention.

Several hon. Members *rose*—

Peter Dowd (in the Chair): I was going to remind hon. Members to bob if they wanted to speak, but you have all bobbed, so thank you. I want to bring the Front Benchers in from 10.28 am.

9.50 am

Selaine Saxby (North Devon) (Con): It is a pleasure to serve under your chairmanship, Mr Dowd. I thank the hon. Member for North East Fife (Wendy Chamberlain) for bringing this important debate to the House.

As already detailed, PANS and PANDAS can change a family's life overnight. That is exactly what happened to my constituent Neil Gilson and his family. His son Jack was 18 months old when he caught tonsillitis, and an otherwise innocuous childhood illness turned their life upside down. Jack went from being a normal and happy little boy to one who was aggressive and anxious. He struggled playing with his friends, would go days without wanting to leave the house, and would not speak a word for long periods of time. His illness was not limited to his mental health but affected his physical health, too; he lost his fingernails and toenails and had very little energy. Neil describes it as,

“it was like there was no-one there”

some days—far from normal behaviour for a young boy.

For years, Neil and his wife sought a diagnosis. Various behaviours were put down to Tourette's syndrome, an allergy or even just normal behaviour for his age, but one morning, Neil heard a news story about PANS and PANDAS that matched Jack completely. His doctor had never heard of the condition, but after an appointment with a specialist and a course of antibiotics, they had their son back in just two weeks. That is what makes PANS and PANDAS so shocking. It is an inflammation of the brain that can be quickly and effectively treated with a course of antibiotics, but it is so little known that it is impossible to say how many parents' concerns are

being put down to other causes simply because their GP has never heard of PANS and PANDAS. Will the Minister bring in training and guidance, so that obtaining a diagnosis is no longer a matter of chance, and work to raise awareness among healthcare professionals and those involved in childcare, so that families do not have to go through years of anxiety and all the problems that come with an unwell child.

I pay tribute to Neil's fantastic work in raising both awareness and money for PANS and PANDAS. Since 2019, he has swum marathon distances in Loch Lubnaig and in 2021 became the first person to swim across the Bristol channel from Swansea to Ilfracombe. He attempted to swim the 70 km length of Lake Geneva this summer; he was 56 km in when he developed hypothermia and had to be pulled out by his team, but he has vowed to try again next year. Regardless of the distance, Neil has raised a fantastic amount of money and awareness and will change the lives of many children like his son Jack.

I hope that us coming together today and highlighting the cases in our constituencies will in itself help to raise awareness, so that early access to those antibiotics is more widely available to children who may have PANS and PANDAS.

9.53 am

Ruth Cadbury (Brentford and Isleworth) (Lab): It is an honour to serve in this debate under your chairship, Mr Dowd. I thank the hon. Member for North East Fife (Wendy Chamberlain) for securing this important debate and the Backbench Business Committee for finding time in the parliamentary timetable.

I also pay tribute to PANS PANDAS UK. The charity has been working tirelessly to raise awareness, provide support to parents and push for change. They are not professional politicians or lobbyists, but simply parents who are fighting for a change, and I thank them for all their work.

As the former co-chair of the APPG on PANS and PANDAS, I am glad that the condition will now find itself inked into the pages of *Hansard*. Too many young people and children across the UK are suffering from this awful, life-altering condition and are not getting the support that they deserve. In many cases, had that support been available when they first exhibit changed behaviours, it would have drastically improved their recovery—for some, almost immediately.

Like many in the Chamber today, I am here because about seven years ago a couple in my constituency contacted me about their child; a previously outgoing, bright, happy and lively child suddenly had a switch flipped and became ridden with anxiety, was unwilling to leave the house, and suffered from extreme OCD. More recently, another constituent had an experience similar to that described by the hon. Member for North Devon (Selaine Saxby): the doctors did not know what it was. At our first APPG meeting, we saw video evidence from parents about the sudden changes: tics, eating disorders, extreme anxiety, and violent or introverted behaviour. As a parent I found that harrowing to watch, and I can only imagine the anguish and difficulty it must cause for families up and down the country.

For many, there is then a struggle to get treatment as they face the brick wall that is too often formed in the NHS, the near impossibility of getting speedy and

helpful treatment, GPs who are not aware of the condition, and a chronic lack of awareness even in specialist units. Professional demarcation lines mean that too often the psychiatrist and neurological specialist will not realise that the cause is a strep infection or similar, which can be sorted fairly quickly. All that is coupled with a scepticism of some, who do not believe or accept that it is a condition. Remember when that happened with myalgic encephalomyelitis? We know of children with the symptoms of PANS/PANDAS who have gone through years of agony and been told to go to therapy. If they finally get lucky and win the lottery for treatment, they are often prescribed amoxicillin—a common antibiotic, which we gave our kids every time they had an ear or throat infection. It makes a huge difference, often almost immediately—within a week or two. Sadly, when those who have had PANS or PANDAS for months or years are finally diagnosed, they often need more complex and thus more expensive treatment, and it is a long haul to recovery.

My hon. Friend the Member for Batley and Spennings (Kim Leadbeater), who is unable to be here today, asked me to share the experience of a constituent whose child had PANS. Once the support and help was in place, the child started to recover; they are now thriving, and are starting college this month. With the right treatment and support, children can thrive and succeed, but getting the diagnosis is key.

I welcome the working group that has been set up by stakeholders, including PANS PANDAS UK and various royal colleges. It recommends that all NHS trusts develop comprehensive cross-speciality and multidisciplinary team provision to review and treat children with acute-onset neuropsychiatric symptoms and that children should receive a full medical evaluation. As we have heard, the quick test for whether a child has PANS/PANDAS or something else is to start a course of amoxicillin or a similar antibiotic. If symptoms improve, they have PANS/PANDAS; if they do not, that is the point to move on to more complex diagnostics and treatment to try to work out what the cause is. I hope that change will result from that recommendation.

As we have heard, families are too often forced to get private treatment—spending a small fortune for something they should have been able to get on the NHS. Of course, many of our constituents do not have the money for private treatment, and too many cases—we do not know how many—remain undiagnosed. The formation of the working group shows that we have made some progress since 2019 and 2020, when we first raised the issue in Parliament. In the meantime, more children and families are being affected, and more lives are being ruined and turned upside down because PANS/PANDAS is not being treated quickly and properly.

I look forward to hearing from the Minister and hope that she can tell us what her Department is doing with regard to the working group's recommendations. I very much hope that she and her officials do not put it into what the former Member for Norwich South called the "too difficult box".

9.58 am

Robin Millar (Aberconwy) (Con): It is a pleasure to serve under you today, Mr Dowd. I congratulate my colleague on the APPG, the hon. Member for North East Fife (Wendy Chamberlain), on securing the debate

and on giving such a comprehensive account in her opening remarks. I also acknowledge the work that the hon. Member for Brentford and Isleworth (Ruth Cadbury) has done on the matter here in the House.

As the chairman of the APPG on PANS and PANDAS, I also extend my gratitude to the organisation PANS PANDAS UK. I have had the privilege of working closely with Vicky and the team, and have seen at first hand their tireless efforts as the only charity in the UK that supports children and families living with the conditions. Their advocacy and community support work continue to prove invaluable for patients, carers and healthcare professionals alike.

Like most of us here in Westminster Hall this morning, I was first made aware of PANS PANDAS UK when a constituent contacted me to discuss their case. Separately and much later, a dear family friend contacted me to say that her daughter had also been affected. I recognise many of the descriptions given by the hon. Member for North East Fife of the circumstances that they had to deal with at home. In my speech today I will set out three key issues that have become apparent to parents and interested professionals over the years: first, the misinterpretation of symptoms; secondly, the subsequent misdiagnoses; and, thirdly, the significant problems that such misdiagnoses cause for children with these conditions.

First, according to a survey by PANS PANDAS UK, 95% of GPs do not know about these conditions, and 19% of affected parents said that their paediatrician was aware of these conditions but considered it too controversial to diagnose a child with any of them. As a result, many children with PANS and PANDAS receive multiple diagnoses, often of more widely recognised conditions with overlapping symptom profiles, including anxiety disorders, sensory processing disorders, ADHD and Tourette's syndrome; some 31% of children with PANS or PANDAS are diagnosed with autistic spectrum disorder. That shows a clear lack of appropriate training for health professionals and means that the wide-ranging symptoms of these conditions are not being recognised as potentially linked to one of these conditions.

Secondly, continued misdiagnoses cause significant delays in the identification of PANS and PANDAS and the provision of effective treatment. Currently, there is no specific test that will prove or disprove the existence of the conditions, so a diagnosis must be made on the basis of an analysis of the patient's medical history, a review of their current symptoms and a physical examination. Laboratory work and additional testing can be ordered to identify an infectious trigger, rule out other diagnoses and inform treatment plans, but all of that relies upon a clinician's basic awareness of these conditions.

PANDAS is listed in the international classification of diseases by the World Health Organisation, and two sets of international peer-reviewed treatment guidelines exist. In fact, it is international clinicians currently working in this field who emphasise the importance of early diagnosis of PANS and PANDAS to reduce the risk of patients developing disabling chronic neurological conditions. Understanding the symptoms and detecting them early is crucial to patient outcomes.

Thirdly, we cannot underestimate the strain that these conditions place on parents, families and the children affected. Many families across the UK struggle to access any healthcare provision at all for these conditions on

[Robin Millar]

the NHS. In the same PANS PANDAS UK survey of parents that I referred to earlier, 47% of respondents said they had not received any treatment from the NHS and 37% said that, as a result, they have had to seek private healthcare. Too often, access to adequate health provision for families depends upon a parent's ability to carry out research and advocate for their child, and then fund private assessment and treatment.

As we have heard, the misdiagnosis and misinterpretation of symptoms has led to children being sectioned or admitted to psychiatric hospitals, and subjected to treatments that are ineffective, inappropriate or harmful. Families who have been rejected for referrals, or bounced between doctors and psychiatrists who are reluctant to consider a PANS PANDAS diagnosis or who are unaware of the conditions, must either watch their children deteriorate or somehow scrape together enough money to consult someone who has appropriate experience in the field. Private and overseas treatment must not be the only viable option for appropriate care in a nation that rightly prides itself on having an inclusive and accessible health service.

It is evident that significant change is needed in the UK to ensure that children receive timely and accurate diagnosis and the appropriate treatment and support that they need. We know that the underlying cause of PANS and PANDAS is suspected to be an abnormal immune and inflammatory response to infection, so my first request is that research into post-infectious disorders is given adequate funding and is accelerated across the UK. That is necessary if we are to see an improvement in the training and guidelines given to clinicians regarding these conditions.

Secondly, as the PANS PANDAS working group, we are pressing for the swift development of a UK-wide consensus on the treatment of children presenting with acute-onset neuropsychiatric symptoms. As I have already highlighted, without appropriate training and guidelines, UK clinicians are currently ill-equipped, so thirdly, we need to prioritise the development of clinical pathways to ensure that children and families do not continue to suffer as so many have suffered already.

I thank the UK Health Minister who is here today, the Under-Secretary of State for Health and Social Care, the hon. Member for Lewes (Maria Caulfield), for her interest and I invite her to meet members of the APPG, PANS PANDAS UK and representatives of parents to hear their experiences first hand. Listening to the experience of patients is the first step in ensuring both that they receive the support they deserve and that we can secure the changes that are needed.

10.4 am

Jim Shannon (Strangford) (DUP): It is indeed a pleasure to speak in this debate.

First of all, I thank the hon. Member for North East Fife (Wendy Chamberlain) for securing this very important debate and for, as always, setting the scene so well. She and I may be from different political parties, but when we clearly agree on social issues, I am more than pleased to come here and support her. I added my name, as did others, to early-day motion 948, submitted by the hon. Lady to highlight the issue of PANS and PANDAS. It is a reminder that the census estimated that between one

in 200 children in the United Kingdom of Great Britain and Northern Ireland are subject to this condition. The numbers are not minuscule; it resonates across the whole UK.

PANS and PANDAS are two related paediatric disorders that can have a profound impact on a child's life. Those who have spoken before have outlined examples and interventions to illustrate the case being made so well. There is currently no uniform recognition or treatment for the condition, as the hon. Lady set out in her introduction. Although the World Health Organisation guidance recognises the condition and recommends treatment with antibiotics, that has yet to be adopted by the NHS. The Minister knows I have a fondness for her as a Minister. I know she does well and that her instinct is to respond well and to answer the questions that we ask. I look forward to hearing her response.

The NHS not recognising these conditions leaves families devastated as they struggle for treatment. Some families have said that they have been referred to CAMHS as an alternative to NHS treatment. That is not always the most appropriate treatment, by the way, but at least there is some response. Others have outlined the symptoms that PANS and PANDAS can include. We probably have all recognised them in our constituency cases, whether it be OCD, tics, restricted food intake, development regression, anxiety, depression, irritability—even hallucinations and delusions. Those are so great that they cannot be ignored.

The hon. Member for North East Fife sent us some information at our request, which we appreciate. That illustrates the issue the hon. Lady wants to put forward, so we can support her from a constituent's point of view. When I read what the hon. Lady's constituent, who is suspected to have PANS and PANDAS, had said, there was a real disconnect given that health is devolved.

The hon. Member for North East Fife referred to the comments of the hon. Member for Motherwell and Wishaw (Marion Fellows), which I know, without even hearing those words, will also support the points of view that we are putting forward today. The devolved nations must now fight harder for an approach.

Martin Docherty-Hughes: Briefly on the devolved nations, does the hon. Gentleman recognise that we need to work with our colleagues in the Scottish Parliament, MSPs, with Members of the Senedd of Wales and, if it deigns to sit, Stormont, where MLAs need to reform themselves to make appropriate health policy for devolved nations.

Jim Shannon: I absolutely do think that. I thank the hon. Gentleman for that intervention. At the end of my contribution, I was going to ask for that very thing. The hon. Gentleman has reminded me and the House of the importance of all the devolved nations working together, in tandem and alongside the Minister here at Westminster.

The symptoms of PANS and PANDAS can make education and school life difficult for children and young people. I know education is not the Minister's responsibility, but I believe there is a need for the two Departments to work in tandem. Schools have a duty to support children and young people with medical needs, and that wee bit of extra support must be there for our young people. PANS PANDAS UK has been providing free and online CPD-accredited training for a wide

range of professionals, including educational psychologists, specialists and support teachers. That is indeed a much welcomed step.

Will the Minister reaffirm what the hon. Member for West Dunbartonshire said in his intervention: ensure that at Westminster the evidential and factual base and the information that the Minister has in her Department is shared with the devolved Administrations? I believe that sometimes here at Westminster, the Government should drive the policy for the devolved nations. I know that matters are evolving and that responsibility lies with the devolved nations, but the Government will not find us wanting. They will not find the Scottish Parliament, the Welsh Parliament or the Northern Ireland Assembly wanting when it comes to working collectively to make life better for our constituents.

We are discussing a devastating condition, which impacts children and their families. The NHS must do more to support parents in learning how to cope with it, and research must be better funded to assist with diagnosing the condition. There is much more to do to support those with the disease.

I thank the hon. Member for North East Fife for raising the matter today, and every right hon. and hon. Member who has contributed through speeches and interventions, and those who will contribute shortly. I look forward to the shadow Ministers' contributions and particularly to that of the Minister. I say to her that the eyes of all of us will be upon her as the Minister, and upon the Government, looking for the response that we hope to receive.

10.10 am

Andrew Selous (South West Bedfordshire) (Con): It is a pleasure to serve under your chairmanship, Mr Dowd. I am grateful to the hon. Member for North East Fife (Wendy Chamberlain) for bringing the debate to the Chamber.

Like all Members who have spoken, I am grateful to the PANS PANDAS UK charity for its definition of paediatric acute-onset neuropsychiatric syndrome. It helpfully describes it in a leaflet as a syndrome that

“involves a misdirected autoimmune process that affects or weakens the blood/brain barrier. The region of the brain primarily affected is basal ganglia which is responsible for the following functions: movement, cognitive perception, habit, executive, ‘logic based’ thinking, emotions and the endocrine system.”

It is useful to put that helpful definition on the record.

I have been in correspondence with the Department on behalf of my constituents on this matter for a while. I had a helpful letter from the Minister on 16 May, for which I am grateful. I was pleased that, in that letter, she informed me that the World Health Organisation had recently added PANS and PANDAS as a discrete disease entity to its international classification of diseases in its 11th revision, ICD-11. The Minister went on to say that the NHS would need NICE to step forward with recommendations and a proper research base. I was therefore disappointed to read in a follow-up letter from NHS England on 26 June that:

“There is currently no specific prescribed service for this condition”, even though it is an internationally recognised disease. The letter continued:

“It is not NHS England’s role to develop clinical guidance”.

The letter stated that that rested with NICE.

The helpful House of Commons briefing on the debate draws our attention to the fact that a lot international work has been done on this issue. In 2013, there was a PANS consensus conference at Stanford, one of America’s leading universities. There were therefore the beginnings of an international clinical consensus a decade ago. More recently, in April 2021, guidance was issued for the Nordic countries. The link is available in the House of Commons briefing pack. I have read the guidance in advance of the debate, and it covers Sweden, Denmark and Norway, though I note that there was UK research input into the study. It is clear about the definition and the recommended courses of treatment.

I commend PANS PANDAS UK, as all colleagues have done, for the two excellent information leaflets. One is titled “GP Information Leaflet”. After the debate I will be sending physical copies of that very good leaflet to all nine GP surgeries in my constituency. Doctors are very busy people, and they may have done their training a while ago, when this condition was not taught in medical school. They cannot know everything. Sending out that leaflet will be my small effort to ensure that GPs in my constituency have the best information.

I am grateful to Dr Andrew Curran, consultant paediatric neurologist, who is quoted in the leaflet saying:

“By the time parents get to me, they have usually diagnosed their children already and they are usually right!”

There is much helpful information in the leaflet, but I think this is its most important advice:

“Initiate treatment immediately—do not wait for test results”.

From what I understand, that would be provision of the relevant antibiotics.

As the hon. Member for North East Fife said, we must also be aware of the impact of PANS/PANDAS on the whole family. Another PANS PANDAS UK leaflet gives very good tips on how to support a child with the condition. It makes the point that these children are ill, not naughty. Is that not a terrible thought—that they might have been treated as naughty when they are actually ill? There is also information about supporting the parents, who will be under huge strain, and the siblings of children with PANS and PANDAS—we must remember them. It is a really practical, helpful leaflet. It makes the point that these families may have to cancel plans at very short notice and that their friends and family need to understand that, be supportive and make allowances.

I want to finish by reading out a short email that I received yesterday from parents in my constituency who have a child with PANS/PANDAS, because I think they put it really well. I will change the child’s name, but the email reads as follows:

“Sophie is currently in a PANDAS flare, she managed to get 2 hours of sleep last night, her anxiety was overwhelming and she broke out in hives, subsequently missing a day of school. The issue is, there is no one to turn to unless the private route is taken which costs thousands of pounds. Even then the NHS and schools are, the majority of times, not willing to accept the diagnosis as it’s been sought privately.”

Obviously, many people cannot remotely afford private treatment. The email continues:

“CAMHS...have discharged Sophie, there is just no support for these poor children and families suffering with PANS PANDAS.”

Sophie’s parents express hope that this debate

[Andrew Selous]

“will start the ball rolling to get the support we so desperately need in regards to a NHS treatment pathway and support in schools so that PANS/PANDAS are recognised in their own rights as an illness which has a severe detrimental effect on children with the condition, not only on their mental health but also on their physical health.”

That is so well-written and powerful and makes the point extremely well. I hope the Minister has listened and will respond appropriately.

10.18 am

Ian Lavery (Wansbeck) (Lab): Thank you for allowing me to contribute to the debate, Mr Dowd. I apologise for being late; I was in an important Delegated Legislation Committee, but I am extremely pleased that the debate is happening and I thought that it was important to try to get here to hear everything that has been said.

I thank the hon. Member for North East Fife (Wendy Chamberlain) for securing this debate to raise awareness of PANS/PANDAS, which sadly continues to be a poorly understood and widely ignored condition. Public awareness of this extremely serious condition remains incredibly low, despite the best efforts of campaigners, who I think we all agree do a brilliant job. Parents and children have to deal with the often severe symptoms of PANS/PANDAS, which are wide-ranging—that is clear from what has been said today—and can cause immense disruption that is difficult to live with. They also face barriers across our health system to get the support they need, as a result of the condition not being fully recognised, or perhaps not being taken as seriously as it needs to be.

I freely admit that I was not aware of the condition until relatively recently, when a constituent approached my office in relation to a child suffering from what she believed to be PANS/PANDAS. The child had been a happy, healthy, normal toddler but, following a bout of chicken pox at a young age, began displaying a number of unusual and alarming symptoms, almost out of nowhere. The symptoms persisted for the next seven years, curiously flaring up with each new infection. Symptoms include high levels of anxiety, aggression, reversion of speech and language, issues around food, obsessive behaviours, and losing the ability to write, among many other things.

Things came to head during the pandemic, when the child contracted covid alongside an infection in his nose. During the nine months that the infection persisted, the child could barely perform the most basic functions. They would get extremely upset and be troubled by persistent anxiety, or become aggressive, angry and destructive. They lost the ability to write, could hardly speak and struggled to eat. That resulted in a sustained period out of school and, as I am sure everyone here can imagine, immense strain and stress on the child and the rest of the family, as they struggled to control the symptoms and feared what could be causing such erratic and disruptive behaviour.

After nine months, the child finally underwent a procedure to remove the infection from his nose, followed by a course of antibiotics. Remarkably, within a week, he was back in school, reading, writing, socialising with classmates and showing every sign of once again being a happy, healthy child.

It is clear from that experience that PANS/PANDAS, or indeed any kind of infection inducing neuroimmune disorder, would be a strong candidate for diagnosis, yet the family have struggled to get the disorder recognised by clinicians and the NHS, never mind getting anywhere near a diagnosis and a treatment plan. A lack of clinical guidelines means that few clinicians across the NHS have even heard of the disorder. As a result, the tests and support the family so desperately need have not been forthcoming. That is despite the condition's being recognised by countries across the world and by the World Health Organisation.

The struggle to get a proper diagnosis continues for my constituent. It has been suggested to them that the child may be autistic, but that simply does not stack up with the reality of the symptoms and the circumstances in which they appear. A false diagnosis would prolong the issue, potentially causing more complications, further hardship and distress for a family in desperate need of help and support.

My constituent has been forced to resort to seeking the advice of a private doctor here in London. The cost of travel from my constituency in the north-east, accommodation and the appointment itself is immense, and it is made worse by the pressures of the cost of living crisis. Incurring the cost of treatments that have been shown to be effective for fighting PANS/PANDAS is completely out of the question for my constituent and, I am sure, many other affected families across the country.

It is clear from this testimony and hundreds of others that it is time the NHS began to take the condition seriously and get families the support they need. On PANS/PANDAS Awareness Day back in 2020, PANS/PANDAS UK claimed that 42% of paediatricians had never heard of PANS/PANDAS, 47% of people with the condition received no NHS treatment, and 95% said their GP did not suggest PANS/PANDAS when presented with their symptoms.

I am not here to chastise the NHS, which does a fantastic job under extremely difficult circumstances. There is an easy solution that can be worked towards to help the NHS to diagnose and treat patients more efficiently, while getting families the support that they desperately need. That would not only help patients and families to get on with their lives, but save us millions of pounds in the long run. Treatments could reduce the need for extra support and care for children and young people experiencing severe symptoms at a relatively low cost, reducing the strain on the NHS and adult social care budgets.

As more and more stories emerge of children suffering from PANS/PANDAS, it is only a matter of time until we can no longer pretend that the condition does not exist or can be explained away elsewhere. Let us put an end to that as soon as possible, get support to the families who need it and reduce the strain on schools, the NHS and social care services, which are all left to pick up the pieces.

10.25 am

Marion Fellows (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairship, Mr Dowd. I thank the Backbench Business Committee for granting, and the hon. Member for North East Fife (Wendy

Chamberlain) for securing, this really important debate. I also thank PANS PANDAS UK for its briefing and for the work that it is doing to make more people aware of this terrible condition.

The hon. Member, in her very interesting speech, covered all the various things that families suffer when their children have PANS or PANDAS. It is terrifying for me, as a mother and grandmother, to listen to the horrifying stories from across the Chamber. I am a frequent visitor to Westminster Hall, but I have scarcely ever heard things more profoundly distressing or more echoed across the Chamber. There is a united presence here, and we really need to hear something from the Minister today.

I will not rehearse everything that the hon. Member for North East Fife and other Members said, but the fact that families are having to turn to private healthcare is really upsetting. I know from personal experience how difficult it can be to raise awareness of lesser known conditions and illnesses; I work closely with Sarcoma UK. Let me say this to the folk in the Public Gallery: “Keep at it—keep raising awareness. You have people on board here, in Parliament, and you just need to keep plugging away.”

Anything and everything that we say here today is important, and I know the importance of cross-party support. As the hon. Member for North East Fife knows, I am not in government, but my hon. Friend the Member for West Dunbartonshire (Martin Docherty-Hughes) has been in touch with Scottish Ministers. I will also speak to our health spokesperson and I too can write to the Scottish Health Minister on this issue.

I understand how difficult it is for GPs to know everything. I am well aware that, with regard to sarcoma, I was very lucky that my husband’s condition was picked up by our GP. He has had only two cases of that in the last 40 years he has been in practice. For PANS and PANDAS, we need to get the message out there through training and by taking up the very good suggestion by the hon. Member for South West Bedfordshire (Andrew Selous) that we should all send leaflets to our local GPs. As we say in Scotland, many a mickle makes a muckle. Even if we do only small things, we need to push forward with this.

I urge clinicians to recognise the condition, as that will help to ensure that NHS boards and trusts, and the equivalent in England, provide the necessary support. I also urge all parties—I can only do this in relation to Holyrood, for Members outwith the UK Parliament—to gain a better knowledge and understanding and really push the Scottish Government from that angle as well. I am sure that the hon. Member for North East Fife would agree that if folk, and MSPs especially, know about this condition, that will empower them to challenge the Scottish Intercollegiate Guidelines Network to ensure that people move this issue forward.

I think it is really important that the Minister responds to the points that have been raised. There are many people in this room—especially behind me in the Gallery—who want to hear what she has to say. Families across the UK need NHS help in their distress and for their children. I look forward to hearing what the Minister has to say.

10.30 am

Abena Oppong-Asare (Erith and Thamesmead) (Lab): It is a pleasure, as always, to serve under your chairship, Mr Dowd, and it is my pleasure to speak for the first time in my new shadow ministerial role.

I congratulate the hon. Member for North East Fife (Wendy Chamberlain), and thank her for championing this important issue, which she has eloquently raised. She has previously raised it on a number of occasions, and has in particular talked about her constituent, the nine-year-old girl who I believe is still facing this incredibly challenging condition. The hon. Member spoke on behalf of her constituents today, as other people in the debate have. She has been a champion on the issue by talking about how the conditions affect people—from raising it in Prime Minister’s questions and her work on the all-party parliamentary group on PANS and PANDAS, to securing today’s Westminster Hall debate. I thank her for her work.

I also thank everybody who has contributed to the discussion. They have also spoken passionately about their affected constituents. For example, the hon. Member for North Devon (Selaine Saxby) talked about her constituent Jack. My hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury) talked about the chronic lack of awareness and about how getting a diagnosis is key, which was echoed by the hon. Member for Aberconwy (Robin Millar). I commend the hon. Member for South West Bedfordshire (Andrew Selous) for his leadership in taking the time to circulate literature to GPs, who I am sure will find that information useful. I also echo what was said by my hon. Friend the Member for Wansbeck (Ian Lavery): this debate raises further awareness about the condition.

As hon. Members have mentioned, PANS and PANDAS are a set of conditions that result in an inflammation of the brain, which gives rise to an array of symptoms such as OCD, tics and dietary restrictions. It is a cruel condition that can affect a child overnight and out of the blue. The conditions are often misdiagnosed and blamed on bad behaviour or poor parenting. The symptoms can manifest suddenly and bring about profound life changes, as we know not just from the data but from the stories shared by hon. Members in the debate. I found it particularly concerning that as little as 10% of NHS doctors have heard of the condition. That means many children are being misdiagnosed and mistreated. The charity PANS PANDAS UK estimates that approximately 8,500 children experience the disorders. I send my sincere empathy to everyone who faces those challenges and all the families affected.

Those who need treatment and support face major barriers. There is currently no guidance for PANS and PANDAS written or endorsed by bodies such as the National Institute for Health and Care Excellence, NHS England or the royal colleges. As Members have mentioned, those barriers result in many families being forced to seek expensive private treatment to prevent further suffering.

Recent years have seen a number of important developments on the issue. In April 2021, the British Paediatric Neurology Association published a consensus statement that recognised the lack of high-quality scientific studies and urged

“further research so that robust treatment guidelines may be formulated.”

[Abena Oppong-Asare]

I would be grateful if the Minister could tell us whether she is aware of that and what engagement she has had with the British Paediatric Neurology Association on the matter. Late last year, the PANS PANDAS working group, in collaboration with the BPNA and others, began the process of developing standards of care, pathways and service models, which it hopes will assist all primary and secondary clinicians. The working group has also recommended that all NHS trusts develop a comprehensive cross-speciality and multidisciplinary team provision to support patients.

On top of that important work and collaboration is the effort made by campaigners to raise awareness of this issue. I thank all campaign groups, families, Members present and members of the public who have signed petitions or written to their Member of Parliament to bring this issue out of the shadows. Having heard from Members of different parties about the disease, the research and the stories of those affected, it is important that the Minister provides clarity about the Government's position. She confirmed in an answer to a written question earlier this year that her Department had had no discussions with NHS England on the adequacy and consistency of treatment pathways for children living with PANS and PANDAS. Could she please confirm today that the situation has changed? It is also important to know what discussions are being held in the Department and with stakeholders on the development of care pathways for children and young people living with this condition. Finally, what steps is the Department of Health and Social Care taking to ensure that children and young people living with PANS and PANDAS receive effective, patient-centred care?

We must also consider the wider issues. The Government must acknowledge their failures over 13 years to support our health and care providers up and down the country. Patients face day-long waits in A&Es, a record number of workers are off sick, and millions are on waiting lists. In fact, not only are the Government failing on the Prime Minister's pledge to cut NHS waiting lists, but they have presided over a disastrous decade of growing waiting lists and waiting times. Children suffering from PANS and PANDAS may have to wait many months for their first NHS paediatrician appointment. As stories from the PANS PANDAS UK charity have shown, that is exactly what is happening. Christopher's parents say:

"The soonest NHS paediatrician appointment was 8 months away, so we arranged to see a private specialist who could help us. This was the best thing we ever did. We came away with answers to what was happening and a care plan, which our GP follows. At present we are still waiting for our first NHS paediatrician appointment."

The reality is that we need a Government who will build an NHS that is fit for the future. Labour's first goal is to deliver an NHS that is there when people need it. This includes doing all we can to get waiting lists down and getting people treated on time, just like under the last Labour Government. We have a 10-year plan for change and modernisation, which will include one of the biggest expansions of the NHS workforce in history. We also plan to put individual care and mental health treatment—an issue that has been in the shadows for too long—at the heart of our mission.

Labour's approach will be different, especially for children and young people. A Labour Government will treat mental health as seriously as physical health. We plan to recruit over 8,500 more mental health professionals to cut waiting times for treatment. We will provide access to specialist support in every school, and every community will have an open-access mental health hub for young people. With Labour, more care will be delivered on people's doorsteps, out of hospital and in the community. Most importantly, we will focus on prevention and a move towards transformational new technologies. It is Labour that has a plan and a mission to build an NHS that is fit for the future and there for people when they need it.

10.39 am

The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield): It is a pleasure to serve under your chairmanship, Mr Dowd, and to respond to this debate. To be clear, I can respond only on healthcare services in England, and not on behalf of Ministers in Scotland, Wales and Northern Ireland, because health is a devolved issue. I can, however, give a commitment to hon. Members that I am happy to work with colleagues in the devolved nations on this very important issue.

I welcome the shadow Minister, the hon. Member for Erith and Thamesmead (Abena Oppong-Asare), to her place. It is slightly disappointing that she chose to be so political—I thought we had quite a good cross-party consensus in this debate. I thank the hon. Member for North East Fife (Wendy Chamberlain) for providing the opportunity to raise awareness of paediatric acute-onset neuropsychiatric syndrome, or PANS, and paediatric autoimmune neuropsychiatric disorders associated with streptococcal infections, known as PANDAS.

We have heard from Members how important the issue is. I thank them for describing the experiences of their constituents and the issues that they have faced. I recently met the chair of the all-party parliamentary group on PANS and PANDAS, my hon. Friend the Member for Aberconwy (Robin Millar), to discuss the lack of guidance on diagnosis, treatment and assessment for children who suffer from either of those conditions, and about the lack of awareness across the medical profession in all parts of the health service. I absolutely agree that we need more research and evidence to improve our understanding of the conditions and to better support the families affected.

Sir Julian Lewis (New Forest East) (Con): The Minister will have heard the excellent speech made by my hon. Friend the Member for South West Bedfordshire (Andrew Selous), who talked about taking it on himself to send leaflets to his GPs to raise awareness. Does the Department have a mechanism for alerting all GPs to these conditions, which seem to be relatively unknown? If so, could GPs be encouraged by her Department to consider prescribing amoxicillin or a similar antibiotic at a very early stage, because that seems to be an almost risk-free option?

Maria Caulfield: The Department does not regularly write to GPs because the NHS is operationally independent, but NHS England does and we can certainly speak to NHS England colleagues. They send out regular bulletins on a range of issues to GPs, so I will speak to my primary care colleagues to see whether that is possible.

We do not have enough information at the moment about how many children in the UK are affected by PANS and PANDAS. In the US, scientists have suggested that the prevalence there could be as high as one in 200 children.

We have specifically talked about the United Kingdom and England today. Although there is a classification now by the World Health Organisation, very few countries issue guidance on the diagnosis, treatment, assessment and management of PANS/PANDAS, because the scientific evidence is so sparse. When I met my hon. Friend the Member for Aberconwy, we talked about how we can get that evidence base so that we can issue guidance to primary and secondary care providers. We know that symptoms tend to come on suddenly.

We heard from my hon. Friend the Member for North Devon (Selaine Saxby) about the example of Jack and the difference that a diagnosis made. It is often following an infection that children who are healthy and developmentally on track suddenly start exhibiting OCD or other neuropsychiatric symptoms. The hon. Member for Brentford and Isleworth (Ruth Cadbury) is correct that very often a course of antibiotics can improve and tackle some of the symptoms that parents say can change a child overnight such that they can no longer attend school and are suddenly plagued by anxiety and other neurological symptoms.

PANS and PANDAS require a clinical diagnosis based on specific signs and symptoms observed by a clinician. There are currently no lab tests or biomarkers that specifically diagnose those conditions. There is also an element of excluding other diagnoses in the process of diagnosing PANS and PANDAS. That means other illnesses or diseases are considered first rather than assuming it could be PANS and PANDAS.

Although there are currently no national or European clinical guidelines on assessment, investigations or diagnosis, a multidisciplinary team referral often helps speed the process up. That is why we need our primary care colleagues to be aware that this could be the cause of symptoms and to get those referrals in as quickly as possible.

Ruth Cadbury: I thank the Minister for her response. She mentions the fact that there is no lab test that can diagnose PANS/PANDAS, but is that not true for other neurological conditions that I mentioned, such as ME and some of the ongoing conditions that people are experiencing from long covid? Sometimes a lab test does not exist because of the nature of what caused the symptoms. Perhaps the medical profession and NHS England need to think slightly outside the box in their search for answers.

Maria Caulfield: I absolutely agree with the hon. Lady. NHS England has been happy to work on such issues with the working group. It is embarking on work to roll out a nationwide surveillance study designed to identify the signs and symptoms because, again, it is probably unlikely that we will reach a definitive test that will ever give us a diagnosis, and it is about matching symptoms with a diagnostic criteria. NHS England has committed to doing that, and the Department is happy to support it in its work.

There is the issue about how quickly antibiotics should be prescribed and dispensed, but while one antibiotic may work for one child, it may not work for another,

and it is sometimes a case of trial and error before the appropriate treatment is found. Although there is an evidence base for the treatment of symptoms, such as obsessions, compulsions and tics, it is recommended that children and families affected should be offered evidence-based treatments. That is why we absolutely need to build that research base to provide evidence-based guidance to clinicians, whether they are in primary or secondary care. At the moment, NICE says that it does not have the evidence base to put that guidance together, whether that relates to psychological treatments or to medications such as antibiotics. The commitment I can give today is to push and work with the working group, organisations and Members in this place to try to develop that research base.

Robin Millar: I have been struck by a couple of things in the debate—one is the cross-party consensus, but another is the uniform distress that Members have relayed. On the point the Minister just made about whether treatment is psychiatric or medical, one of the key points is that PANS/PANDAS is often confused as being psychiatric when it is an infection that has proven susceptible to treatment with antibiotics. That is the kind of basic step forward that we are hoping for today.

Maria Caulfield: I absolutely agree. I acknowledge that while the symptoms mimic a mental illness, there is very often a physical cause for those developments. That is why we need to build that evidence base with research to back the guidance that we can give to clinicians who, as colleagues have said, may not be aware of the condition or how to manage it.

Training on PANS is now included in the Royal College of Paediatrics and Child Health curriculum. In April 2021, the British Paediatric Neurology Association issued a consensus statement with the faculty of child and adolescent psychiatry at the Royal College of Psychiatrists. Following concerns about variation in how it was being interpreted across the UK, the new PANS PANDAS working group, as we have heard today, which is being supported by NHS England, issued a statement recommending the development of appropriate service models and pathways back in February. I am keen that we support the working group in its important work bringing the key organisations together so that we can get that consensus out to clinicians in the field.

The work that the working group has done highlights that all children presenting with acute onset neuropsychiatric symptoms should receive a full medical evaluation and signposts clinicians to existing international peer review treatment guidelines. As I have said, while NICE currently has no plans to issue guidance, should the evidence base develop further, and should there be an opportunity to do that, we would look to update clinical policy. NHS England would then consider the development of care pathways for those living with PANS/PANDAS. The key is building that evidence research base.

We have the evidence to sufficiently demonstrate that PANS and PANDAS are discrete disease entities. I hope that answers the question by the hon. Member for North East Fife on whether we recognise that. We absolutely do, but we do not have the evidence and research base on assessment, diagnosis, treatment and management. However, the Department is funding research

[*Maria Caulfield*]

into rare diseases through the National Institute for Health and Care Research, which is spending over £1 billion a year every year on research particularly into rarer conditions. It welcomes funding applications for research into any aspect of human health, which would include PANS and PANDAS. Applications are subject to peer review and judged in open competition, with awards made on the basis of importance to the topics of patients, health and care services.

The National Institute for Health and Care Research does not just provide funding; it will also provide guidance, whether for academics, clinicians, researchers, the working group, charities or any other organisation. I am happy to organise introductory meetings with the National Institute for Health and Care Research. It has met other groups to explore the types of research it would support and that would build an evidence base. I strongly encourage researchers with an interest in this area to come forward with proposals so that we can develop that evidence base and make real inroads.

Other countries are not necessarily leading the way. Not many countries have international guidance on the issue. I cannot remember which hon. Member referred to this, but the UK and the devolved nations have an opportunity to take a lead, build that evidence base and develop guidance on that basis.

I assure colleagues that I am committed to ensuring that those with PANS and PANDAS get the care they need. We need more high-quality research into these conditions. That is the only way we can get better outcomes for patients. I am happy to meet both the APPG and the working group to take this forwards, because there is an opportunity to develop our knowledge, increase awareness and ultimately to have better outcomes for those children affected.

10.51 am

Wendy Chamberlain: I echo the thanks given to all Members who have taken the time to attend. I do not want to suggest that the shadow Minister, the SNP spokesperson and the Minister did not want to attend, but it is striking that Back-Bench Members, including some who may not have been aware of the condition

until recently, wanted to be here because, having been contacted by constituents, they now have a particular interest in the issue.

The hon. Member for Aberconwy (Robin Millar), who chairs the APPG—the hon. Member for Brentford and Isleworth (Ruth Cadbury) was the previous chair—talked strongly about how symptoms are misinterpreted, which results in misdiagnosis or lack of diagnosis. MPs found out about this due to constituents getting in touch because of the stigma. I have engaged with my constituent and we have spoken about potentially speaking to the local newspaper. Indeed, we had an approach from a local television news broadcaster who said that they would be desperate to speak to the family. However, the stigma of this condition and the need to protect the child, who is not getting the support they need from medical professionals, are so strong that they feel that they cannot speak out publicly. I am therefore very grateful to the Backbench Business Committee that we have had the opportunity to do that.

The Minister's response has been encouraging. If there is anything that I as a Scottish MP can do in relation to the Scottish Government, I am keen to help. We have ICD-11 from the WHO, and now we need to move forward as quickly as possible to build that evidence so as to give us everything we need, including the NICE guidance.

I intend to do the same as the hon. Member for South West Bedfordshire (Andrew Selous). When the Minister writes to NHS England, I hope she will repeat her quote, which is in *Hansard*, that the Government recognise this condition. One of the challenges, certainly from the perspective of first-line practitioners, is that while people might get the support they need from their regular GP, another GP at the surgery might provide a completely different response. We should not need NICE guidance to address such inconsistency and lack of support—we should seek to address that now. I thank everyone again for their time.

Question put and agreed to.

Resolved,

That this House has considered PANS and PANDAS.

10.54 am

Sitting suspended.

Offshore Wind: Public Ownership

11 am

Kenny MacAskill (East Lothian) (Alba): I beg to move,

That this House has considered the level of public ownership in the offshore wind sector.

It is a pleasure to serve under your chairmanship, Mr Dowd. When a natural bounty is discovered, it is only right that a nation and its people should benefit from it, not simply corporations and investors. The fruits of land and sea should benefit all, not just the few. Scotland has been fortunate, blessed first with North sea oil and now renewable energy, in particular offshore wind, a further natural resource offering great opportunities and at such an extent that it should be transformative. A recent Prime Minister even used the phrase, the “Saudi Arabia of wind”.

Other nations have shown what can and should be done. Scotland discovered oil at the same time as Norway, but now Scots can look only with envy, not just at the standard of living of their Nordic counterparts but at the Norwegian oil fund. Now valued at \$1.4 trillion, it is suggested that it owns, on average, 1.5% of every listed company in the world. The British National Oil Corporation was sold off, while Equinor, owned by the Norwegian state, goes from strength to strength. Funds that should have seen Scotland bloom were instead used by Thatcher to smash organised labour and by New Labour to wage illegal wars. That must not happen with offshore wind. The people of Scotland must benefit, not just multinationals.

Norway has shown what should be done with oil and gas. Denmark is showing what can be done with offshore wind by taking a 20% stake in every new offshore wind development—this is not North Korea, but a European democracy. It has not seen investors flee. This also shows that public ownership does not have to be just a state energy company operating sites, desirable as that is, but can include actions such as this, which ensure that people and their nation gain from their natural resources—benefits for the many, not exploitation by the few.

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for securing the debate. The private sector will invest some £60.8 billion across the UK over the next five years in developing and operating offshore wind projects. Does the hon. Member agree—from the way he is talking, I think he does—that whether investment is public or private, all devolved nations of the United Kingdom of Great Britain and Northern Ireland must benefit from any potential funding and that that would ensure a boost in jobs and increased sustainability for the renewable energy sector?

Kenny MacAskill: Of course; this should benefit our people. As I said, it is not just down to state energy companies, desirable though that is. This has to be done through the private sector, but as Denmark and Norway have shown, the state can take a share and state companies can be involved. That should be happening here, but the UK Government remain wedded to a privatisation route that has created a dysfunctional energy sector that we are all now paying for.

A Scottish energy company was promised by the Scottish National party and then shamefully abandoned. It must be delivered. Publicly owned and state companies are operating in the UK and the Scottish offshore wind sector. The absurdity is that they are neither Scottish nor from the UK. They are foreign state firms operating in Scottish and UK waters, delivering profits not for Governments in Edinburgh or London, but furth of these shores and with the wealth benefiting lands far from here.

Let me narrate the situation at the Neart na Gaoithe offshore wind farm. Despite the Gaelic name, it is located in the firth of Forth, between my constituency and that of my hon. Friend the Member for Kirkcaldy and Cowdenbeath (Neale Hanvey). Pillars and turbines are now visible, and the energy is coming ashore at Innerwick, just along from where I reside in Dunbar. That is all good, we might think, but who owns it? It is operated by two state-owned companies. One is EDF Energy, the French state-owned energy company that also happens to own Torness nuclear power station just along the road and adjacent to where the energy comes ashore. State ownership is not opposed, it seems, so long as it is someone else’s.

The other organisation is the Electricity Supply Board, or ESB, which is the majority publicly owned energy company of the Republic of Ireland. The Irish consul general in Edinburgh tells me that ESB’s investment in the firth of Forth is that state company’s largest ever investment outwith Ireland. We have the perversity that the wealth and profits that are generated will not come to Edinburgh or London and will not benefit Scottish or UK citizens. Instead, they will flow to Paris and Dublin, and the citizens of Ireland and France will reap the benefit that nature bestowed upon us.

Of course, big energy multinationals are also involved: SSE, Scottish Power, which in fact is owned by Iberdrola from Spain, and BP, among many others. However, state-owned firms from other lands are also there and many of them are significantly bigger than the Irish Electricity Supply Board—I do not intend to denigrate ESB—which has done well to provide for Ireland’s people. It is a lesson that Scotland must learn. As in so many other aspects, our Irish cousins, although blessed with less, have delivered so much more.

Neart na Gaoithe is not alone in this charade, where a Government opposed to state-owned energy companies allows foreign state-owned energy companies to profit and perhaps even plunder with abandon. It is a dereliction of duty and the price is paid not just in the loss of profits, but in the scandalously high prices paid by struggling families who are trying to power their homes. Many of them live in places where they can see the turbines off their shores or where they are in the lea of those turbines that operate on the land—energy-rich Scotland, fuel-poor Scots, indeed.

It is not only France and Ireland that receive a warm welcome, despite the Government’s political antipathy towards a nationalised energy sector. Research by the House of Commons Library has disclosed that in UK offshore waters, the state-controlled Danish company Ørsted and the Norwegian state operator Equinor own the largest shares of UK offshore wind, at 20.4% and 9.2% respectively. UK public entities own 0.03%.

Beth Winter (Cynon Valley) (Lab): I congratulate the hon. Gentleman on securing this debate. I will make two points and then I would like to put a couple of questions to the Minister. Today's debate is very—

Peter Dowd (in the Chair): Order. This is an intervention on the hon. Member for East Lothian (Kenny MacAskill), not on the Minister, and you will have to keep the intervention short as well.

Beth Winter: Okay. I will address the questions to the hon. Gentleman.

Hon. Members will agree that this debate is timely, following the confirmation last week that there were no bids for new offshore wind development in the latest auction round, which means that the Government are criminally behind the curve when it comes to reaching 50 GW of offshore wind power generation by 2023. That has resulted in delays for the Erebus wind farm in my country of Wales. First of all, does the hon. Gentleman agree that last week's announcement demonstrated that—

Peter Dowd (in the Chair): Order. I am sorry—you will have to sit down, please. An intervention is made to ask a question of a Member; it should not be a small speech. It has to be very short, because the debate is only for half an hour. An intervention is not an alternative method of making a speech—it has to be a question.

Beth Winter: Okay. In terms of the future of wind energy and renewable energy in my country of Wales, does the hon. Gentleman agree that now is the time that the Crown Estate and its administration is devolved to Wales, as it is in Scotland, so that we can disburse the moneys as we see fit?

Kenny MacAskill: I think that where Scotland goes, Wales should follow. It is remiss that Wales does not have control over the money coming from the Crown Estate, and I certainly hope that Wales follows Scotland in that regard, as indeed the UK should in the establishment of a state energy company. The hon. Lady's point is well made and correct.

I am concentrating on Scottish waters, where the Scottish Government's ScotWind auction sold offshore wind farms at absurdly low prices, compounding the perversity of failing to deliver a state energy company, yet Scotland's offshore wind resource has six state companies operating within it.

Along the A1 from Innerwick in Cnockenzie, in my East Lothian constituency, energy will land from the Inchcape wind farm, which, again, is in the firth of Forth. Inchcape is owned by Red Rock Power, which is a European subsidiary of SDIC Power from Beijing. SDIC Power Holdings Co. Ltd is a listed company on the Shanghai stock exchange, but it is a state-controlled enterprise, with the Chinese Government holding more than 49% of its shares. The UK Government frown not just on public ownership, but on communism, yet it is fine for a state-owned company from communist China to benefit from Scotland's offshore resource. You couldn't make it up!

There are three more. Further north, Aberdeen offshore windfarm, off the Aberdeenshire coast, has 58 turbines turning and is owned by Vattenfall, thus generating wealth for the Swedish people. Vattenfall is 100% owned

by the Swedish state. That shows that not just communist countries, but even ones with conservative Governments benefit from state ownership.

Sited further north of Peterhead is Hywind, a development in which Masdar holds a 25% stake, with 75% held by Equinor. Equinor is a Norwegian state energy company that benefits its people through the gas and oil resources in Norwegian waters, but adds to that through expansion into Scotland's offshore wind. Again, Hywind is a joint enterprise, with two state-owned companies co-operating to exploit Scotland's natural resource. Masdar, also known as the Abu Dhabi Future Energy Company, is a UAE Government-owned company, which is securing Abu Dhabi's future, not Scotland's.

In those fields—some already operating and others being developed—we have the absurdity of foreign state ownership of Scotland's natural resource, and it is costing us. The organisation Common Wealth, in its paper "Power to the People: The Case for a Publicly Owned Generation Company" noted in 2021 that

"our energy bills combined with Contracts for Difference payments contributed £2.56 billion in payments to offshore wind generators owned by foreign state entities."

Meanwhile, we are told that ownership does not matter, although it matters to the Governments of Sweden, Norway, France, Ireland, China and the UAE. They seem to see the benefit of not just managing their but our natural resource. Why? Because it underpins energy security, provides affordable energy for households and businesses, supports a just transition from fossil fuel to renewables, and allows for investment in technologies. All that helps hard-pressed households, boosts indigenous business and creates a more vibrant and competitive economy. It need not be outright ownership, welcome though that would be; as Denmark shows, a stake can be taken, allowing the nation and its people to benefit and prosper from their natural bounty.

It is about not just slippage of profits and wealth to foreign shores, but loss of control and influence over our natural resource. The evidence shows that we are losing out in more ways than simply the profit. Scotland is losing the turbine manufacturing. A few turbines are to be built at Nigg, but meanwhile hundreds of commissioned orders are going elsewhere. Yards such as Arnish and BiFab lie empty, even when proximate to the site. Not one turbine for a Forth field will be constructed in Scotland. Assembly is a poor substitute for manufacture, seeing lower profit and requiring less skilled labour. Every firth in Scotland should be manufacturing turbines and expanding to meet growing need, yet other than at Nigg, they lie idle and our folk face unemployment and our land a loss of skills.

Benefits from the supply chain is a mantra from the UK Government, shamefully echoed by their Scottish counterparts, but it is not borne out in practice. In my constituency, where the turbines offshore are visible and the horizon will change irrevocably, no work is being generated. What should benefit current and future generations instead sees folk unable to heat their homes and youngsters struggling to access skilled employment. Local business have not benefited and new businesses in the sector are not being created, either to deal with the offshore work, or to provide onshore opportunities through long duration battery storage or hydrogen production.

Let us look one of the sites owned by foreign state companies to confirm that. Neart na Gaoithe, which is owned by EDF from France and ESB from Ireland, is seeing the work go elsewhere. The turbines are being produced at Siemens in Humberside, albeit assembled in Dundee, with the foundations laid by Saipem from Italy. They are being taken out to the field by Fred. Olsen Renewables, and the cabling is being done by DEME Offshore from Belgium. Where are the contracts for Scottish businesses and the work for local folk?

There should be a Scottish state energy company and it should operate and take a share in all the fields that are being developed. Other nations do it and, as I have shown, are doing it in our waters. Denmark, with both its company and its public stake, is showing what can be done, just as Norway showed what could be achieved with an oil and gas bounty. Scotland has lost out on the former but must not do so with the latter. The bounty from the energy off our shores must benefit our people, not just corporations or even state companies from other lands.

The great Scottish comedian Billy Connolly penned a song, “Sergeant, Where’s Mine?”, describing the plight of a soldier with life-changing wounds reflecting on the prospectus the recruiting sergeant had first given him. Lying in his hospital bed he says:

“Oh Sergeant, is this the adventure you meant
When I put my name down on the line
All that talk of computers and sunshine and skis
Oh, I’m askin’ you, Sergeant, where’s mine”.

Well, all I’m askin’ you Minister, where’s ours? All that talk of the “Saudi Arabia of wind” and the work and the jobs, where are they? And when other nations, whether they are Ireland or France, Denmark, Sweden, Norway or China, have a share of our natural bounty, oh Minister, where’s ours?

I conclude by asking the Minister to confirm that his Government will neither oppose a state energy company nor Scotland seeking to take a share in its natural wealth. The absurdity of an energy-rich Scotland yet fuel-poor Scots must end. We demand a share and a stake in our natural bounty.

11.16 am

The Minister for Energy Security and Net Zero (Graham Stuart): It is a pleasure to serve under your—as ever—sartorially elegant chairmanship, Mr Dowd. I congratulate the hon. Member for East Lothian (Kenny MacAskill) on securing this important debate, and the hon. Members who have taken part in it.

The hon. Gentleman gave a well-constructed, well-researched and thoughtful speech from the particular political perspective from which he hails, and I thank him for it. He will be aware of the important role that offshore wind and other renewables play in delivering secure, domestically generated energy, and the boost that provides for economic growth across the UK. He is right that we must harness the opportunities of offshore wind for Scotland and maximise the benefits for our nations—whether that is Wales, Scotland, England or Northern Ireland.

Where the hon. Gentleman and I differ is on how best to exploit that opportunity from where we start. This Government believe that a state-owned model is not the best approach. I am sure that, if we had allowed some

new state company to come in and dominate our offshore wind sector, we would never have seen the 70% reduction in the cost of offshore wind that we have seen over recent years. It was the contracts for difference framework that we created, which allowed companies from all over the world, state or non-state, to come in, that transformed the economics of offshore wind and opened up the potential for not only the UK but the whole world of this important technology in tackling net zero.

The UK market is open to offshore wind investment, whether from state-backed or privately owned developers, and it has been extremely effective. The success of CfD has been in leveraging private capital to support wider public benefits. Our market-friendly approach has transformed the economics, as I said.

The UK encouraged an estimated £50 billion of new investment in low-carbon sectors in 2021 and 2022 alone. We currently have 14.2 GW of installed offshore wind capacity, the most of any nation in Europe. The hon. Gentleman made many references to different countries, but we have more of it than anybody else, and we drove its changing economics by taking a competitive approach rather than a protectionist, state-run approach that would never have delivered such a transformation.

We are committed to our ambition of reaching 50 GW by 2030, including up to 5 GW of floating offshore wind. We have not only the world’s largest operational wind farm project—Hornsea 2 off the Yorkshire coast, which is named after a town in my constituency—but the second, third and fourth largest projects.

Kenny MacAskill: Will the Minister give way?

Graham Stuart: I will make a little more progress, if I may.

Properly regulated markets that incentivise private capital—or indeed state capital—to invest in the energy system provide the best outcomes for consumers. Market competition is the most effective driver of efficiency, innovation and value. Private ownership of energy assets improves performance and reliability, and offers consumers greater choice and higher standards of products and services.

Our free market approach means that we have a highly competitive offshore wind market, which benefits from the expertise and experience of developers from all over the globe. It has enabled significant decarbonisation of our energy system, with dramatic drops in the cost of renewables. In 2010, when Labour left power, this country had a paltry 6.7% of its electricity coming from renewables. That was shameful. In the first quarter of this year, nearly 48% of our electricity came from renewables. Ten or 11 years ago, nearly 40% of our electricity came from coal. Next year, that will be zero, again because of our market-friendly policies, which would be at risk were His Majesty’s Opposition to have their ideas for state-run energy companies wrecking one of the most successful markets in the world. All over the country people are benefiting from the growth of the sector, and the cheap, secure, low-carbon electricity it produces.

Scotland has already benefited from the opportunities in offshore wind. It is a shame the hon. Member for East Lothian could not bring himself to recognise any of that. With its strong winds and plentiful coastline, it has made a significant contribution towards our offshore

[*Graham Stuart*]

wind ambitions: so far, 3 GW is operational or under construction, and more than 40 GW of capacity is in the pipeline. The opportunity is enormous. The Scottish taxpayer already benefits from the Crown Estate Scotland seabed leasing. All net profit from offshore wind leasing rounds and rent is passed on to the Scottish Government for public spending.

We welcomed the recent announcement of a potential £200 million investment in high-voltage direct current manufacturing in the highlands by Sumitomo of Japan, which could create up to 150 jobs. The offshore wind industry has also supported the revitalisation of ports from Wick to Dundee. A huge range of diverse companies in Scotland already benefit from the offshore wind industry's growth: crane manufacturers, consultants, underwater operations experts, turbine maintenance specialists and more. We know that opportunity will only expand as we grow the industry further.

The UK, as I have said, leads the world in floating offshore wind, a new technology that opens up access to new, deeper areas of seabed. The Hywind Scotland project was the world's first floating windfarm. Combined with the Kincardine project, also in Scotland, it has given the UK one of the largest amounts of operational floating capacity anywhere in the world, at 80 MW. The UK has the world's largest floating wind pipeline, with around 25 GW already identified, including through the ScotWind leasing round and INTOG processes. That represents a huge opportunity for the Scottish economy, especially from installation and lifetime maintenance activities, which are best undertaken locally.

I suggest to the hon. Member for East Lothian that, if he is as passionately committed as he suggests to jobs and benefits for Scotland, he should not be sending a message that we want to deter foreign investment, but signalling that we welcome it.

Kenny MacAskill: Will the Minister give way?

Graham Stuart: I will in a moment, if time allows.

To achieve our deployment ambitions and secure high-quality local jobs, we must continue to build a robust and competitive UK offshore wind supply chain. We are focused on maximising the economic opportunity arising from our transition to clean energy. Our significant strengths, including in wind energy and innovation, mean we have an essential role in building those supply chains, as demonstrated by this Government's investment to date.

Through the offshore wind manufacturing investment scheme, the UK Government have made available funding to support investment in major port and manufacturing infrastructure. We have seen more than £500 million invested by SeAH Wind and JDR Cable Systems in manufacturing facilities, which will create or safeguard up to 1,200 jobs. I want to see similar investments in Scotland. That is why we continue to work with industry as it develops a long-term industrial growth plan for the sector, following the publication of Tim Pick's recommendations.

Government backing attracts the private investment needed to deliver net zero. That includes research and development, where we are supporting innovation in

floating wind technology through the floating offshore wind demonstration programme. That uses £31 million of Government funding, alongside £30 million from industry, to keep the UK at the cutting edge of offshore wind innovation. We are not stopping there. Just two weeks ago, applications closed for the Government's floating offshore wind manufacturing investment scheme, which will provide up to £160 million to kick-start investment in port infrastructure projects needed to deliver our floating offshore wind ambitions.

The hon. Member for East Lothian gave a passionate speech effectively opposing the world's investing in our renewable energy, and in offshore wind in particular. I caution him to think again, send out a more positive line to the world and recognise the huge investment opportunities here.

Kenny MacAskill: Does the Minister recognise that everything that he has said about private sector investment can and does happen in Denmark, but Denmark has taken a 20% stake on behalf of the Danish people, as Norway has done for oil and gas? None of what the Minister has suggested is impossible in Denmark, and it is happening. Does he accept that?

Graham Stuart: Denmark's situation, size and industrial history are very different from the UK's. What I am saying is that the UK is a European and, indeed, a world leader. We have decarbonised more than any other major economy on earth, and we believe that it is making us the best possible investment environment. We do not see the advantages of taking the state stakes that the hon. Gentleman suggests.

It remains essential that communities most affected by offshore wind and its associated infrastructure can benefit from its deployment. We recognise, for example, that regional distribution charges particularly impact the north of Scotland. That is why our cross-subsidy scheme provides more than £100 million annually to protect electricity consumers in the far north. It is worth £60 a year to every household in the north of Scotland.

We also want communities and individual families that are not involved directly in the industry to see benefits. That is why we have recently consulted on proposals for community benefits for transmission network infrastructure, including in Scotland, because we are essentially rewiring the whole UK economy as we make this transition. We must do it at speed, but in a way that has community support and in which we recognise the impact on host communities. Developing transmission infrastructure, particularly between Scotland and England, will be key for unlocking the full potential of renewable energy, and offshore wind in particular. It will mean that we can get electricity from where it is generated to where it is needed.

Hon. Members will have seen that the first annual contracts for difference auction completed last week. I am delighted that it delivered a total of 3.7 GW of renewable electricity. Contracts have gone to geothermal projects for the first time. There are record numbers of tidal stream projects, in which Scotland is a major player; I was delighted to visit the European Marine Energy Centre in Orkney and see so much of the significant work going on there. We also saw a doubling of onshore wind from last year's record auction, and

new solar. We hoped that offshore wind would be successful in this round, but we recognise that the challenging macroeconomic pressures felt by the industry around the world impacted its ability to come through the round successfully.

We are reflecting carefully on the results of allocation round 5 so that we make appropriate adjustments for AR6. That is how it works: we get data by trying to understand supply chain costs and commissioning research, but the most valuable data of all is actual behaviour in real auctions. That information will come into adjustments for AR6 to ensure that our evidence base reflects the true market environment. At the same time, value for money for the consumer through a competitive process remains an important feature of the CfD scheme, and I make no apology for always prioritising protecting the consumer. With annual auctions now in place, the allocation round is due to open in about six months, meaning that there is an opportunity to gain a contract with minimal delay to deployment for projects that were not successful this time.

This Government have made real progress in delivering the ambitions set out in the British energy security strategy and our “Powering up Britain” plan. We are committed to achieving our ambition of 50 GW of offshore wind by 2030. It has a vital role to play in delivering a decarbonised power system by 2035, subject to security of supply, and achieving our legally binding 2050 net zero commitments. We need to celebrate what we have done to date and recognise that most of the growth is not in the past, but in the future. The opportunities for Scotland, Wales, Northern Ireland and England are immense, and we should work collectively to ensure that we attract investment and create as many jobs as possible in this country supporting the transformation of our energy system and our spearheading of the global move to net zero, which is so important to us and future generations.

Question put and agreed to.

11.29 am

Sitting suspended.

Flying Schools

[SIR ROBERT SYMS *in the Chair*]

2.30 pm

Tim Loughton (East Worthing and Shoreham) (Con): I beg to move,

That this House has considered flying schools.

It is a pleasure to serve under your chairmanship, Sir Robert. I am grateful to colleagues who have come along to contribute. On the face of it, this is quite a niche subject, but it has implications beyond constituencies, such as mine, that contain flying schools.

My interest is primarily because of Shoreham airport in my constituency—Shoreham airport, not Brighton City airport as it was somehow re-christened at some stage. It is the oldest commercial airport in the United Kingdom, founded in 1910, and the oldest purpose-built airport in the world still in operation. It mostly operates leisure flights. It has an art deco terminal building, often used for films and by air-related businesses. It encompasses helicopter training and fixed-wing pilot training.

Shoreham was known for its air show until the tragic air crash of 2015, in which 11 men sadly lost their lives and which I have raised before in the House. It was the end of what had been a very successful air show over the previous 28 years. Shoreham has had a flying school there since 1913, most recently operated by Flying Time Aviation Ltd, which was founded in 2006 but ceased trading in May this year. At its height, Shoreham was responsible for something like 6% or 7% of all the pilot licences granted in the United Kingdom. It was a very important place for people learning to fly.

As I said, my interest goes beyond Shoreham airport and my constituency. There are implications in what has happened there and elsewhere for the future of integrated flying schools across the country and the future capacity of the United Kingdom to train pilots sufficiently. No fewer than three major flying schools have gone bust in the last 10 months alone. The first, back in May, was the FTA flying school in Shoreham, which employed more than 12 instructors and had 160 students, typically paying up to £90,000 for a full pilot training course.

In November last year, Bournemouth Commercial Flight Training, the flying school at Bournemouth airport, founded in 2002, ceased trading. Tayside Aviation, based at Dundee airport—I am very pleased to see the hon. Member for Dundee West (Chris Law) here—founded in 1968, ceased trading in April 2023, just before Shoreham. It was a large training school, employing around 45 instructors, with 140 students. It offered pilot training for RAF pilots as well. This is a national issue. It is not just about Shoreham airport, which otherwise is a perfectly well-run airport.

Looking at the figures, we can see the looming problem. Back in 2015, around 2,500 commercial pilot licences were issued in this country. The prediction for this year is down to 500. We are losing a lot of capacity, and those three flying schools alone are responsible for a large chunk of that capacity. Hundreds of students are finding themselves seriously out of pocket because their flying school has gone down either before they started their course, having paid their fees up front, or mid-way through the course.

Henry Smith (Crawley) (Con): One of my constituents is affected by this issue. He paid significant fees up front for flight training, and that money has seemingly been lost. It is an issue that the Department for Transport needs to address. More broadly, as my hon. Friend rightly points out, the aviation industry, which is central to this country's trade and connectivity, will start to suffer if the problem is not properly fixed.

Tim Loughton: I am grateful to my hon. Friend and near neighbour from Crawley who represents Gatwick airport. I know he can with us today only briefly due to a sitting of the Foreign Affairs Committee. One of his constituents contacted me, along with many other people from other constituencies who had relatives or were themselves being trained at Shoreham airport, then found themselves out of pocket with very serious financial implications. I will come on to what we need to do about that. It certainly has implications for capacity in the airline industry in the UK. If anybody knows about that issue, it is my hon. Friend, who represents one of the largest airports in the country. There is an angle whereby some of the commercial airlines may be able to help.

I am going to read out correspondence from some of those affected by Shoreham who contacted me. I invited a number of them to come and meet me in my constituency; we had a roundtable to hear some of their experiences and plan a way forward. It is my fault if Members have been contacted, because I encouraged people to contact their MPs to tell them about their experiences. That way we could get as many hon. Members as possible to put pressure on the transport authorities and others to look at the immediate problem, as well as address the longer-term implications and the weaknesses in the system.

I have also been working with the British Airline Pilots' Association, which has been lobbying the Government for changes in the regulation of flight training schools, particularly to protect students who have made a big financial commitment and are, for all intents and purposes, completely unprotected. That is unlike the situation if they were at a university paying fees, or had other financial investments or obligations, which would be covered under Financial Conduct Authority provisions. The point I am making is that if someone is on a pilot training course, it is little different from any other form of tertiary education, yet it is treated completely differently from training on other expensive courses, such training courses for medics and lawyers. Pilot training is one of the most expensive training courses.

One potential protection that has been suggested, not least by the Minister and the Civil Aviation Authority, is that someone paying their fee could do so by credit card. The trouble is, many of the flying schools do not take credit cards. If someone has to pay £90,000 up front, not many people have got a limit on their credit cards that would allow them to pay it in one sum. That is not a facility that is open or practical for many potential students.

I wrote to the noble Baroness Vere in the Lords, who is the Minister responsible for aviation. I am grateful to the Minister of State, Department for Transport, my right hon. Friend the Member for Hereford and South Herefordshire (Jesse Norman), for covering her position today. I am afraid that it took some months and a bit of chasing to secure a meeting, but I am glad to say we

have now secured one for a few weeks' time, and I will be taking a delegation along with representatives from BALPA to see Baroness Vere.

A statement from the BALPA interim general secretary, Miranda Rackley, rightly noted that there is no public funding for pilot training:

"Flight schools going bust is financially devastating to hard-working students who deserve to have their money better protected from flight school failures. Pilot training is amongst the most expensive training of all professions, and unlike other careers such as law and medicine, there is no student funding available... Many trainees resort to family support to fund their training, such as remortgaging family houses. Government needs to step up and protect students that are so vital to the future of the UK aviation industry."

BALPA has given a number of examples, and I have some direct examples too. A couple from Worthing, in my constituency, had to raise £90,000 for their daughter to train as an airline pilot. The 19-year-old signed up with FTA at Shoreham, and had to make a downpayment of £10,000 and pay a further £4,500 each month. In late May the school went out of business, which left her parents with losses of £45,000. That is a lot of money.

I can give other examples. Somebody wrote to me to say that their son

"was extremely keen on training to work for an airline. Because of that I remortgaged my house to fund him and almost paid for entire lessons in advance. Now I have no money left to support him financially for his dream job, and I am stuck in a predicament in how to move forward with my son's education".

Somebody from East Sussex said:

"My son was a student pilot at FTA in Shoreham, which has gone into liquidation. We have lost over £80,000."

Somebody from London said:

"I paid a deposit to start training with them"

—Flying Time Limited—

"due to Covid and the changing of the schools schedule they were not able to provide lessons. When I asked for a refund they said they will get back to me and a week later they sent an email informing me the school is closing. It's extremely sad and I'm not sure what to do or where to start as I want to continue with lessons."

A constituent said:

"I have now been offered a place at one of the big ATO's to continue my flight training as the FTA Global syllabus has been approved by the CAA and my training records have been reviewed by the training team at the ATO. So I am now in a situation that I am out of pocket"

—but could be transferred elsewhere—

"and the only way to get back into training without significant time off (due to being recent on training) is by gaining some sort of financial assistance. There is also a time frame I would need to start the training hence why us students would really need assistance from the government."

There is a particularly poignant one from a Newcastle resident, who said that

"we have lost £50,313 that we had paid into my son's training. Since a very young age all my son wanted to do was to be a pilot. He is unable to go into the RAF as he has corrected vision... and so we focused on the commercial training route. I have worked for the NHS for the last 27 years and you can imagine we are not rich people. We are hardworking and will give anything we can to enable my son to become a pilot. My husband... used some of his pension money to help... pay the school fees... It is astounding to realise that someone can pay in so much money for their education only to lose it all and that there is no route for any recompense."

Their son

“will no longer be able to become a pilot as we cannot financially afford to fund a full course again. The failure of FTA has devastated my son and he no longer knows how to move forward in any career path.”

Here is another one from Uxbridge:

“I am a pilot student who was learning an integrated course at Flying Time Aviation limited in Shoreham-by-Sea. The course cost around £78,140, excluding the accommodation and cost of living”

On top of the fees, students have to fund living away from home and their general living expenses as well, which are not taken into consideration. The letter continued:

“The payment was made in 12 monthly instalments after paying an initial deposit of £14,190. On May 22nd, I received an email from the director of FTA informing us about the closure of FTA. I had assumed that the company would have the decency to give back what they owed to the students... However, it was made clear that no refunds would be made at all at the meeting held the next day. This has not only left me but more than 170 students in debt...I received an email last week from the liquidation company, which shows that the company owes me £65,500...however, with the company being extremely in debt, the chances of me and the rest of the fellow students receiving their money back are slim to none...we were only informed about the severity of this situation on the day they ceased trading.”

Finally, somebody from Kent said:

“I am one of the many who have been affected by this closure and have lost considerable amount of money and time—roughly £16,000 and only up until June to finish my flight training”.

There is a time consideration as well. People have 18 months under CAA regulations from the start of their course to the end and the examinations to complete that course. If people have started the course and cannot find or fund an alternative, they are right back where they started and that money has gone completely to waste.

I have taken up the case with Baroness Vere and the CAA, and they have both written back to me. The problem is that the CAA has oversight only of safety considerations and the quality of pilot training for flying schools, and has nothing to do with the finances or their sustainability, but surely the two are linked. There is growing evidence that the cash-flow problems that flying schools have had were leading to corners being cut, which could lead to compromised levels of safety, so financial sustainability is an important consideration in ensuring that flying training schools offer the full, safe and regulated pilots course that those students pay for.

Why do flying schools find themselves in this parlous situation? There are a number of reasons. First, they were hit hard by the pandemic. There was some support for them from the Government, but clearly flying training was not a priority at that time; indeed, much of it stopped for quite a long period. Secondly, flying schools are very dependent on fuel prices, which have rocketed because of events in Ukraine. The third consideration is that, perhaps uniquely in Europe, flying training courses in this country are subject to VAT, which is a large premium on top of already large fees. That does not happen in most if not all other European countries, where flying training is quite rightly treated as being educational, so is not subject to VAT.

I would like the Minister to comment on that last point. Does he think that flying training is a form of education and training, which the Government quite rightly encourage? If so, can he say why it is being

treated as just any other sort of consumer item on which people are liable to pay VAT? That does not seem right.

There is also a Brexit element, which I am sure will greatly encourage the hon. Member for Dundee West. That is because previously flying training schools would only pay regulation fees to the CAA, but now, in some cases, if students have European pilots' licences they will also pay fees to the European Union Aviation Safety Agency, or EASA. However, there is a Brexit bonus for pilots, which you, Sir Robert, will be glad to hear. Now that the UK has left the European aviation system, pilots are able to hold both a UK licence and a European licence, which was not possible previously under European regulations.

As a result of all these factors, many flying schools have had cash-flow problems, leading to claims that they have been demanding money up-front from students in order to keep themselves afloat. In the case of the FTA at Shoreham, it is claimed that it now has debts in excess of £5.5 million, including a £1-million debt to His Majesty's Revenue and Customs, much of which will be accounted for by VAT liability. However, the FTA's planes are all mortgaged and it has precious few assets, so it is highly unlikely that there will be anything left for the students who paid up-front or who are partway through their course; they will have to find a new flying school to transfer to, if they can afford to raise the necessary funds to do so.

As I have said, there is the added complication that this issue is time-limited, which is where I think the CAA has a far greater role to play. There are concerns that the CAA has not been as proactive as it might have been in trying to find solutions for some of the students at FTA, including reconsidering the way that exams are held and considering whether there can be any flexibility in that regard, particularly for those people whose course was delayed because of the pandemic; earlier, I cited the case of one such student.

There are also serious questions to be asked of the owners of FTA, who apparently were in touch with the potential receivers back in January, and there was also a reorganisation of debt liabilities to a new company, even though FTA was still taking up-front fees from students virtually up to the day on which it went under. As I have said, those students are not covered by basic Financial Conduct Authority protections, and the advice from the CAA and Ministers has been that they should pay with a credit card which, as I have also said, is not very practical. Consequently, those students are not covered by the protections in section 75 of the Consumer Credit Act 1974 that other credit card purchases would attract. The FTA flying school in Shoreham was a key academy, offering a European flying licence, and it looked like one of the safer and more sustainable flying schools. Consequently, its closure has shocked the industry and clearly other flying schools remain vulnerable.

When I wrote to the Minister, Baroness Vere, her response, as I have said, was that

“the extent of the CAA's regulatory oversight of flight training organisations is limited to ensuring each organisation complies with specified safety requirements, including suitable training to an agreed safety standard.

The CAA has no direct regulatory oversight of the financial health of a flight training organisation or of the individuals operating within that business, and any proposals to grant these

[Tim Loughton]

powers to the CAA would first require the Department to consider amending existing legislation, through its rule-making programme, to introduce such powers. In this regard, any changes to the scope of the CAA's role and functions would likely require a process of developing and consulting on new draft regulations, new regulatory guidance, training for CAA inspectors and the establishment of a framework for regulatory oversight and insurance of the initial and ongoing financial resilience of flight training organisations."

Right—let's do it, because, as I have said, all of that will be needed before long if we are still to have a flying school business left in this country in the future.

BALPA contends that the CAA has a statutory responsibility, under retained EU law, to operate an ongoing oversight programme for UK-approved flight schools, which includes requiring "evidence of sufficient funding". BALPA does not believe that, to date, the CAA has discharged that responsibility diligently or at all, and I agree. There is a financial oversight aspect of the CAA's regulatory role. Clearly, demanding fees up front to keep operations afloat does not smack of flying schools having sufficient funding. The CAA needs to step up and step in.

BALPA has been working with students to introduce protections to avoid some of the disastrous financial consequences that have befallen students at Bournemouth, Shoreham and Dundee. Specifically, it has brought in its finance fairness charter, under which it asks that, as dedicated approved training organisations, flight schools "commit to a fundamental principle of not accepting advance payments or deposits from cadets that exceed"

a certain amount

"for training services. This financial limit aims to assure cadets while promoting fiscal responsibility."

Additionally, it asks that ATOs

"pledge to furnish cadets with comprehensive information regarding payment alternatives if available, further underscoring transparency in line with these commitments"

and

"pledge to extend the convenience of payment by credit card without imposing any undue surcharge providing the cadet with additional consumer protection."

The BALPA charter adds:

"Transparency is paramount. ATOs undertake the commitment to furnish cadets with accessible information pertaining to their training programs, associated costs, payment protocols, refund mechanisms, and all pertinent terms and conditions."

That seems perfectly sensible to me, and I hope the Minister will consider taking it up with the CAA. One person who has been caught up in all this wrote to me, referring to the

"seemingly disinterested attitude the CAA has taken towards investigation of misuse of Student monies",

with the CAA just rolling out the excuse that that does not come its remit, when many of us think that it does.

"For many pilot hopefuls," BALPA says,

"the costs involved in attaining the necessary qualifications have meant going to extreme measures to secure the funding required, including re-mortgaging family homes"—

I have given examples of that—

"taking out multiple un-secured loans, maximising limits on credit cards and/or borrowing sums of money from family, far exceeding any normal student borrowing."

It adds:

"In the UK, a trainee professional pilot is not viewed in the same way as a student in any other field or profession. In 99% of cases in the UK, a trainee professional pilot does not even qualify for student status.

For too long, trainee pilots have been viewed and treated as customers. They are students in education, investing in their futures and they are the future of the UK's aviation industry."

I wholly agree.

There is another issue, which I referred to briefly: VAT. Interestingly, this point was raised by the now Defence Secretary in a question to the Chancellor of the Exchequer in June 2018, when he was on the Back Benches. He asked the Chancellor,

"with reference to Strategic Review of General Aviation, published by the Civil Aviation Authority in July 2006, whether his Department has conducted a review of whether the current VAT treatment applied to flight training places UK flying schools at a competitive disadvantage to those based in other countries; and if he will make a statement."

The Treasury replied:

"The government does not hold information on tax revenues that can be broken down to assess the impact of tax on flight training."

This is not a new issue and many senior colleagues have raised it in the past. I cannot stress enough the financial impact that these closures have had on students who have saved or begged families hard to train as pilots to fulfil their dreams. Why do we not treat flying schools like any other places teaching students in tertiary education, rather than treating students as consumers of a product that happens to be a training course? Why is flight training subject to VAT in this country, unlike anywhere else in Europe?

Having said that, the consequences of the recent closures go far beyond the implications for individual students who find themselves severely out of pocket and need protections. BALPA says that we also need new protections to help secure the training pipeline of commercial pilots to aid forward planning for airlines. We need those new protections to prevent the loss of foreign investment from airlines investing in the UK's highly experienced flight training industry. We used to be the pride of the world and many foreign pilots would come here for their training. We need new protections to support smaller airfields across the country that support thousands of skilled jobs, including flight instructors, engineers and air traffic controllers.

Today, I received a note from Airlines UK, which makes some interesting observations. Of the 15,295 holders of CAA-issued commercial pilot licences aged between 18 and 64, only 2,954 are under 30, while 3,500 are between 51 and 64. We have an ageing population of pilots who are already trained and working. In the last decade, the total number of UK commercial pilot licence holders fell by 10% and the number under the age of 30 fell by 4%. Airlines UK therefore supports many of the proposals made by BALPA, including that we should remove

"VAT from pilot and air traffic control officer training";

that we should

"enable student and/or other self-funded options to be used for courses to qualify as a pilot";

and that there should be an update of the apprenticeship levy

"to enable employers to overcome existing barriers to use apprenticeship funding for pilot and ATCO training."

We should bring together people from the Department for Education, the Department for Transport and the Treasury, BALPA, and the rest of the airline industry, which plays a role because it is the beneficiary of pilot training—the bigger airlines do not tend to pay for some of this training, but I think they have a role too—to find an immediate solution for those prospective pilots left severely out of pocket, and to introduce financial protections to ensure that that is highly unlikely to happen again, and to ensure that there is oversight of financial sustainability and that the CAA, or an alternative body, can regulate the future of flight training schools.

Without that, we will have an awful lot of students who find themselves at a loose end, unable to fulfil their dreams of becoming the pilots that this country desperately needs. There will also be a big confidence issue for pilot training in the United Kingdom. Other countries send their students to this country to train, but people from our own country who want to train as pilots will not be able to do so in the United Kingdom, either because of a lack of capacity or because it is too risky, so they will go abroad and decide to stay and work there, and we will lose them.

There is a severe risk to the UK airline industry unless this situation is sorted out urgently, and that is my ask of the Minister and his colleagues. This issue has big implications for the flying industry in the United Kingdom and a big implication for a lot of the students represented by hon. Members here today. It cannot be ignored any more. I hope that in our forthcoming meeting with the Minister she will be able to progress some urgently needed solutions to the problem.

2.58 pm

Ian Paisley (North Antrim) (DUP): I thank the hon. Member for East Worthing and Shoreham (Tim Loughton) for raising this matter and putting on the record so skilfully the perplexing and, in many respects, heartbreaking saga that students are going through.

Although this is not a registered interest, I declare that my son is a trainee pilot. Thankfully he is not in one of the schools that have been mentioned in this debate. He has nearly completed his training. He is currently in the United States of America finishing his night school training for jet aircraft and hopes sometime next year to be a pilot flying the skies around the United Kingdom and Europe. I wish him all the best, because I am immensely proud of him for the job that he has done.

Considering the points that have been raised in the debate, I feel for the parents and the students. The sagas described by the hon. Member for East Worthing and Shoreham are personal lives; they are the stories of young kids who dared to dream, who wanted to get their jet licence, who wanted that as their career, and whose mothers and fathers sacrificed everything for them. We heard about parents putting houses on the line and remortgaging to facilitate that for their children, because they believed in them, and then that being cruelly snatched from them. There is no chance that they will get to start again, get a refund, or get picked up and taken on by another school. Their stories are heartbreaking.

I know that the Minister is a passionate man and that he will care about those individual stories. They are the lives of young people. They are the future of our nation's aviation sector. If we do not put this right, we will suffer consequences down the line—and very quickly. One airline

has something like 500 pilot vacancies over the next two years. Those must be filled. Anyone who has recently been at any of our local airports will know of the delays and the lack of crew availability, and the problems that those things cause. We need to fix that now, because we are an island nation that relies on aviation not just for passenger travel but for cargo travel and postal access. As a nation that relies on aviation, we will feel the consequences if the matter is not fixed immediately.

Pilots are necessary to our economy, and the training pipeline put in place by a number of these schools is crucial for economic growth and development. The smaller airfields across the United Kingdom where a number of these pilots initially trained will also feel the impact and could be damaged. A number of private and smaller airfields across Northern Ireland, which have been the incubator for young pilots, are at risk, and it is the same for smaller airlines and airfields across the rest of the United Kingdom.

A number of things need to be done, but it is important to reiterate this point. As a parent who had to pay the deposit for my kid's training, I could not pay it on a credit card. There was zero protection. It was an eye-watering amount: the first deposit was just shy of £15,000, and in some instances deposits are not refundable. People are really staking a lot on these companies. I remember going around the banks with my son and saying, "Can this young lad get a loan? I believe in him." No—he was not getting a loan for a pilot's licence. I took him to inquire about whether he could get a student grant. He is a student—he is doing a degree alongside his pilot's licence—but no, he could not have a student grant at all, for any part of it. Mummy and daddy would have to pay for that. It is a big decision when you put your house on the line and say, "I'll remortgage the house to get that person the career that they need."

As the hon. Member for East Worthing and Shoreham indicated, when training is cruelly snatched from kids in circumstances like this, it not only wrecks their lives, dreams, hopes and aspirations, but it devastates their parents. The fact that the money paid in for the student cannot be protected needs to be fixed. There are no refunds for an aviation course after the first £10,000. As I said, the initial payments are eye-watering—and those are just the fees. My son trained at Gatwick for the first nine months, so he had to live in London. He had to pay fees, living costs and all the rest of it. Other kids across the United Kingdom are faced with the same thing: they have to come down to Gatwick or one of the other big airports, live near it and pay their fees and living costs. They get zero support, whereas other students get reduced rates, railcards and all sorts of other things. Trainee pilots do not benefit from any of that, and they have to pay for food and board on top of all those fees. Banks will not give a loan without an asset being put up.

A number of asks have been outlined, but I want to ask the Government to look at incorporating trainee pilots into the student loan system, so that they can get a loan that is paid off more easily. They will move into a bracket whereby they are able to pay off such loans, so they should be regarded as worth backing. They will probably be able to pay off the loans more quickly than students who do an arts degree. Trainee pilots do a necessary qualification that takes them into a sector

[*Ian Paisley*]

that the economy actually needs. Something should be put in place to allow the Government to say that the student loan system can be used for trainee pilots. That is a reasonable ask, and it is something the Government should look at.

I agree that the civil aviation sector must do much more. After all, all pilots are trained initially by civil aviation, and it is civil aviation that they benefit. Something must be done, not necessarily to step in and save flying schools that have become failed businesses, but to save the students, help them to progress in a much better way, and help them get what they are entitled to: a very expensive but very beneficial thing called a commercial pilot's licence for jet aviation, which is essential for our economy. I appeal to the Minister to look at the points that were raised by the hon. Member for East Worthing and Shoreham, to see whether there is some way we can help students who are directly affected by the flying school closures, and to look at the wider picture for aviation students going forward.

3.7 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate. I congratulate the hon. Member for East Worthing and Shoreham (Tim Loughton) on leading it, setting the scene extremely well and outlining the issues.

I give special thanks to my hon. Friend the Member for North Antrim (Ian Paisley), whose son is training to be a pilot, and I hope that one day we will both be in a plane of which he is the pilot. We look forward to that accomplishment. My hon. Friend put forward our request that trainee pilots be part of the same system as students, because it is a simple system and easier to regulate. The wherewithal to do that is already there. Being a pilot seems to be a vocation. If we do not make preparations now, we could find ourselves in a position whereby we might not have the number of pilots we need.

As someone who flies twice a week to get to the House, I have the greatest respect for our pilots and airlines. It is important that we do more across the UK to better support and fund flying schools for trainee pilots, so today's debate is very important. I want to make a case and give some specifics for Northern Ireland, as I always do.

My constituency, which is rich and diverse, has its own flying clubs to train pilots, and we are fortunate to have them training at this very moment. One of the flying schools in Strangford is called the Ulster Flying Club, located in Newtownards. I have had a relationship with it throughout the years I have been a councillor, a Member of the Legislative Assembly and an MP. The club holds open days every year and other events, and it is very much an integral part of the community. It trains trainee pilots to be pilots.

I know of one constituent who just completed 10 flying lessons when he was only 13. That was because a provisional pilot's licence was available. It is often the first step in becoming a commercial airline pilot. It is just fantastic that so many training grounds offer an opportunity in aviation for those of all ages who are interested. My own son was interested at one time. It may have been a "flight of fancy", if I can use that

terminology, but at one time he wished to be a pilot. I think what put him off was the cost factor. Also, he met his future wife and she had different ideas. It was one or other of those things that changed his opinion, but the fact was that the opportunity to be a trainee pilot at Ulster Flying Club in Newtownards was one of the options considered.

Whether a provisional pilot's licence or a pilot's licence is purely for leisure and recreation or because of professional interest, it is great that such openings are available for our young people. I encourage them all to take up the opportunities. I congratulate the Ulster Flying Club in Newtownards on its clear commitment to try to make that happen for all—not just for the constituents of Strangford but for those further afield. I was in contact with the British Airline Pilots' Association ahead of this debate, and it made me aware of its role in protecting young, aspiring pilots and supporting the aviation industry in general.

To be specific, I agree that we must have better financial protection for trainee pilots, as the hon. Member for East Worthing and Shoreham set out so well in his introduction. In 2023, three UK flying schools have collapsed, which is devastating not only for the aviation industry but for the trainee pilots, who in some cases have paid tens of thousands of pounds in advance fees. The hon. Gentleman gave a number of examples of that. One that I read about in the information I was sent was of a young girl who had paid some £90,000, which is an incredible loss. It is quite unsustainable for any young person and for the family—the bank of mum and dad—to stand over that. They then have to face the fact of the vocation they had chosen not being achievable.

There is absolutely no doubt that we as policymakers in this place have a responsibility to support young people in their career choices, especially one where the financial aspect is so huge. The smaller airfields—such as the one in my constituency of Strangford—support thousands of skilled jobs, including those of engineers, air traffic controllers and trainee instructors. All these things have to be paid for. I am very fortunate that the Ulster Flying Club has such member strength and is so strong. It has lots of adult pilots who have their licences and it has a strong youth section as well. But it takes money to keep it all going, so we must invest in these facilities and not risk their closure altogether.

BALPA has recommended that the Government regulate such that an ATO's ongoing approval requires it to take advance payments or deposits from consumers in instalments no greater than £5,000, or perhaps 5% of the total course cost at a time. That is something to look at. I look to the Minister to consider these proposals and see whether something can be done. Can this be regulated? Can it be done in a different way? Clearly, if action is not taken, we have a severe problem. As stated by other Members, the financial burden is just huge, and to ask a young, aspiring pilot to risk that after the closure already of three schools is a massive ask for anyone and for their family.

I have always been a big supporter of encouraging young people to pursue their dreams in terms of their careers. We as parliamentarians in this House and also as parents—as a grandparent in my case—have a duty, I believe, to encourage our young people to do so. How many times have we been at a careers event, or how many times have we been speaking in a school, where

we have encouraged young people to achieve their goals? If they have a dream—a goal that they wish to achieve—we encourage them to reach out and grasp it. If we say that, we have to mean it in this place as well, which is why we look to the Minister for help.

We have the second largest national aerospace industry in the world—after the United States—here in the United Kingdom of Great Britain and Northern Ireland. Whether our flying schools are teaching young people to fly purely as a hobby or preparing them for a life in which they are flying planes for some of the biggest airlines globally, this industry must be supported by the Government in order to ensure that young people—our future and, indeed, the Government's future—are not let down but have the financial means to learn, without the worry of closure.

I very much support what has been put forward. I thank right hon. and hon. Members for their contributions and look forward to those of the shadow Ministers. We look to our Minister for a response that gives us the reassurance that we can then give to our constituents.

3.15 pm

Chris Law (Dundee West) (SNP): I thank the hon. Member for East Worthing and Shoreham (Tim Loughton) for securing this debate that allows us to discuss what is a wide-ranging and important topic, given the number of flying schools that have closed over the past 12 months and the impact that has had on those affected by the closures. Unfortunately, like others who have already spoken, my constituency of Dundee West has direct experience of that, and its situation has many parallels with what other Members have described.

With great sadness, Tayside Aviation in Dundee, one of Scotland's leading flight schools for more than 50 years, went into administration and ceased trading in April. At the time of the school's collapse, around 60 trainee pilots were either participating in or enrolled in training, with fees paid in advance. As we have heard, unlike for most other career paths, student loans cannot be used to fund flying training. The likelihood of the payback of student loans from a pilot career is arguably greater than many others, and that anomaly needs to be fixed.

Furthermore, pilot training is uniquely subject to VAT in the UK, whereas it is exempt in other countries. That is astonishing, because it is about education. We are taxing those who often take loans from their parents an extra 20%, on top of fees that could be upwards of £70,000 or £80,000. The Minister will surely agree that we need a level playing field. Charging VAT limits the number of people who can afford flying as a career path and increases the numbers who choose to train abroad, thus reducing the viability of training schools in the UK.

The costs associated with flight training are very significant and have to be wholly met by the trainee pilot. They encompass tuition fees, aircraft rental, exams and licences. For many aspiring pilots, realising their dream of taking to the skies comes with a hefty price tag. The closure of Tayside Aviation left numerous trainees in a dire situation after investing significant sums of money in their training, only to see their dreams shattered.

It has been reported that some students have lost upwards of £50,000, with no indication of whether they will receive any of it back and their future career ambitions now in jeopardy. In one instance, a trainee

made a £6,000 payment to Tayside Aviation just five hours before the company went bust. Although some who paid using credit cards have been successful in clawing back some of their moneys, most will receive very little of what they paid. Many families were in contact with me about their individual cases, and I share deep concern and sympathy for those who, for instance, had to remortgage homes to fund their training and were subsequently affected by the business's collapse.

The lack of financial regulation in the flying school industry exacerbates the financial risks. Unlike many other educational institutions, flying schools are not subject to the same level of oversight and financial protection measures, which begs the question: why? Trainee pilots are left without adequate safeguards to protect their investments when a flying school faces financial difficulties. In the case of Tayside Aviation, trainees are left with uncertainty, struggling to recover their investments and unsure of where to turn for support. In a recent letter to the Transport Secretary, it has been noted that the potential sum owed to the customers of now-defunct flying schools is estimated at around £4 million.

Furthermore, the schools often required advance payments because of the elevated risk of insolvency. Disturbingly, anecdotal reports suggest that certain flying schools refuse to accept credit card payments for such advances, as we have already heard, leaving consumers without the protection afforded by the Consumer Credit Act. This concerning situation underscores the need for greater financial safeguards and transparency in the aviation education sector to protect the rights and investments of aspiring pilots.

Although flight schools fall under the regulatory purview of the Civil Aviation Authority, it is crucial to note that that oversight primarily covers safety measures and the quality of pilot training. It does not extend to monitoring financial stability or providing protections for would-be pilots. To enhance consumer protection and financial transparency in the aviation education sector, it has been suggested by representatives of BALPA, Wings Alliance, Flyer magazine and Bristol Groundschool that the CAA should consider implementing specific requirements as part of a flying school's approval process. Requirements could include limiting advance payments from consumers to a maximum of £5,000 and mandating the availability of credit card payment options without additional surcharges. Sounds perfectly reasonable, surely?

Additionally, the CAA should conduct a comprehensive review of its oversight procedures for flying schools, aiming to ensure full compliance with retained EU law. Furthermore, the establishment of a dedicated consumer protection scheme, akin to the ATOL—air travel organisers' licence—scheme for package holiday customers, could be explored to safeguard the funds of student pilots and provide them and their families with greater financial security.

The demise of Tayside Aviation has been of detriment not only to its trainees but to the city and its wider economy. Tayside Aviation supported 22 full-time jobs and delivered the RAF air cadet pilot scheme. The collapse also threatens to undermine a key project in the Tay cities deal. Tayside Aviation played a pivotal role in the Tay cities initiative to establish an aviation academy for Scotland. The project aims to cultivate a proficient workforce comprising aircraft engineers, air traffic controllers and emerging pilots. With a budget of over

[Chris Law]

£8 million, the initiative seeks to enhance infrastructure and foster the seamless integration of aviation education and training at local, regional and national scales.

The lion's share of the investment is designated for Perth College and its subsidiary, Air Service Training Ltd. An allocation of £2 million was specifically earmarked for the Dundee campus of the aviation academy for Scotland, to be operated by Tayside Aviation. The Dundee campus would have a primary focus on delivering comprehensive training programmes for aspiring pilots and future air traffic management professionals. It is therefore imperative that a flight school at Dundee airport is re-established. I firmly believe that the facilities there remain an attractive proposition for any prospective buyer, including airlines looking to train their own pilots.

Moreover, the viability of the airport itself is dependent on its regular use, through flying clubs, education and training and the maintenance of commercial passenger routes. Bearing that in mind, the UK Government must recognise how vital it is that the public service obligation for flights between Dundee and London is renewed at the end of next month, when the current contract ends. Historically, the PSO has been funded by the UK Government, the Scottish Government and Dundee City Council. The case for the continuation of the PSO has been accepted, which has allowed the competitive tender process to commence. However, no confirmation has been given in respect of future funding for the PSO. The total tender amount is expected to increase, so it needs to be affordable for all parties.

The PSO underpins the wider activity at Dundee airport and is vital to its future success and connectivity. It makes the city and the region more attractive to investors, businesses and tourists. Analysis has shown that the economic benefit brought by the PSO has the potential to be six times the cost of the PSO contract. First, in principle, do the UK Government continue to support the Dundee-to-London PSO? If so, do they recognise the importance of the Tayside Aviation flying school, alongside the route, to the future of Dundee airport?

Secondly, subject to detailed assessment of tenders received, will UK Government funding for the PSO continue at the same level and increase if necessary? Given that it is a PSO route, what further steps can the UK Government take to support the viability of connectivity between Dundee, Scotland's islands and the rest of the UK?

Furthermore, recognising the importance of the PSO to the operations at Dundee airport, is there scope to explore further revenue funding to support the PSO through the Tay cities deal, as part of a wider Dundee airport project, should there be a funding deficit? I have written to the Minister responsible for aviation to request an urgent meeting to discuss this issue and to look for a way forward for both the flight school and the PSO, so that they can secure a future at the airport. I would be grateful if the Minister could address those points.

Finally, with flying schools closing, airports and routes at risk, and the number of UK commercial pilot licence holders down 10%, we do not want to be in the same situation as the USA, where regional air services have been decimated by pilot shortages and more than 100 small communities have lost some or all of their air services in the last two years.

Our airports and airlines and the people who work for them are vital for domestic and international connectivity, which we value so highly. The loss of flight schools does not involve simple cases of enterprises going out of business. The closures are devastating to the careers of potential pilots, who have had to invest huge sums of money that are not expected of those in other professions. Flight schools are crucial to the aviation industry and, as outlined, critical to the success of smaller airports throughout the country. It is essential that would-be pilots are supported properly and that flight schools are regulated properly, enabling trainees and the industry to have the confidence and certainty to succeed.

3.25 pm

Mike Kane (Wythenshawe and Sale East) (Lab): It is a pleasure to serve under your chairmanship, Sir Robert.

I, too, congratulate the hon. Member for East Worthing and Shoreham (Tim Loughton) on the powerful personal testimony that he brought to us of constituents and others affected by the closure of flight schools. I also congratulate the hon. Members for North Antrim (Ian Paisley) and for Strangford (Jim Shannon) on their testimonies. For one moment, I thought the Democratic Unionist party was getting on a biblical stage—the tale of two sons, like Cain and Abel, one becoming a farmer and the other a shepherd. One will become a pilot and, on behalf of His Majesty's official Opposition, I wish that son well in his endeavours.

We are in this debate because two flight schools have closed, one at Dundee airport and the other at Shoreham airport—I say that before I am admonished by the hon. Member for East Worthing and Shoreham, as my notes call it Brighton City airport—which is a sad loss of the jobs for trainers and staff. As the hon. Member for Strangford said, we have a world-class aviation sector in the UK, and we want to keep it that way.

The closure of those valuable facilities most severely impacted the aspiring student pilots who were just setting out on their careers. The closures left them and their families seriously out of pocket, as we have heard. Commercial pilot training can cost up to £150,000 and is not currently eligible for student funding, which is available for other professions such as law and medicine. With no mechanism for student finance, many aspiring pilots take extreme measures, such as multiple loans and—when they can—credit cards, borrowing from friends and families or, as Baroness Vere said as Aviation Minister back in 2019, relying on the bank of mum and dad to get through training.

In May this year, the Government published a report called, "Addressing the cost of pilot training", which was a fascinating 62-page read in preparation for this debate—

The Minister of State, Department for Transport (Jesse Norman): Hear, hear!

Mike Kane: I thank the Minister for his support on that.

The report highlights the fact that the lack of diversity and the barriers to access are something we all agree on. This is in no way data, but in my capacity as shadow Aviation Minister I attend many events and conferences,

and I am still surprised at the lack of diversity in the industry. I get the irony of somebody who looks like me saying that.

To return to the collapse of the two flight schools, the amounts owed to the individual students affected is about £4 million, with an average individual loss per student of some £90,000. That money is unlikely ever to be recovered, as some flight schools do not take payment by credit card—as has been pointed out—so the consumer protections afforded by that method of payment have not been possible. In addition to that, the students are unsecured creditors, so there is no legal requirement for them to be repaid the money—morally, however, that is another issue.

In the decade since 2007, the average cost of initial pilot training in the UK increased by about 54%. Various academic and industry studies undertaken on pilot recruitment have noted that of the thousands of potential pilots who start flight training every year, about 80% leave. The failure to fund tuition fully is cited as a major reason for the drop-out rate.

Research commissioned by the Department for Transport showed that increasingly dynamic market conditions in the light of covid-19 meant:

“Training organisations and airlines suffered financially from lack of operation during the pandemic and lockdowns”.

There is little doubt that being unable to operate would impact on such businesses. For example, Lufthansa Aviation Training suspended its training from the beginning of the pandemic. Interestingly, Lufthansa was able to offer all its 850 students full refunds. I wonder whether the chaos in the sector and the refusal by the Government to offer a sector-specific deal might have added to the knock-on effects we see now.

The heavy reliance on self-funding creates barriers to entry to the pilot profession, disproportionately affecting some demographic groups more than others. Only 6% of pilots worldwide are women, and just 4% are from BAME communities. How can that be? I would be interested to find out the figures for children of a traditional working-class background who cannot rely on the bank of mum and dad. Kids like me ruled out ever becoming a pilot, because there was not, and clearly still is not, a route for working-class children and children with no access to credit who were unwilling or unable to go into debt to fund the training. If I may, I will quote Baroness Vere again: back in 2019, she said that

“social mobility is a fundamental right and it should not be that some people are blocked out of entire careers just because they don’t have the ‘Bank of Mum & Dad’”.

The cost of learning to fly not only plays a key role in limiting the pool of talent that the profession can draw on, but hampers the diversity of the pilot community. There was an attempt to address diversity in the pilot workforce with the creation of a first officer apprenticeship, which is a level 6 qualification that involves training as a co-pilot over a two-year period. Although the scheme is welcome, it is flawed by its very design. Industry sources have said that the £27,000 funding cap is not sufficient to cover flight training. Furthermore, apprentices cannot be asked to take on debt to supplement their training, which puts the onus on the airlines. There are restrictions on bonding apprentices to training providers, but airlines are likely to be unwilling to invest sufficient sums of money in a person who might leave immediately on qualifying. Almost by design, the scheme is flawed.

Moreover, there is a concern that the cost of training to secure a pilot’s licence in the UK may begin to put UK airlines at a competitive disadvantage relative to counterparts in the European Union, where pilot training is less expensive. Other changes have an impact on that situation: since the UK exited the EU, potential non-UK candidates now require settled status to live and work in the UK. In addition, those undergoing pilot training in the UK will be required to sit additional exams to get additional licence approval, which has additional cost and time implications for students. Taking those matters into consideration, there is a real concern that trainees will opt out of a UK licence and fly on an EU licence only, which will significantly reduce the pool of pilots available here. A 2020 study shows that the emerging shortage of qualified pilots is a high priority for airlines. Respondents to the flight operations survey noted upcoming pilot shortages as a top five focus, and 22% said it was their leading focus.

The collapse of the schools only serves to highlight a number of issues in flight schools and wider issues with pilot training: flight schools’ operating models, funding for aspiring pilots, lack of diversity in the workforce and the complexity of the first officer apprenticeship scheme, which by its own construction and in its current format is destined to fail. There is much to be done to ensure that the job of a pilot is open to all, not just to those with a well-resourced bank of mum and dad. I look forward to the Government’s acting on the recommendations of their own report, “Options for addressing the cost of pilot training”, and ensuring a pipeline of talent from all demographics.

3.33 pm

The Minister of State, Department for Transport (Jesse Norman): It is a delight to see you in the Chair, Sir Robert. I thank everyone who has spoken in the debate, and I congratulate the hon. Member for Wythenshawe and Sale East (Mike Kane) on retaining his place in the shadow Transport team. It has been an interesting debate, and I am grateful to colleagues for their contributions. Aviation is a very important sector and is a matter of local importance in the constituencies involved.

Let me start by reiterating the apology that my noble Friend Baroness Vere gave to my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton). I know that she and he are to meet in a matter of days, and I look forward to that being a constructive and engaging conversation. I am delighted to respond to his concerns in this debate. As he will know, the Government regard the aviation sector as an important strategic asset. It contributes at least £14 billion to our GDP every year and supports some 230,000 jobs across all regions of the country. We recognise the sector’s importance both geographically and economically.

It is important to focus, as hon. Friends have done, on the dire impact of training operators’ failures on the students involved. There is a tremendous human cost, which has been brought out well during this debate. I have a particular sense of identification with it because I have a pilot’s licence myself, although tragically it has long since fallen out of use. It was paid for not by the bank of mum and dad but out of my own earnings, in case Opposition Members were wondering. I am the son of a pilot, the brother of pilots, the nephew of a pilot and the grandson of a pilot, so I have a very

[*Jesse Norman*]

considerable personal understanding of the issues involved, as well as the ambition, inspiration and joy that flight gives young men and women across this country, as it has done for generations. I fully recognise the point that the hon. Member for Wythenshawe and Sale East made about the increasing importance of a relentless focus on improving diversity in the sector. He is absolutely right about that, in every dimension.

Having said that, what we have here, as far as I can tell, is the disorderly liquidation of three local aviation training operators. That carries with it tremendous disruption and difficulty, and it exacerbates the impact because an individual can literally turn up one day or—as colleagues' constituents have done—receive an email saying that the institution to which they have confided their hopes, their dreams and a lot of money has gone, completely unexpectedly and without any notice, into liquidation. They may, and in many cases will, receive back none of the money that they have already contributed.

When we think about the wider picture, however, it is important to put things into perspective. May I offer the Chamber a correction to a number that has been used? In 2023—I am advised by civil servants that this is true—there were 11,675 applications for training across all licences in aviation. We are talking about terrible local impacts on a relatively small number of people so far and three failures of ATOs among some 270 registered flight schools across the UK. That is not to derogate for a second from the tremendous importance and extreme sadness and in some cases grief that has been inflicted; it is only to say that making general rules on the basis of a relatively small portion of the whole sector is something that one needs to bear in mind. When we think about the enormous sums that have been lost in some cases, we are talking about people who are in commercial licences at the very top of the pyramid and are therefore as close as one could be to potential long-term gainful employment.

I will come on later to what the CAA is doing and the suggestions that have been made, but let me just pick up on a couple of points that, rightly and importantly, have been made by my hon. Friend the Member for East Worthing and Shoreham. He is right that the pandemic had a difficult impact on the aviation industry generally and on the training sector. As he will recall, the Government made every effort, at considerable cost to the taxpayer, to support institutions, companies and individuals throughout the air transport sector. That amounted to something like £8 billion of pandemic-related support and included support through loan guarantees; support for exporters; the Bank of England's covid corporate financing facility; the coronavirus job retention scheme, for which I was responsible; the Treasury's furlough scheme; and the airport and ground operations support scheme. A tremendous amount of specific support for the sector was given during what was a completely unexpected and dramatic change in our business, social, personal and economic arrangements. My hon. Friend is absolutely right to focus on that; he is also right that fuel prices have gone up, which will have had the effect of driving prices upwards.

However, as a former Financial Secretary to the Treasury, I do not share my hon. Friend's view that a cut to VAT would be the answer to the problem. There is

a very simple reason for that. There are many cases of sectors in the UK economy that have called for VAT cuts. In a very small number of cases, because VAT is by design a broad-based tax, reductions have been made to levels of VAT. Very often, they have not been passed on as any kind of saving to the end user; they have gone to support the margins of the company. In the training operator business there may be some value in that, but it is the normal course of things that in a competitive private sector industry there will inevitably be organisations that for various reasons do not manage themselves effectively, or go bust for other reasons.

Tim Loughton: I am slightly disappointed by the Minister's comment. This is not a huge mass industry; it is not beyond the wit of a regulator or of the Treasury to ensure that VAT savings are directly passed on, or else the companies would not be eligible. Even if the Minister will not consider this for the future, does he not think that there is a moral case for students who have lost their fees and are severely out of pocket at least to be refunded the VAT element that they paid, which has gone or may still go to the Treasury for a service that they have not received?

Jesse Norman: I am not making policy from where I stand; I was speaking as a former Treasury Minister about the general attitude towards VAT and the general problem that no Government of any stamp can compel a private company to pass a saving on to consumers. Indeed, whether or not savings are passed on is itself a function of the competitive conditions in the sector. I will come on to what the CAA can do later in my remarks, but although I understand my hon. Friend's concern about the cost of VAT, let me remind him that the taxpayer will be a significant loser from the failure of these companies. I recognise a certain strength in his point about individual students being recognised; if he wishes to raise that point with the Treasury or with Baroness Vere, he is very welcome to do so. However, the general policy, as far as I am aware, is the one that I have enunciated for the Government.

Chris Law: I am trying to reflect on what the Minister has said about VAT, and specifically on one of the clear points that has been raised. We are at a competitive disadvantage because we charge but no other country in Europe is charging. If we look at the decline in flying schools and the issues with financing to go and study in the first place, and then someone is being asked to pay 20% on top, what is to stop any young aspiring pilot from saying, "Wait a minute, I'll just go to Europe where I won't have this extra 20% surcharge"?

Jesse Norman: Of course individuals are welcome—and will want—to consider all the options under all circumstances, but I have not accepted the hon. Member's narrative that the sector is in decline. We have had three important local failures of flying schools, but in general the sector has rebounded remarkably well from the pandemic. I would not accept that it is in decline; in fact, in many ways it has made a robust recovery.

In his own remarks, the hon. Gentleman highlighted the failure of Tayside Aviation. As far as I understand it, however, it would absolutely have been within the power of the Scottish Government not to change VAT, but to provide some grant intervention to Tayside Aviation had they wished to do so, either as an education provider

or under the heading of industrial strategy, both of which are devolved areas. I do not know whether the hon. Gentleman wants to comment on whether the Scottish Government had considered that, either as a matter of intervention at the time or now, in order to support Tayside Aviation if it wished to get back up as a trading entity.

The hon. Gentleman does not respond. Let me press on. The question is what we can do to support students under the very difficult circumstances in which they have found themselves. The CAA has responsibility for flight safety rather than for the financial wellbeing of the flight schools. Nevertheless, I think it has understood and recognised that there is every benefit to the UK in seeking to retain the value of students' training so far. It has therefore enabled the transfer of training records to other ATOs so that, wherever possible, training is not lost. It also lies within the CAA's power to extend the 18-month period in which students can restart their training; it can do so on a case-by-case basis for anyone caught out by exam timescales or other aspects.

The hon. Member for Wythenshawe and Sale East mentioned first officer apprenticeships. I do not share his rather negative approach. This is an important development, which can itself be further built on. It may not provide the full total towards the training, but it is a very substantial contribution. It remains available to sponsors of apprenticeships, beyond the individual students, to support—as they do in other industries—students who wish to complete the training under that framework.

It is also important to say that treating ATOs as higher education providers would carry costs to them. They would be required to register as higher education providers with the Office for Students. There would be a number of regulatory burdens that ATOs might wish to take on, but they might very well decide that they did not want to submit to them. Some of those would address the issue of concern here, for example through student protection plans, compliance with consumer protection laws, Ofsted inspections, quality and standards assessments and the like. My hon. Friend the Member for East Worthing and Shoreham may wish to pick up that point with my noble Friend Baroness Vere when he sees her. It is a matter of empirical investigation whether ATOs would be interested in registering as higher education providers with the Office for Students and whether they would treat it as a competitive trading advantage.

Ian Paisley: I understand and appreciate the Minister's Treasury background. Does he accept that the student loans scheme is an investment in the value of what an educated person brings to society? We recognise the value of an arts degree, which we relate to salary, and that is very commendable. We recognise that for a pilot, it relates not the school they go to, but to the individual. A pilot will be in the higher echelons of earning, probably from day one, in a jet company. Surely the Government recognise that giving them a soft loan under the student loans scheme would be of great benefit to society, because society would get the money back more quickly. Is that not of value?

Jesse Norman: The hon. Gentleman is right to raise that interesting question. I have already talked about one scheme that has a similar approach—not a loan scheme,

but an apprenticeship scheme. However, for a loan as he has described, the problem, which I have raised, would be the need to register with the Office for Students. As one goes up the flight training tree, one gets further away from basic education and closer and closer to a commercially valuable proposition that it is in the interest of companies in the aviation sector to support and finance. There may well be other things that can be done.

Ian Paisley: It is not unlike a doctor or a lawyer as they get further up the commercial tree in their training—it has that cross-application. A pilot may be training in instrument rating and instrument readings, which is a skill like an engineering skill.

Jesse Norman: The hon. Gentleman raises an interesting and somewhat philosophical question. I do not intend to get enormously technical on this issue, but the reason why, in the case of doctors, for example, this support has been given is that historically these doctors then go and work for the majority—perhaps all—of their careers in the NHS, in the discharge of a public function. If doctors left immediately to go and join commercial medical organisations, which an increasing number are, it might well be that, in some cases, from a public sector perspective, the philosophical question whether or not they should be supported by the taxpayer would be raised. I think we are in the same space of discussion; that is interesting.

I will say a couple of other things, if I may. Of course, the Department is working with industry and the Education and Skills Funding Agency on the first officer apprenticeship, as I mentioned. That, I think, has an important role to play in this.

Let me just pick up one other little thing that was just raised by colleagues before I close. The hon. Member for Dundee West (Chris Law) raised the question of PSOs. Of course, that does not directly have anything to do with this debate, but it is important. Let me just say that the Government recognise that PSOs are important to meet regional connectivity and levelling-up objectives. As I understand it—and I think he said—Dundee City Council has recently undertaken a tender for a new contract on the route from the end of October, and the Department has said that it will consider the application. It is obviously not appropriate for me to prejudge that in a debate today in Parliament, but the Government are very much looking forward to seeing that application and will judge it, of course, on its merits, in the usual way, in due course. With that, I think I will sit down.

3.51 pm

Tim Loughton: I will not take up too much more of the Chamber's time, because I spoke fairly extensively to start with, but I would certainly like to thank hon. colleagues who have brought to bear their own experiences and those of their families, particularly from the Northern Ireland angle, and from Dundee and the large and important training school that the hon. Member for Dundee West (Chris Law) spoke about in detail.

As I started by saying, this is not a localised issue; it is a UK-wide issue, and we have had three parts of the United Kingdom represented in contributions today, for which I am grateful. But I must say that I am disappointed by the Minister's response. I fear that he spoke rather more with a Treasury hat on than with his

[Tim Loughton]

more recent Transport Minister's hat on. He does seem to be in a state of denial about a very real and serious problem, which is recognised by the industry. He just does not seem to acknowledge that flying schools are in a state of decline and the number of pilots that they have the capacity to produce is substantially declining.

I quoted, again at the outset, that around 2,500 pilot licences were granted in 2015, whereas this year, they are anticipated to be one fifth of that, at 500. That is not a healthy, vibrant business as it stands.

Jesse Norman: I do not think that that number is correct. Let me put that on the record.

Tim Loughton: Okay, well, those are the figures that have been provided by those in the industry. The three flying training schools that have gone under produced many hundreds of pilots a year. That represented a substantial part of the capacity within the United Kingdom. Therefore, I am afraid that this is not a localised problem, involving just a few individual schools. There are serious fears for the sustainability of many of the surviving large schools in particular.

I will not rerun all of the issues that we came up with earlier, but there are serious problems that I hope we will be able to air in more detail when we meet the Minister about the immediate problem of the hundreds of students who find themselves without a course, without the funds to find an alternative course, and without an awful lot from the CAA. I am afraid that that has been the experience, hence the request for the CAA to step up and step in rather more proactively than it has. We need an acknowledgment that students

who pay fees up front are vulnerable to the flying schools going out of business, and are without the protections we take for granted when we buy goods and services or embark on educational courses elsewhere. Again, I take issue with the Minister's challenging that this is some form of education. The clue is in the title: these are flying schools, which are training people, in the air rather than on the ground, to provide a vital public service on which this country relies.

It is not just the training schools and their immediate employees that will be suffering. It is the local economies—the economies of smaller regional airports that rely on the flying training schools for a great deal of their revenue, from touchdown fees or the purchase of kerosene. That is often the most profitable part of the business of those small airports and crucial to their survival, not least my own in Shoreham.

Contrary to what the Minister says, the implications go beyond just the three individual cases of flying training schools that have gone under in the last 10 months. I am grateful that we have had this airing of an issue that has not had a great deal of publicity but which has a great many implications, well beyond the constituencies represented today and the three specific training schools I have mentioned. I hope we can take those points further when we meet the noble Baroness, which I think is next week. I will be happy if any colleagues here wish to join me in that delegation along with BALPA. I am grateful for the time in the Chamber.

Question put and agreed to.

Resolved,

That this House has considered flying schools.

3.56 pm

Sitting suspended.

At-risk Academics: UK Support

4 pm

Sir Julian Lewis (New Forest East) (Con): I beg to move,

That this House has considered UK support for at-risk academics.

Yesterday evening, I was privileged to attend a remarkable 90th anniversary event hosted by the Royal Society and the British Academy. In 1933, the skies over Europe were darkening. The Nazis had come to power in Germany and were already making racial discrimination against non-Aryans, principally Jews, part of their state policy—the early steps on the road to the holocaust. One of the first such steps came on 7 April that year, with the passing of the so-called “law for the restoration of the professional civil service”. An innocuous title covered a grim reality. The law forced out of their posts civil servants of non-Aryan origin, primarily those of Jewish descent, together with members of political organisations that were deemed to be hostile. Jews, other non-Aryans and political opponents were also barred from holding positions as teachers, professors or judges.

Up until then, the German educational system, and especially its universities, had been among the best in the world. Leading German academics were outstanding in their fields and had many contacts and connections with their counterparts in the UK, yet the new law meant that many faced immediate dismissal with no prospect of further work in Germany. Happily, the reaction of their colleagues here in the UK was immediate and decisive. The prime mover was Sir William Beveridge, then the director of the London School of Economics, who happened to be in Vienna that April and was horrified to hear about the purge. Returning home, he immediately began to create an organisation to raise funds to help its victims.

The result, on 22 May 1933, from the rooms of the Royal Society at Burlington House the founding statement was launched of what was initially called the Academic Assistance Council, or AAC—a major initiative of which the UK can rightly be proud. In just a few weeks, 41 university chancellors and vice-chancellors, distinguished professors and other public figures had come together to pledge support for the planned rescue of their colleagues and counterparts in Germany. They included no fewer than nine members of the Order of Merit and, I am pleased to say, a serving Member of this House, the then Conservative MP for Hastings, Eustace Percy. They defined their mission as

“the relief of suffering and the defence of learning and science”.

It was a mission to save not just the individuals and their families, but also the hard-won knowledge and skills held within their heads.

The founders’ appeal for funds immediately bore fruit. Between May and August 1933, the AAC raised nearly £10,000 to get its work off the ground—about £900,000 in today’s values—and much of that came from UK academics. In the following six years until the outbreak of war, the AAC—later called the Society for the Protection of Science and Learning or SPSL—and its individual council members helped between 1,500 and 2,000 academics to escape from Germany and other countries under fascist influence or control. Their contribution to the arts and sciences here in the UK and elsewhere proved to be immense: 16 of those helped by

the AAC/SPSL later won Nobel prizes, 18 were knighted and over 100 became fellows of the Royal Society or the British Academy.

Ninety years on, sadly, many academics around the world are again at risk. Some are caught up in conflict. Their universities may have been destroyed or left without power or water, making productive work impossible. Just getting to and from work may now mean running a gauntlet of rival militia gangs. Others face violence or persecution at the hands of repressive regimes or extremist groups, which see a free-thinking and free-speaking academic as an intolerable challenge to their authority.

As we know, women in Afghanistan can no longer go to university at all. In certain countries, academics are in serious danger because of their sexual orientation. Elsewhere, those who defend democracy and denounce state corruption are subjected to arbitrary arrest and physical violence, as happened as recently as July to Dr Gubad Ibadoghlu, a renowned senior visiting fellow at the London School of Economics, who was seized in Azerbaijan while visiting his mother and, disgracefully, is still incarcerated. It is therefore just as well that the organisation originally founded to rescue academics from the Nazis is still at work today. Now known as the Council for At-Risk Academics, or Cara, it is busier now than at any time since the 1930s, fielding hundreds of applications for support, especially from Afghanistan, Ukraine and the middle east, but also from many other countries around the world.

Jeremy Corbyn (Islington North) (Ind): The right hon. Gentleman and I are well aware of the situation of Dr Gubad Ibadoghlu in Azerbaijan. He is a distinguished academic, proud of academic independence and the objectivity of his work and studies. He will not be intimidated by anybody regarding what he writes or how he writes it. He is in a difficult situation at the moment, and I would be grateful if the Minister could assure us that the British Government will do all they can to ensure that he gets the medical support and attention he needs, as well as to ensure his right to pursue his profession and live in peace.

Sir Julian Lewis: I entirely agree with everything the right hon. Member says, and I told a special adviser before the debate that I would be mentioning this case. I understand that there has been a statement of concern from four countries—the US, the UK, France and Germany—about this case, and I hope that those in power in Azerbaijan will take the representations seriously.

My first contact with Cara came during the fall of Kabul in 2021, when a constituent sought my help to bring her sister-in-law, an academic opposed to the Taliban, to safety in the UK and to a Cara fellowship at the University of Southampton. The task was neither quick nor easy, but it ended successfully with Cara’s help. It is a pleasure to see the executive director of Cara, Stephen Wordsworth, present at the debate today. I am grateful to him and his organisation for all they did for my constituent’s sister-in-law.

Since then, I have drawn attention to Cara’s work several times and was pleased to table early-day motion 1188 in May, with the backing of 20 more MPs on both sides of the House, to mark the anniversary of its 1933 founding statement. That success for my constituent was just one of hundreds of cases with which Cara is dealing. The charity has steadily built up its support network of UK universities

[*Sir Julian Lewis*]

and research institutes, now numbering 135. Most of them host a Cara fellow, often several, and act as their visa sponsors.

The House should note that Cara fellows come on regular visas, not as asylum seekers, and, to their great credit, the supporting universities usually cover much or all of the cost of each placement. Thanks to that support, some 170 academics from all around the world are safe with their families on Cara fellowship placements in the UK. At any given time the Cara team are working to help place dozens more, while other new applications are being carefully sifted and assessed. Many of them will soon lead to successful placements. For each one who comes, however, another will apply and will deserve help.

We talk often about attracting the best and the brightest to this country. With the generous support of the UK's universities and research institutes, Cara plays a crucial part in this endeavour—but with the important difference that were it not for Cara, these highly talented people would in many cases be destitute, locked up, badly injured or even dead. The work is painstaking and unrelenting, and it is carried out by just 14 people. The hope is always that Cara fellows will one day be able to go home safely, and some do, with individuals recently returning to Syria, Yemen, Ukraine, Turkey, Iraq, Palestine and Azerbaijan, which we just mentioned in another context. Others, however, must continue to wait. I could provide dozens of examples but shall limit myself to just a few. For their safety and that of their relatives and friends still in their home countries, some of the names are pseudonyms.

Naila was an accomplished academic in Yemen in the field of public health. When she first contacted Cara, she was living with her husband and a young child. They were under siege and fearing for their lives. With Cara's support, she secured a placement at Cambridge University, where she now works on a global talent visa.

Nadiya, a Ukrainian academic with vast international experience in civic education and citizenship linguistics, was forced to flee Ukraine with her 12-year-old daughter after Russia's invasion. Cara helped her to secure a visiting research fellowship at the department of education at Oxford, where she is now continuing her research.

Wynne was a renowned environmental researcher and activist in Myanmar with over 30 years' experience, who sought Cara's help after the 2021 military coup. He is now a visiting fellow at Oxford, researching drought and water insecurity.

Oleksandra was a professor of economics in Kyiv. She left with her daughter after Russia's invasion and is now a visiting researcher at the London School of Economics.

Jim Shannon (Strangford) (DUP): I commend the right hon. Gentleman for bringing this issue forward. He always bring good things to Westminster Hall, but also to the main Chamber. Since 2022, over 100 Ukrainian academics have been supported to settle in the UK with British Academy and Cara at-risk fellowships. Does the right hon. Gentleman agree that we, as a compassionate and generous country, should continue to ensure that those academics from Ukraine are supported in their careers, and that this approach must also extend to the likes of women in Afghanistan, who deserve the very same treatment?

Sir Julian Lewis: I could not agree more with the hon. Gentleman, who is another long-time friend from across the divide in the House of Commons Chamber. He is absolutely right, and I will refer in a little more detail to the Researchers at Risk programme very shortly.

I return to my list of examples of people who have been saved and are now doing well. Nooria, from Afghanistan, is a specialist in gynaecology and obstetrics, and was working as both a clinician and an associate professor at the Kabul University of Medical Sciences. After the Taliban takeover, she was trapped at home. With Cara's support, she was offered a visiting research position at the University of Cambridge, where her work has now led to a fully funded PhD offer.

Hayat is a researcher from Afghanistan with a PhD and a master's degree from the UK and the US respectively, but this previous international experience attracted reprisals from the Taliban. As a Cara fellow at the University of Nottingham, he is carrying out work in three research projects on the impact of conflict and natural disasters on households' welfare and food security.

Huda was a radiology researcher in Syria when she contacted Cara. She experienced bombings throughout the conflict and was once shot at in her car. Cara helped her to secure a postdoctoral placement at the University of Cambridge, after which she was awarded a global talent visa.

Ayşe completed a visiting fellowship at Wolfson College, University of Oxford, and returned home to Turkey, where she continues to do research on gender violence.

Wiesam completed a visiting fellowship in the department of geography at the University of Manchester, and returned home to Gaza, where he is now working as a professor in thermal remote sensing at Al-Aqsa University.

Ahmed completed a visiting fellowship at University College London before returning to Iraq, where he is now a dean of college at a university.

In the past two years, Cara has also worked with the British Academy—the hon. Member for Strangford (Jim Shannon) referred to this—and other national academics, to deliver the largely Government-funded Researchers at Risk programme. Thanks to that, another 180 academics from Ukraine have received awards paid to them by Cara to allow them to continue their work here. Cara has also worked with the funding scheme in Germany for at-risk scholars, the Philipp Schwartz Initiative, since its launch in 2016.

Cara's strong track record of supporting threatened scholars around the world is an important contribution to the fulfilment of the UK's aim to promote a more effective international response to humanitarian crises. As an organisation, it remains unique in Europe, and we should celebrate its 90th anniversary and the difference it has made and continues to make to so many lives for "the relief of suffering and the defence of learning and science".

It requires little direct help from Government. but I have a couple of requests for the Minister. First, as already noted, Cara fellows come to the UK on regular visas. Thanks to the care that Cara and the host university visa sponsors take, Cara fellows have in recent years enjoyed a 100% visa application success rate. I hope that the Home Office and UK Visas and Immigration will keep looking positively on Cara-associated visa applications, and that the Department will continue to recognise the contribution that Cara fellows make during

their stays in the UK and subsequently through active partnerships, if and when they can safely return home. I also hope that the Home Office and UKVI will, therefore, be ready to discuss with Cara ways in which the visa regime might be adapted to make their fellows' time in this country even more productive.

Finally, the Researchers at Risk programme has shown how effective a Government-funded scheme can be when it works with and complements existing efforts by proven practitioners. The original funding for Researchers at Risk is now fully committed, but I hope that the Government will learn from the undoubted success and be prepared to consider a longer-term follow-on scheme, open to academics at risk around the world. That would, indeed, ensure that the United Kingdom remains a global leader in this admirable field, and worthy of the efforts—

Mr Jonathan Lord (Woking) (Con): Will my right hon. Friend give way?

Sir Julian Lewis: Two words before the end, in the nick of time.

Mr Lord: I congratulate my right hon. Friend on a superb speech. We do have at-risk academics in this country, not from torture or persecution in the sense that he is talking about, but from the modern thought police. People's livelihoods and mental health can be put on the line by unfair dismissals. Would it not be a huge irony if some of the Cara fellows had the same fate? Does he agree that to be that true beacon in our country, we need that freedom of expression in all our institutions of higher learning, especially our universities?

Sir Julian Lewis: My hon. Friend tempts me to move into a wider area of controversy, but one thing that I would note, without crossing that line, is that very often the people in our university community in the United Kingdom who speak out most strongly in favour of freedom of speech and who insist that people should listen to views with which they might not necessarily agree, rather than shout them down, have often experienced repression in their own countries and come to the United Kingdom to escape that type of restriction.

I will leave that point there and resume what will be my final sentence by repeating the fact that building on the undoubted success of the Researchers at Risk scheme would ensure that we remain both a global leader in this admirable field and worthy of the efforts made by the eminent founders of Cara 90 years ago.

4.20 pm

The Parliamentary Under-Secretary of State for the Home Department (Miss Sarah Dines): It is a pleasure to appear before you, Sir Robert, in this most important debate.

I am grateful to my right hon. Friend the Member for New Forest East (Sir Julian Lewis) for securing this debate. As was abundantly clear from his remarks, this topic is of long-standing interest to him and I am pleased to respond on behalf of the Government and my right hon. Friend the Immigration Minister, who unfortunately is not here today.

I pay tribute to my right hon. Friend the Member for New Forest East for his commitment to highlighting these issues and for championing such a commendable cause. As he pointed out, there are many examples of academics who have been able to continue their important work and studies here in the United Kingdom, whether that be through the global talent visa, the skilled worker visa or any other route for which they are eligible.

My right hon. Friend's passion for and knowledge of this subject shone through his remarks today, particularly when he spoke about the work of the Council for At-Risk Academics. I have also heard him raise this issue in the main Chamber of the House of Commons itself, so dear does he hold this cause to his heart.

I think we all agree that academia, science and research have an enormously beneficial and enriching effect on our society and on our way of life in the United Kingdom. These activities drive progress in how we think and how we live. They foster collaboration and creativity. Whatever the discipline or the field, it is right that we do all we can to ensure that those working in it are supported and encouraged. Any threat against their freedom to carry out their work is totally unacceptable.

The impact of any attempt to impose restrictions on research in academia is profound; it is felt not only by the individuals involved but by the world as a whole, as we are denied the benefits of their knowledge and the advancements they could help forge.

For our part, the United Kingdom Government are committed to the cause of academic freedom globally and to ensuring that at-risk academics have a place of safety in which to study, teach and carry out research, including within the UK. Our work and study visa regime provides opportunities for such individuals to come to the United Kingdom and to continue their careers here, either on a permanent basis or until such time as it is safe for them to return to their own country. Such individuals can carry out their learning in peace and security, can forge a new and better life for themselves, and can contribute to the UK's society and economy. That also demonstrates to those around the globe who seek to curtail knowledge and inquiry that the United Kingdom remains a beacon of academic freedom.

Wendy Chamberlain (North East Fife) (LD): I am very grateful to the Minister for giving way and I apologise, Sir Robert, for missing the very start of the debate. I am also grateful to the right hon. Member for New Forest East (Sir Julian Lewis) for advising me of it.

The Minister is making a very good point about how the UK is seen globally. The point I want to make is the benefit that UK institutions receive from having these people here, who are right at the very top of their academic game. That is very true for the University of St Andrews, which is in my constituency and which is one of the Cara institutes. Does the Minister agree that we are getting the best of the best through this approach?

Miss Dines: I agree with the hon. Lady that there is much we gain by way of academic research. Indeed, we enjoy the best not only of academia but of what the inquiring mind can bring to our institutions with a global feel. I agree with her wholeheartedly.

[Miss Dines]

We thank Cara, similar organisations and the wider university sector, which create these opportunities and reach out to eligible individuals and groups. I also thank all those people who are here in Westminster Hall today. It is so nice to see the Public Gallery so very full. It includes Stephen Wordworth, who is the director of Cara and who is here today with colleagues and friends. You are most welcome.

My right hon. Friend the Member for New Forest East is also the Chairman of the Intelligence and Security Committee. As I alluded to earlier, he has said on a number of occasions that some states will continue to project threats to individuals even when those individuals are in the UK, having sought safety here. We will seek to identify and mitigate those threats wherever they exist. If threats should follow any academics to the United Kingdom, our world-leading intelligence and security agencies would take a proactive and robust approach to identify those threats and, where they exist, to provide protective security in whatever form is necessary.

There have been various interventions in the debate. It is not right for me to talk about specific cases, but I will ask the Immigration Minister to write to the right hon. Member for Islington North (Jeremy Corbyn) to address the points that he raised. I am grateful, as always, for the intervention by the hon. Member for Strangford (Jim Shannon). I think he has just left, but he always brings great experience and wisdom to these debates, and he works collaboratively across parties.

Jeremy Corbyn: I thank the Minister for the remarks she has just made, but would it be possible for the Government to put more direct pressure on Governments such as that of Azerbaijan about the treatment of academics, as well as about the individual cases that have been raised today?

Miss Dines: As the right hon. Gentleman knows, the Government work very hard to promote the interests of academic and personal freedom across the globe. I cannot mention specific cases, but I will definitely get back to him through the Immigration Minister on the case that he mentioned. The Government will continue to seek academic freedom wherever they can throughout the world in cases of unjust and unfair incarceration.

My hon. Friend the Member for Woking (Mr Lord) was right in his intervention. Everybody who is here in this debate has the same heartfelt feelings about how we need to assist academia across the globe and provide, where appropriate, safety for academics to express their views.

It has been an interesting and informative debate. I hope I have left my right hon. Friend the Member for New Forest East and other Members in no doubt of the Government's enduring commitment to protect, promote and support academia and research, which benefits so many of us. I offer my thanks again to my right hon. Friend for securing this important discussion.

Question put and agreed to.

4.27 pm

Sitting suspended.

LGBT+ People and Spouses: Social Care

4.30 pm

Helen Hayes (Dulwich and West Norwood) (Lab): I beg to move,

That this House has considered the treatment of LGBT+ people and their spouses in social care settings.

It is a pleasure to serve under your chairmanship, Sir Robert. I sought this debate because of the horrific experience of my constituent Ted Brown and his late partner, Noel Glynn. Ted is present in the Public Gallery this afternoon. Ted and Noel were together for almost 50 years. They met at the first Gay Pride event in 1972, which Ted helped to organise. They were civil partners; they were devoted to each other. Sadly, Noel developed dementia in older age and, in 2018, he was placed in Albany Lodge care home in Croydon after Lambeth Council was unable to find a place in a care home any closer to Ted in Brixton.

One day, Ted noticed that Noel had suffered bruising and a cigarette burn to the back of his hand, and two whistleblowers at Albany Lodge confirmed that Noel was being subjected to homophobic abuse from some of the staff. The whistleblowers recounted two staff members asking him, "Are you a gay man? Do you like gay men?" before dragging him to his room, where other residents heard a disturbance going on and Noel's voice. In January 2019, Noel told a social worker, "I don't like it here—they beat me up". The social worker recommended moving Noel to another care home, but he remained at Albany Lodge for nine more months. Throughout that time, Ted was paying £1,400 a month to Albany Lodge for Noel's care. Ted told me that staff at the care home refused to recognise his relationship with Noel, and that he was warned by two other LGBT residents in the home not to tell staff that they were a couple, because, "It won't be good for either of you".

Noel was a vulnerable man with dementia. He should have been safe in Albany Lodge. The abuse he suffered was horrific and inexcusable, and it was a clear breach of his human rights. That was recognised in a court judgment against Lambeth Council, which placed Noel in Albany Lodge, that awarded the couple £30,000 in compensation. Sadly, Noel died in 2021 before the compensation was paid.

Ted told me that when Noel was first placed in Albany Lodge, there was a delay in undertaking a necessary medical assessment. He contacted the care home to chase this on Noel's behalf and received an email notifying him that an assessment would be done that day on his father. He was not invited to attend this appointment, which would usually be supported by a spouse or close family member since the aim of the assessment was to gather information about the person's health history, including matters such as allergies and eating habits. Noel, by then, had dementia.

Ted went to the home anyway and was initially not allowed into the room with Noel, despite bringing documents demonstrating their civil partnership, his power of attorney for Noel and evidence that they had been partners for 49 years. As Ted waited outside the room, he could hear Noel calling out for him. This utterly distressing situation speaks to a total lack of dignity for LGBT+ couples in the care system that urgently needs to be addressed. Prior to being admitted to Albany

Lodge, Noel initially received care at home. Ted believes that Noel was also subjected to homophobic abuse by one of the carers, who he observed treating him roughly. In an indication that these experiences are not at all uncommon, Ted also told me that prior to the carers coming in, he had been warned by a friend to remove all traces of his relationship with Noel as a couple from their home.

In a report titled “Stripped of all Pride”, Compassion in Care documented 486 reports of homophobic abuse in care settings and of LGBT+ staff who were afraid to disclose their sexuality. I strongly encourage the Minister to read the report, if he has not already done so; the testimonies are shocking and devastating. One whistleblower wrote:

“There was one gay resident in the home, staff were so cruel to them, some staff treated this poor man as if he had something catching. I saw one staff member spit on this man whilst telling him to repent as he was a filthy pervert. Another staff member slapped this man around the back of his head, really hard. I reported it, I was horrified. The staff started shouting at me are you a pervert lover? Are you gay? Nothing was done, I went to the authorities and left”.

That is hate crime, happening behind closed doors and being perpetrated against some of the most vulnerable people. There are many similarly shocking testimonies in the Compassion in Care report.

Tulip Siddiq (Hampstead and Kilburn) (Lab): My hon. Friend is giving a powerful and emotional account of her constituents. I welcome Ted to the Chamber; I wish it was under happier circumstances. I want to raise something that happened in my constituency a few years ago. A gay couple were taunted with offensive and degrading questions about their sexuality on a bus in West Hampstead. They were then brutally attacked. It was in the news, so my hon. Friend might have heard about it. This year, Rainbow Europe announced that the UK has fallen to 17th place in terms of safety for LGBTQ people. Nine years ago, it was in first place. Does my hon. Friend agree that crimes that are targeted at someone’s LGBTQ identity should have tougher sentences?

Helen Hayes: I thank my hon. Friend for her intervention and for raising that shocking case, which I remember from media reports at the time. We cannot ever take progress on equality for granted, and it is vital that we take seriously that drop in protections for LGBTQ+ people and that the current increase in hate crime is met with the toughest possible sanctions that can be delivered.

Perhaps even more shocking than the testimonies in the Compassion in Care report is the fact that, of the 486 services involved in the testimonies, 481 were still rated as good by the Care Quality Commission. A 2016 CQC-commissioned report found that older people were hiding their sexual orientation and gender identity because of fears of discrimination. The abuse that Noel suffered and the abuse documented by Compassion in Care are utterly abhorrent, and there should be no place for them anywhere, still less in settings that are trusted to look after our most vulnerable loved ones—older people who are physically frail or suffering the disorientation of dementia.

For the current generation of older LGBTQ+ people, such abuse can also be a re-traumatisation. Those aged 75 and older were adults before homosexuality was

decriminalised in 1967. They lived through the long years of section 28, have experienced life in a deeply homophobic society, are very likely to have spent a significant period of time concealing their sexuality, and have lived through the trauma of the HIV/AIDS epidemic—suffering the loss of much-loved partners, friends and community members while society stigmatised them. Older people who are LGBTQ+ are also disproportionately likely to have become estranged from family members and may lack people around them to advocate on their behalf in the care system.

I am particularly concerned about the poor response to Noel’s case. Once the horrific abuse he suffered was identified, it should have been the job of the care home, the local authority, the CQC and the Government to ensure that it could never happen again, but the reality was far from that. When Noel’s abuse was reported, staff were suspended, but Ted understands that they were allowed to return to work on a different floor of the same home. Following inspections in 2019 and again this year, the CQC continued to rate Albany Lodge as good. The fact that one local authority placed Noel in a care home in a different local authority has also presented problems in ensuring accountability.

No one should have to fear that they or a loved one will be abused in a place that has a responsibility to care for them. No one should have to fear that their sexuality or gender identity might result in such abuse. In 2016, the CQC recommended that commissioners, providers, and health and care staff should

“consider the needs of LGBT people in planning and delivering end of life care services”,

that health and care staff should

“communicate openly and sensitively about sexual orientation and gender identity as a routine part of their delivering good quality, personalised end of life care”

and that commissioners and providers should

“collect data on sexual orientation and gender identity as part of an equalities approach to monitoring end of life care outcomes.”

The Government also mentioned the need for improved monitoring in their 2018 LGBT action plan, but there is little evidence of progress. There are examples of good practice, both in the delivery of LGBT affirmative retirement housing, such as Tonic Housing in Lambeth, and in the Pride in Care quality standard championed by Care England, but it is unacceptable that monitoring the experiences of LGBTQ+ residents is not a mainstream part of CQC assessments. Albany Lodge should not have continued to be rated “good” while an LGBT resident was being abused under its roof, and it certainly should not have continued to be rated “good” after that abuse had come to light.

What progress does the Minister believe has been made following the publication of the Government’s LGBT action plan five years ago in 2018? What action is he taking to protect the rights of LGBTQ+ residents in adult social care? Will the Government ensure that gathering the experiences of LGBTQ+ residents and their spouses forms part of the CQC inspection framework for care homes? Will he take steps to ensure that no care home or care agency found to have allowed homophobic, biphobic or transphobic abuse can continue to be rated “good” by the CQC? Will he consider further support to roll out the Pride in Care quality standard to more care homes across the country?

[Helen Hayes]

When Ted spoke with me about Noel's experience, he told me about the guilt he feels about being unable to protect the man he loved from abuse. I am sure all of us can understand that guilt, even though it is entirely misplaced. Ted should have been able to trust Albany Lodge to care for Noel and that trust was fundamentally broken. We cannot undo what happened to Noel, but we can work to ensure that it does not happen to anyone else. I hope that the Minister will set out the meaningful action that he will take to this end.

4.42 pm

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to serve under you in the Chair, Sir Robert. I pay tribute to my hon. Friend the Member for Dulwich and West Norwood (Helen Hayes) for her powerful advocacy for both Ted and Noel. It was shocking and very difficult listening, and she was eloquent and forceful in making the case to support LGBT people in social care.

I am grateful for the work of York LGBT Forum. It has tirelessly campaigned for the rights of LGBTQ people across the community. It engages with stakeholders to advance the rights of LGBT people across the city and the region. As part of its "Free to be Me" work in social care, the forum is hosting a seminar this coming Friday entitled "Don't Leave Me in Silence" reflecting on the experiences of people in social care. I spoke to one member last weekend and she talked through the work she had engaged with, and it echoed the inquiry the all-party parliamentary group for ageing and older people, of which I am chair, undertook a few years ago, which recognised the importance of identifying the social care needs of LGBT+ people and their partners.

In the session, which was held in Parliament, we heard how partners were often ignored in social care settings, not least when determining the wishes of their loved ones in care. We heard how, on so many occasions, they were unable to communicate the needs of their relationships before they entered care—instead becoming a distant friend. People in care often felt that they could not even put a picture of their partner up in their room, almost eradicating the memory of their relationship. We heard the distress, the loss of identity and how they felt shame, not to mention their facing some pretty intrusive questioning, too.

With good social care, this should not be an issue. On entering a care setting, a relationship should be established that takes all the needs of individuals into account. It does not take much to ask what someone's requirements are and who their family is, and to ensure that their family is honoured. It is a central part of care. It is what care is: recognising the human, not just the physical, needs that someone has. It does not take much to ask, and it does not cost much to train staff.

LGBT+ awareness training would significantly enhance the experience of LGBT people in care. The CQC should monitor the training that staff have, and the Skills for Care workforce, which has set out a learning framework, should review that framework, not least in the light of today's debate, and ensure that it is rolled out to all care settings. It should be a marker that the CQC looks for when examining care settings.

Recently, I talked to a constituent who was still at home and seriously ill. She knew that in the not-too-distant future her time would come for more intense care. She asked that she would be in a setting that recognised her gender identity; she feared being placed in one that would recognise only her birth identity. Such dying wishes must be honoured. That is about respect for the individual and understanding their care needs. It is about ensuring that they are cared for holistically and that they and their families are given the time, care and support that they need. It is about listening; it is about acting. I heard one story about someone who started to be dressed in the clothing that represented their birth gender identity, because no one had taken the time to listen. That cannot be a matter for a care facility to determine; it is a matter for the individual and their family.

This debate has focused on the family, but it is worth remembering that many LGBT+ people may not have family. The chair of York's Ageing Well Without Children, or AWOC, Sue Lister, has explored what it means for individuals who might not have family at all, or whose partner has passed. She wrote a poem, which I would like to close with today. It is called "Lesbian Loneliness". It is written about a care setting:

"Magnolia walls house the non-absorbent thrones.

Dry voices whisper round the walls like leaves that fall unnoticed.

Uniformed bursts of energy swirl according to the clock

Bringing this, taking that.

Weathered skin, brittle bones, ghosts of the past

Gather on these barren shores.

My life, my love, has passed away, leaving me hung upon the thorns of grief in a waste of loneliness.

Unspoken. Living too long in the shadow of social shame

I dare not rock the boat and she is buried forever.

'My love' I cry in the dark hours and hold her in my heart

By day I pass as an ordinary old woman."

4.47 pm

Andrew Gwynne (Denton and Reddish) (Lab): It is a pleasure to serve under your chairmanship, Sir Robert, and to respond to the debate on behalf of the shadow Health and Social Care team in my first outing as the newly appointed shadow Minister of State for Social Care. It is always good to see the Minister for Public Health in his place.

I sincerely thank my hon. Friend the Member for Dulwich and West Norwood (Helen Hayes) for securing the debate and for all her work on this important subject. Her contribution this afternoon was heartbreaking—the way in which her constituent was treated was utterly shameful. I also thank my hon. Friend the Member for York Central (Rachael Maskell) for her contribution. She ended on such a powerful poem, which speaks to so many who suffer in care home settings.

The Care Quality Commission guidance for all providers of adult social care clearly states that people using care services

"must not be discriminated against in any way and the provider must take account of protected characteristics, set out in the Equality Act 2010."

As we have heard today and as we know from other studies, however, that is not always the case.

A survey conducted in 2017 found that 23% of open LGBT+ respondents who had been in a care home or other form of institutional care reported that being gay, trans, bisexual or lesbian, or having other protected characteristics, had a negative effect on the care that they received. Those examples are varied, but each and every one of them is concerning. Some respondents to the 2017 survey said that they felt invisible. Other responses related to use of language—for example the assumption that a partner or spouse is of the opposite sex, when that is not necessarily the case.

At their worst, the experiences of LGBT+ people in care home settings can be traumatic, as demonstrated by the story of Noel Glynn and his partner Ted Brown, who is a constituent of my hon. Friend the Member for Dulwich and West Norwood. Before he died, it is reported that Mr Glynn, who had dementia, suffered bruising across his body and had a cigarette burn on the back of his hand because of abuse from care staff. Other residents warned his partner Ted not to reveal to staff that he and Noel were a couple, saying, “That won’t be good for either of you”.

Mr Glynn and Mr Brown sued Lambeth Council, but Mr Glynn very sadly died before any compensatory payments were made. This case is beyond abhorrent. I hope the Minister will set out how it happened and what steps the Government are taking to ensure that it never happens again. The Minister will know that the Care Quality Commission does not currently consider the extent of homophobia or transphobia in inspections, despite its fundamental standards. Following this case, will the Minister look again at that guidance?

More generally, what this issue comes down to is the importance of personalised care. A report by the Women and Equalities Committee published in 2019 points to research showing that 72% of care workers do not consider sexual orientation to be relevant to one’s health needs. That same report states that

“most health and social care professionals feel under-equipped to deal with LGBT people’s needs rather than intentionally discriminating.”

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 are clear on this subject. Regulation 9 states that people using a service should have care or treatment that is personalised specifically for them. It is important that care providers respond to the serious concerns raised by LGBT+ people and ensure that those accessing services feel respected and safe, and benefit from care that is tailored to their needs.

My questions to the Minister are as follows. Given the extraordinary shortages in adult social care staff—sitting at around 165,000—what work are he and his Department doing to protect the principle of personalised care? Further, what steps is the Department taking to monitor the experiences of LGBT+ people in social care settings? In the 2018 LGBT action plan, the Government pledged to develop best-practice guidance for monitoring and to make this openly available to the public sector. Why were these pledges not implemented? Have they simply been abandoned alongside a plethora of other Government commitments, from banning conversion therapy to tackling waiting lists? Finally, LGBT+ organisations have called for better guidelines and staff training for those working in care settings. Can the Minister outline whether the Government support these calls?

The next Labour Government will address the vacancies in social care by delivering a new deal for care workers, guaranteeing fair pay, training, terms and conditions and career progression.

Richard Foord (Tiverton and Honiton) (LD): I am curious to know from the shadow Minister what fair pay in the social care sector would be. What does he think of the Liberal Democrat proposal to pitch an additional £2 per hour minimum wage for social care workers?

Andrew Gwynne: If the hon. Gentleman had been at the TUC conference today, he would have heard the shadow Deputy Prime Minister, my right hon. Friend the Member for Ashton-under-Lyne (Angela Rayner), outline precisely what Labour’s fair pay deal will be for the social care sector, but we need to go beyond that. We need to ensure that social care becomes a valued profession again, rather than just assuming that agency staff can fill the vacancies. We need to make sure that social care once again has parity with the rest of the healthcare system and that care workers want to work in the care sector not just because of pay, terms and conditions, but because it is a profession—which, sadly, many feel it no longer is.

We will work in partnership with users and families and develop a set of national standards based on existing minimum entitlements and legal rights, including legal rights that exist in the Equality Act 2010—a piece of legislation of which I am fiercely proud, and which the last Labour Government took through Parliament and put on the statute book. We need to make sure that all service delivery, particularly in social care, meets the ambitions and legal expectations of the Equality Act—sadly, that has let down so many LGBT+ people in the social care sector, as we have seen from the statistics in the surveys that I have cited this afternoon.

We would also ensure that our commitment to raise standards right across the sector is upheld by requiring all care providers to demonstrate financial sustainability and, crucially for this debate, to deliver high quality care for service users before they are allowed to receive contracts from local authorities, making sure that local authorities commission care providers who are capable of delivering the care that people need at the standard we should expect. That would result in more personalised and ultimately higher-quality care for all individuals.

In 2023 people who are lesbian, gay, bisexual, trans and others should not feel ostracised by a system that is there to support them. They should not feel ignored and that their personal needs are not being met. Ultimately, they should not feel the need to hide the fact that they are gay, lesbian, bisexual, trans or other. I hope that the Minister will agree with me that we can get to work on delivering that higher standard of care for all service users. The testimony that we have heard today from my hon. Friend the Member for Dulwich and West Norwood should stand as that end point. Never again should somebody from the LGBT+ community be treated as we have heard. “Never again” should be more than a slogan. It should be deeds.

4.58 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Neil O’Brien): It is a pleasure to serve under your chairmanship, Sir Robert. I apologise if this important debate is interrupted by a vote. I also apologise

[Neil O'Brien]

for the fact that my colleague the Minister for Social Care, my hon. Friend the Member for Faversham and Mid Kent (Helen Whately), has been in a car accident and cannot be here today.

I pay tribute to the hon. Member for Dulwich and West Norwood (Helen Hayes) for securing this debate on a hugely important issue, which is only likely to grow in importance over time. I express my sympathy to Ted for the appalling, abhorrent experience that he and Noel suffered. I am glad that compensation has been paid, although it is not enough, and I am happy to continue to discuss that case with the hon. Lady and her constituent after this debate.

People have a right to live in safety, free from abuse and neglect, and they should expect high-quality care and tailored support to meet their personal care needs. Nobody should be disadvantaged due to their background, sexual orientation, gender identity, culture or community.

The hon. Member for Denton and Reddish (Andrew Gwynne) has mentioned some of the guidance and the clear recent legislation we have passed to ensure that is the case. Care workers, social workers and everyone working in social care need to be sensitive to people's individual needs and circumstances, including their sexual orientation and gender identity. It is vital they have the confidence to discuss individuals' differences to find out how they can best provide care and meet individuals' needs.

I want to thank our amazing social care workforce, who work tirelessly to deliver high-quality care to individuals. It is important to recognise the hard and brilliant work of the social care workforce, even though today we are talking about some horrendous failures in social care, where things have not gone right, as highlighted in a report by Compassion In Care that has been mentioned several times and which is called "Stripped of all Pride". I read the report and found it absolutely harrowing. Some of the cases discussed are almost unbelievable. The report shines a spotlight on how LGBT people are subject to prejudices and biases, potentially from the workforce and, if they are in the workforce, from people receiving care. I want to pay tribute to the whistleblowers who spoke to that people working on that report for speaking out against the abuse and vulnerability they face, not just in the case of Ted and Noel but across the country. It is vital that LGBT people are free to live and work in care homes where the culture is inclusive and respectful.

Many people who require care and support may not have children; not just LGBT people but, as the hon. Member for York Central (Rachael Maskell) pointed out, other people too. It is essential that we have strong systems to protect them and we do not just rely on other friends and family members to pick up discrimination or abuse.

Care providers have a key role in safeguarding, and all the relevant care professions are subject to employer checks and controls. Guidance from the National Institute for Health and Care Excellence is clear that care homes must have a safeguarding lead and that they should make sure everyone knows who that is. As part of its inspection regime, the Care Quality Commission checks that care providers have effective systems to keep adults safe from abuse and neglect. I will set out some of those robust processes.

Local authorities have a duty to investigate safeguarding concerns under the Care Act 2014. Anyone who is concerned that an adult with care or support needs is at risk of or experiencing abuse or neglect should contact the provider and the adult safeguarding team in the relevant local authority. If someone is in immediate danger or it is believed that a crime, including hate crimes, has been committed people should contact the police too. Any form of abuse or neglect is unacceptable, and we need a focused and effective safeguarding system.

All social care providers already have a duty to be respectful of an individual's protected characteristics, including their sexual orientation, and make sure that their staff have the appropriate training to cater for the individuals in their care. In its role, the CQC takes a preventive approach to people experiencing prejudice or abuse, and looking at the quality of care for LGBT people in adult social care has been one of its equality objectives over a number of years. It is important that those who may be more likely to experience discrimination are listened to and have their needs understood by the local authority. That is why, from now on, the CQC will assess equity in outcomes and consider how local authorities ensure that people with protected characteristics under the Equality Act 2010 are understood. The new duty we have created for the CQC to assess local authorities' delivery of their Care Act duties went live in April 2023, and that will make a big difference in ensuring that those at the authority level are thinking actively and working on this vital issue.

CQC assessment of local authorities will increase transparency so that those who might be more likely to experience discrimination, such as LGBT people, are able to hold their local authority to account. It is not just about raising and enforcing standards; it is about having the resource to provide a good service. That is why I am making the record increase in social care funding that we have set out, with an extra £7.5 billion overall, including nearly £600 million for the workforce development plan, so that we have a high-quality social care workforce as well as strong rules.

Leadership is key to developing an inclusive culture. The funded delivery partner of the Department of Health and Social Care, Skills for Care, has produced resources for care providers to help to develop a stronger awareness of the importance of equality and diversity standards. That helps social care leaders and their teams develop an inclusive and confident approach to diversity. I am aware that there are some providers that cater specifically to the LGBT community, which I think is great, and I want to recognise their important work. The hon. Member for Dulwich and West Norwood mentioned Tonic and I pay tribute to it and others across the country for their work. However, it is not just about them; it is about making sure that social care settings are suitable for everyone, whatever the setting.

I thank the hon. Members who have taken part in this important debate today and for shining a light on this important issue.

Mr Jonathan Lord (Woking) (Con): I congratulate the hon. Member for Dulwich and West Norwood (Helen Hayes) on securing this debate, and on her moving and thoughtful speech. A lot has been said about driving such behaviour out of social care settings, but I wonder whether the Minister might say a little bit

about the role that the police might have. We all want a fantastic ethos from social care settings, from local government and from national Government, but even with reasonable recruitment policies and so on, if there are bad apples in the sector, the damage they can do to vulnerable people over years or decades can be quite devastating. We need to make sure that those people are driven out if they get a police record, and are never able to enter that sector again.

Neil O'Brien: Absolutely. The police take this issue more and more seriously, which is vital. Some of the things that we have been talking about today, including in the “Stripped of all Pride” report, are clearly criminal offences, and it is important that we bring to justice all the people who do them. There is always much more to do, but the Government take this matter deadly seriously; it is horrific and appalling to hear about some of the treatment that people have experienced, and we are determined to stop that, using every single tool we have.

5.56 pm

Helen Hayes: Let me put on record a matter that I should have done at the beginning of my opening speech: I co-chair the all-party parliamentary group on adult social care—apologies for not mentioning that earlier.

I thank my hon. Friend the Member for York Central (Rachael Maskell) for her moving and powerful speech, particularly for the poem with which she finished; sometimes prose is not quite enough to convey the depth of emotion

on such issues, but that poem did so very well. I thank my hon. Friend the Member for Denton and Reddish (Andrew Gwynne), who was right to locate this issue within the wider pressures facing social care and to discuss the esteem within which the sector is held. There are many good people working extremely hard every single day to deliver high-quality care, but the pressures of social care, the difficulty local authorities have finding placements and the difficulty of recruitment and retention faced by many organisations certainly do not help with the issues of scrutiny and accountability that we are concerned with today.

Finally, I thank the Minister for the tone of his remarks and his commitment to address the issue. I urge him to look more at an issue that he did not mention in his response: the Pride in Care standard, which shows already what good can look like for LGBTQ+ people in care settings, and can give assurance to relatives looking for care placements for their loved ones that the setting understands and takes seriously the very specific personalisation needed, and the need to ensure absolutely that homophobia, transphobia, discrimination and abuse are eradicated from such settings.

Question put and agreed to.

Resolved,

That this House has considered the treatment of LGBT+ people and their spouses in social care settings.

5.8 pm

Sitting adjourned.

Written Statements

Tuesday 12 September 2023

BUSINESS AND TRADE

Insolvency Practitioner Regulation Reform

The Parliamentary Under-Secretary of State for Business and Trade (Kevin Hollinrake): The Government have today published their response to their consultation “The Future of Insolvency Regulation”, which was published in December 2021. This consultation was open for 13 weeks and outlined proposals for significant reform to the regulatory framework for insolvency practitioners.

The insolvency profession plays a key role in driving economic growth and supporting those in financial distress. The unique responsibilities that insolvency practitioners bear and the decisions they take help save jobs and businesses, and deliver a fair, effective and orderly winding up to deal with financial failure where that is not possible. The vast majority of insolvency practitioners do a good job in challenging circumstances, but there continue to be instances of poor conduct that directly impact those closely involved. This tarnishes the reputation of the whole profession and undermines confidence. Insolvency practitioners should be regulated within a modern framework that reflects the way the insolvency sector has developed since formal insolvency regulation was first introduced in 1986.

The Government received 102 detailed responses to the consultation. Officials also obtained further relevant evidence through targeted stakeholder engagement. Most proposals received significant support amongst a broad range of stakeholders. We are grateful for the views and evidence provided as part of the consultation process, which has informed the package of reforms we will take forward when parliamentary time allows. This most notably includes:

- challenging the current four professional body regulators to deliver significant and measurable improvements to the quality of regulation through non-legislative means, whilst keeping options to replace the current regulatory model with a single regulator of insolvency practitioners under review;
- expanding regulation to include firms providing insolvency services, alongside the existing regulation of individual insolvency practitioners;
- reforming the way ethical and professional standards for the profession are set;
- introducing a public register of authorised insolvency practitioners and firms providing insolvency services, that will include relevant and proportionate regulatory information;
- developing and consulting on proposals to introduce a compensation-redress scheme for those affected by an insolvency practitioner’s acts or omissions;
- strengthening the bonding framework, which requires insolvency practitioners to hold security in the event of their fraud or dishonesty.

The Government’s response to the consultation reaffirms their commitment to ensuring the insolvency profession is effectively and robustly regulated, with a regulatory framework fit for the future. These reforms, which represent the biggest change to the regulatory framework in nearly 40 years, will address weaknesses with the current regulatory framework, modernise the regime and increase public confidence in regulation.

A copy of the consultation response may be found online at:

<https://www.gov.uk/government/consultations/the-future-of-insolvency-regulation>

[HCWS1013]

DEFENCE

Combat Air Strategy

The Secretary of State for Defence (Grant Shapps): The last update to the House on delivery of the combat air strategy was given during Farnborough international air show in July last year. DSEI London has brought the eyes of the world once again to the UK’s world-leading defence capabilities, making this a fitting time to provide a further update on the progress made over the last year.

The Government published the integrated review refresh in March, which lays out a strategic approach based on four pillars: shaping the international environment; deterring, defending and competing across all domains; bolstering our national resilience; and securing strategic advantage. The Defence Command Paper 2023 sets out how Defence will help the UK meet these aims through the interlinked objectives of protecting the nation and helping it prosper. With the world becoming increasingly contested and volatile it is clear, now more than at any time in a generation, that strong and capable combat air is crucial in enabling the UK to meet its core strategic objectives.

It is in this context that RAF fast jets have been conducting an intense schedule of operations and exercises, from eastern Europe to the middle east, and from the high north to Australia. It was with a keen eye to the UK’s future security and prosperity that in December 2022 we launched the global combat air programme (GCAP) with Japan and Italy.

Operations and exercises

Russia’s illegal, full-scale invasion of Ukraine has seen the UK step up its efforts to reassure our NATO allies in eastern Europe. In late 2022, RAF F-35B aircraft deployed on HMS Queen Elizabeth took part in operations with our NATO allies and joint expeditionary force partners above the waters of northern Europe, underscoring our shared commitment to European security. From March to July this year, the RAF led NATO’s Baltic air policing mission, intercepting 50 Russian aircraft and flying for a combined total of more than 500 hours. Operating from Amari air base in Estonia, RAF Typhoons conducted quick reaction alert (QRA) intercepts, demonstrating our willingness and ability to defend our allies. Typhoons have continued to operate from RAF Akrotiri in Cyprus and from the Falkland Islands, simultaneously safeguarding our security and projecting UK influence. And of course, RAF Typhoons are on constant standby in the UK itself, to protect our own skies and intercept adversary aircraft when they approach our airspace.

Exercises also continue to play a fundamental role in demonstrating our military capability, interoperability with allies and partners, and our shared resolve. Major global deployments have been conducted, with F-35B Lightning aircraft taking part in Exercise Northern Edge in Alaska, and Typhoon playing a key role in Exercise Pitch Black in Australia. Exercises such as these make clear the RAF’s truly global reach and our

commitment to Indo-Pacific security. Closer to home, the RAF has taken part in exercises that underline our commitment to Euro-Atlantic security, such as Air Defender in Germany and Tempest Strike/Tower Guardian with Norway and Estonia. In January, Typhoons from RAF Akrotiri exercised with Saudi Arabia, and in March we agreed a statement of intent to further strengthen our combat air relationship.

Across both operations and exercises, the way in which RAF fast jets operate has become fundamentally more agile, with air-to-air refuelling from both home bases and deployed locations, supported by a global network of allies and partners. This has helped the RAF to take part in operations and exercises with over 30 nations over the last 12 months, across Europe, the high north, the middle east and Indo-Pacific.

In addition to evolving how we operate, we continue to invest in our Typhoon and F-35B fleets to keep them ahead of the threat. In July, an £870 million five-year contract was awarded to BAE Systems and Leonardo UK to fit RAF Typhoons with the European common radar system (ECRS) Mk2, one of the world's most advanced, sustaining 600 UK engineering jobs in Edinburgh, Luton and Lancashire. Typhoon has already proven its export potential and we are working closely with industry to pursue further exports to close international partners. Meanwhile, the RAF continues to grow its F-35 fleet, with the next key programme milestone being the stand-up of 809 Naval Air Squadron in December.

The global combat air programme (GCAP)

In December 2022, the Prime Minister and his Japanese and Italian counterparts launched a partnership to design a next-generation combat aircraft to keep us ahead of the threat well into the second half of the century. We are currently in the early but crucial phases of the programme, developing and assessing concepts for a system with the most advanced capabilities, including machine learning to support human operators, open systems architecture to allow rapid and continual upgrade, and extensive digital networks linking forces across air, land and sea to bolster our overall operational advantage.

This is a strategic endeavour in which Japan and Italy are strong partners. Japan, renowned for its industrial base and with a commitment to increasing investment in its self-defence, has invested heavily in advanced combat air R&D, while Italy brings decades of shared experience on the Eurofighter programme. All three partners operate F-35. Progress is well under way, with the UK, Japan and Italy already working together across a range of areas, including concept design, a trilateral engine demonstrator, and advanced on-board electronics to ensure information advantage. The founding partners are open to exploring how others could become involved going forwards, to mutual benefit and aligned to programme schedule.

Here in the UK, the Ministry of Defence continues to work closely with BAE Systems, Leonardo UK, Rolls-Royce and MBDA UK, under the Team Tempest partnership. We are delivering at pace and in April awarded BAE Systems, on behalf of Team Tempest industry partners, a £656 million contract extension to progress vital concepting and technology work. In July, a £115 million contract was awarded to Leonardo UK to develop a flight test aircraft, to be delivered in partnership with 2Excel. Rapid progress is also being made on an advanced flying demonstrator that was

announced at Farnborough air show last year, with over 150 hours of simulated flight trials and key aerodynamic engine and ejector seat testing undertaken.

This progress is being enabled by the long-term approach to capability delivery outlined in the 2018 combat air strategy, which recognised the vital importance of a strong and sustainable UK combat air sector. MOD has invested over £1.1 billion in R&D through the future combat air system technology initiative (FCAS TI), with a further £600 million from our Team Tempest industry partners to date, delivering advanced industrial technologies such as digital design and additive manufacturing. These technologies are revolutionising how we deliver advanced combat air, driving efficiency and cutting timelines. Looking ahead, the UK has a proposed budget of over £12 billion over the next 10 years, alongside robust funding from Japan and Italy. Funding requirements will continue to be refined as the programme matures.

In addition to investing in advanced industrial technologies, we are continually working to develop the skills base needed to succeed, now and in the future. The number of skilled people working on the programme is growing quickly, with approximately 3,000 across the UK's Team Tempest partners, in major combat air hubs including the south-west and north-west of England and Edinburgh. We recognise that today's students are tomorrow's lead engineers, which is why we are reaching out to schools and universities, recruiting graduates and apprentices, and propelling them into long-term STEM careers while continuing to attract mature talent.

Next steps

UK combat air will remain crucial for our security and prosperity and that of our allies and partners, both on NATO's borders with Russia and in the wider world. The RAF will continue to exercise its global reach, conducting operations and exercises from the Euro-Atlantic to the Indo-Pacific. We will continue to invest in our Typhoon and F-35 fleets. On GCAP, we are working intensively with Japan and Italy to establish the core platform concept and the joint structures needed to launch the development phase in 2025, targeting entry into service in 2035.

[HCWS1015]

Defence Industry: Environmental, Social and Governance Considerations

The Secretary of State for Defence (Grant Shapps): I wish to make a joint statement with HM Treasury, on behalf of His Majesty's Government.

The Government are clear that the UK's defence sector has an integral role in supporting the first duty of Government: to promote and protect the United Kingdom's core national interests—the sovereignty, security and prosperity of the British people. That includes supporting allies and partners and contributing to broader international security.

Nowhere is this clearer than in Ukraine, where we continue to have a leading role in providing our Ukrainian friends with our support and with vital military aid to resist President Putin's illegal and brutal war.

Our defence industrial base underpins our armed forces, maintains our continuous at-sea nuclear deterrent, and safeguards our critical infrastructure. The private

sector is essential to our national security, whether in peacetime or times of emergency. The ongoing maintenance of critical industrial facilities, skills and intellectual property onshore, and the approach we take to sustain these, gives us confidence that we can continue to operate independently, in defence of the country's interests, without external political influence and protecting the sensitive technologies that underpin our military capability.

Despite this, defence companies are being excluded from access to debt and equity capital, citing environmental, social and governance (ESG) grounds. This not only threatens an important part of the economy that, through MOD expenditure alone, directly and indirectly supports over 200,000 jobs, but fails to recognise that the UK's defence industry is essential to protecting our way of life. Such divestment also threatens to increase the cost of procurement, diverting taxpayers' money away from other defence spending and from public services. The industry's value to us as a key strategic asset is only increasing at a time of global uncertainty.

As outlined in the Defence Command Paper refresh, this Government assert that there is nothing contradictory between the principles within ESG and the defence industry. On the contrary, a strong national defence, including our nuclear deterrent, is a pre-requisite for the freedoms, including social liberties, that we often take for granted, and the aspirations that investors and financial services companies seek to address using ESG considerations.

As stated in the green finance strategy published this spring, the Government believe that continued private investment in the UK defence industry and our NATO allies is essential to protect the UK national interest, the UK economy and broader environmental and social goals.

Moreover, the UK defence sector has reflected ESG considerations in a range of ways. Industry is driving innovation in new technologies to improve sustainability and companies are embedding ESG metrics into their remuneration structures. Additionally, defence companies

are exploring how to raise standards across the board, improve access to information and communicate the positive vision of what they are achieving on these subjects.

While investors must always be free to make their own choices, they should do so on the basis of the facts, and those seeking to inform those choices through providing ESG ratings should be clearer on their methodology and more prompt to correct errors when these are pointed out. Defence spending helps prevent war and helps support the British way of life, and those of our NATO allies and partners.

The MOD is showing leadership itself on the environmental and social agenda, including the application of the social value model within its procurement process—we are focused on tackling economic disparities, tackling climate change and promoting equal opportunity. Through the defence suppliers forum, we are working with industry at a strategic level to build sustainability into defence supply chains and tackle greenhouse gas emissions reduction. Crucially, HM Treasury has also published a consultation on a potential regulatory framework for ESG ratings providers with the aim of improving transparency and promoting good conduct in the ESG ratings business. The Government will, with our industrial partners, continue to explore and champion the wider environmental and social benefit of the defence sector and ensure it continues to represent the highest standards of corporate governance. The Economic Secretary to the Treasury, my hon. Friend the Member for Arundel and South Downs (Andrew Griffith), and I will continue to engage with defence companies and the financial sector on access to investment and financial services for industries critical to our national security.

This Government believe that the important values within ESG should not undermine capabilities developed to help us preserve peace and security, without which sustaining those values would not be possible.

[HCWS1014]

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