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WRITTEN STATEMENTS AND WRITTEN ANSWERS

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Written Statements

Tuesday, 17 January 2023

Online Safety Bill

[HLWS492]

Lord Parkinson of Whitley Bay: I am repeating the following Written Ministerial Statement made today in the other place by my Right Honourable Friend, the Secretary of State for Digital, Culture, Media and Sport, Michelle Donelan MP:

I have engaged extensively with Members of this House recently regarding a number of amendments which have been tabled for Report stage of the Online Safety Bill, which will take place today. These constructive discussions have reached a positive conclusion which enhances the Bill's ability to keep children safe online, and tackle illegal activity.

Senior management liability

We have carefully reviewed New Clause 2, which sought to make senior managers criminally liable for breaches of the Bill's child safety duties. I am sympathetic to the aims of the amendment. We have already demonstrated our commitment elsewhere in the Bill to strengthening the protections for children in the Online Safety Bill by bringing forward a series of amendments to achieve this at previous stages of passage. In addition, the Bill already includes provisions to make senior managers liable for failing to prevent a provider committing an offence (failure to comply with information notices).

We are committed to ensuring that children are safe online, so will work with the Honourable Members for Penistone and Stockbridge, Stone and others to table an effective amendment in the Lords. This amendment will deliver our shared aims of holding people accountable for their actions in a way which is effective and targeted towards child safety, whilst ensuring the UK remains an attractive place for technology companies to invest and grow.

We need to take the time to get this right. We intend to base our amendment on the Irish Online Safety and Media Regulation Act (2022) which introduces individual criminal liability for failure to comply with a notice to end contravention.

In line with that approach, the final government amendment at the end of ping pong between the Lords and the Commons will be carefully designed to capture instances where senior managers, or those purporting to act in that capacity, have consented or connived in ignoring enforceable requirements, risking serious harm to children. The criminal penalties, including imprisonment and fines, will be commensurate with similar offences. While this amendment will not affect those who have acted in good faith to comply in a proportionate way, it gives the Act additional teeth to

deliver change and ensure that people are held to account if they fail to properly protect children.

Illegal immigration

We have also engaged extensively with the Honourable Member for Dover, and the right Honourable Member for South Holland and the Deepings, to discuss their amendment which seeks to tackle illegal immigration through the Online Safety Bill. As the Prime Minister has said, stopping these crossings is one of this government's top priorities. The use of highly dangerous methods to enter this country, including unseaworthy or small and overcrowded boats and refrigerated lorries presents a huge challenge for us all. The situation needs to be resolved, and we will not hesitate to take action, wherever that can have the most effect - including through this Bill, as Organised Crime Groups are increasingly using social media to facilitate migrant crossings.

Following constructive discussions with the Honourable Members for Dover, South Holland and the Deepings, and Maidenhead, I can now confirm that, in order to better tackle illegal immigration encouraged by organised gangs, the government will also add Section 2 of the Modern Slavery Act to the list of priority offences. Section 2 makes it an offence to arrange or facilitate the travel of another person, including through recruitment, with a view to their exploitation.

We will also add Section 24 of the Immigration Act 1971 to the priority offences list in Schedule 7. Although the offences in Section 24 cannot be carried out online, paragraph 33 of the Schedule states that priority illegal content includes the inchoate offences relating to the offences that are listed. Therefore aiding, abetting, counselling, conspiring etc those offences by posting videos of people crossing the channel which show that activity in a positive light could be an offence that is committed online and therefore falls within what is priority illegal content. The result of this amendment would therefore be that platforms would have to proactively remove that content.

We will table this government amendment in the House of Lords.

Conversion therapy

We recognise the strength of feeling on the issue of harmful conversion practices and remain committed to protecting people from these practices and making sure they can live their lives free from the threat of harm or abuse.

We have had constructive engagement with the Honourable Member for Rutland and Melton on her amendment which seeks to prevent children from seeing harmful online content on conversion practices.

It is right that this issue is tackled through a dedicated and tailored legislative approach, which is why we are announcing today that the Government will publish a draft Bill which will set out a proposed approach to ban conversion practices, this will apply to England and Wales. The Bill will protect everyone, including those

targeted on the basis of their sexuality, or being transgender.

The Government will publish the draft Bill shortly and will ask for pre-legislative scrutiny by a Joint Committee in this parliamentary session.

This is a complex area, and pre-legislative scrutiny exists to help ensure that any Bill introduced to parliament does not cause unintended consequences. It will also ensure that the Bill benefits from stakeholder expertise and input from parliamentarians.

The legislation must not, through a lack of clarity, harm the growing number of children and young adults experiencing gender related distress, through inadvertently criminalising or chilling legitimate conversations parents or clinicians may have with their children.

Personal Injury Discount Rate: Call for Evidence

[HLWS491]

Lord Bellamy: I announce today the publication of a Call for Evidence on exploring the option of introducing a dual or multiple Personal Injury Discount Rate (PIDR).

The PIDR is important in ensuring that claimants who suffer serious, life-changing personal injuries receive full damages, including for their future financial needs. It is the percentage figure used to help calculate how much a compensator (usually an insurer or body such as the NHS) pays to a claimant, in the form of a lump sum.

It is assumed that claimants will invest this lump sum and accrue a return on that investment and the PIDR represents what the real rate of return on this investment is expected to be.

Historically, the PIDR has always been set as a single rate however, it can be set as more than one rate if supported by the evidence. It has been argued that applying a single rate can result in unfairness to claimants

and that moving to a dual or multiple PIDR could potentially be more accurate than using the current single averaged rate.

Moving to a dual rate means having more than one rate which can be targeted more specifically at claimants with shorter- or longer-term injury awards. For example, it would allow for short and long-term rates to be set with claimants switching from one to the other after an appropriate length of time. Other approaches include separate rates for different losses, such as care costs or future lost earnings.

The Government Actuary explored this issue during the last PIDR review in 2019, noting that the implementation of dual rates might be considered as a means of providing fairer compensation for both short and long-term claimants.

However, the Government decided that there was a lack in the quantity and depth of evidence available at that time to conclude that a dual rate was more appropriate than a single rate. A commitment was, therefore, made to seek additional data and evidence on this issue to inform future PIDR reviews.

This Call for Evidence is being issued in response to that commitment. Its purpose is not to decide whether there should be a change from a single to a dual or multiple PIDR. Instead, the aim is to evidence and expert opinion on the pros, cons, effects and impacts of a change to a dual or multiple PIDR approach.

The Call for Evidence will be open for a period of 12 weeks and will close on 11 April 2023. A copy has been placed in the Libraries of the House and a response document summarising the key submissions and evidence provided by stakeholders will be published in due course.

Copies of the Call for Evidence can be found here:

<https://www.gov.uk/government/consultations/personal-injury-discount-rate-exploring-the-option-of-a-dualmultiple-rate>.

Written Answers

Tuesday, 17 January 2023

Agriculture: Civil Service Agencies

Asked by *Lord Taylor of Warwick*

To ask His Majesty's Government what steps they are taking to ensure that agricultural expertise is represented in government agencies. [HL4184]

Lord Benyon: We recognise that knowledge of agricultural sectors and skills is important to support the sector effectively. We ensure this through the staff we recruit, the appointments we make and how we devise and deliver policy.

Through our reforms to farming policy we have involved over 3,000 farmers in so-called 'tests and trials' and have over 800 farmers helping us pilot the Sustainable Farming Incentive routinely feeding in their insights and experiences. We continue to step up our partnership with the farming community through our co-design groups, which draw on industry knowledge to recommend improvements to Defra schemes. Over 1,000 people in farming volunteered to take part, including beef, sheep and cereal farmers.

Public appointments are promoted to relevant sectors via our social media channels and through stakeholder engagement. Defra works closely with Arm's Length Bodies (ALBs) to recruit Board Members with relevant skills and expertise. This has included specifically recruiting from the agriculture sector for the Boards of the Environment Agency; Natural England; Agriculture and Horticulture Development Board; Forestry Commission; and the National Park Authorities.

In accordance with the principles of the Partnerships between Departments and ALBs: Code of Good Practice, Defra has an agreed Framework Document with each of its key Executive Agencies setting out the broad framework in which they will operate. As part of such arrangements, the ALB is responsible for the recruitment, retention and motivation of its people ensuring they are encouraged to acquire the appropriate professional, management and other expertise to achieve their organisational objectives.

The Rural Payments Agency recognises the importance of agricultural expertise in the delivery of its services. For instance, it has a number of activities to capture insight which include: regular engagement with farming bodies and associations; the creation in 2022 of a farmer panel with over 750 members; learning from feedback directly received from farmers in their day to day dealings with the agency; and direct engagement with farmers through a series of face to face events all of which are improving the service and the farmer experience of dealing with government.

The Animal and Plant Health Agency (APHA) has significant areas of expertise related to farming and

agriculture: veterinary and animal health officers (livestock health and welfare), plant health, marketing of produce, egg marketing, international trade of plants, livestock and animal by-products, disease outbreak and control, scientific expertise of farm animal diseases. APHA has run recruitment campaigns for veterinary and scientific resource and plant health inspectors, has various apprenticeship schemes and specific learning and development for the various professions. APHA also collaborates with academia and has an Academic Board to support further scientific education and qualifications.

The Veterinary Medicines Directorate has a range of experienced employees to ensure veterinary medicines for agricultural use are used safely and responsibly. This includes veterinary assessors and inspectors, as well as specific teams (such as the Antimicrobial Resistance and Residues Teams) who engage with stakeholders from across the agricultural sector to ensure compliance with the Veterinary Medicines Regulations and to inform policy decisions.

Doctors: Migrant Workers

Asked by *Lord Hodgson of Astley Abbotts*

To ask His Majesty's Government how many doctors from overseas first registered in England in each of the last 10 years; and what percentage of those doctors came from EU or EEA countries. [HL4560]

Lord Markham: The Department does not hold data on the number of doctors from overseas who first registered in England in each of the last 10 years or what percentage of those doctors came from EU or EEA countries. The General Medical Council (GMC) is the independent regulator of all medical doctors practising in the UK, and all doctors must register with them and hold a licence to practise to work in the UK. The GMC maintains data on medical practitioners registered with them.

Medical Records: Adoption

Asked by *Baroness Bennett of Manor Castle*

To ask His Majesty's Government whether they have plans to reassess the guidance to GP practices on the erasure of medical records of adopted children, given (1) the increasing understanding of the usefulness of current and future genetic screening technologies, and (2) the use of family information to inform screening and treatment. [HL4652]

Lord Markham: There are no plans at present to reassess the guidance. Primary Care Support England's guidance states that current adoption legislation requires all adopted patients to be given a new National Health Service number, and all previous medical information relating to the patient to be put into a newly created medical record. If possible, electronic medical records should be merged on the relevant General Practice's system with the new post-adoptive details. If this

guidance is followed, then medical records for adopted children should not be erased.

A copy of this guidance is attached.

The Answer includes the following attached material:

Medical records for adopted patients GP guidance [adoption-medical-records-practice-guide.pdf]

The material can be viewed online at:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2023-01-11/HL4652>

NHS: Protective Clothing

Asked by *Lord Alton of Liverpool*

To ask His Majesty's Government how they intend to report any money returned to public funds from suppliers of defective personal protective equipment [HL3791]

Asked by *Lord Alton of Liverpool*

To ask His Majesty's Government how they will notify parliament about money returned to public funds by defaulting suppliers of personal protective equipment if individual settlements are protected by commercial secrecy rules. [HL3792]

Asked by *Lord Alton of Liverpool*

To ask His Majesty's Government how they intend to provide (1) transparency, and (2) accountability, concerning money returned to public funds by defaulting suppliers of personal protective equipment. [HL3793]

Lord Markham: In my remarks of 30 November 2022 in response to Baroness Smith of Basildon, Volume 825, column 1785, I committed to place further information on the money returned to the taxpayer to date in the Libraries of both Houses. While we cannot currently report on ongoing discussions with providers of personal protective equipment deemed as unsatisfactory, we will do so where these engagements have concluded. Officials are currently collating and validating this information and determining how Parliament can be regularly informed of progress in future.

Respiratory Syncytial Virus: Vaccination

Asked by *Baroness Ritchie of Downpatrick*

To ask His Majesty's Government what steps the Joint Committee on Vaccination and Immunisation (JCVI) will take to examine all Respiratory Syncytial Virus (RSV) technologies before deciding to offer Nirsevimab to newborn babies. [HL4681]

Lord Markham: The Joint Committee on Vaccination and Immunisation (JCVI) respiratory syncytial virus (RSV) subcommittee is expecting, over a series of meetings, to consider the range of products that are in later stages of development aimed at preventing RSV in young children and older adults, including those

approaching licensure. Manufacturers will be invited to the subcommittee meetings to present their data. Beyfortus® (nirsevimab) has been prioritised for consideration as this product is now licensed.

The subcommittee will provide its advice to the main JCVI committee which will be ultimately responsible in making any recommendations with respect to the use of these products in the national immunisation programme, once it is content it has reviewed the necessary evidence to do this. Advice will depend on the timelines for potential licensure and the Committee having the necessary information on the safety, efficacy, burden, impact and cost-effectiveness of the products to inform the considerations for their use in the UK immunisation programme.

The JCVI will also consult with NHS England, the Department, United Kingdom Health Security Agency and the devolved administrations on potential timelines for implementation of any potential programmes which will also depend on supply and timelines for procurement.

Social Services: Vacancies

Asked by *Lord Taylor of Warwick*

To ask His Majesty's Government what assessment they have made of the current levels of unmet need and staff vacancies in social care. [HL4349]

Lord Markham: According to Skills for Care's monthly tracking data, the overall vacancy rate in independent adult social care providers was 11.2% in October 2022.

It is difficult to assess the current levels of unmet need in Adult Social Care. We are taking action to address national data gaps with 54 local authorities contributing to our new Client-Level Data collection which for the first time collects data about the people who draw on care and support as well as unpaid carers. This will be mandatory for all local authorities from April.

Veterinary Services: Northern Ireland

Asked by *Baroness Young of Old Scone*

To ask His Majesty's Government what plans they have to ensure that those veterinary medicines at risk of being discontinued in Northern Ireland will continue to be available after the end of the 'grace period' for implementation of the Protocol on Ireland/Northern Ireland; and what discussions they are holding with the EU in relation to (1) short term, and (2) long term, solutions to the challenges of availability of veterinary medicines in Northern Ireland. [HL4273]

Lord Benyon: On 19 December 2022, the European Commission issued an announcement which provides for a three-year extension to the grace period for veterinary medicines until 31 December 2025. These arrangements will mean that the current processes for moving veterinary medicines between Great Britain and Northern Ireland

will continue to be administered as they have been up to this point.

We welcome this extension to the veterinary medicine grace period from the Commission and are looking

forward to further discussions on veterinary medicines in the New Year. We will continue to work for a long-term, sustainable solution to the supply of veterinary medicines.

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