



Liaison Committee

Corrected oral evidence: Special inquiry committee proposals 2022

Monday 15 November 2021

3.05 pm

Members present: Lord Gardiner of Kimble (The Chair); Lord Collins of Highbury; Lord Davies of Oldham; Earl Howe; Lord Lang of Monkton; Baroness Scott of Needham Market; Lord Smith of Hindhead; Baroness Walmsley.

Evidence Session No. 1

Virtual Proceeding

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Examination of witness

Lord Laming.

Q1 **The Chair:** Lord Laming, a very warm welcome to this committee meeting. We obviously have considerable challenges in the consideration of many important subjects, but I wonder whether you would open this session by explaining your proposal on residential care services for adults. If that could be done in five minutes, members of the committee would then very much like to pose questions to you. Could you unmute please?

Lord Laming: Put that down to my enthusiasm. Chair and members of the committee, I am very grateful for the opportunity to meet you, albeit briefly, to discuss this topic, because, as many of you will know, to put it frankly the arrangements for adult social care have become something of a mess. This is largely because, over the past decade, 151 local authorities have what they call outsourced their services to other providers. Therefore, there is no pattern to it now, which means that it is extremely difficult not only for users of services and their carers to access the services and understand them but for the NHS to deal with so many different providers in such a disorganised way.

That is alongside another development, which is of even greater importance. As a society, we are enabling more people to live longer with seriously debilitating illnesses of one kind or another, such as Parkinson's disease and dementia. The issues are altogether different now, because these people do not need social care in the way we used to think about it— as tackling loneliness. They need intense personal care, which means an entirely different range of commitments, for the staff, their training and their support. So a huge change is now needed in adult social care.

I believe that this House is very well placed to examine the position and to make practical recommendations for the ways in which the whole service could be more stabilised and more accessible to people. In this study, it will of course be possible to involve the users of services and their carers, as well as the NHS, local authorities, a whole range of charities and providers, the regulators, professional bodies and academia. There is a huge amount of material that we could draw upon to pull together a more coherent understanding of what is really needed in the development of the next stage of adult care, and I hope very much that the committee will be willing to support this study.

The Chair: Thank you very much, Lord Laming. I very much welcome any questions now from members of the committee.

Q2 **Baroness Walmsley:** Lord Laming, do you think that the Health and Care Bill, which is coming towards the end of its time in the Commons and will be with us in the Lords before Christmas, will pre-empt any of the issues that you hope your special inquiry might look into?

Lord Laming: I do not want to appear glum, but I fear that it will not. I would like to think that a study of the kind that I am proposing could add

some substance to the Health and Social Care Bill. I think the timing of this would be most helpful.

Q3 Lord Lang of Monkton: I would like to ask about the change from 2% independent sector providers in 1992 to 81% just 16 years later. That is remarkable, and I have always been curious about the relationship between the independent sector and the state sector, whether central or local government. This is a very important area, and I have a sense that there is sometimes a certain abrasive relationship between local government and the independent sector that could be improved considerably. Will you be looking into this aspect during your inquiry?

Lord Laming: I think you have done your homework. The figures that you quote are absolutely right, in that there has been a remarkable change. There is nothing wrong with change, and there is certainly nothing wrong with independent providers being part of the service. The issue that needs to be tackled urgently is how it all comes together for the benefit of users and their carers, and provides a more coherent service. Yes, Lord Lang. I think that is a very helpful starting point for a study of this kind. There is nothing with the change, but the way in which it was conducted has led to a fragmented, and in my view unstable, service.

I read a report last week that suggested that there is a danger of something like 500 adult residential care homes going out of business in the next few years. Just think of the residents if that were to happen. For the most part, they have no homes now because they have sold them and moved into full-time residential care. The idea that people in residential care, who are suffering from some of the most debilitating illnesses and very often getting towards the end of their lives, should live under the cloud of their care home possibly going out of business is terribly frightening, and is partly why there is some urgency to this. I think the House would be well placed to get into this and have a good look at it.

Q4 Earl Howe: Lord Laming will know, I am sure, that one of the criteria that we as a committee look at when taking decisions about special committees is whether the proposed special committee addresses an area of policy that crosses departmental boundaries. There is an obvious department in the frame here, the Department of Health and Social Care, which is about to publish a White Paper on social care.

So my first question to Lord Laming is whether he thinks there is an opportunity to look across government in the work that he proposes, and, secondly, whether he has had any intimation of whether the subject of his proposed inquiry will be addressed in the White Paper.

Lord Laming: I have not had any information about what might be included in the White Paper. To be absolutely frank with the committee, boy, will I be pleased to see the White Paper whenever it arrives. In a way, the White Paper is one of the factors that has stimulated my thinking on this. As you know, the Department of Health is very strongly orientated around the NHS. Social care is something of an odd-on, and I

do not believe that the NHS can achieve its aspirations without strong social care and easy access to it.

I looked at people who might be looking at this, including committees in the Commons and the like, and, as you know, there has been a lot of analysis about the funding of social care. This study is not about the funding of social care; it is about the organisation of and access to social care and how it can be made more stable and more accessible to the people with the greatest needs. I would like to think that when the White Paper comes along, this study will be able to make a contribution during its discussion.

Q5 Baroness Walmsley: I am sorry to ask another question, but this follows on nicely from what Lord Laming has just said. Given that the funding of social care is such an important aspect of this, do you not think it might be quite difficult to leave it out of the remit that you are proposing? At the very least, you may find yourself making recommendations about the quantity of funding that is required, even if you do not go into how that might be raised.

Lord Laming: Lady Walmsley, you are very perceptive. I did not want this study to get sidetracked—I know that sounds like an odd word to use—into arguments of funding. I hope the committee will approve of this: that we establish certain principles about adult social care to do with access, stability and organisational arrangements, in order to help create a firm base for the future, in which funding became the next step. I thought that biting off all of it would perhaps be too much and we would get sidetracked into finance, which is important but, in my view, is not the critical thing at the present time. I do not want these homes to risk going out of business.

Q6 The Chair: Thank you very much, Lord Laming. There is an immense amount of work here. I suppose one of the small, rather technical issues is that there is so much scope here. Obviously, this is a special inquiry confined to approximately one year, and we would need to be confident that we could have this substantial piece of work concluded within that time. Are you confident that your special inquiry could achieve all that you want to in that period of time?

Lord Laming: That weighs very heavily in my thoughts about this, because it is a big area. I have looked at a number of organisations that have produced quite substantial studies on various elements of the picture that have not been brought together. I have in mind that if the committee approves this project, we would begin by drawing together as many of these organisations' material as possible in order to establish a firm base and then to decide the critical points that need to be tackled immediately and could be completed within 12 months. I do not think we will be able to take on absolutely everything, but I assure the committee that I will do my very best to ensure that we tackle the key areas and produce a report within 12 months.

The Chair: Thank you very much indeed for bringing to our attention

what I think is a tremendously important area of policy and concern. I am very grateful to you. Obviously, we will consider this proposal very strongly very shortly.

Lord Laming: Chair and members, thank you very much for having me along and asking such challenging questions. It enthused me.

Examination of witness

Baroness Young of Old Scone.

Q7 **The Chair:** Good afternoon, Lady Young. A very warm welcome. We are looking forward to hearing your presentation of about five minutes on your proposal on land use, and then we as a committee would like to ask you a few questions. Thank you for joining us. Over to you.

Baroness Young of Old Scone: Thank you for the opportunity to talk to the committee today about the proposal for an ad hoc Select Committee on land use, which is supported by about 20 Peers from right across the House. I am gratified by the degree of interest that people from all sections of the House have shown.

Before I begin, I should declare my interest as chairman of the Woodland Trust, a member of the Food, Farming and the Countryside Commission and vice-president of umpteen environmental charities—I have lost track of how many.

I think it is true to say that in all my experience I have never seen as much pressure on land use across the board as exists at the moment. We are seeing increased demands for land, for dealing with climate change—both climate change adaptation and carbon sequestration—for changes in agriculture and forestry, perhaps becoming more self-sufficient, for biodiversity recovery and, in response to our increasing population, for built development for housing, jobs and infrastructure.

At the same time as these increasing demands, we are seeing that, by sheer chance, the politics, the subsidies and the investment decisions in all these areas are undergoing major change, and substantial land-use shift is already under way.

Very regrettably, policy decisions are currently made in siloes—I hate to say that, bearing in mind Lord Gardiner's previous employment. Defra, BEIS and the Department for Levelling Up, Housing and Communities, the Department for Transport and the MoD, which is a major landowner, are all involved in making decisions and setting policies that have a substantial impact on land use, and there is very little integration between them. Of course, the whole process is complicated by the fact that individual decisions on land use at a local level are made by multiple local landowners.

If we are going to ensure that the finite land we have—we are a small island—is used as effectively as possible, we have to find some way of joining up these diverse policies and decision-making processes better to ensure that our scarce land is able to meet these multiple objectives across the range that I have talked about or, at the very least, if we are lacking ambition, to avoid policy collisions and the resulting political and public tension that we are already seeing in a number of areas.

Members of our House have great skills to inquire into future land-use policy, probably greater skills than seen elsewhere. In many cases, they are land managers, farmers, environmentalists, planners, transport experts, geographers, lawyers or specialists in local government, so we have the complete set of skills, as it were. A land-use Select Committee would bring these skills together across a range of policy areas and government departments, as I have already outlined, such as, incredibly importantly, Defra, BEIS, DLUHC, the Department for Transport and the MoD, but also the Treasury, because, of course, many land-use decisions have behind them increasing levels of subsidy for all the policy areas I have outlined.

This focus across government departments and policies means that it would be unlikely that this Select Committee would duplicate the work of the Commons, where the primary focus is on a single government department, or the Lords' Built Environment Committee, despite some concerns that it would. The Built Environment Committee does what it says on the tin: focus on the built environment and the planning system. This proposal covers a much wider range of issues—for example, carbon and biodiversity in agriculture—and focuses not just on the formal land-use planning system, which is primarily about the built environment, but on the policy and decision-making areas that extend beyond that.

I think this area of inquiry's time has come. It has been called for by a whole load of bodies, not least the Select Committee on the Rural Economy in your Lordships' House. A report that is due to be published shortly by the Royal Society will call for a similar look across land use as a whole.

I have talked with the Liaison Committee's staff about how such an inquiry could be structured to ensure that it could be completed within one session, and I think we have found a way to make that happen. I believe that this could be a landmark contribution to the whole issue. It is now just over 10 years since the Foresight study into land use really set the agenda, and I think your Lordship's House could shape the solutions.

Q8 Lord Smith of Hindhead: Is it the intention of this inquiry to look at the use of land only in England, or at land use in the devolved nations as well?

Baroness Young of Old Scone: In the interests of manageable scope, we want to focus on England in particular, because at the moment Scotland, Northern Ireland and Wales have land-use strategies of their own, which I would hesitate to opine on. But I think we can learn a lot

from looking at what the other three nations have done and bringing that information into the inquiry.

Lord Smith of Hindhead: So really the inquiry would be a Select Committee on English land use.

Baroness Young of Old Scone: I hope that it would emerge from the Select Committee that England needs rather more of a push in the right direction than the other three jurisdictions at the moment.

Lord Smith of Hindhead: Right. So you do not think that whatever your committee came up with would be adopted by the Scottish Parliament, the Welsh Assembly or the Northern Ireland Assembly?

Baroness Young of Old Scone: I think all three are in advance of us—Scotland considerably so—and they have all done it in very different ways, so I think there is a real opportunity to learn from the devolved nations rather than anything else. So I would hesitate to say that we would want to make recommendations for the UK as a whole, because its four nations have very distinctive land uses, not to mention land-use systems.

Lord Smith of Hindhead: So this is really for England.

Baroness Young of Old Scone: It is for England, yes.

Q9 **Baroness Walmsley:** Of course, the devolved Administrations have land-use strategies which your committee could learn from.

At the beginning of your inquiry, would you do a little meta-analysis, looking at other reports of relevance? I am sure you are aware, for example, of the Lords' Science and Technology Committee's current inquiry, on nature-based solutions, which is relevant to one aspect of the pressures on land use, but there may well be others. Would you have a look at those?

Baroness Young of Old Scone: Indeed, there is a huge range of initiatives and information emerging rapidly across all the fields that impact on land. So one of the first things to do is to look at the current policies and mechanisms in each of these areas to see what is emerging and what the current arrangements are for policy formation, decision-making and, in particular, integration between the various policy areas. The Lords' Science and Technology Committee's current inquiry, on nature-based solutions, is really important.

Likewise, many of the initiatives that are now statutory as a result of the Environment Act having come into play, such as local nature recovery areas and local nature recovery strategies, look to me like a kind of alternative planning system. It would be really unfortunate if we were to end up with a different way of thinking about land for each of these main policy areas, because the risk is that they will all collide, everybody will be thoroughly grumpy and it will not optimise the use of land.

Q10 **Baroness Scott of Needham Market:** This follows on from the last point you made. I wonder to what extent you think this is a machinery of government question as much as it is about anything else. It is the essay question really: discuss.

Baroness Young of Old Scone: I am always very doubtful about plunging straightaway into machinery of government solutions, because the reality with many of these cross-cutting issues—we will face this particularly with climate change post COP—is that it is about finding ways of getting government to work better across the divides rather than moving the chess players on the board.

There are two things that I think would come out of this. One would be looking at some of the mechanisms for integration that are used elsewhere. The other would be looking in particular at the comparison between the national and the local: at the national level, what needs to happen for policy departments as a whole to have a framework or a set of principles that they all operate to that would allow for better integration of policy formation; and likewise, at the local level, what can be done, for example, to bring together the built environment, infrastructure planning, what is happening in agriculture and the needs of biodiversity restoration.

There are a number of good examples under way. There is a pilot just beginning in Devon that is looking at how to do that on a local basis. Of course, we have things like the Oxford-Cambridge arc, which is struggling manfully at the moment with pulling together all these issues together in order to make sure that there is no policy conflict, that the land is used for the most effective range and that the decision-making processes avoid conflict as far as possible.

Q11 **The Chair:** I have just one final thought. On this issue, we have already two committees—the Built Environment Committee and the Climate Change Committee—and I think it is fair to say that there may be some concerns about duplication. I think we would agree that, with scarce resources, we must be very cautious that we in no way cover ground that one of our other committees is already embarking upon. You referred to that. In the strand of my understanding, there are some concerns from the Built Environment Committee about potential overlap, which I think we would all agree—I know that you would agree, Lady Young—we must avoid because we have a lot of pressure on resources. I just wonder whether as a final remark you could advise us on that.

Baroness Young of Old Scone: I had a discussion with Lady Neville-Rolfe last week. I think the timing of the work which that committee is doing means that it will produce a report in the new year and then move on to a further report. It might comment on aspects of the planning system as part of its reports, but it is unlikely to look at it as a whole. Of course, the formal land-use planning system is only a small part of what I am proposing, because I am also concerned about so many of these other decision-making processes and policy areas not being integrated.

To be honest, I think there is a nimbleness issue here. We could come in and do a fairly fast study/inquiry and come up with some strong recommendations that are wider than any of the existing committees have the remit for, and I think the time is right. At the moment, people are making decisions about what to plant on their farms—for example, whether they go for carbon sequestration by growing trees—and where infrastructure is going to go, and there are new subsidies all over the place in the form of the new funds that have been announced as part of the COP 26 process for nature-based solutions. Planning authorities are now picking up nature recovery strategies and biodiversity net gain. The tectonic plates of this whole field are on the move, and I think that getting in now and saying something sensible about it would be of huge benefit.

The Chair: I should have prefaced my points by declaring my interest in farming, as a farmer and a landowner, which I should put on the record. Lady Young, thank you very much indeed for advising us today on what is obviously a very absorbing area. We now have to consider all these matters.

Examination of witnesses

Lord Vaux of Harrowden and Lord Young of Cookham.

Q12 **The Chair:** Good afternoon, Lord Young and Lord Vaux. It is very good to see you both for what will obviously be a joint presentation. We very much welcome your consideration, as a double act, of the Fraud Act, digital fraud and all these matters, for about five minutes, so that the committee can then pose some questions on your proposal. Over to you both.

Lord Vaux of Harrowden: I will kick off and then hand over to Lord Young about half way through.

Why are we looking for an inquiry into fraud? Fraud has become a major issue. It now represents a staggering 42% of all crime against individuals, which is a number that shocked me, I must say, and it is still growing, partly because of the pandemic, but not only for that reason. The tools for tackling it have simply not kept pace. Prosecutions are few and far between and compensation is extremely patchy. As a result, fraud is receiving increasing coverage in the media and it resonates very strongly with the public, who wonder why more is not being done. Most people have been the target of an attempted scam, and I suspect that everyone on this call will have experienced that, even if it is only a text saying, "You haven't paid your delivery fee", or whatever it might be.

The proposed inquiry would aim to investigate why fraud has become such a huge problem and to make recommendations on how to combat it more effectively and how to support and compensate victims better. Recommendations might be legislative, including looking into any

changes needed to the Fraud Act, be they regulatory, technological or to do with resourcing or education and training. I would expect us also to look at a quick review of what works in other countries.

We turn to the four selection criteria we have been asked to address. An inquiry into fraud would require expertise in banking and finances, online and digital, policing, criminal justice, pensions and probably other areas. I would suggest that Members of this House are probably uniquely qualified and equipped with both the breadth and the depth of expertise across all those disciplines, including ex-Ministers and senior civil servants from the relevant departments.

Speaking of departments, fraud is covered by multiple departments, including: DCMS, in respect of online telecoms and advertising; the Home Office, in respect of policing; the Ministry of Justice, for legal; HM Treasury, for banking, payments and financial regulation; DWP, for pension scams; and the Foreign Office, because most scams originate overseas. In fact, I think I would argue that multiple departments and a lack of central direction may be part of the problem. There is a real opportunity for an inquiry to pull the threads together and to look at the full picture rather than just individual elements of it.

Lord Young of Cookham: I am the co-pilot in this presentation. On the question about how this relates to what other committees are looking at, I am very grateful to Lucy Molloy for doing some research on what is going on in this field. Thanks to her, we have not identified any current committee work that overlaps significantly with this proposed inquiry. Lord Stevenson, who is, as it were, the third co-pilot but is travelling abroad at the moment and cannot be with us, is on the committee that is looking at the Online Safety Bill. That may recommend bringing financial scams back into scope, but they are currently excluded. The revised Bill is unlikely to be introduced very soon, and hardly any preparatory work has gone into this aspect. Our inquiry would be able to look much more deeply into it and to provide useful and timely advice.

On the timescale, we recognise that these ad hoc committees have a finite life. We would ensure that the timetable was respected. I think it is important that this work is completed quickly in order to inform the current debate and the work of the Government.

To sum up, there is a real opportunity here for our House to use its expertise in this field to make a valuable contribution to solving a current problem that I do not think is getting the attention it deserves. It would resonate directly with the public and the media at a time when the relevance of our House is under challenge.

The Chair: What an excellent team to come before us. I would very much welcome members of the committee perhaps asking questions.

Q13 **Lord Lang of Monkton:** I know that a lot of this is very complex and technical and cuts across many departmental activities. This could be a terribly important subject, given the background of the facts that we

have been learning about fraud. However, there is a more down-to-earth approach.

Could our visitors tell us that they would take account also of the old saying that prevention is better than cure? A lot of people who are being scammed are rather naive, out of touch and slightly frightened of using their computer and so on, or else they have just taken delivery of a large amount of their pension. Should it be part of this study that you consider both the technical need for improvement by the companies that provide defence with regard to computer emails and so on, and a sustained educational approach to ensure that people are constantly warned and constantly alert to the dangers that could be posed? Is that a subject that you will also look at, as well as all the other very important aspects?

Lord Vaux of Harrowden: Yes, I think that is essential. To be honest, there is no possibility that one would ever eradicate fraud completely, whatever legislative or regulatory steps we took, so the education and training aspects are critically important. There are other forms of prevention. One of the big issues that allows fraud to happen is the fact that it is relatively easy for fraudsters to transfer the money into other bank accounts, et cetera. Steps to prevent that will also be important. But there is no question that education, training and continuous warning from all sides—from the banks, from government, from wherever—will be essential.

Lord Young of Cookham: Just as a footnote, even financially sophisticated people have been caught out by these scams, because they are so well designed. So it is not just the illiterate who are caught; others are caught as well.

Q14 **Baroness Scott of Needham Market:** This is related to the points that have just been made. These scammers are remarkably sophisticated and very fast indeed. How do you give your recommendations some longevity, in the event that something completely new has come along by the time you report? I am curious as to how you see yourself approaching that.

Lord Vaux of Harrowden: That is an interesting question. There will be a constantly changing battle as you see fraudsters coming up with new ideas, but some things will last. One could make changes to payment regulations, for example, to make it more difficult for scammers to get hold of money. That is unlikely to change. So, yes, some things will probably lose currency because scammers are clever, but equally other things will last. An inquiry would have to look into how things have evolved over time and how to deal with that.

Lord Young of Cookham: Nearly all scammers need bank accounts, and we need to look at the ease with which bank accounts can be opened without proper checks being made.

Lord Vaux of Harrowden: Absolutely.

The Chair: Before I call Lady Walmsley, I very warmly welcome Lord

Collins of Highbury to his first meeting.

Q15 **Baroness Walmsley:** Lord Young has just talked about the ease of transferring money into other bank accounts. Would the proposed committee bear in mind that law-abiding people do not want extra barriers put in their way while they are conducting their own legitimate business? That is perhaps an issue that you might look at.

Lord Vaux of Harrowden: I would agree without a doubt that there is a balance here between safeguarding people and making life impossible. There are things that one could look at. I always wonder what the real benefits are of making a payment instantaneously, which makes life very easy for the scammers. Would it make life much more difficult if it took six hours or something for it to go through and you had time to change your mind? There is no question that there is a balance there, and that is something that an inquiry would have to look at.

Q16 **The Chair:** Thank you very much. I have just one comment. Obviously, one of the dilemmas we face is that there are many demands on the resources of the Committee Office, et cetera. One of your proposals is for scrutiny of the Fraud Act and so forth. I wonder whether you, as a trio of proposers, as it were—a duo is here—would feel comfortable that there would be some synergy between the scrutiny of the Fraud Act, which would play a part, and your other proposals. One of the issues is that we as a committee endorse post-legislative scrutiny, and I would want your expression as to how you felt about there being, in effect, a special inquiry alongside what I think is valuable scrutiny of a particular piece of legislation.

Lord Vaux of Harrowden: Speaking for myself, yes, I think it makes sense. The Fraud Act has been around for some 15 years and it clearly has not worked, so I think it is important that we look at what it is about it that has not worked and whether there are changes one would need to make to it. It may be fine in that it defines what fraud is et cetera, but it may need tightening up. So I think it makes sense to put those two together.

The Chair: Lord Young and Lord Vaux, thank you very much indeed for coming and discussing these matters with the committee. We will obviously give all of them our very strong consideration.