



# Library Note

## Queen's Speech 2016: Business, Culture, Education, Health and Welfare

### Day 1: 19 May 2016

The House of Lords is due to debate the Queen's Speech over four days between 19 and 25 May 2016. This briefing is one of four prepared by the House of Lords Library to cover the themes of each day of debate.

This briefing provides information on the following:

- Privatisation of the Land Registry;
- Combatting Tax Evasion;
- Digital Economy Bill;
- BBC Charter Renewal;
- Schools;
- Higher Education Bill;
- Access to Healthcare for Non-EU Migrants; and
- Adoption.

This briefing has been prepared in advance of the Queen's Speech based on Government commitments and speculative reports about what legislative proposals may be included; it does not constitute official information about the Government's intentions or provide a complete list of bills to be announced.

Available separately are further briefings for each day's debate on the Queen's Speech. For further reading or more detailed information, Members are encouraged to contact the Library's Research Desk.

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## I. Business

### I.1 Privatisation of the Land Registry

On 24 March 2016, the Department for Business, Innovation and Skills (BIS) announced a consultation on moving the Land Registry into the private sector.<sup>1</sup> BIS's consultation document explains that: "There are two broad approaches, within both of which there a number of potential variants that could (to differing degrees) achieve the Government's objectives. All of these models have common features [...]"<sup>2</sup> This includes "new primary legislation [which] would be required for implementation".<sup>3</sup> The consultation closes on 26 May 2016.<sup>4</sup>

In its Spending Review and Autumn Statement 2015, the Government announced its intention to seek "up to a further £5 billion of corporate and financial asset sales by March 2020".<sup>5</sup> As part of this process there would be a consultation held to "move [the] operations of the Land Registry to the private sector from 2017".<sup>6</sup>

The Land Registry has a statutory duty to keep and maintain the Land Register. The Land Register holds more than 24 million titles. The Land Registry's responsibilities include to:

- Provide a reliable record of information about ownership of and interests affecting land.
- Provide owners with a land title that is underpinned by the state.
- Simplify the transfer of interests in land.

When an individual or an organisation becomes a landowner they must apply to the Land Registry to:

- Register unregistered land.
- Register a new owner of a registered property following a sale.
- Register an interest affecting registered land, such as a mortgage, a lease or a right of way.

The Land Registry employs 4,400 members of staff.<sup>7</sup> The Government argues that:

[...] with the right protections in place, there is no need for the core functions of the Land Registry to be delivered by civil servants. Subject to a value for money assessment,

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<sup>1</sup> Department for Business, Innovation and Skills, '[Land Registry: Moving Operations to the Private Sector](#)', 24 March 2016.

<sup>2</sup> Department for Business, Innovation and Skills, '[Consultation Document: Consultation on Moving Land Registry Operations to the Private Sector](#)', 24 March 2016, p 19.

<sup>3</sup> *ibid.*

<sup>4</sup> Department for Business, Innovation and Skills, '[Land Registry: Moving Operations to the Private Sector](#)', 24 March 2016.

<sup>5</sup> HM Treasury, '[Spending Review and Autumn Statement 2015](#)', November 2015, Cm 9162, p 74.

<sup>6</sup> *ibid.*

<sup>7</sup> Land Registry, '[About Us](#)', accessed 5 May 2016.

the balance lies in favour of a sale, releasing resource that can be used elsewhere for the public benefit. This is the primary driver for change.<sup>8</sup>

The consultation document also notes that the Land Registry is “not currently permitted to generate a profit from core statutory functions, because fees must not be used to generate revenue for the Government to spend elsewhere”.<sup>9</sup> It also states the Government believes that it is important that “the Registers continue to be owned by government, and this proposal would not change that”.<sup>10</sup> The consultation document sets out the Government’s detailed proposals. In answer to an oral question in the House of Lords, the Earl of Courtown, a Government Whip, stated that “no final decisions will be made on the future of the operating model of the Land Registry until a public consultation has been completed”.<sup>11</sup>

Writing in the *Guardian*, John Manthorpe, a former chief land registrar, criticised the Government’s proposal to privatise the Land Registry, arguing that:

The registry’s independence from commercial or specialised interests is essential to the trust and reliance placed on its activities. It would not be possible for actual or perceived impartiality to be maintained, or public confidence sustained, if a private company were to assume responsibility for the maintenance of a public register.<sup>12</sup>

The Shadow Chancellor, John McDonnell, was also critical of the Government’s plans arguing that a sale was being argued for “despite the Land Registry returning millions of pounds in profits to taxpayers [and] despite a 98 percent customer satisfaction rate”.<sup>13</sup> However, the Government’s consultation document argues that the Land Registry does not generate a profit because the Land Registry’s:

[...] statutory income has exceeded expenditure in recent years due to higher than forecast volumes of transactions in the housing market—the key driver of its income. This surplus does not represent profit but arises from difficulties in accurately predicting a volatile housing market.<sup>14</sup>

The Coalition Government ran a consultation in 2014 to consider whether an ‘arm’s length service delivery’ company should be established to run the Land Registry’s land registration services, whilst maintaining a separate Office of the Chief Land Registrar which would perform regulatory and fee-setting functions.<sup>15</sup> Following the consultation, the Coalition Government concluded that:

Given the importance of the Land Registry to the effective operation of the UK property market, we have concluded that further consideration would be valuable. Therefore, at this time, no decision has been taken to change Land Registry’s model.<sup>16</sup>

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<sup>8</sup> Department for Business, Innovation and Skills, [Consultation on Moving Land Registry Operations to the Private Sector](#), 24 March 2016, p 11.

<sup>9</sup> *ibid*, p 9.

<sup>10</sup> *ibid*, p 8.

<sup>11</sup> [HL Hansard, 2 February 2016, col 1713](#).

<sup>12</sup> John Manthorpe, ‘[Privatising the Land Registry would be Misguided and Wrong](#)’, *Guardian*, 4 April 2016.

<sup>13</sup> [HC Hansard, 17 March 2016, col 1125](#).

<sup>14</sup> Department for Business, Innovation and Skills, [Consultation on Moving Land Registry Operations to the Private Sector](#), 24 March 2016, p 10.

<sup>15</sup> Department for Business, Innovation and Skills, [Government Response: Introduction of a Land Registry Service Delivery Company](#), July 2014, p 6.

<sup>16</sup> *ibid*, p 7.

## 1.2 Combatting Tax Evasion

The Government has stated that in 2016 it would legislate to combat tax evasion. On 11 April 2016, in a statement in the Commons made in response to the ‘Panama Papers’—the leak of some 11.5 million files from the database of the world’s fourth biggest offshore law firm, Mossack Fonseca—the Prime Minister, David Cameron, said:

Mr Speaker, let me turn to the Panama Papers and the actions that this government is taking to deal with tax evasion, aggressive tax avoidance and international corruption more broadly [...] we will take another major step forward in dealing with those who facilitate corruption. Under current legislation it is difficult to prosecute a company that assists with tax evasion. But we are going to change that. So we will legislate this year for a new criminal offence to apply to corporations who fail to prevent their representatives from criminally facilitating tax evasion.<sup>17</sup>

More detail was provided by the Prime Minister’s Office which, on the same day, noted:

The UK will bring forward plans to introduce a criminal offence for corporations who fail to stop their staff facilitating tax evasion [...] For the first time, companies will be criminally liable if they fail to stop their staff from facilitating tax evasion. At the March 2015 Budget the Chancellor said the Government would be delivering on its pledge to introduce the measure in this Parliament. Today, the Prime Minister is confirming that the offence will be introduced in legislation this year.<sup>18</sup>

Commenting on the proposals, the law firm DLA Piper stated:

The announcement constitutes an acceleration of the proposals consulted on by HMRC over the second half of 2015 in its consultation paper “[Tackling Offshore Tax Evasion: A New Corporate Criminal Offence of Failure to Prevent the Facilitation of Tax Evasion](#)” and which the Government confirmed in the March 2016 Budget that it would proceed with. The response document to the consultation (“[Response Paper](#)”) was published in December 2015 and included draft legislation and plans for further consultation.

Whilst the full details of the new offence are yet to be finalised, it seems likely that it will be similar to section 7 of the Bribery Act 2010. This created a corporate offence of failing to prevent bribery by associated persons, subject to an absolute defence where the company could show that it had in place, at the time the offence took place, “adequate procedures” that were designed to prevent such bribery. As with the Bribery Act (which provides for the possibility of unlimited fines), it is expected that the new offence will attract substantial financial penalties upon conviction. The prospect of significant reputational harm for an institution is also obvious, as well as the prospect of separate action by the regulator of any regulated entity which is found to be in breach.<sup>19</sup>

<sup>17</sup> [HC Hansard, 11 April 2016, cols 25–6.](#)

<sup>18</sup> Prime Minister’s Office. ‘[Press Release: PM—Companies to be Liable for Employees Who Facilitate Tax Cheating](#)’, 11 April 2016.

<sup>19</sup> DLA Piper, ‘[David Cameron Announces Acceleration of New Corporate Offence of Failing to Prevent “Associated Persons” from Facilitating Tax Evasion: Regulatory Update](#)’, 15 April 2016.

Her Majesty's Revenue and Customs published a further consultation document, [Tackling Tax Evasion: Legislation and Guidance for a Corporate Offence of Failure to Prevent the Criminal Facilitation of Tax Evasion](#), on 17 April 2016; the consultation closes on 10 July 2016.

The *Law Society Gazette* reported warnings from some lawyers that “new legislation on corporate criminal liability for tax evasion could put UK financial institutions at a competitive disadvantage—and their legal advisers at risk of compliance breaches”.<sup>20</sup> John Cullinane, the Chartered Institute for Taxation's Tax Policy Director, noted that “practically this is going to be a challenging offence to draft”, stating:

It is very difficult to hold companies to account for actions of individuals. Clear guidance will need to be provided to help give certainty over how the proposals will work and what organisations must do to ensure compliance. It must be possible for a diligent company to know it is compliant.<sup>21</sup>

The tax expert Jason Collins, from Pinsent Masons, stated that the planned legislation “could have a similar impact to the Bribery Act in changing corporate behaviours”, but noted: “It would have been better if the UK had worked with our other major partner countries to ensure that they adopted similar standards at the same time [...] The Bribery Act followed in the steps of the US's global anti-bribery legislation—but here, we seem to be striking it out alone”.<sup>22</sup>

### 1.3 Other Policies Affecting Business

The Department for Business, Innovation and Skills (BIS) states that its “overarching aim is to make Britain the best place to start and grow a business”.<sup>23</sup> BIS' [Single Departmental Plan: 2015 to 2020](#) lists the policies that the Department is implementing in the areas of business and enterprise; competitiveness and exports; science and innovation; apprenticeships and skills; higher education; and the labour market.<sup>24</sup>

Examples include the British Business Bank, through which the Department aims to award 75,000 start up loans to small businesses by May 2020; as of November 2015, 34,388 start up loans had been awarded. Similarly, BIS intends to build a “Northern Powerhouse”; boost growth and jobs; make it easier to start up a business; and “devolve far-reaching powers over economic development to large cities”.<sup>25</sup> BIS aims to improve the UK's competitiveness and exports by pushing for “freer global trade, concluding major deals with US and Japan, progressing an Indian trade deal, reinvigorating the World Trade Organisation and championing

<sup>20</sup> Chloe Smith, [‘Scope of New Tax Evasion Offence “Compliance Nightmare”](#)’, *Law Society Gazette*, 19 April 2016.

<sup>21</sup> Chartered Institute for Taxation, [‘Press Release: Welcome for Joined-Up Approach on ‘Panama Papers’ Investigations](#)’, 11 April 2016.

<sup>22</sup> Out-Law Blog, [‘UK Corporate Criminal Offence for Tax Evasion Facilitation Will Be Introduced This Year, says Government](#)’, accessed 5 May 2016.

<sup>23</sup> Department for Business, Innovation and Skills, [‘BIS Single Departmental Plan: 2015 to 2020](#)’, 19 February 2016.

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

and EU-China trade deal". The Department aims to have 100,000 more UK companies exporting by 2020 than in 2010. Further, it intends to:

Support a modern industrial approach, working with sector councils to address the productivity challenges facing the UK economy, and help retain the UK's competitive position within the global economy".<sup>26</sup>

In addition, BIS aims to ensure that the "UK remains a world leader in science and research by investing £6.9 billion in capital funding and by protecting today's £4.7 billion resource funding in real terms".<sup>27</sup> The Department is also supporting the "delivery of 3 million apprenticeship starts by 2020" and there have been 268,400 apprenticeship starts since May 2015. Moreover, BIS aims to strengthen English higher education by ensuring financial sustainability and improve access to higher education by people from disadvantaged backgrounds. For example, BIS wants to "double the proportion of people from disadvantaged backgrounds entering university in 2020 than at the start of the decade".<sup>28</sup> It notes that in 2015, 18.5 percent of people in higher education were from disadvantaged backgrounds.

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<sup>26</sup> Department for Business, Innovation and Skills, '[BIS Single Departmental Plan: 2015 to 2020](#)', 19 February 2016.

<sup>27</sup> *ibid.*

<sup>28</sup> *ibid.*

## 2. Culture

### 2.1 Digital Economy Bill

In November 2015, the Government announced its intention to implement a new broadband Universal Service Obligation (USO).<sup>29</sup> The Government stated that its “ambition” was to give “people the legal right to request a connection to broadband”, at a minimum speed, “no matter where they live”.<sup>30</sup>

On 23 March 2016, the Department for Culture, Media and Sport launched the consultation, [A New Broadband Universal Service Obligation](#), which set out the Government’s plans for delivering a broadband USO. It sought views on the Government’s proposals to introduce primary legislation which would give the Secretary of State an “explicit power to introduce a broadband USO”, and to require Ofcom to review the USO “to ensure that in future it continues to reflect connectivity needs, including whether the minimum speed needs to be updated”.<sup>31</sup> The consultation closed on 18 April 2016.

On 13 April 2016, in his evidence to the House of Commons Culture, Media and Sport Committee, the Minister of State for Culture and the Digital Economy, Ed Vaizey, stated an intention to publish a Digital Economy Bill in the forthcoming parliamentary session. Mr Vaizey stated that the Bill would contain a USO for broadband:

The USO is the final chapter in this initial broadband rollout. It is part of the superfast broadband rollout, albeit it is only 10 megabits. We have issued the initial consultation because we intend to legislate in the Digital Economy Bill, which we hope to publish in June or July. We have not come to a firm conclusion about how we would structure the USO.<sup>32</sup>

Mr Vaizey also stated that the Bill would introduce changes to the [Electronic Communications Code](#) (EEC).<sup>33</sup> The EEC enables electronic communication network providers to install and maintain electronic communication networks by giving certain rights to the providers.<sup>34</sup>

The Coalition Government had proposed measures to reform the EEC during the passage of the Infrastructure Bill in 2014–15. On 8 January 2015, the Government had tabled an amendment to the Bill that was intended to reform and update the Code.<sup>35</sup> Introducing the amendment, the then Minister of State at the Department for Transport, John Hayes, stated that:

The current lack of clarity, given that the code has not been substantively amended since 1984, has led to countless complaints from all kinds of sources and a demand for action. To that end, the Law Commission looked at matters, and its February 2013

<sup>29</sup> Department for Culture, Media and Sport, ‘[Government Plans to Make Sure No-one is Left Behind on Broadband Access](#)’, 7 November 2015.

<sup>30</sup> *ibid.*

<sup>31</sup> Department for Culture, Media and Sport, [A New Broadband Universal Service Obligation Consultation](#), March 2016, pp 14–15.

<sup>32</sup> House of Commons Culture, Media and Sport Committee, [Oral Evidence: Establishing World-class Connectivity throughout the UK](#), Wednesday 18 April 2016, HC 407 of session 2015–16, Q 1053.

<sup>33</sup> *ibid.*, Q 1143.

<sup>34</sup> Ofcom, ‘[Electric Communications Code](#)’, accessed 9 May 2016.

<sup>35</sup> Infrastructure Bill, ‘[Notice of Amendments](#)’, 8 January 2015, pp 115–172.

report suggested a wholesale rewrite of the provisions designed to improve procedures and the clarity of the drafting. The changes before the Committee are designed to implement substantially the Law Commission's report.<sup>36</sup>

However, following representations from stakeholders on “specific technical issues related to its practical application”, the Government withdrew the amendment on 25 January 2015.<sup>37</sup>

Before the general election, on 26 February 2015, the Coalition Government launched the consultation, [Reforming the Electronic Communications Code](#). It was open for nine weeks, and closed on 30 April 2015. Submissions were invited on all areas of the Code. In July 2015, HM Treasury published the productivity plan, [Fixing the Foundations: Creating a More Prosperous Nation](#), which stated that the new Conservative Government would introduce legislation to reform the EEC.<sup>38</sup>

## 2.1 BBC Charter Renewal

It is expected that the Government will publish a white paper on the renewal of the BBC Charter on 12 May 2016.<sup>39</sup> Among other things, it is anticipated that the report will recommend the abolition of the BBC Trust, that Ofcom become its external regulator, and that certain salary details of its top earners be made public. The current Charter came into effect in January 2007 and is due to expire on 31 December 2016. Further information on the progress of BBC Charter renewal can be found in the Lord Library briefing, [Progress on BBC Charter Renewal](#), which states:

The BBC was first incorporated by Royal Charter in 1927, and the Charter has been renewed at periodic intervals since then [...] The Charter sets out the public purposes of the BBC, guarantees its independence and provides the duties of the BBC Trust and Executive Board, which form its governance structure. The Charter also makes provision for an Agreement between the BBC Director General and the Secretary of State, which provides more detail on topics outlined in the Charter and also covers the BBC's funding and regulation.

Royal Charters are granted by the Privy Council and do not require parliamentary approval. The Government has undertaken to “ensure that there is an opportunity for the BBC Charter to be debated by both Houses of Parliament before it is brought into effect”. The Government has also made a commitment to consult the Scottish Government, the Welsh Government and the Northern Ireland Executive throughout the process of reviewing the Charter.<sup>40</sup>

<sup>36</sup> [Public Bill Committee, Infrastructure Bill, 15 January 2015, session 2014–15, 10th sitting, col 347.](#)

<sup>37</sup> Department for Culture, Media and Sport, [Reforming the Electronic Communications Code](#), 26 February 2015, p 8.

<sup>38</sup> HM Treasury, [Fixing the Foundations: Creating a More Prosperous Nation](#), July 2015, Cm 9098, p 35.

<sup>39</sup> At the time of writing, this had not yet been published.

<sup>40</sup> Lords Library briefing, [Progress on BBC Charter Renewal](#), 7 March 2016.

### 3. Education

#### 3.1 Schools

##### Academy Proposals

On 6 May 2016, the Department for Education released a statement re-affirming its desire to see all schools become academies by 2022. It stated that it would not be necessary to introduce legislation “to bring about blanket conversion of all schools to achieve this goal”.<sup>41</sup> Instead, the Government announced plans to introduce legislation which would trigger the conversion of all schools into academies within a local authority, under two specific circumstances.<sup>42</sup> The circumstances are as follows:

- Firstly, where it is clear that the local authority can no longer viably support its remaining schools because a critical mass of schools in that area has converted. Under this mechanism a local authority will also be able to request the Department for Education converts all of its remaining schools.
- Secondly, where the local authority consistently fails to meet a minimum performance threshold across its schools, demonstrating an inability to bring about meaningful school improvement.<sup>43</sup>

In addition, the Government announced new funding arrangements for small rural schools. This included over 1,200 small rural schools receiving “specified targeted support”, with the new national funding formula providing “sparsity funding” for small rural schools that currently do not receive top-up funding from their local authority.<sup>44</sup>

The original plans to convert all schools into academies by 2022 were published by the Department for Education in a white paper in March 2016. The white paper, entitled [Educational Excellence Everywhere](#), set out the Government’s vision for schools in England for the next five years.<sup>45</sup> In the white paper, the Government detailed its plans to have a school-led system whereby every school would become an academy, stating that by the end of 2022, local authorities would no longer be responsible for any schools “so they can focus on delivering their core functions”.<sup>46</sup> In addition, the following measures were proposed:

- The creation of a “self-improving school system” in order to prevent “underperformance”. This would involve schools joining ‘multi-academy trusts’, which the Government stated would provide “real accountability, competitive pressure and choice”.<sup>47</sup>
- Empowering pupils, parents and local communities through the launch of an online ‘Parent Portal’, aimed at providing information for parents surrounding the school system and how to support their child. The Government would also aim

<sup>41</sup> Department for Education, [‘Next Steps to Spread Educational Excellence Everywhere Announced’](#), 6 May 2016.

<sup>42</sup> *ibid.*

<sup>43</sup> *ibid.*

<sup>44</sup> *ibid.*

<sup>45</sup> Department for Education, [Educational Excellence Everywhere](#), March 2016.

<sup>46</sup> *ibid.*, p 18.

<sup>47</sup> *ibid.*, p 62.

to simplify the escalation of complaints from pupils and parents to the Department for Education and public service ombudsman, and would seek views on making the school admissions system “simpler and clearer”.<sup>48</sup>

- Embedding existing reforms to primary, secondary and 16–19 accountability, whereby “professionals are held accountable for the outcomes of their decisions using fair, intelligent, reliable and carefully-balanced measures of success and failure”.<sup>49</sup>

In response to the proposals in the white paper, a number of Conservative MPs reportedly called for the academy plans to be dropped from the Queen’s Speech, with the chairman of the 1922 Committee of Conservative backbenchers, Graham Brady, stating that he hoped that the white paper would “be adapted to reflect the need to support and ease the process [of schools wanting to become academies], rather than impose the change in areas where schools are already performing very well”.<sup>50</sup>

Delegates at the National Association of Head Teachers (NAHT) conference in April 2016 also expressed their opposition to the Government’s original plans. This included passing an emergency motion that “no schools should be forced to become an academy”, and included the possibility of the union considering “industrial action as a last resort”.<sup>51</sup> The General Secretary of the NAHT, Russell Hobby, expressed his concerns, stating that:

The Government has failed to win the argument on academies, so this motion empowers NAHT’s negotiators to press them hard on the detail and the rationale for conversion. As things stand the Government has no answers to school leaders’ sensible and reasonable questions.<sup>52</sup>

In the Government’s 6 May 2016 announcement, it said that it had “listened to feedback from MPs, teachers, school leaders and parents”.<sup>53</sup>

## Reforming School Funding

In March 2016, Education Secretary, Nicky Morgan announced two consultations on school funding reform.<sup>54</sup> The first consultation, [Schools National Funding Formula](#), outlined plans for a national funding formula, which would set the budget for each school, based on per-pupil costs; school costs; geographical costs; and additional needs. However, the consultation stated that in order to remove the requirement that local authorities set local formulae to allocate school funding it would “require a change to the School Standards and Framework Act 1998”. As a result, the Department for Education noted in the consultation that it intended to “bring forward legislation at the next opportunity”, proposing that the change come into effect from 2019–20.<sup>55</sup>

<sup>48</sup> Department for Education, [Educational Excellence Everywhere](#), March 2016, p 17.

<sup>49</sup> *ibid*, p 24.

<sup>50</sup> *Guardian*, [‘Tory MPs Call for Compulsory Academies Plan to be Dropped from Queen’s Speech’](#), 23 April 2016.

<sup>51</sup> *Telegraph*, [‘Head Teachers Threaten Industrial Action over Academies Plan’](#), 1 May 2016.

<sup>52</sup> *ibid*.

<sup>53</sup> Department for Education, [‘Next Steps to Spread Educational Excellence Everywhere Announced’](#), 6 May 2016.

<sup>54</sup> Department for Education, [‘Fairer School Funding Plan Revealed’](#), 7 March 2016.

<sup>55</sup> Department for Education, [Schools National Funding Formula](#), 7 March 2016, p 12.

The second consultation, [High Needs Funding Reform](#), sought views on proposed changes to funding arrangements and guidance. The Government stated that this is aimed at helping local authorities, early year providers and education institutions with students aged 16–25 with special educational needs and disabilities.<sup>56</sup>

### Careers Guidance

In January 2016, Nicky Morgan announced plans by the Government to legislate to ensure schools “allow access to apprenticeship providers and colleges to create a level playing field in careers guidance”.<sup>57</sup> The new legislation would require schools to collaborate with colleges, university technical colleges and training providers to “ensure that young people are aware of all the routes to higher skills and the workplace, including higher and degree apprenticeships”.<sup>58</sup> Although no date for the introduction of this legislation has been announced, the Government has stated that it will look to introduce legislation “at the earliest opportunity”.<sup>59</sup>

### 3.2 Higher Education Bill

In an article published on 25 February 2016, *Times Higher Education* discussed the likelihood of the Government introducing a Higher Education Bill in the new session: “possibly following a white paper in May, with David Cameron said to be convinced of the need for legislation”.<sup>60</sup>

Although the article stressed that the Bill could face opposition in the House of Lords and within the Conservative Party, and that—therefore—the Government may consider alternatives to primary legislation, it quoted Nick Hillman, director of the Higher Education Policy Institute, as stating: “the Prime Minister wading into the social mobility debate and using the words ‘we will legislate’ did, I think, make a higher education bill more likely”.<sup>61</sup> David Cameron’s statement on the issue was made in a *Sunday Times* article of 31 January 2016, where he set out the plans with reference to the Government’s ‘BME 2020’<sup>62</sup> policy:

We intend to legislate to place a new transparency duty on universities to publish data routinely about the people who apply to their institution, the subject they want to study, and who gets offered a place. And this will include a full breakdown of their gender, ethnicity and socioeconomic background.<sup>63</sup>

<sup>56</sup> Department for Education, [‘High Needs Funding Reform’](#), 7 March 2016.

<sup>57</sup> Department for Education, [‘New Law Will End ‘Outdated Snobbery’ Towards Apprenticeships’](#), 25 January 2016.

<sup>58</sup> *ibid.*

<sup>59</sup> *ibid.*

<sup>60</sup> *Times Higher Education*, [‘Higher Education Bill ‘Odds-on’ After Cameron Backs Legislation’](#), 25 February 2016.

<sup>61</sup> *ibid.*

<sup>62</sup> For further information, see pp 1–2 of the House of Lords Library briefing, [Black and Minority Ethnic People in the Workplace in Britain](#), 29 April 2016.

<sup>63</sup> *Sunday Times*, [‘Stand by, Universities; I’m Bringing the Fight for Equality in Britain to You’](#), 31 January 2016.

The article noted that some form of legislation would be required to implement the recommendations of the Government's November 2015 consultation paper, [Fulfilling Our Potential: Teaching Excellence, Social Mobility and Student Choice](#).<sup>64</sup> Published by the Department for Business, Innovation and Skills, the consultation sought views on proposals to:

- introduce a Teaching Excellence Framework that will deliver better value for money for students, employers and taxpayers.
- increase access and success in higher education participation for those from disadvantaged and under-represented groups.
- create a new single gateway for entry and create a common system for all providers.
- establish a new Office for Students to promote the student interest and ensure value for money, and to reduce the regulatory burden on the sector.<sup>65</sup>

Introducing the green paper, Jo Johnson, the Minister of State for Universities and Science, explained that the proposals were targeted at rewarding excellent teaching, widening participation from disadvantaged backgrounds, increasing competition in the sector, providing greater focus on employability and reforming the regulatory structure to provide better value for money.<sup>66</sup> He went on to set out further details on some of these proposals, as follows:

The new Teaching Excellence Framework, which we promised in our manifesto, will hard-wire incentives for excellent teaching and give students much more information both about the type of teaching they can expect and their likely career paths after graduation.

Meeting students' expectations also means encouraging diversity and choice. More providers entered the sector in the last five years than at any time since the last major expansion in 1992, but it's still too difficult to set up a new institution. We want to see a level playing field for all providers and a faster route to becoming a university.

The regulation of higher education must evolve to champion value for money for students making big lifetime investments, and taxpayers underwriting our loan system. We will establish a sector regulator that has a clear remit to champion value for money and the student interest in its decisions: the new Office for Students. We will do this while reducing the overall burden of regulation and the number of public bodies in the sector.<sup>67</sup>

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<sup>64</sup> Department for Business, Innovation and Skills, [Fulfilling Our Potential: Teaching Excellence, Social Mobility and Student Choice](#), November 2015.

<sup>65</sup> Department for Business, Innovation and Skills, [Higher Education: Teaching Excellence, Social Mobility and Student Choice](#), 6 November 2015.

<sup>66</sup> Department for Business, Innovation and Skills, [Fulfilling Our Potential: Teaching Excellence, Social Mobility and Student Choice](#), November 2015, p 8.

<sup>67</sup> *ibid*, pp 8–9.

## 4. Health

### 4.1 Access to Healthcare for Non-EU Migrants

On 8 May 2016, the *Telegraph* published an article claiming that the Government would be publishing a bill in the new session that would see non-EU migrants charged for using certain NHS services.<sup>68</sup> The article stated that:

The Bill, which will be published on May 18, will seek to make new arrivals pay for diagnostic tests and scans, prescriptions, ambulance trips, NHS dental services, eye care and even emergency medical care, in a move the Government hopes will save up to £500 million per year.

Health secretary Jeremy Hunt has drawn up the measures, which will require patients who do not normally live in the UK or one of 28 countries in the European Economic Area plus Iceland, Norway and Liechtenstein to pay for primary care services.<sup>69</sup>

The article follows a Department of Health consultation on the subject, [Making a Fair Contribution](#), which was published in December 2015.<sup>70</sup> The consultation stated that it was seeking views on how best to extend charging to overseas visitors and migrants who use the NHS, including “exploring changes in primary care, secondary care, community healthcare and changing current residency requirements”.<sup>71</sup> The consultation went on to state that the Department was aiming to recover up to £500m per year from such charges by the middle of this Parliament. At the time of writing, the Government had yet to publish a response to the consultation.

Currently, non-EU migrants who wish to live in the UK for more than 6 months may need to pay a ‘health surcharge’.<sup>72</sup> Introduced in April 2015, the Government stated that:

[The] changes will ensure that those coming to live in the UK make an appropriate financial contribution to the cost of their healthcare. The health surcharge will be £200 per year and £150 per year for students and will be payable at the same time that an individual submits their visa application on-line. Visa applicants will need to pay up-front for the total period of their UK visa.<sup>73</sup>

However, the *Telegraph* article claimed that ministers had rejected proposals that migrants pay for GP services and nursing care, due to “fears such a move would deter new arrivals from seeking treatment if they fell ill and for communicable diseases”.<sup>74</sup>

<sup>68</sup> *Telegraph*, [‘Crackdown on Free Access to NHS Services for Migrants’](#), 8 May 2016.

<sup>69</sup> *ibid.*

<sup>70</sup> Department for Health, [Making a Fair Contribution: A Consultation on the Extension of Charging Overseas Visitors and Migrants Using the NHS in England](#), December 2015.

<sup>71</sup> *ibid.*, p 5.

<sup>72</sup> Foreign and Commonwealth Office, [‘UK Introduces Health Surcharge’](#), 20 March 2015.

<sup>73</sup> *ibid.*

<sup>74</sup> *Telegraph*, [‘Crackdown on Free Access to NHS Services for Migrants’](#), 8 May 2016.

## 5. Welfare

### 5.1 Adoption

In November 2015, the Prime Minister, David Cameron, announced that the Government would be introducing a new set of measures to increase the number of children being adopted and to speed up the adoption process.<sup>75</sup> He stated that as part of the package of reforms, the Government was “actively considering changes to adoption law” to ensure that decisions were being made in the “child’s best interest”. In January 2016, the Secretary of State for Education, Nicky Morgan, confirmed that:

[The Government] will seek to change legislation as soon as possible to make crystal clear that councils and courts must place children with the person best able to care for them right up until their 18th birthday—rather than with carers who can’t provide the support they need over the long term.<sup>76</sup>

In March 2016, the Department for Education published the paper, [Adoption: A Vision for Change](#), which set out the Government’s proposals to change the existing legal framework.<sup>77</sup> The paper stated that the Children Act 1989 would be amended to ensure that local authorities and courts were considering the “best permanent option for the child at the end of care proceedings”.<sup>78</sup> It set out two related factors which under the proposed legislative changes the courts and local authorities would have to prioritise:

- Whether the quality of care on offer under the different potential placements being considered will be sufficient to meet the child’s needs, especially in the light of the previous abuse and neglect the child may have suffered, and their need for high quality care to overcome this.
- Whether the placement will offer this quality of care throughout the child’s childhood (until they are 18)—rather than right now or just in the immediate future.<sup>79</sup>

The paper went on to state that the Government intended to legislate “as soon as possible”.<sup>80</sup>

The paper also set out how the Government intended to amend the Adoption and Children Act 2002. The Act requires courts and adoption agencies, when making decisions relating to the adoption of a child, to have regard to the relationship the child has with a specific set of categories of people. The paper stated that the legislation would be amended to “explicitly add” prospective adopters to the list of people, “to ensure that the child’s relationship with them is also considered in all cases where the child has been placed with them”.<sup>81</sup> The paper also stated that the Government would be gathering views on the proposed legislative changes.

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<sup>75</sup> Prime Minister’s Office, ‘[PM Unveils Drive to Increase Adoptions and Cut Unacceptable Delays](#)’, 2 November 2015.

<sup>76</sup> Department for Education, ‘[Education Secretary Unveils Plans to Change Adoption Law](#)’, 14 January 2016.

<sup>77</sup> Department for Education, [Adoption: A Vision for Change](#), 27 March 2016.

<sup>78</sup> *ibid.*, p 23.

<sup>79</sup> *ibid.*

<sup>80</sup> *ibid.*

<sup>81</sup> *ibid.*

Commenting on the publication of the Government's paper, Alison O'Sullivan, president of the Association of Directors of Children's Services, stated that it "welcome[d] the Government's ongoing commitment to adoption and its recognition of the importance of all forms of permanence".<sup>82</sup> Andrew Christie, chair of the Adoption Leadership Board, also expressed support for the proposals, stating that the strategy represented an "important milestone in our work to improve vulnerable children's lives".<sup>83</sup> However, the *Independent* reported on 27 March 2016, that a recent survey of over 400 social workers, conducted for the magazine *Community Care*, found that "just 4 percent of respondents said they agreed with the Government's approach", while 69 percent said that they did not agree with the policies.<sup>84</sup>

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<sup>82</sup> Association of Directors of Children's Services, '[ADCS Response to the Government's Latest Adoption Announcement](#)', 27 March 2016.

<sup>83</sup> Department for Education, '[Education Secretary Unveils a New Blueprint for Adoption](#)', 27 March 2016.

<sup>84</sup> Oliver Wright, '[Child Welfare Reforms: Government Want Children Taken into Care to be Fast-tracked into Permanent Adoption](#)', *Independent*, 27 March 2016.

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