



Dods Monitoring

Queen's Speech speculation - 2016





Potential legislation

The Queen's Speech for the second session of the majority Conservative Government will take place on Wednesday 18 May. Delivered following the State Opening of Parliament, the speech marks the formal start of the parliamentary year and is the only regular occasion when the three constituent parts of Parliament – the Sovereign, the House of Lords and the House of Commons – meet.

The speech is written by the Government and contains an outline of its policies and proposed legislation for the new parliamentary session.

Whilst some are quickly introduced, other Bills may not be formally published until several months later.

Following the speech, each House continues the debate over the planned legislative programme for several days, looking at different subject areas. The Queen's Speech is voted on by the Commons, but no vote is taken in the Lords.

In advance of this key date in the parliamentary calendar, Dods' team of political consultants have compiled speculation and intelligence to give an insight into the Bills which may be announced.

- [Public Services Ombudsman Bill](#)
- [Healthcare Safety Bill](#)
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Public Services Ombudsman Bill

Adam Wright
Political Consultant

Originally announced in the 2015 Queen's Speech, the Public Services Ombudsman Bill will seek to combine several existing roles to create a more effective and robust service for public complaints.

Initially combining the roles of the Parliamentary Ombudsman, the Health Ombudsman and the Local Government Ombudsman, the Government intend to reform and modernise the Ombudsman sector to provide a "more effective and accessible" final tier of public sector complaints. The Housing Ombudsman may also be absorbed into this new role.

Many of the Government's reforms to the role will be based on Robert Gordon's report '[Better to serve the public](#)' in which he recommended the creation of a new single Public Service Ombudsman (PSO), among other things.

Between March and June 2015 the Cabinet Office consulted on the proposal to create a single Ombudsman. Overall, 158 organisations and individuals took part in the process, with [general support expressed](#) for the Government's suggested reforms. Most responses also highlighted the importance of accessibility to the new PSO and wanted the widest possible routes of entry.

Parliamentary and Health Service Ombudsman Dame Julie Mellor has said the current system is too complex and confusing for people and [has actually called on the Government to integrate the service into a single ombudsman](#).

Stakeholder commentary

[Healthwatch welcomed the announcement](#) of the Government's Draft Public Services Ombudsman Bill in the 2015 Queen's Speech, but said it was only one part of the reform needed for the "complaints puzzle".

Chair Anna Bradley said:

"Whilst local Healthwatch have been doing a fantastic job challenging local services to improve their processes, we also need system change at a national level to transform the whole approach to how complaints are handled and lessons learned.

"We therefore urge the Secretary of State to use reform of the Ombudsmen as an opportunity to look at the complaints system as a whole, not just one part of the puzzle, to ensure consumers are able to get proper redress regardless of who they are complaining to".

[Which? also welcomed the proposed reforms](#), with Richard Lloyd stating:

"We're pleased the Government listened to our calls to introduce a single public services ombudsman. It must now consider carefully what more needs to change so people feel confident that when something goes wrong things will improve as a result of their complaint."



Healthcare Safety Bill

Freya Pascall
Senior Political Consultant

The Healthcare Safety Investigation Branch (HSIB) was established at the beginning of April following Health Secretary Jeremy Hunt's commitment to create an NHS that '[learnt from its mistakes](#)'. The [National Health Service Trust Development Authority \(Healthcare Safety Investigation Branch\) Directions 2016](#) instructed its establishment to provide "continuous improvement in the quality of services provided to individuals for or in connection with the prevention, diagnosis or treatment of illness" and the commencement of activity by 1 April 2017.

Hunt intends for the Branch to create a safe space for those being investigated to give comprehensive and candid contributions to investigations and therefore made it clear it had no duty to apportion blame or support other action against individuals.

However, House of Commons Public Administration and Constitutional Affairs Committee chair Bernard Jenkin said legislation was necessary to provide full protection to whistleblowers. He said [the committee would recall Hunt](#) if this legislation was not included in the Queen's Speech.

Initially having been wary of the proposals for such a body, Jenkin said Hunt had seen the power of the idea, reflecting on the success of the Air Accidents Investigation Branch. The new body requires three further key steps in order that it can become effective, he said:

- For it to be fully independent, it should not be domiciled with NHS Improvement, which is an NHS body, it might have to include in a healthcare safety investigation.
- It is vital that HSIB can provide a 'safe space' in which patients, patients' families, clinicians and NHS managers can speak freely.
- Both the above require the Government to bring forward legislation.

It is unclear whether the Government is listening to such calls; it may be unwilling to commit to health legislation alongside the ongoing controversies surrounding the junior doctors contract and the further developments due to follow. However, it seems clear that the issue will not be allowed to be dropped, perhaps with the issue resurfacing once the Branch has commenced its activity if it does not appear on 18 May 2016.

Stakeholder commentary

Following on from the announcement of the HSIB, the Medical Defence Union (MDU) welcomed all patient safety initiatives, but raised concerns about the safe space provision alongside their ongoing campaign on the rising costs of clinical negligence claims. The MDU's head of professional standards and liaison, [Dr Michael Devlin, said](#):

"Although it has been announced that legal 'safe spaces' will protect and support healthcare staff raising concerns and contributing to investigations, it is also clear that there is nothing to stop other bodies, for example an NHS trust disciplinary panel or the GMC, from collecting the same information independently and disciplining doctors and other healthcare staff.

Therefore, it remains to be seen whether the new measures intended to provide immunity to staff will in practice foster the culture of openness that will allow patient safety initiatives to flourish."

Homelessness Bill

Freya Pascall
Senior Political Consultant

Homelessness featured strongly in this year's Budget, with £100m committed to combat rough sleeping by delivering low cost 'second stage' accommodation for those in hostels and refuges, plus a further £10m to help prevent homelessness in the first place. This built on the Rough Sleeping Social Impact Bond announced at the Autumn Statement, which also had its funding doubled from £5m to £10m at the Budget. Though welcomed by stakeholders, the Government is being urged to go further. An expert group comprising representatives from the National Housing Federation, Shelter, Homeless Link, Crisis and others published [proposals for a new English law](#), which would require councils to prevent more people from becoming homeless in the first instance.

Panel chair Professor Suzanne Fitzpatrick of Heriot-Watt University explained the current distinction between those considered 'statutorily homeless' and those who aren't, which led to single homeless people suffering "very poor outcomes". She pointed to legislation in Scotland and Wales that had addressed this blind spot in provision and said the time had come for England to follow suit by legislating on local government duties.

The proposed legislation would:

- Place a stronger duty on local authorities to help to prevent homelessness for all eligible applicants regardless of priority need status, local connection or intentionality;
- Extend the definition of threatened with homelessness from 28 to 56 days to provide local authorities with more flexibility to tackle homelessness at a much earlier stage; and
- Place a new relief duty on local authorities requiring them to take reasonable steps to help to secure accommodation for all eligible homeless households who have a local connection.

The Government of course has no obligation to follow these recommendations, but in a [recent debate](#) Local Government minister Marcus Jones said his Department was currently "exploring options to improve the evidence base regarding what works in tackling homelessness, and to help local areas target their interventions more smartly", and revealed he had reconvened the cross-departmental working group on the prevention of homelessness. At [CLG questions](#) he also told the House that the Government would "not ignore good practice where it is happening" in reference to Scotland.

Viewed in this context, given prior action in the devolved nations and recent investment to address homelessness, this could be a good candidate for the Queen's Speech.

Stakeholder commentary

Labour backed the proposals for new legislation, with Shadow Secretary of State for Housing and Planning John Healy saying: "As this important report shows, the legal protections for homeless people in England are not good enough. Ministers must also act now to strengthen the law to help prevent homelessness as Labour has done in Wales."

St Mungo's [Stop the Scandal campaign](#) has been calling for a new national rough sleeping strategy. Dominic Williamson, executive director for strategy and policy, and member of the panel, said "It's clear that opportunities to prevent homelessness are being missed."



Energy Bill

Rob Micklewright
Senior Political Consultant

In January 2016 the Department of Energy and Climate Change published a draft [Energy Bill](#) covering proposals on supply and switching, smart meters and competitive tendering for onshore electricity transmission. Energy secretary Amber Rudd stated in the foreword that the primary focus of the Bill would be to increase competition in the energy market and keep costs down for consumers.

The Energy and Climate Change Committee have undertaken pre-legislative scrutiny of the Bill and will publish their report on 4 May. Dods Monitoring understands the committee will welcome the Bill but with recommendations for potential amendments.

Part one of the draft bill, relating to the roll out of smart meters, would see the Secretary of State's power to amend licences and industry codes extended until 1 November 2023 instead of 1 November 2018 as it currently stands.

In the committee evidence sessions [industry expressed concern](#) that the extension of the powers suggested there was uncertainty about meeting the deadline for rolling out the programme by 2020. However Lord Bourne [said](#) the extension would enable DECC to review the outcomes of the roll-out and make changes if necessary.

Part two builds on the work of the Competition and Market Authority's investigation into the energy market and would give Ofgem the power to modify industry codes for five years including enabling customers to settle bills on a half hourly basis via a central data registration point.

Industry [raised concerns](#) about the transparency and competence of Ofgem if they were given these powers and the apparent lack of an appeal process. Lord Bourne [has said](#) the Government believed Ofgem were "the appropriate body".

Part three seeks to give Ofgem the power to award onshore transmission, and distribution licences on a competitive basis on the grounds that "nearly a quarter of the average household electricity bill in 2014 was made up of the cost of transporting electricity " as Amber Rudd also wrote in the foreword.

Ofgem's original consultation only extended to transmission and [witnesses to the committee](#) such as National Grid and the Energy Networks Association suggested they were surprised at the inclusion of distribution and the apparent lack of detail. Lord Bourne [later clarified](#) that it was very much a case of future proofing the legislation and that the detail would be brought forward in future secondary legislation.

For transmission there was debate in the committee sessions about at what stage competition would be introduced. Would it be in an "early model" or "late model"? Panellists indicated the early model would present more scope for innovation and, despite the legislation favouring the late model as it stood, Lord Bourne indicated the approach would be more flexible.

As with all draft legislation there is always the potential for additional elements to be included. However Lord Bourne appeared to rule out energy storage stating that the department's plans were not "oven-ready" for legislation.

Stakeholder commentary

There has been virtually no public stakeholder comment on the draft legislation either from industry or media.

Votes for Life Bill

Chris Fairbank
Senior Political Consultant

The Votes for Life Bill, announced after the Queen's Speech, will scrap the 15-year rule that sees British expats lose their votes in UK and European parliamentary elections once they have been out of the country for that length of time. This had been promised by the Conservatives in their manifesto published ahead of the 2015 General Election. The rule affects around one million of the five million British citizens overseas and the UK is one of only five EU countries to introduce such a measure.

The Bill would also make it easier for overseas electors to cast their votes in time to be counted, avoiding the situation in 2015 when thousands of votes were sent out too late to be counted during the General Election.

The Government resisted proposals from MPs and Peers to introduce the changes as part of the legislation defining the electoral franchise in the European Union Referendum Bill. Despite a legal challenge the Government stuck to their plan and the Bill allowing for the referendum was passed without the measure included. Christopher Chope (Con, Christchurch) introduced a [Private Members' Bill](#) to right the perceived wrong but the Bill did not progress beyond second reading.

Cabinet Office minister John Penrose said in response to Chope's Bill: "I compliment my hon. Friend the Member for Christchurch on introducing the Bill, and I reassure him that we are working extremely hard and hope to bring forward a Bill that will do many of the things that he proposes, including getting rid of the 15-year rule and enfranchising British citizens living abroad. In parallel to but separately from the Bill, we are trying to drive up registration among under-represented groups, including expatriates".

The Bill featured in the [Queen's Speech in 2015](#), but was not introduced in the 2015 Parliament.



Digital Economy Bill

Victoria Hemingway
Political Consultant

Following the extensive Digital Economy Act which was passed during the wash-up period of the 2009-2010 Parliament, there have been rumours that a new Digital Economy Bill will be announced in the Queen's Speech this year.

Ed Vaizey, Minister of State for Culture and the Digital Economy, has made reference to the wide ranging details of the Bill on a number of occasions.

Speaking in a debate on mobile infrastructure he hinted that it would include measures on the [electronic communications code](#) which governs access to masts and has a significant effect on the cost of maintaining infrastructure.

In light of growing dissatisfaction with broadband connection speeds, Vaizey also revealed a [universal service obligation](#) would be part of a Digital Economy Bill in a CMS committee session. This would provide the public with the right to request a 10Mbps connection.

Most recently, Baroness Benjamin [called](#) for primary legislation to make children's content a tier 2 requirement for broadcasters, stating it should be included "in the Digital Economy Bill".

It is likely that the Bill will be part of a broader Digital Strategy which Ed Vaizey first [announced](#) in December of 2015. Looking ahead over the next five years, it will aim to ensure the UK takes full advantage of digital transformation, providing means to apply new technologies to day-to-day life, the economy and government. A consultation opened alongside this announcement and stakeholders were asked to comment upon their priorities for the UK landscape in the digital age.

Although due for publication early this year, in March, Vaizey [told MPs](#) the strategy would not be released until after the European referendum. It remains clearly at the forefront of the work of the department for Business, Innovation and Skills with Baroness Neville-Rolfe, minister for intellectual property, [recently declaring](#) it was one of her key priorities.

Stakeholder commentary

Although stakeholders have not commented upon an upcoming Digital Economy Bill, it seems as though the wider Digital Strategy is keenly anticipated.

Following the Bean Review of UK economic statistics - which revealed the extensive impact of digital technologies upon economic performance – [TechUK](#) called on the Government to take account of, and make use of, the transformational impact of technology for consumers and businesses in the forthcoming strategy.

Elsewhere, a [letter](#) co-signed by leaders of 52 Chambers of Commerce demanded measures for improved digital and mobile connectivity for UK business. The Digital Strategy needed to promote, not impede growth ambitions, the letter declared.

Higher Education Bill

Victoria Hemingway
Political Consultant

Following on from commitments within the Conservative manifesto to “ensure that universities deliver the best possible value for money to students” the Government published a [Higher Education Green Paper](#) for consultation in November 2015, setting out proposals for further legislative reform of the higher education landscape.

The Green Paper set out plans to; increase access to higher education for those from disadvantaged backgrounds, establish a new Office for Students to promote the student interest and create a new single gateway for entry.

Perhaps most controversially, it also proposed measures to address teaching quality by introducing a new Teaching Excellence Framework to identify and incentivise the highest quality teaching within higher education. High scores would then permit universities to increase undergraduate fees.

The proposed framework was [critiqued](#) by a report by the BIS Committee in February who warned that “a poorly designed or rushed new Teaching Excellence Framework for universities would risk damaging the UK’s outstanding international reputation in higher education.”

The Sunday Times has more recently [revealed](#) further measures to be included in a Higher Education Bill. According to their article, large companies such as Apple, Google and Pearson will be able to offer cut-price degrees to students. The Sunday Times suggested this measure was borne of ministers’ dissatisfaction with universities that did not offer the quality and value for money which students expected.

A photograph of a [note](#) being held by an official entering Downing Street made it clear that a Higher Education White Paper was scheduled to be published alongside the Queens Speech and would be followed by a bill. However, statements in the document have raised concerns about the potential success of the proposed legislation.

The note revealed that BIS had not “figured out” how to solve problems of quality and regulation in higher education teaching. “There is a risk that the bodies and rules they will establish in legislation will not solve teaching quality” it continued.

In addition to this, the author suggested the Government was not likely to meet promises to double the proportion of young people from disadvantaged backgrounds in HE by 2020. It warned, “BIS think we will never achieve this from the established sector alone (probably because of a combination of high entry requirements and reluctance to expand too fast) – and the extra boost in access could come from growth by alternative providers.”

Stakeholder commentary

Stakeholder comment has revolved predominantly around the implementation of the Teaching Excellence Framework and measures used to judge the quality of higher education providers.

Higher Education think tank Million+ felt that linking fee increases with metrics set in the Teaching Excellence Framework would fail to provide students or employers with an accurate picture of the varied teaching and learning environments which universities offered, and could damage the reputation of the UK’s higher education sector.

The National Union of Students also expressed their disquiet with the framework by voting to sabotage next year’s National Student Survey. The results of the survey would be used by the Government in the TEF to measure the quality of teaching, consequentially permitting fee increases in the case of high scores.



Missing Persons Assets Bill

Daniel Laing
Political Consultant

This Bill would look to change the legal status of the transfer of possessions and assets of missing persons, in affect allowing guardians to act as care takers in the interest of the missing persons with guardians appointed by a court through proving sufficient interest.

The Conservatives have expressed a desire to change the current law that does not allow for control of a missing person's assets to be transferred until proof of death has been found. During a recent Westminster Hall [debate](#) the Commons heard of the difficulty faced by families of missing people in protecting the interest of the person and Parliamentary Under-Secretary of State for Justice, Dominic Raab confirmed introducing legislation to make this easier was a priority for the Government.

These comments from Raab follow hot on the heels of a [response](#) to a written question where the minister confirmed the Government had been working with stakeholders to get the legislation right and bring forward a strategy to support families who have people missing for more than three months.

The proposed change to the legal status for guardian of property has been on the Government's radar for some time and they have already explained some of the key features which could be included. The Bill is expected to put in place a judicial and supervisory structure to support the law and framework to ensure fiduciary style duties to ensure the best interests of the missing person and their family are protected.

It is likely that the detail of the Bill will require some debate once it gets going, with the Government keen to ensure that the law has the right limits. Other aspects include the requirement for the guardian to file accounts and work closely with the Office of the Public Guardian.

Stakeholder commentary

The charity Missing People have come out in support of the idea [pointing](#) to current cases where problems for family or friends can be caused by banks and insurance companies unwilling to discuss with the family while the missing person is not present.

Buses Bill

James Sloan
Political Consultant

First announced in the Queen's Speech of 2015, the Buses Bill was designed to complement the Cities and Local Government Devolution Act 2016. Transport minister Andrew Jones [explained in February](#) the forthcoming Bill would not impose any particular arrangement on local authorities or on bus operators. The Bill would allow local authorities new choices and include open data.

The Government would remove the requirement of a quality partnership scheme to always involve new infrastructure, with the introduction of new partnerships to allow local authorities and bus operators to agree their own standards for services in their own area.

Wales Bill

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Content Specialist

The announcement of a Wales Bill in last year's Queen's Speech saw the [publication](#) of the draft Bill in October 2015. Outlining the new powers to be transferred to the Welsh Government and National Assembly, it provided the framework for the devolution of power across a number of areas – including energy, transport and elections.

However, the draft Bill received widespread criticism, with claims that the extensive list of reserved powers, necessity tests and minister of crown consents could leave Welsh ministers with fewer powers than before.

In their [pre-legislative scrutiny](#) of the draft Bill, the Welsh Affairs Committee drew particular attention to the suggested list of non-devolved powers and asked for these to be reconsidered. Furthermore, minister of crown consents – whereby Welsh ministers would have to seek UK permission for certain laws – were criticised by both the committee and First Minister Carwyn Jones as “too complex” and an effective “[English veto](#)”.

In response, Stephen Crabb [announced](#) that the Bill, which was originally due to be published in February, would be delayed to allow for “significant changes”. These changes will see a scrapping of the necessity test and a reduction in the number of laws which would be subject to the so-called veto.

The establishment of a separate legal jurisdiction has also been a particularly significant issue. Crabb had emphasised that there was not a case at present to divide the single jurisdiction of England and Wales.

Labour too had ruled out the need for a distinct jurisdiction until Jones appeared to do a U-turn on the issue in March in his [alternative draft Wales Bill](#). Under these alternative proposals, the single jurisdiction would be divided to create a law of Wales and a law of England but with both served by a common judiciary and courts service.

Furthermore, it called for the devolution of policing and the criminal justice system after 2026 – a proposal which has received cross-party support in Wales. Indeed, Plaid Cymru home affairs and justice spokesperson Liz Saville Roberts MP described the delay of the Bill as a “[timely opportunity](#)” to further consider the recommendations of the Silk Commission in the devolution of policing. So, while the former Wales Secretary had previously ruled out a separate jurisdiction, his promise of a [working group](#) to explore the delivery of justice in Wales could potentially pave the way for concessions on the devolution of legal powers when the Bill is finally published.



British Sovereignty Bill

Thomas King
Content Specialist

The idea of a formal Act to assert the sovereignty of the British Parliament and courts over its European Union counterparts has been a prospective Conservative policy since its [2010 manifesto](#). The idea of a specific bill to this end was not introduced within the Coalition although the 2011 European Union Act did include a '[Sovereignty Clause](#)' and ensured that any further transfer of powers from the UK to Brussels would be subject to a referendum.

The [2015 Conservative manifesto](#) did not mention a specific commitment to a 'Sovereignty Act'. Despite this it did contain similar themes in the policy to repeal the 1998 Human Rights Act and replace it with a British Bill of Rights which would 'break the formal link between British courts and the European Court of Human Rights' and therefore assert the former's supremacy in UK law. The manifesto also included the aim to end the commitment to 'ever closer union' and strengthen the ability for 'national Parliaments to be able to work together to block unwanted European legislation' in any further renegotiation with the EU.

Both of these were arguably achieved by David Cameron when he returned from Brussels in February 2016 with a [new deal](#) to put to the electorate in the promised EU membership referendum to be held in June.

It is with this referendum in mind that the prospect of an explicit Bill on British sovereignty has again arisen. There were reports in February that Cameron had met with then possible, now actual, leave campaigners, such as Justice Secretary Michael Gove and Mayor of London Boris Johnson to discuss the prospect of a law to "[reinforce supremacy of UK courts over Strasbourg](#)". Johnson himself [raised the issue in Parliament](#) during the Prime Minister's statement on the draft EU renegotiations. Cameron replied that he would be "[keen to do even more to put it beyond doubt that this House of Commons is sovereign](#)".

[It has been suggested](#) that the Bill would make it clear that the UK's agreement to the primacy of EU law in 1972 was a gift which Parliament could therefore revoke. Another suggestion has been that the UK Supreme Court, or some other body, could be vested with powers similar to the German Constitutional Court that has powers to rule whether legal acts of EU institutions are concordant with the powers of the EU. Cabinet secretary Oliver Letwin had been charged with drawing up these plans.

Stakeholder commentary

Domestically the SNP Westminster justice and home affairs spokesperson Joanna Cherry has questioned the legal consequences of the bill for the devolved administrations by highlighting the idea that "[sovereignty of Parliament is a distinctively English principle](#)". This is coupled with the party's criticism of related plans for a British Bill of Rights.

The necessity of measures to strengthen UK courts in comparison to their EU counterparts has also been downplayed by [Eleanor Sharpston QC](#), an advocate-general of the European Court of Justice, who stated that the court does not rule on national cases, but provides national courts with legal clarification and advice.

Cyber Security Bill

Paddy Carroll
Political Consultant

Given the movement towards the greater use of technology in business, finance and government, rumours have circulated that the Government are preparing to bring forward a bill to tackle the problems faced with ensuring security of assets and data. The Government is also looking to compliment the measures within the upcoming Digital Economy Bill with actions to tackle the soaring crime rate due to online offences .

The Bill will allow the Government to implement their cyber security strategy and defend the national interest in an increasingly treacherous security environment due to global technological advancement.

Legislation has just been proposed in the United States which seeks to tackle issues on cybersecurity covering government, global commerce, consumer-facing technology and private enterprise. It is thought that the UK could follow by presenting their own bill raising awareness of the challenges faced and supporting the continued trend of moving online.

The Government have been [open](#) that they have laid aside £1.9bn to improve cyber-security in this Parliament. Recently Cabinet Secretary Oliver Letwin stated that the Government would publish a new five year strategy on cyber security as well as launching the National Cyber Security Centre in the autumn.

Tax Offence Bill

The recent revelations around the Panama Papers has provided extra incentive for the Government to actively tackle aggressive tax avoidance and tax evasion. The subject and the issues are not new, with the need for “clamping down on tax avoidance” featuring in all the parties’ General Election manifestos in 2015. Increased tax collection revenue has become an important tool for rebalancing the books and it is thought that the Government are set to bring forward a Bill to tackle the issues head on.

The Government has come under pressure following the reorganisation of HMRC and the fear that reduced resources would hinder efforts to tackle avoidance and evasion. The Government remain proud of their record in the area but indicated that there was more work to be done.

The Government launched a taskforce jointly led by HMRC and the National Crime Agency which draws on investigators, compliance specialists and analysts from HMRC, the National Crime Agency, the Serious Fraud Office and the Financial Conduct Authority.

It could be that as this taskforce reports later in 2016 its findings are taken forward in the formal framework of this Bill.



Schools Bill

Victoria Hemmingway
Political Consultant

Continuing the Conservative Party programme of educational reform, the Government published a Schools White Paper, '[Educational Excellence Everywhere](#)' in March this year. In light of this, it is thought that the Queen's Speech will include legislation on policy commitments made within the White Paper.

Perhaps the most contentious and widely commented upon aspect of the Schools White Paper is the commitment to make every school an academy by 2022. It is hoped that this measure will "provide real accountability, competitive pressure and choice – improving performance, enabling innovation and scaling success."

In light of this announcement there has been a considerable outcry - from stakeholders, the opposition and even from within the Conservative Party - shedding doubt upon compulsory acadmisation plans. Last month, the education secretary Nicky Morgan was asked to appear before the [1922 Committee of Conservative backbenchers](#) who called on her to revoke her proposals and ensure that legislation to convert all schools to academies was re-considered.

Appearing in a recent House of Commons Education Select Committee session, Morgan told MPs that she could not reveal what legislation would be included in the upcoming Queen's Speech, however she remained staunchly committed to academisation plans.

She again reiterated her case for every school as an academy at the [National Association for Head Teachers annual conference](#) stating that academy schools "improve outcomes for young people by ensuring the teachers who teach them...are given the freedom to make the right decisions in the interests of those children."

Moving on from structural educational reform, Morgan has also hinted of upcoming legislation on careers advice in schools. [In January she suggested](#) legislation would be brought forward to require schools to offer non-academic routes – such as apprenticeships - in parlance with academic routes in careers guidance.

Under new legislation, schools would be required by law to collaborate with colleges, university technical colleges and other training providers to ensure that young people were aware of all the routes to higher skills and the workplace, she said.

Stakeholder commentary

Possible legislation surrounding compulsory academisation plans has been widely commented upon by stakeholders. Teachers unions including [NASUWT](#) and the [NUT](#) have proclaimed opposition to the plans. In a [letter](#) to Morgan from the NUT, the union illustrated their concerns that the move was ineffective, undemocratic and expensive.

The National Association of Head Teachers has declared a similar position and most recently, after passing a motion that "no schools should be forced to become an academy", [have announced](#) that industrial action could be taken as a consequence of this proposal. Academy chains themselves have also expressed disquiet at Morgan's plans. Sir Daniel Moynihan, chief executive of the Harris Federation of academies [has argued](#) that Morgan's plans to press ahead with compulsory academisation is distracting from issues of teacher retention.

Wildlife Bill

Arpinder Baryana
Political Consultant

Under the coalition government the Law Commission were tasked with drafting a Wildlife Bill, which it duly published in its [final report](#) in November.

It recommended a Bill to consolidate and simplify existing legislation that protects wildlife in England and Wales and to reduce the current 'dependency' on criminal law by allowing a mix of regulatory measures, including guidance and a flexible system of civil sanctions such as fines and bans.

It further recommended the penalty for the most serious wildlife crimes ought to be extended from six months to two years.

Leader of the House of Commons Chris Grayling [recently hinted](#) a draft Bill would be included in the Queen's Speech. Grayling would not specify any timings but Rory Stewart [said](#) in a recent written answer that Defra aimed to respond to the Law Commission's report "by late 2016".

Stakeholder commentary

Nicholas Paines QC, Law Commissioner for public law, said: "Our reforms sweep away the confused and contradictory patchwork of existing legislation to provide a balance between the needs of the people who manage wildlife and those who want to protect it.

"We are recommending a modern, flexible regulatory framework that will allow for the strategic, long-term management of wild animals, birds and plants and their habitats. What we are recommending does not alter the levels of protection currently offered to wildlife but it will help people understand what their obligations and duties are in respect of wildlife, what they can and cannot do, and what to expect should they break the rules."



Prisons Reform Bill

Sabine Tyldesley
Political Consultant

Michael Gove has slowly but surely moved ahead with his reform zeal known from his days in education since his appointment as Secretary of State for Justice. Moving fast, Gove first surprised with the appointment of Charlie Taylor, who had been responsible for behavior at the DfE and commissioned a [review into the Youth Justice system](#), then announced a review [into education of adult prisoners](#) by former headteacher Dame Sally Coates; all before Party Conferences in October 2015 .

At the [Conservative Party Conference](#) he reaffirmed his intentions for criminal justice reform but explained that reform was needed to achieve more social justice “for the vulnerable and voiceless”, children in care, mentally ill people, poorly educated people and finally victims of crime. Speaking at the [Howard League’s AGM](#) in November 2015 Gove stressed this, with his since frequently quoted “turning liabilities into assets” line ,but also confirmed that a substantial part of his reform package would include significant prison reform, including the closure of old Victorian prisons and better opportunities through meaningful activity and education.

This culminated in the historic “[reform prison](#)” [speech](#) given by Prime Minister David Cameron in February 2016 - the first speech on prisons in more than two decades - where he outlined plans for six reform prisons to be created where prison governors are given complete control over budgets, management, staffing, standards and reoffending. This announcement followed multiple educational trips to Germany and the US, where Michael Gove took to the idea of remand-only prisons and collaborations with local employers to engage prisoners in vocational education and employment whilst inside, and showed interest in the Texan idea of “[problem-solving courts](#)” which address specific issues such as drug addiction and mental health.

Outlining some of his plans further at the [Justice Committee](#) on 10 March, Gove assured that greater autonomy for prison governors would tackle high levels of violence and re-offending and further confirmed that a draft Prison reform Bill would be presented during the Queen’s Speech. Since then it has transpired that it will likely include:

- Measures to give greater autonomy to prison governors in six pilot sites to create “reform prisons”
- Measures to secure greater accountability through the publication of league tables for reoffending rates, qualifications secured by prisoners and figured on improving literacy and employability; hours out of cell and purposeful activity
- Measures to increase use of technology: work with network operators to block phone signals to prisons; GPS tracking to allow controlled release for purposeful activity, family visits and employment and ‘increase security’ within prisons to stem the trafficking of drugs
- Proposals for further closure of old prison sites for redevelopment and further plans for modernisation of the existing estate
- Proposals—following the interim recommendations from the Charlie Taylor review—for young offenders institutions to be turned into secure academies, to aid rehabilitation through education.

Stakeholder commentary

Overall the reforms were well received, especially Gove's collaboration with criminologists, sociologists and think tanks to propose evidence based reforms and learn from research, such as randomised control trials in order to understand the effectiveness of interventions and programmes. Furthermore there was a collective sigh of relief following the reversal of many of former justice minister Chris Graylings policies, such as the U-turn on the [book ban in prison](#) and [legal aid cuts](#).

Not so well received were the announcements made that reform would go ahead without any plans to reduce the prison population or make proposals for sentencing reform. Former Justice Select Committee Chair Lord Beith for example questioned the impact of the total number of prisoners on plans for prison reform, and the voluntary sector and campaigning organisations remain sceptical whether reforms will be possible in light of overcrowding with Labour's Shadow Prisons Minister Jo Stevens [saying](#) "unless he urgently addresses these problems, those ambitions will never be fulfilled."

Counter-Extremism Bill

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In May 2015, the introduction of a forthcoming Extremism Bill was announced, which would implement measures proposed at the 2014 Party Conference to tackle non-violent forms of extremism. The Bill forms part of the [Counter-Extremism strategy](#), which was launched in October 2015 and outlines four ‘pillars’: to counter extremism ideology, support debates in faith communities fighting extremism, pursuing radicalisers and building more cohesive communities.

This was the building block that laid the groundwork for more measured legislations following a range of initiatives—including the [Prevent](#) strategy—to counter terrorism and extremism since 9/11 including the power to stop and search without suspicion; lengthy pre-charge detention; and control orders. A review of *Prevent* led to changes in the approach and widened the approach to preventing terrorism to challenging extremist (and non-violent) ideas that are part of a terrorist ideology.

There had already been initial resistance following [David Cameron’s speech to Ninestiles School](#) in July 2015 with some warning the plans could not be allowed to threaten the [pre-eminence of free speech](#), others focusing on the definition of ‘extremism’ that will appear in the Bill: “the vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs”.

The current Counter-extremism strategy outlines plans to counter extremism in all its forms: violent and non-violent; Islamist and the neo-Nazi. The proposed Counter-Extremism Bill is expected to include:

- The introduction of “Banning Orders” for extremist organisations that undermine democracy or use hate speech in public places
- New Extremism Disruption Orders to prevent people from radicalising young people
- Measures to restrict access to premises where extremists seek to influence others
- Proposals that allow the Charity Commission to remove charities that use funds to further extremism and terrorism
- Restrictions on immigration for extremists
- Powers for Ofcom to take action against domestic and foreign channels that broadcast extremist content

In February the Joint Committee on Human Rights launched an inquiry into the Government’s counter-extremism strategy to examine the compatibility on religious rights and freedom of expression with the proposed Bill.

During the past two [evidence sessions](#) of the Human Rights Committee in March 2016, various witnesses expressed their concerns with both the Prevent strategy and the proposals of the Bill, such as the ‘Prevent duty’ in schools, the potential restrictions for free speech as well as pressures on chief constables and even police and crime commissioners who may be pressured to use the new banning orders or declare certain groups extremist.

Stakeholder commentary

Independent reviewer of terrorism legislation, David Anderson QC was very clear [during his evidence session](#) that the proposed legislation could lead to a backlash from Muslim communities.

There have been further reports in the press that suggest the Bill may further heighten tensions, not just between Muslims living in Britain and policy makers, but moreover that the counter-extremism measures alongside the new Investigatory Powers Bill start to resemble the framework of a police state.

Most recently the greatest bombshell had been in relation to the 'Prevent strategy' which obliged teachers to report pupils suspected of terrorist activity or radical behaviour; which the National Union of Teachers [voted overwhelmingly to reject](#) the stating it caused "suspicion in the classroom and confusion in the staffroom".



For further information about this briefing please contact Stephen.Lamb@dods.co.uk or your political consultant.

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