

Women and Equalities Committee

Oral evidence: [Work of the Government Equalities Office](#), HC 356

Wednesday 11 October 2017

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Members present: Mrs Maria Miller (Chair); Philip Davies; Rosie Duffield; Kirstene Hair; Jared O'Mara; Jess Phillips; Tulip Siddiq.

Questions 1-90

Witnesses

I: Rt Hon Mr Nick Gibb MP, Minister for Equalities; Rt Hon Anne Milton MP, Minister for Women.

Examination of Witnesses

Rt Hon Mr Nick Gibb MP and Rt Hon Anne Milton MP

Q1 **Chair:** Good morning, Ministers. Can I thank you for coming along to give evidence today? We know you are incredibly busy and we know how much time it takes to prepare for a session like this, so thank you. I know you probably know who we all are, but if you could just introduce yourselves and your responsibilities, so that people who are watching today would know that.

Anne Milton: My name is Anne Milton; I am the MP for Guildford, and also Minister for Women and Minister for Apprenticeships and Skills.

Mr Gibb: I am Nick Gibb and I am the Minister for Equalities; I am also the Minister for School Standards.

Q2 **Chair:** I am going to kick off the questioning today and I wanted to just really understand, first and foremost, how you divide your responsibilities as Ministers, and also with the Secretary of State and others across Government who have equalities responsibilities. How do you do that, because it is not straightforward, is it?

Anne Milton: No, it is not straightforward. Interestingly, there is no job description for Members of Parliament and there is no job description for Ministers either. I do not think this role has been split before, in my memory, but it works quite well, with Nick and I both covering the equalities brief, me concentrating on women. For me, the fit is perfect with skills and apprenticeships, because a lot of the issues facing women



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are work-related. I see my role as a champion for women across Government and it is lovely; it is brilliant to be given what I would describe as a roving brief. I feel I have licence to dip into other Departments and contact other Ministers, just to make sure that, as a champion for women, women remain at the top of the pile. Ministers are very busy and they can forget, so I am the person who, if you like, is tapping them on the shoulder and saying, "What about women?"

Mr Gibb: I am very committed to LGBT rights; that is the principal part of my responsibilities as the Equalities Minister, as well as equalities across Whitehall and the EHRC and the Equality Act. In terms of dividing our responsibilities, within each of our portfolios, including being the School Standards Minister, there are multiple areas of policy, and juggling policy priorities within one's overall ministerial responsibilities is always a challenge.

Q3 **Chair:** So do you look after strategy across government?

Mr Gibb: I look after the EHRC and equalities more generally, but of course each of those departments, whether it is the Home Office or the DWP, is responsible for the policies. My role is a kind of co-ordinating role, if you like, and I am very proud of what we have achieved in terms of LGBT rights. The country should be proud of where we are in our legislation in terms of LGBT rights. We are recognised as a world leader, and it is maintaining that position as a world leader in these areas that is a priority for me in my role as Equalities Minister.

Q4 **Chair:** Can I just be slightly argumentative for a moment, though, as is the role of a Select Committee Chair? It is all well and good having a lot of people with responsibilities for various aspects of equalities, but do we not just end up with a situation where nobody is really responsible for making progress?

Anne Milton: Your point is maybe not so much about responsibility, if I may, Chair, but about accountability; who is fundamentally accountable? Departmental Ministers, DWP or the Home Office are accountable for the policies of their Departments. We are accountable for how well we have pushed equalities—for me, women in particular—within those Departments. The Government Equalities Office is situated in the Department for Education, so we are the final stop, but if it came to, say, the Home Office, then those Ministers are responsible for the policy.

Q5 **Chair:** Can I ask a very specific question? Which Minister is responsible for the race disparity audit and making sure that we see improvements? Which Commons Minister?

Mr Gibb: The statement yesterday was by the First Secretary, Damian Green.

Q6 **Chair:** Is he responsible for it?



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Mr Gibb: I assume that is the case. The thing about the GEO is inevitable when you have these cross-cutting Departments such as the Government Equalities Office. We do not have the mechanisms outside Education and Skills to implement those policies. Inevitably, when you have a cross-cutting type department, the implementation of those policies has to take place in the DWP, in DCLG and in the Home Office, because if you want changes to hate-crime legislation that of course has to be the Home Office and they have to consider the implications of equalities. In terms of the equalities of gender that we want implemented through the hate crime legislation, they have to consider the implication of that on other Home Office policies, and that is as it should be. The DWP, of course, has the levers, through all of its different policy areas, to implement disability rights and equalities that we want to see implemented.

Q7 **Chair:** I would just say, on behalf of the Committee, some areas are really clear, like gender and like LGBT, but other areas are not, and we would really welcome some clarity on who is responsible, particularly when it comes to race and religion; sometimes it can be quite difficult to find that out. Maybe you could let us have some detail on that later.

Moving on to another area that we are quite interested in, which is the new single departmental plan that is going to be published, when will the new single departmental plan that includes GEO be published and how will it differ from the current plan? Is there anything you can enlighten us on with regards to that, because in the current plan it says that GEO aims to extend opportunity, improve engagement and representation, and end isolation, segregation and violence for women and LGBT people, yet the performance indicators that you have are very narrow by comparison? How will this new plan work to make sure that we as a committee can hold you to account?

Anne Milton: Yes, absolutely, and I am sure Nick will want to add something here. I will not say what Government Ministers always say, which is that it will be published shortly, whatever that means. I do not have a date and I will let you know when that is coming. I do not know if you want to add anything.

Mr Gibb: No.

Anne Milton: As you rightly say, Chair, it is an important thing in order for you as a Committee to hold us to account.

Chair: Without knowing really what your aims are and your plan is and your strategy is, it is quite difficult.

Anne Milton: Yes.

Q8 **Tulip Siddiq:** Even if you do not have an exact date for when the report will be published, do you have some kind of timeframe, as in within the next year, or is there an indication of the date?



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Anne Milton: I hesitate to say, because the officials behind me will probably be feeling quite anxious, but I think it should be published within the next six months.

Chair: That would be really helpful.

Anne Milton: On the basis that it is on account of that document that we will be held to account, then a new plan must be done; otherwise you will not be able to hold me or Nick to account for it.

Q9 **Chair:** Following in a similar vein, the budget for GEO for the last financial year was £13.9 million. What is the budget for 2017-18 and is the budget for the Government Equalities Office ring-fenced within the Department for Education?

Mr Gibb: It is split between administration and programme budgets. The administration budget is about £4.6 million and the programme budget is about £9.6 million. We employ 70 full-time-equivalent people—76 actual individuals—in the GEO, and of course that is money that can only be spent within the GEO remit.

Chair: The budget itself is ring-fenced within the Department?

Anne Milton: Yes, I am sure it is. I would just add that on the programme budget you can add to that a £5 million fund for the centenary next year and a £5 million fund for returner programmes.

Chair: Okay, and that is ring-fenced, just to clarify. All of that budget is ring-fenced.

Anne Milton: Yes. It is important to spend money, because Treasury has a habit of taking it back from you if you have not spent it.

Q10 **Chair:** I just have a final question on budgets. On the important funding for abortions for women from Northern Ireland, have you had incremental funding for that or is that being found from within your programme budget?

Anne Milton: That is being found, I think, from within the programme budget, but I am happy to give you clarity. It is estimated to be in the region of about £1 million. That is incremental funding, somebody has whispered from behind.

Chair: That is really helpful, thank you; excellent. That is really helpful on budgets, setting out some of that. That is incredibly helpful.

Q11 **Philip Davies:** Why are the ethnicity and disability pay gaps for the Department for Education not published in its annual report alongside the gender pay gap?

Anne Milton: We are driving ahead with gender pay gap reporting—forgive me; I will come on to your precise question—which is absolutely brilliant. I make no apology for taking an opportunity to say how important this piece of work will be. For those who are not fully aware,



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we will publish the median and the mean hourly wage of both men and women. Sir John Parker is looking at ethnicity, and certainly the idea of publishing ethnicity pay gaps is very much on our radar. To some extent, we are right to do this first. Companies with more than 250 employees have to report by April next year.

Chair: I think Philip is particularly talking about your Department.

Anne Milton: That is right. As I say, I do not think we publish, because it would be part of that piece of work.

Q12 **Philip Davies:** I asked a parliamentary question to every Government Department earlier this year: "What is the gender pay gap, the race pay gap and the disability pay gap?" including to the Department for Education. I got an answer back, so why can you not publish it in your annual report? You clearly have this information, because you had to have it to answer the questions that I tabled earlier in the year.

Anne Milton: Oh, sorry. I see no problem, if it is in the public domain, of it being in the annual report.

Q13 **Philip Davies:** What is the race pay gap at the Department for Education?

Anne Milton: I do not know offhand, to be honest. You probably know better than me.

Q14 **Philip Davies:** Indeed I do, but the point is that you come here talking about this cross-cutting thing and saying, "Isn't it great that we have a job to tap other Departments on the shoulder and tell them this, that and the other?" Surely this information should be at your fingertips. You should be setting an example. You should know exactly where you are. How can you tap other Departments on the shoulder if you have absolutely no idea what is going on in your own Department?

Anne Milton: That is not entirely true. Officials have just passed me the figures: it is 11.2% for the DfE. You have the figures. You make a good point: those sorts of figures should be part of annual reports, because the more it is mentioned, the more people will take notice of it and the more we can put in place things to tackle it.

Q15 **Philip Davies:** It might help the Ministers to know what they are as well, by the sounds of it. What it sounded like from the start here is that, Anne, you say, "I am here responsible for women", and Nick said, "My main area of responsibility is LGBT". It gives the impression, given the fact that these things are not published by the Department for Education, that nobody really cares about ethnicity and nobody really cares about disability. Where is the care about these things in the Department, because you proudly announced what you were responsible for and they seem to be sadly lacking?

Anne Milton: That is not the case. I know Margot James, in her role in BEIS, has brought together a diversity and inclusion ministerial group. In



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fact, it was really useful looking at the work of the Hampton-Alexander Review and looking at the work that Sir John Parker is doing with his group, with a wide range of people around the table. It is absolutely not forgotten; there is no question of it. However, there is a limit to the amount of time that you have. For me—and I am relatively new in this role—gender pay gap reporting is going to be an important exercise not only to reveal what the gender pay gap is like within employers but also it will be an important lesson for us, as a Department, when we move on to things like the ethnicity pay gap and the disability pay gap: can we learn lessons from this exercise that we are doing now that would better inform how we might do it in the future?

Q16 Philip Davies: Are you saying that the gender pay gap is more important to your Department than the race pay gap or the disability pay gap?

Anne Milton: No, I am not saying that.

Q17 Philip Davies: So why is it a bigger priority for your Department to get sorted out than the other two? You seem to want to do that one before you move on to them. Why are they not all equally important to the Department?

Mr Gibb: You can learn from this process about how to implement it in these other areas, and that is what we are doing.

Anne Milton: Do not interrupt me, sorry.

Mr Gibb: I do apologise.

Anne Milton: No, not you.

Chair: Minister, woe betide anybody who tries to interrupt you.

Anne Milton: If Philip did not interrupt me, I would give you the answers to the questions before you asked them. We have started where we have, with the gender pay gap. It is not unreasonable to start with one first. It is sometimes what Government does not do, because when we see the results of this I am sure we will find that maybe we could have done this better: do we have the right size of employers? We said employers who have 250 employees; should that be a higher level or should it be a lower level? There will be all sorts of information that will inform how we might address the ethnicity pay gap and the disability pay gap.

Q18 Philip Davies: Are you saying that people from ethnic minorities and people with disabilities have to wait until the Government sort out the gender pay gap before they can expect and hope for any progress on their pay gaps?

Anne Milton: No, not at all. What I am saying is the work is going on and Sir John Parker has a group of people who are looking at exactly these sorts of issues. We are already aware of the problem. I do not



think there are any BAME people on any boards in the FTSE 100 at the moment. We know there is a problem. As I say, sometimes Government is in a rush to do things and I think we are sensible. They do have to wait; you are right. They do have to wait, because we want to get it right.

- Q19 **Tulip Siddiq:** I do commend the fact that you are looking at the gender pay gap, which is important, and in the future you are looking at the gap between people of different ethnicities and disability. Does your strategy take into account intersectionality, so there will be women who are also from an ethnic minority background and women who are disabled as well? Will you be looking at the pay gap between a woman who is of colour and a woman who is of colour and disabled? Does the concept of intersectionality come into your strategy at all?

Anne Milton: It is certainly very much in my mind, and you raise an important point, which is why, as I say, it will be very interesting to see what these figures reveal. As you rightly say, if you put on top of that for women issues around ethnicity, and if you put on top of that again maybe those women are also disabled, we will have a very much clearer picture. It is important, though, to get it right. We have had one meeting; we will have more. What is quite interesting is the discussion around the table about how we might address it, because even on ethnicity it is not that straightforward, to be honest, and we need to get it right.

- Q20 **Tulip Siddiq:** In your definition, does ethnicity take into account people from the Jewish community? Some definitions do and some do not; that is why I ask.

Anne Milton: It is exactly those sorts of questions we need to consider. I should not think it would end at that point either. There are other groups that we might consider.

Chair: In the interests of time, I am going to now move on. I feel that we could ask a lot more questions on that and maybe we will do on another occasion.

- Q21 **Jess Phillips:** The Government have said that they will be consulting on changes to the Gender Recognition Act and we just want to know when this consultation will be published.

Mr Gibb: It will be published soon.

Jess Phillips: Soon? I think "soon" is by two o'clock this afternoon.

Mr Gibb: It will not be published by two o'clock this afternoon. We do need to make sure we get this right, but it is going to be very broad consultation. We want as many interested parties to be responding to it as possible. The key issue is de-medicalising the process of gender recognition, and we want to make life better for trans individuals, but in reviewing the Gender Recognition Act we do want to make sure that we have as wide as possible a consultation, with responses from women's



groups, from LGBT groups, from business and from the faith-based organisations as well.

Q22 Jess Phillips: You pick up an important point in your answer; it is a societal consultation that you want to have and people need to have their say. Do the Government currently have any proposals or ideas about what seems to me to be the very hot topic of the issue around single-sex provision, such as women's refuges, women-only toilets, women's bathrooms, etc?

Mr Gibb: These are precisely the issues that we want to consult on. The numbers of people who will be affected by the review are relatively small compared to the population as a whole, but for those individuals this is a tremendously important issue. At the moment, you have to live as the new gender, you have to have a medical diagnosis of gender dysphoria and, for those people, these are hugely intrusive issues, but we are cognisant of the concerns of other groups in society and that is why this is going to be a very broad-based consultation.

Anne Milton: This is an opportunity, because I am aware of exactly the issue that you raised, Jess, around women's refuges and there are other settings where issues have been raised with me. If this is being tweeted out, it is a brilliant opportunity to tweet about the fact that we want everybody to respond, anybody who has a view on this. It is really important that we get a lot of responses.

Q23 Jess Phillips: How do people respond, just for the sake of publicity?

Mr Gibb: When we launch the consultation it will be very clear in the documents how you do so.

Jess Phillips: In the "soon time" when you launch the consultation.

Mr Gibb: Yes.

Q24 Jess Phillips: In the debate on 1 December 2016, which seems like decades ago now, the then Minister said that the GEO was in the process of collating updates on the 2011 transgender action plan. When will that progress report be published and the new strategy brought forward?

Mr Gibb: That will be published alongside the results of the consultation.

Chair: Just moving the discussion on a little bit, it was good to hear about the establishment of a diversity and inclusion ministerial group, which I am not sure the Committee was aware of, so that is to be applauded, and it neatly links into our next set of questions around the strategy.

Q25 Kirstene Hair: As you are the Minister responsible for cross-Government equality strategy, can you just outline what is the cross-Government strategy on equality?

Mr Gibb: We want to increase equality in life generally and particularly those protected characteristics in the Equality Act. Whenever we come



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across unfairness in society relating to those issues, we will take action. That is what is happening in all the Government Departments across Whitehall.

Q26 Kirstene Hair: Our predecessor Committee collected evidence from a wide range of stakeholders across multiple inquiries and suggested a written cross-Government equality strategy would give direction and unity of purpose of Government policy on equalities. Do you agree with that?

Mr Gibb: I do not disagree with that. Sometimes if you are over-ambitious in what you are trying to achieve you will achieve less than you want to achieve. We have a very clear set of ambitions in terms of LGBT. We have very clear ambitions in terms of women's equality. We are conducting a survey that was launched recently about LGBT issues. We had hoped 20,000 people would respond to that survey about the challenges people face in everyday life. In fact, over 100,000 people have responded to that survey and we will have a very detailed analysis of the problems LGBT people face in everyday life and the services that they receive. That will be a hugely useful piece of work going forward in terms of dealing with a particular section of society, who do suffer very greatly from discrimination today. One of my objectives of this role is to eliminate prejudice and discrimination wherever it still lurks in our society and that survey will be hugely helpful in doing that.

We have already announced changes to the rules about blood donation for men having sex with other men in terms of the period of abstinence they need to go through before they can give blood; we have announced changes from 12 months to three months, and of course we are going to review the Gender Recognition Act. These are hugely important pieces of work, and then we have all the issues of the gender pay gap that we are also working on, so it would be wrong to say that we are not ambitious across Whitehall in terms of dealing with these issues.

Anne Milton: I thought I knew about this role before I did it and I have only been doing it for five months, and I realise how little I did know, as Philip pointed out so helpfully. What you realise is how big the problem is, and I am only looking at women, and it is much bigger than I had accounted for. I am in the privileged position of now being able to focus on this, but the danger with the strategy is it will be full of warm words and achieve nothing. I feel, to some extent, what I need to do is to pick off some of the easier things, such as gender pay gap reporting—returners would be another thing, as would issues around flexible working for men and women, because of course, although I am Minister for Women, we are both in the business of equality so there are some issues for men as well—and drive them forward. However, strategies can end up sitting on dusty shelves with nothing happening to them.

Mr Gibb: Sorry, I am interrupting you as well as Philip Davies. Issues are very different for different groups of individuals, and that is why the Departments take their targeted action, although of course we will work



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closely across Government to ensure that we are driving forward progress in all areas. The EHRC itself, of course, does take action and supports certain cases in discrimination right across the whole range of issues, and they try to deal with issues even before they come to court as well.

Q27 Kirstene Hair: Just to move on to the performance indicators, none of the performance indicators that are set out in the GEO annual report for 2016-17 relate to your responsibility for cross-Government equality strategy and legislation. I just wondered why that was.

Mr Gibb: We can write to you about that.

Anne Milton: I do not know why that was not.

Q28 Chair: You can see why we, as a Committee, can sometimes struggle to understand the Government's priorities in equalities. As much as strategies can sit on the shelf and gather dust, it does not really give us an indication of what your priorities are. On Tulip's question about intersectionality, we have to become Inspector Clouseau to try to find out whether that is something that is really on the agenda. While I understand that these things can be very academic subjects, it helps a scrutiny committee to have a strategy that we can look at, so that we can be reassured that you are looking at these issues.

Anne Milton: Yes, and, Chair, you have raised an important point. I am proud of the role I played in making this Committee a permanent feature of the House of Commons, and although a Select Committee is set up to question Ministers and hold them to account, there is another opportunity for us to work together and see what that might look like to make sure that there is clarity and the sort of clarity that you would like in the work that both Nick and I are doing. Also, to help you grab hold of the person who should be held to account on any particular issue.

Q29 Kirstene Hair: Just to finish that point off, how do you measure the GEO's effectiveness in terms of cross-Government equality strategy and legislation?

Anne Milton: For women, there is a whole range of markers that you can do. I have mentioned the gender pay gap. Returners is an important issue. If I look at the other half of my brief, if you like, the number of women who have started apprenticeships, for instance, over 50%, indicates the direction. There is a whole host of figures that will reveal how women are doing, for want of a better word. Should we collect all those statistics in one place? Yes, we probably should. The only thing I would say is that there is a fine line with saying how well we are doing. I am very pleased that over 50% of apprenticeship starts have been women, and I am very pleased with the returners programme; it will not all be women but the majority will be. The danger is, in being pleased, you can sound self-congratulatory and complacent. Whatever we do in our time, however long it may be, as Ministers, there is no



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doubt about it: whatever we do will not be good enough; we will always have further to go.

- Q30 **Chair:** Can I just go back to the performance indicator question? This is something that slightly bemuses us when we look at the performance indicators, which are the difference between median earnings of men and women, number of women on FTSE 350 boards, percentage of senior executives in FTSE 100 companies who are women, the number of same-sex marriages, the numbers of schools participating in projects to prevent homophobic, biphobic and transphobic bullying; these are all laudable aims, but they just scratch the surface of the issues that I know that the Government are tackling. It is rather frustrating that we have the partial story about what the Government are doing rather than a more rounded view of what is going on.

Anne Milton: And maybe we can take this away as an action point: that we should ask the equalities officials to put together a whole host of data, which will be useful markers for you. It will also, in the same way as gender pay gap reporting is, demonstrate where we do not have any markers and allow us to consider whether we need them to demonstrate how equalities in the country are and how equally people are being treated. As I say, I am happy to take that away as an action point.

My maximum time is always six months on anything like this, so it will be with you in six months. There are people making a face behind me now.

Chair: Well done, Minister. We applaud your courage.

- Q31 **Kirstene Hair:** I wanted to move on to the Queen's Speech. In its section on equality, it set out priorities, including domestic violence and mental health. Supporting documents also refer to the race disparity audit, disability sector champions and the response to the Casey Review. What is the GEO's role in delivering this range of activity?

Mr Gibb: We do work across government Departments. For example, we are currently reviewing a number of disability-related measures including extending legal protection for discrimination because of mental health conditions that are episodic, if you like, and fluctuating. That is something that we are working cross-Department on and, of course, you know about the race disparity audit that was published yesterday.

- Q32 **Kirstene Hair:** Do you monitor the implementation of equalities commitments being delivered by other Departments?

Mr Gibb: Yes, we do. We work across Government Departments to make sure that these policies are being implemented effectively.

- Q33 **Jess Phillips:** So you monitor how well others are doing on equality. For example, will you monitor the equality impact of the Budget?

Mr Gibb: No. Every Department is subject to the public sector equality duty and every policy, right across Whitehall, has to take into account equalities issues when they develop policy. It is a key part of the policy



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development process. Of course, what we do not do then is monitor every single equalities impact assessment on every policy initiative in every Government Department. That is the responsibility of every single Department.

Q34 Jess Phillips: If it is found wanting, what would you do, as a Minister? I can just tell you now that it will be found wanting, so what will you do, as a Minister?

Mr Gibb: Where is it found wanting, those Departments and those Ministers are themselves responsible for implementing—

Jess Phillips: What if they do not do anything?

Mr Gibb: You could say that about every single Minister when they do not fulfil their obligations.

Jess Phillips: Sack them?

Mr Gibb: No. You can hold those Ministers to account. You can call those Ministers to this Committee to ask them why, in the DWP or the Treasury or the Home Office, they are not fulfilling their public sector equality duty. That is how they are held to account.

Q35 Jess Phillips: Do the GEO do that? Do the GEO get those Ministers in front of them and say, "You are not..."?

Mr Gibb: No, we do not do that. It is their statutory duty and they are responsible for fulfilling that statutory duty.

Q36 Jess Phillips: What if that statutory duty does not get fulfilled?

Mr Gibb: It is for Parliament and for the Government to ensure that those duties are fulfilled. That is what the whole process of Whitehall is designed to achieve.

Q37 Jess Phillips: Do you think they are achieving that?

Mr Gibb: None of us are perfect and the whole system is designed to—

Jess Phillips: With respect, do you think that they are achieving it?

Mr Gibb: We can always do better. There is no question about that. In every area we can always do better to improve equality in our society. That is why there are Ministers who are very keen to ensure this agenda is taken forward.

Chair: This really starts to go into the next question, which Kirstene might want to go into, because it is quite an important area again for us to understand the way you work.

Q38 Kirstene Hair: As part of the Government responsible for equality legislation, what action does the GEO take to ensure that policies across Government are not developed in a way that breaches the Equality Act?



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Mr Gibb: If we felt that the public sector equality duty, as drafted in the Equality Act, was not effective then it would be our responsibility to amend that legislation to ensure that it was more effective. However, as I have just said, the public sector equality duty is the responsibility of each Minister.

Q39 **Kirstene Hair:** As an example, did you provide support to the Ministry of Justice when earlier this year employment tribunal fees were found to unlawfully discriminate against women?

Anne Milton: No. That would be for the Ministry of Justice. The GEO will always have a view and we will be watching, if you like, but it is the way Whitehall and Government is set up; we cannot intervene. Whether that should change—

Mr Gibb: What we do have in GEO is a centre of expertise in terms of a public sector equality duty. Our legal advisers within GEO will provide advice to other Departments about issues of uncertainty over the public sector equality duty. That responsibility rests in GEO, but in terms of fulfilling that duty once advised, if there is an area of uncertainty, that then is the responsibility of that Department.

Q40 **Kirstene Hair:** What do you say to the argument that, as an office with significant cross-Government responsibilities, GEO would be more effectively housed within the Cabinet Office or as a stand-alone Department?

Mr Gibb: It is sufficiently small that it needs to be located in a Department somewhere in Whitehall. My personal view is that being in Education is a good place for it to be, because if you are trying to change attitudes to individuals, whether they have a disability or whether they are of a different race or whether they are LGBT, the starting point is our education system. It makes perfect sense to have it housed within the Department for Education, although there are arguments that it could be in the Cabinet Office.

Anne Milton: I would strongly endorse what Nick has said. I think it sits very well within Education, because if we get that right then we will not have the problems later on—if we get the education right. If we want to change and fundamentally shift things in this country, and we do want to and we want to continue to do that, then Education is a perfect fit for it, in some ways.

Chair: Having spent the first part of our session talking about GEO and the roles of Ministers, we would now like to turn to some of the particular reports that the Select Committee has done since we started. I am sure it comes as no surprise to you that the first one we want to talk about—and Jess is going to take up this line of questioning—is our report on sexual violence in schools and sexual harassment in schools.

Q41 **Jess Phillips:** Obviously, it has been more than a year since we reported on this and the Government were very responsive in saying that they



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would act on this, so I suppose the first question is: what have you done over the last 12 months that means that schools are any better equipped now to deal with the levels of sexual harassment in schools? Are we any better off than we were a year ago?

Mr Gibb: I think we are. We convened an advisory group of key groups, and they helped us revise the preventing and tackling bullying guidance.

Q42 **Jess Phillips:** Sorry, who is on that group, Minister?

Mr Gibb: On that group are the End Violence Against Women Coalition, the Anti-Bullying Alliance, the LGBT Consortium, the Family Education Trust, Girlguiding, the PSHE Association and Ofsted. They were on that group.

Q43 **Jess Phillips:** How many times has it met?

Mr Gibb: I think it has met about once.

Jess Phillips: It has met twice, I think.

Mr Gibb: Is it twice?

Jess Phillips: Yes.

Mr Gibb: We did not want this thing to deliberate for too long. We wanted the work to happen and we wanted to get the guidance out and the guidance was published in July 2017.

Q44 **Jess Phillips:** Can you give us a specific example where the work of this group that you are talking about has led to a policy change or Government action?

Mr Gibb: We made updates to the guidance to ensure that it does include references to bring incidents of sexual harassment and violence within the scope of school policies. We have also updated the appendix to include references to other places of advice schools can go to, which was not there before.

Q45 **Jess Phillips:** Okay, so now it includes the words "sexual violence" and "sexual harassment", and that was all the advisory group wanted.

Mr Gibb: We are also going to consult, in November, on another revision to the "Keeping Children Safe in Education" statutory guidance as well.

Q46 **Jess Phillips:** What reassurances are you able to give parents that schools are now in a better position to handle these incidents appropriately? As a parent myself, I cannot say I have noticed that there has been any change.

Mr Gibb: The guidance is very clear that schools have to have policies to ensure that the schools are safe and ordered environments.

Q47 **Jess Phillips:** What if they are not?



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Chair: What if they do not have the policies?

Mr Gibb: Ofsted will give a very poor report about schools if they are not safe places. If there are safeguarding concerns about any schools, those schools will probably either require improvement or be put into special measures, because they are key components of the Ofsted inspection.

Q48 **Jess Phillips:** So Ofsted will check on the policies now. Was that happening previously?

Mr Gibb: Yes, safeguarding has always been a key—

Q49 **Jess Phillips:** Okay, so Ofsted will now check on specifically how the school is tackling sexual harassment and sexual violence in schools. Am I correct in that?

Mr Gibb: Not quite. Ofsted's remit is to ensure that schools comply with their safeguarding remit.

Q50 **Jess Phillips:** How is that any different from what we had a year ago?

Mr Gibb: As I said, since a year ago we have changed the advice that we are giving to schools about bullying. When your report was published, we had just literally published a revised version of the "Keeping Children Safe in Education". It does have references to these issues. For example, it says it should be clear we want to minimise the risk of sexual abuse in school. That is already in our "Keeping Children Safe in Education" guidance. We published a revised version of that in September 2016, just as you published your report, and we continually review these pieces of statutory guidance to make sure they reflect modern issues—the new issues that arise in schools.

Q51 **Jess Phillips:** It is not that modern; we just talk about it now, as Harvey Weinstein has found out. What I cannot understand from your answers is what is any different from a year ago. As a girl, if I was sexually assaulted at school and I went to tell my teacher about it, what would then happen to me now, based on the Government's advice to schools?

Mr Gibb: All the guidance sets out what the school is meant to do.

Q52 **Jess Phillips:** What are they meant to do?

Mr Gibb: They are meant to refer these issues to the authorities and, depending on the degree of seriousness of the issue, it may be referred to the police and so on. All that is set out in the guidance, but we are going to revise again the "Keeping Children Safe in Education" guidance as well with another consultation.

Another policy that came out of that report, of course, was that relationships and sex education is compulsory in schools. We have changed the name SRE to RSE, to emphasise the importance of relationships, and we are going to have, again, a very wide consultation on the content of that curriculum that we want taught in our schools. The relationship element, of course, is also compulsory in primary



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schools. This is a huge change and it is a consequence of the report you published in 2016.

- Q53 **Chair:** Minister, it is extremely good to have you in front of us on this, not only because you are Equalities Minister but Schools Minister as well. How can you explain to us why schools are not reporting crimes to the police, and who is holding those people to account for not reporting crimes to the police? I am sorry, but do we really have to tell head teachers to report crimes to the police?

Mr Gibb: They do report crimes to the police.

Jess Phillips: How do we know?

- Q54 **Chair:** We have had evidence given to the Committee. Indeed, I am sure Ministers may well have seen the *Panorama* programme on Monday evening. The first point is that schools do not routinely report these things to the police, even when they are sexual assaults. How do we know whether they are reporting it, because the information is not gathered either by the school or by the police as to whether those reports have been made? Thirdly, the lack of a protocol or information or guidance on how you then deal with that situation seems to be something that is leaving headteachers flummoxed. I find it extraordinary that young girls are being asked to go back into class with people who have raped them. How do you respond to that, as Schools Minister?

Mr Gibb: Schools do have a duty to ensure they protect their children and to protect pupils who are victims of sexual assault and, in doing so, they are required to work closely with the police and other relevant authorities, including the local authority and health services, to ensure that those particular pupils are properly supported. The statutory safeguarding guidance is a huge document, which I have here in front of me, and it is very clear about these issues. In reference to peer-on-peer abuse, there is reference to it in this September 2016 edition. It says that it should be clear as to how victims of peer-on-peer abuse will be supported. Now, that, to me, is very clear that where there is such a case—I do not want to refer to specific cases—the perpetrator and the victim should not be in the same class.

- Q55 **Chair:** What happens if this is not dealt with properly in schools, though? Who is held to account and by whom?

Mr Gibb: This is an issue right across safeguarding issues and Ofsted does look at the way schools are managed, and if they are not convinced that this school has the proper policies in place and the proper approach to safeguarding, that school will be put into special measures.

- Q56 **Jess Phillips:** Can you read that guidance again, sorry? What was the guidance that you just read out?



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Mr Gibb: This is "Keeping Children Safe in Education". This is statutory guidance. We review it periodically and frequently, and it was last reviewed in September 2016.

Jess Phillips: You read out a little bit of it.

Mr Gibb: Yes, this is paragraph 76 on page 19. This is a whole section on allegations of abuse made against other children, and it says that staff should recognise that children are capable of abusing their peers. It says that governing bodies and proprietors should ensure their child protection policies include procedures to minimise that risk of peer-on-peer abuse, and it says what should happen if there is such abuse happening.

Q57 **Chair:** How many schools have been put into special measures as a result of not having the correct processes in place, given the fact that we know that there are thousands of young people affected by this and that there are a number that appear to have been inappropriately dealt with? How many schools have been put into special measures?

Mr Gibb: Many. I could not give you the precise figures. Every year Ofsted will publish all this data.

Q58 **Chair:** As a result of this particular problem?

Mr Gibb: I do not know if it goes into that level of detail, but in terms of concerns over safeguarding, this is something Ofsted takes extremely seriously. It can have superb academic results but if its safeguarding policy is not adequate, that school will be in special measures or further action. We can get you chapter and verse on precise numbers.

Chair: That would be extremely useful, for you to write to us on that particular issue.

Q59 **Rosie Duffield:** It is reassuring to hear that Ofsted take this very seriously and they will put schools into special measures, but having worked in schools quite a lot, I know that they only come in every four years or so, so what happens in between? If there are some serious incidents, who is holding that school to account in those three years in between? Something might happen in one year and you have just had an Ofsted inspection, so you know you have three years. You are passed as "good" or whatever.

Mr Gibb: Ofsted will also revisit a school if there are whistle-blowing issues. If things happen in a school, if Ofsted get an indication that there are problems in a school, they will reinspect the school because of those indications.

Q60 **Rosie Duffield:** What about in between? Is there not another body that could go in and be separate from that, just focused on the safeguarding or sexual violence?

Mr Gibb: Schools are run by professionals and, ultimately, you have to trust the professionals who are running our schools. We have these



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periodic inspections to make sure the systems that are in place are the right systems to ensure safeguarding. If those systems are regarded as adequate and sufficient, then we trust the professionals to ensure those systems are complied with. When things go wrong, as things will go wrong, then that will trigger an inspection by Ofsted even outside its normal inspection routine.

Q61 Jess Phillips: The guidance that you just read out does not explicitly say anywhere, "Do not put a perpetrator back in a classroom with a victim".

Mr Gibb: No, it does not.

Q62 Jess Phillips: Is there any reason for that?

Mr Gibb: This guidance cannot anticipate every single possible circumstance that could occur, so it is written in general terms. It says that the policies of the school "should be clear as to how victims of peer-on-peer abuse will be supported". That, to me, would include issues of not putting those two children in the same class.

Q63 Jess Phillips: Yes, but that would be made clearer if it said it in the guidance.

Mr Gibb: Yes, you could change it and that is why we do revise this guidance periodically and frequently, to take things into account, but the danger of trying to list every single possible circumstance is there will always be a new circumstance that you do not include.

Q64 Jess Phillips: I understand that every case is completely different. However, I would say that it is a fairly basic presentation of all victims' laws for the past 20 or 30 years that you try to remove a victim from a situation, for example, in court or in health services; keeping a victim and perpetrator separate, has pretty much underpinned every single victim piece of legislation for the past 30 years. Would the Minister consider updating the guidance in order that this one could also be underpinned with the same principle?

Jared O'Mara: As a matter of urgency.

Mr Gibb: Yes, I can go further and say we are going to revise this guidance and the start of that process will happen this November, but also we are going to issue interim advice about peer-on-peer abuse more urgently, as you say.

Q65 Jess Phillips: You have told us that Ofsted will look into it, but what can individual parents do if they feel that this is not being dealt with properly?

Mr Gibb: There are many things. There is always a local authority designated officer on these issues.

Q66 Jess Phillips: With the greatest respect, do you think that most parents know who the local authority designated officer is?



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Mr Gibb: No, I agree. There are complaints procedures that every school has and they have to publish the details of that process on their website, so they can go through that complaint procedure and they can also whistle-blow their concerns to Ofsted, which will then consider whether to trigger an Ofsted inspection.

Jess Phillips: Individual parents can whistle-blow to Ofsted themselves.

Mr Gibb: Yes.

Q67 **Jared O'Mara:** What happens if a parent does not believe Ofsted are doing their job in terms of upholding safeguarding rules? If they have a complaint about Ofsted, is there an ombudsman or anything like that they can go to above Ofsted?

Mr Gibb: There is a complaints procedure within the Ofsted regime.

Q68 **Jared O'Mara:** An internal one?

Mr Gibb: Yes. They can always write to the Secretary of State, they can write to Members of Parliament, to Ministers and so on as well, if there are concerns.

Q69 **Jess Phillips:** The Committee has seen a letter to a solicitor from the Department, specifically around these issues. It does not go into a specific case and nor will we, but it is about our ability to protect girls who have been sexually assaulted at school. You say in the letter that it is good practice for statutory guidance to come into force at the beginning of the school year. That now means that this statutory guidance, when our report was a year ago, will now come into force in September 2018.

Mr Gibb: Yes.

Q70 **Jess Phillips:** Do you think it is acceptable, either to the girls or to the schools, that two years will have passed for this guidance to come into force when we called for immediate action?

Mr Gibb: Since that report we have had a general election and—

Jess Phillips: Those sexually abused girls have certainly taken note of that.

Mr Gibb: We are going to be issuing interim advice concerning peer-on-peer abuse this term to reflect that. As I said, we are also going to launch a new consultation on revising the current guidance as well, "Keeping Children Safe in Education".

Q71 **Jess Phillips:** So much of sexual abuse in general society comes from gendered stereotyping and gendered attitudes. It is the root cause. It is not about urges; it is about women's position in society. In the future, for the changes to relationship and sex education, will that include, at every stage, issues about gendered attitudes and gender equality?



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Mr Gibb: That is what we are going to be consulting on: precisely what it is we want to be in the curriculum for RSE and for relationship education in primary schools. Again, it will be a very broad-based consultation. These are sensitive issues. The whole of RSE contains a huge number of sensitive issues and that is why we want the consultation to be as broad-based as possible.

Q72 **Jess Phillips:** I think there is nothing more sensitive than your child being abused at school. There is nothing more sensitive than wanting to make sure that they are protected, and sensitivity is in the purpose. That is my personal opinion. I would rather talk to my children about rape when they were four than for them to be raped when they were eight.

Anne Milton: This is not my brief, but to the issue you raise on gender stereotyping, I think relationship education in primary schools is critical, because arguably by 11 those gender stereotypes are imprinted in children's brains and you cannot start that conversation early enough. There are other things going on not to do with schools. The Advertising Standards Authority moving away from gender stereotyping in advertising is important. Nick can do all he can within schools, but there are wider societal changes that need to happen to prevent exactly what you refer to, Jess, and we can underestimate the impact that that can have.

Q73 **Chair:** We could have taken the entire session talking about this and I do hear from Ministers here today a real understanding of the need to act, but the Committee is perplexed as to why it does not appear to have more urgency. I understand that the education wheels move slowly, but we are talking about children being abused in schools on our watch, and that just has to change quicker than we are hearing.

Mr Gibb: Do not underestimate the things that we have done since 2010. One of the key policies in our Education Department in our huge reform agenda has been about behaviour generally in schools, making them safe places for children and not to be victims of any kind of bullying. That has been successful to a large extent. There is more to do, but that has been a key priority of the Government from 2010, to improve behaviour in our schools, for the reasons we have been discussing but also because, unless you get the behaviour right, you cannot teach. It is as simple as that. You cannot raise academic standards in schools if the behaviour is violent, if there is bullying prevalent in schools, and if there is low-level disruptive behaviour as well. All those issues have been a priority for Government policy since 2010.

Chair: As I say, I think we could spend an awful lot more time on it, but there are a few other issues that we want to cover before we have to break, and I know Rosie wanted to particularly focus on our report on women in the House.

Q74 **Rosie Duffield:** Our predecessor Committee produced a report with lots of recommendations about the balance of equality in the House, but the



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Government's response was to reject all of our recommendations. Does that mean that the Government are satisfied with the current rate of progress?

Anne Milton: No, it does not mean the Government are satisfied with the current rate of progress, and certainly, as somebody who came into the House in 2005, along with the Chair of this Committee, there were six women elected to the Conservative benches and we took the total number of women on the Conservative benches to 16; it was 17 when Chloe Smith was elected in a by-election. As somebody who went into politics because I did not think people like me were well represented—that was not just being a woman; it was just people like me, because I had been a nurse all my life—I feel incredibly strongly about it. I do not think I fully appreciated just how bad the figures are, not just here but elsewhere: 17% of council leaders are women, and 33% of all councillors.

The most shocking figure to me is that of the boards of combined authorities only 4% are women. I know the Government have rejected all of your recommendations. Legislation can have a role, but the danger with legislation is you get compliance and you do not get a change of culture. For me, what this has highlighted is that there is a much wider problem. This is for political parties. I am making no party-political point here, but I was quite surprised that when the Labour Party introduced all-women shortlists—I do not agree with them, but I can understand the drive behind that—even with that, only 40% of Labour candidates were women. We all have a shared problem.

Next year is the centenary of the extension of the franchise to some women—let us not forget that it was to some women, not all women; we must make sure the language is correct. At GEO, we do not currently issue any guidance or recommendations to political parties. I would like to see us do that. There is quite a wealth of information out there from political parties: all-women shortlists, in the Conservative Party Women2Win, and I know the Liberal Democrats and the SNP have done other things as well. I would like to see GEO publish some proper guidance next year. It would be timely because it is the extension of the franchise, but I cannot tell you how strong my commitment to this is.

I should take the opportunity to praise the Speaker. His diversity and inclusion panel has moved things along quite a long way. If I think of men taking off their ties in the Chamber, it is a small thing, but it is about equality. It is about saying that women do not have to wear ties so why should men. Those little changes can make a difference.

What we need to do is to change the culture as well. As I say, legislation has its place, but it can be a very blunt weapon; it can become a tick-box exercise. What we need to do is to change the culture, and it is critical that we do not just confine it to Westminster; the reason why I feel councils, combined authorities and political leaders are important is because that is often a pipeline for the political parties into Westminster.



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One can go further and look at public appointments as well, which also have a role to play.

I would like to see that published in the middle of next year. It would be a timely opportunity. GEO has not previously been involved in this, and I would welcome the opportunity to have discussions, maybe not in public, with the Committee, because you all have a lot of expertise, arguably more than me, which could feed into the guidance that we might publish.

Q75 Rosie Duffield: You have kind of answered the next question, but we agreed to ask it, so I am going to ask it anyway. The Committee and the Government agree that political parties bear most of the responsibility for improving Parliament's gender balance by putting women in positions to win seats. Surely we can also agree that does not mean there is nothing the Government can do; what steps are the Government planning to take?

Anne Milton: On the basis that the Conservatives are running the Government, if I look at the political representation, 29% of our candidates were women, but 36% of the Cabinet posts are women. Women are over-represented in the Cabinet compared to the number of Conservative women who sit on the benches. There are things the Government can do by example—by showing women as positive role models.

I am always nervous of legislation. I am always nervous because you get compliance, you force compliance, but you do not necessarily get the culture shift.

Q76 Rosie Duffield: It does work though, does it not? We know that it does.

Anne Milton: In terms of compliance, yes, it does. Jess has just been talking about gender stereotypes. We can issue all the guidance we want, but we also have to shift culture and, to some extent, it is a responsibility that all women in Parliament hold, which is to encourage more women to get involved in the democratic process. That is such a ghastly word, because it is meaningless. That is not just about voting; that is about participation. I enjoy taking an opportunity, on any occasion, to inspire young women, and all of us, as Members of Parliament, have that responsibility.

Q77 Rosie Duffield: Absolutely. We asked the Government to bring section 106 of the Equality Act into force to require parties to publish candidate diversity data. The Government have said no. If requiring employers to publish data on their gender pay gap is essential to closing the gap, why would reporting candidate diversity not help improve the representation of women in Parliament?

Anne Milton: It comes back a little to what I previously said. I have shifted slightly on this. In my previous role as Deputy Chief Whip, I lobbied, along with your Chair, for implementation of section 106. I am not sure now that it is that simple. We should hold all the political parties



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to account for their candidate diversity. In fact, the figures are out there; it is a matter of public record who stood at any general election, so it is not hidden; it is not in one place. I am thinking again about what more we can do and, as I say, that guidance. I will consider anything, including legislative changes if I thought they would not only tick the box for compliance but would shift the culture.

Q78 Rosie Duffield: Particularly within that, it is not just women, is it? It is diversity.

Anne Milton: No, it is not just women. It is diversity and people with disabilities as well and you could go slightly further on some issues too. For me, personally, one of the reasons that women have not been represented on boards and one of the reasons that people from BAME communities are not represented on boards is because if you are from that group, you look at the board and you say, "People like me do not do this", and we absolutely have to change that.

Chair: Again, that is another subject that we could have had an entire session on, but we wanted to do our last set of questions around the very important area of the Equality and Human Rights Commission, for which your department is responsible, and Jared is going to lead the questions on that.

Q79 Jared O'Mara: First, I have a two-part question: as you have settled into your new roles, how have you found your relationship with the Equality and Human Rights Commission and how effective do you consider the Commission to be in enforcing the Equality Act and working towards the elimination of discrimination and harassment?

Mr Gibb: I have had one meeting with David Isaac, the Chairman of the Commission. I have yet to meet Rebecca Hilsenrath, the Chief Executive; she kept changing the date and we could not meet. I think the EHRC is an effective organisation. It has had some issues in the past, but I want it to be focused really on making sure that it is supporting cases, particularly strategic cases, leading cases, in terms of enforcing people's rights under the Act. I believe it does need to be more focused on doing that.

Q80 Jared O'Mara: What about at grassroots level? If somebody on a low income, say an LGBTQ person, were to be discriminated against at a bed and breakfast and been told, "Sorry, we are not going to let you and your partner share a bed", could they go to the Commission and get support and get legal aid for taking a case against that service provider?

Mr Gibb: The EHRC will support cases.

Q81 Jared O'Mara: In every instance?

Mr Gibb: Not in every instance. They will support cases that they regard as leading cases that have important wider implications in terms of



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enforcing rights. That is a good way of using their resources and I fully support them doing that.

Q82 **Jared O'Mara:** Do you not think that the Equality and Human Rights Commission would have more teeth were there to be proper legal aid, on a means-tested basis, for people where there have been breaches against their rights under the Act?

Mr Gibb: We are about to embark on a tailored review of the EHRC, and these are the kinds of issues that can be considered, debated and consulted upon during that review.

Anne Milton: Just out of interest, they were present at the diversity and inclusion meeting I went to with other Ministers, so it was useful to have them there and their input was important.

Q83 **Chair:** I was not aware there was a review. When was that announced?

Mr Gibb: They are regular and there is going to be one about to commence.

Q84 **Jared O'Mara:** What discussions have you had with the Commission about the changes it called for on its 10th anniversary? Do you agree with David Isaac that the Commission would be more independent if it reported directly to Parliament? What is the Government's view on the additional powers the Commission has said that it is seeking?

Mr Gibb: I am aware that David Isaac would like the EHRC to be more independent and to report directly to Parliament. The EHRC is independent in the way that it performs its functions and in terms of enforcement powers as well, but these are precisely the issues that a tailored review will be considering.

Q85 **Jared O'Mara:** Have you sat down with David Isaac personally and spoken about these issues in detail?

Mr Gibb: Yes, we have had a discussion about precisely these issues.

Q86 **Jared O'Mara:** In detail?

Mr Gibb: Yes.

Q87 **Chair:** Ministers, you will be aware that this Committee did not recommend that the new Chair be appointed and we published a report on the reasons behind that. What work have you done to make sure that GEO is aware of how many times the Chair has had to recuse himself from discussions in his role as Chair of the Equality and Human Rights Commission as a result of a conflict of interest?

Mr Gibb: Those conflicts are managed. Conflicts exist when you appoint senior people to these positions. They are managed within the process, but we will write to you, because these are sensitive issues. I will write to you, Chair, to give you chapter and verse on that matter.



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Q88 **Chair:** Could I also ask that within that letter you outline what information was given to GEO with regard to Pinsent Masons' purchasing of a diversity consultancy as well, which appears to be an interesting development of their business—Pinsent Masons being the company in which the Chair is a partner.

Mr Gibb: Again, I will write to you about that. I will include that in the letter.

Q89 **Chair:** Thank you. Could I ask you to write to us swiftly, because we are also talking to the Chair of the Equality and Human Rights Commission in a fortnight?

Mr Gibb: You will have a letter in time for that Committee hearing.

Q90 **Chair:** That is very helpful; thank you very much. Thank you very much for your time. Again, can I just underline how much the Committee values these sessions? We learn something new every time. We know that they take a lot of time out of your diary and that you are incredibly busy people, so, on behalf of all of the members of the Committee, thank you very much for your time and we look forward to having you in front of us again at a future date.

Anne Milton: If I may say, Chair—it is possibly unorthodox but I am quite an unorthodox person—it would be quite useful, possibly not in public session, for us to work more closely with the Committee because, as I say, you are a source of expertise. You spend your time talking to other witnesses and I am sure that expertise could better inform the work that we do.

Chair: That is a very kind offer. Thank you very much.