

national information forum

Working for the inclusion of disabled and other disadvantaged people
by encouraging better information provision

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For members of the National Information Forum*

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THE PERSONAL CARE AT HOME BILL

These intended provisions, which the present Government plans to bring into effect in October 2010, have been well publicised, featuring in the speech prepared for the Queen. They were open to consultation until 23 February. Nevertheless they remain deeply controversial.

Existing powers allow local authorities to provide certain community care services free of charge for up to six weeks. The Bill, if and when brought into effect, will remove this time limit in respect of personal care at home for those “in the greatest need”. This is seen by the Government as the first step towards establishing a new National Care Service, and is expected to guarantee free personal care for 280,000 people.

The Association of Director of Adult Social Services (ADASS), however, has some serious reservations. While welcoming efforts to reform adult social services and supporting the principle of helping people to live at home, ADASS is concerned that the scheme needs to be properly funded and doubts the wisdom of introducing it on such a short timetable. The legislation will benefit only those people who live at home (including supported housing), have critical needs and require support with four (of six) specified activities of daily living. Those whose needs, although substantial, fall short of these criteria will not benefit. Even for those who qualify, only personal care will be free. Non-personal care and support will continue to be means tested.

ADASS is further concerned that new funding will be insufficient to cover the cost of the scheme. It does not believe that Government’s estimates of the total cost (£670m) are robust, considers that the national costs will be at least £1 billion, and that local authorities will have to pick up the shortfall. Although a review has been promised, additional funding is unlikely to be provided before 2012-13.

More at www.adass.org.uk.

CITIZEN ETHICS IN A TIME OF CRISIS

Recent events, both in Parliament and the wider world of public and private enterprise have come as a sharp reminder of the importance of ethical standards, and the devastating consequences that can follow when our main guiding principle is self-interest. Human behaviour has never been perfect, but those of us who have been around for a long time tend to be acutely aware that the prevailing ethos is one that has given up on many of its core



values, encouraged by a philosophy based on the imagined supremacy of market forces. We are beginning to grasp that change is needed in our economic and political thinking and in the values shared in our communities, no longer predominantly shaped by a common religious belief.

A valuable contribution to set you thinking and hopefully stimulate progress to a new morality has been produced by the Citizen Ethics Network in the form of a 60-page pamphlet available at www.citizenethics.org.uk or as a free hard copy from Barrow Cadbury Trust, 6 Kean Street, London WC2B 4AS in response to an A4 SAE (currently £1.04 second class).

HIGHER THAN EXPECTED MORTALITY RATES AT 25 NHS TRUSTS

Professor Brian Jarman, emeritus professor at the Imperial College School of Medicine, one of the Forum's longest-standing patrons, has warned the Government that 25 named NHS trusts should be investigated because, on 2007-08 figures, a total 4,600 more patients had died there than would have been expected. Although this did not prove anything, it could indicate broader problems with patient care.

Professor Jarman remains critical of the Care Quality Commission's over-reliance on self-assessment by trusts. He pointed out that every year only 20 per cent of hospitals are inspected, and only 20 per cent of cases are assessed within that selection: that is 4 per cent of all cases. Even then, when the results of on-site inspections are compared with self-assessments some two thirds are found to be incorrect.

For the full BBC report and to identify the 25 trusts go to: <http://news.bbc.co.uk/1/hi/health/8584600.stm>

EXEMPTION FROM FREEDOM OF INFORMATION ACT FOR ROYAL COMMUNICATIONS TO BE MADE ABSOLUTE FOR 20 YEARS

On 25 February, the Government issued a 'Command Paper' (Cm 7822) to confirm, among other things, that "In order to ensure that the constitutional position of the Monarchy is not undermined, information relating to communications with the Sovereign, the Heir to the Throne and the second in line to the Throne, and those acting on their behalf, will be covered by an absolute exemption [from the provisions of the Freedom of Information Act] for a period of 20 years". If the member of the royal family to whom the information relates is still alive after the end of this 20-year period the absolute exemption will continue to apply until five years after their death. These provisions were added to the Constitutional Reform and Governance Bill 2009-10 at its report stage on 2 March.

We made our views on this trailed change explicit in News Briefing no.16 (December 2009). We now confirm that view. At a time when there are clarion calls for greater transparency in public affairs we think it extraordinary that information relating to communications with senior royals should be cloaked in secrecy. The present exemption provides an adequate public interest test and we think that a blanket ban is wholly unjustified. In the context of constitutional modernisation it is surely a step in the wrong direction.

DEMENTIA CRISIS

In News Briefing no.17 (January 2010 - Dementia Gateway) we reported on new guidelines on dementia care for health and social care staff. The problems posed by the rising incidence of dementia are even more dramatically revealed by a new report (Dementia 2010) from the Alzheimers Society. This finds that there are already 820,000 people living with dementia in the UK. Yet only 2.5% (£50 m) of the Government's medical research budget is currently spent on dementia research, compared to almost 12 times as much (£590 m) on cancer research.

Yet dementia is costing the UK economy £23 billion a year, nearly twice the cost of cancer, three times the cost of heart disease and four times the cost of strokes. This disparity is likely to increase as the population ages.

The report can be downloaded from www.alzheimers-research.org.uk.

A NEW STRATEGY FOR THE DELIVERY OF LEGAL AID

In response to a review headed by Sir Ian Magee, the Ministry of Justice has announced new plans for the future delivery of legal aid. It is said that these will ensure that the budget will deliver best value for money, a turn of phrase carrying the implication (though this is denied) that the independent Legal Services Commission (LSC) has not been doing so. The relevant press release (3 March) comes with the spin that the changes will ensure that the most vulnerable people in society continue to get the legal help they need. But we recall that ten years ago the LSC was trumpeted in much the same way. Since then the LSC has been the subject of a number of critical reports and the decision has been taken to transfer the work of the Commission to an executive agency under the control of ministers within the Ministry of Justice. This, it is claimed, will “see a new and stronger relationship between the Ministry of Justice and the Legal Services Commission and tighter financial control over the £2.1 billion budget.”

But outside the Ministry the planned move has raised grave concerns. The LSC’s chief executive, Carolyn Regan, resigned immediately and has been replaced by Carolyn Downs, Deputy Permanent Secretary at the Ministry of Justice. The fear now is that the legal aid process will be politicised and lose its independence. Although Lord Bach, for the Government, has claimed that there will continue to be a “clear separation” between ministers and funding decisions in individual cases, there is a perception that such assurances are not enough. The Legal Action Group has commented “Procedures for granting legal aid need to be above such suspicion or the justice system risks being undermined.”

For the Legal Action Group’s full response go to www.legalactiongroupnews.blogspot.com

EQUALITY AND HUMAN RIGHTS COMMISSION STILL UNDER FIRE

The EHRC has been dogged by fundamental failings in its conception and establishment. A report by the Public Accounts Committee on 4 March is heavily critical of structural defects. Many of these relate to the way in which it was brought into being. Notwithstanding setting-up costs of nearly £39m, the process was seriously flawed and lacked a comprehensive project plan:

- Delays in appointing key staff meant that the Commission was not ready for business on time.
- Changes in the sponsoring departments prior to the launch undermined departmental leadership and continuity in guidance.
- The launch went ahead even though the EHRC’s business plan, job descriptions and staff allocation had not been finalised. It should have been delayed.
- The Board did not effectively oversee or scrutinise the set-up process or the management’s decisions. In particular, the Commission’s Chair should have ensured this, particularly in the period before the Chief Executive was appointed.
- Certain valuable staff were allowed to be lost to an early exit scheme, only to be rehired by the new body at a cost of £338,708.
- The Comptroller and Auditor General found it necessary to qualify the EHRC’s accounts for 2006-08 because it failed to follow proper process in re-engaging former staff as consultants.

Even now the Public Accounts Committee judges that the EHRC is not out of the wood. It finds that serious weaknesses in controls continued beyond 2006-08, with weak control over staff costs. It is unfortunate that the Commission has lacked a permanent CEO since May 2009. It has been

reliant on an interim Director paid at a daily rate of £1,000. The Commission, the Public Accounts Committee concludes, should seek to appoint a permanent CEO as soon as possible. He/she “will need to tackle the continuing weaknesses in the Commission’s controls.”

Phew! We understand (*Guardian*, 4 March) that the EHRC’s Chair, Trevor Philips, is likely to be investigated over accusations that he attempted to influence three members of Parliament’s Joint Committee on Human Rights who were conducting an enquiry into the watchdog. He stands accused of being in contempt of both Houses of Parliament.

The Committee’s full conclusions and recommendations are at www.publications.parliament.uk/pa/cm200910/cmselect/cmpubacc/124/12404.htm

HEALTHSPACE

We are all aware that life gets progressively more complicated, and health records are no exception. While making summary records available is welcome, we fear (having tried it) that computer access is likely to be taken up only by geeks with time on their hands. However, here are the main points of the message from the NHS:

HealthSpace is a secure website that allows you to see your personal ‘Summary Care Record’ [but only after you have gone through a registration process designed to restrict the information to yourself and only if you are in an ‘Early Adopter’ area where your GP practice has loaded the record]. If and when a Summary Care Record is available, you will then need to set up an advanced HealthSpace account. As part of this process, you will need to take proof of identity documents to your local HealthSpace agent responsible for confirming your identity.

The service is free and available to people aged 16 or over in England. The advantages are that you will be able to see [and check] the information that the NHS holds about you. The NHS leaflet doesn’t mention it, but we imagine that you will be able to ensure that a ‘Living Will’ is recorded. You can also choose to make the information available to healthcare professionals who cannot yet access the NHS Care Record Service.

Still interested? If worried, fear not, because as an alternative to the technology you can ask your GP to show you the information in your record [when it becomes available].

In these straitened times may we ask how much all this is costing?

For more, if you can take further punishment, visit www.connectingforhealth.nhs.uk.

THE SOCIAL MODEL

We noticed in our last briefing that Andy Rickell had somewhat nuanced his view of the social model of disability. Not so, however, the National Centre for Independent Living. We notice that in order to be nominated to serve on to the NCIL Board, including the position of treasurer, one must be committed, among other things and apparently without qualification, to the social model of disability. But then we suppose that someone who does not believe in the virgin birth would feel out of place in the administration of the Christian church.

TAX CREDITS

Are people confused about tax credits, and therefore deterred from claiming them? Why are they called tax credits, since it does not appear that you need to be paying tax? Is it good practice that one is invited to complete a questionnaire in order to determine eligibility? Is it appropriate that the scheme is administered by HMRC rather than the DWP? Your views would be welcome.

SCHOOL LIBRARIES

The Government's blunt rejection of the Chartered Institute of Library and Information Professionals' petition to make the provision of school libraries a statutory requirement (News Briefing no.19, 'SO THERE') is, in our view, hardly surprising. Local authorities, in our experience, do not take kindly to being forced to accept edicts from Whitehall in this area. Yet the case for making such provision is very strong and CILIP, with European support, is continuing to campaign on the issue.

There is a pervasive lack of imagination in failing to recognise the fundamental importance of reading in education. In his foreword to *Citizen Ethics*, Philip Pullman has commented on its profound value in deepening and enriching children's lives, achieved not by following curriculum guidelines and targets, but by beginning with delight, enchantment and joy. And such development cannot be achieved unless books and encouragement are made available in schools. Bob McKee, the Chief Executive of CILIP, has pulled no punches, arguing that the Government simply does not see school libraries as important enough to warrant intervention. In the coming round of public spending reductions, he said, the Government's response "positively invited schools to cut library provision out of their budgets."

COMBATTING POVERTY

2010 is the European Year Against Poverty and Social Exclusion. You can play a part by joining the European Anti Poverty Network (EAPN), whether as an organisation or an individual, and you can join with or without subscription. Organisations are invited to pay a small annual subscription relating to turnover (from £5 if under £50k to £40 if over £500k).

The DWP is making information about the programme available through a dedicated online newsletter (www.dwp.gov.uk/european-year-2010).

EAPN – England is at 114 Mansfield Road, Nottingham NG1 3HL; tel: 0115 911 0455; e.mail: eapn@cefet.org.uk.

THE DETENTION OF CHILDREN IN THE IMMIGRATION SYSTEM

Back in August 2009, revelations about the immigration detention of minors caused something of a stir. This was quickly followed, at the end of November, by a Commons Home Affairs Committee report which found that oversight of the wellbeing of such detained children was lacking and that local authorities and social services needed "more vigorously" to undertake their statutory responsibilities for detained children's welfare. Statistics then suggested that nearly 1,000 children a year were detained while their parents awaited removal, but no-one could say exactly how many separate children were detained.

It was found to be not uncommon for children to be detained for up to 61 days at considerable expense. The committee took the view that the detention of a child should only ever be used as a last resort, and that it was difficult to justify detaining families with their children when they are unlikely to abscond.

The Yarl's Wood facility attracted particular criticism. Despite some improvements it remained essentially a prison. The report concluded that even if this sense of penal incarceration could be redressed sustained advancement of the treatment of children in the immigration system could only be achieved by reform of the overall asylum process. "The detention of young children must only ever be used as a last resort and the length of time spent in detention should be minimised."

We have been unable to trace any official Government response, but the national press reports (24 March) that, despite improvements at Yarl's Wood, Dame Anne Owers, Chief Inspector of Prisons, is highly critical of detention: "What was particularly troubling was that decisions to detain, and to maintain detention of, children and families did not appear to be fully informed by considerations of the welfare of children, nor could their detention be said to be either exceptional or necessary."

A similar inquiry by the Children's Commissioner, published in February, found that Yarl's Wood remained "distressing and harmful" for children.

One senses that the Government is faced with a dilemma that it feels unable to resolve. Immigration Minister, Phil Woolas, is quoted as saying that the alternative to Yarl's Wood is separating children from their parents and putting them into care. "The sad fact is that some illegal immigrants refuse to comply with the decision of the independent courts and return home voluntarily." He insisted that detention remains a vital tool in removing those deemed to have no right to remain in the UK.

But is it not also a stain on Britain's reputation. Bring on Joanna Lumley.

For a fuller report, which contains material that will shock some readers, go to www.guardian.co.uk/uk/2010/mar/24/yarls-wood-children-baby-report.

WE HATE NO.28: PARKING ENFORCEMENT

"Injustice, swift, erect and unconfined.

Sweeps the wide earth, and tramples o'er mankind."

Homer: Iliad

We will admit that this series is frequently controversial. Just as some will hate ballet as pretentious, others will see it as sublime art. To be honest, in fact, Ann doubts if hating things is a noble sentiment. But then we hate nobility. Our hatred, on the whole, is akin to wearing a car coat at the Cenotaph. On this latest subject, however, we think that we may be approaching consensus. And we say 'approaching' only because traffic wardens and their puppeteers may not agree.

Some years ago we were on holiday in the United States of America (it is remarkable that they are called United: perhaps simply to distinguish the USA from South Africa). We found ourselves in Georgetown, the posh part of Washington, where, curiously, parking was permitted until 4pm. As the appointed hour approached a phalanx of pick-up trucks was assembled in readiness, and on the dot of the legal time limit they moved in, removing the previously innocent vehicles with ruthless efficiency. In the supposed 'land of the free' it struck us as hideously tyrannical.

We accept that there is a need for traffic control. Otherwise, in some places, cars would clog up roads like cockroaches in the malt room of a brewery of distant memory. But sensible control is one thing; rigid, targeted enforcement is another. The very word 'enforcement' is redolent of harshness and intolerance: it conjures up an invasion of our freedom and liberty. Even the Inland Revenue (to use the old term) had the sensitivity to call it compliance. And in the case of the Revenue there is no pretence that its objective is anything other than to raise money; even then it gives some of it away as tax credits. Another interesting comparison is with the police. Unquestionably police forces exist to enforce the law. But because they have a very wide, multi-functional remit, they must, perforce, have a sense of proportion, recognising a hierarchy in the seriousness of offences. They can, and do, respond to some contraventions with a caution. They are there to protect the public and, at least by law-abiding citizens, are seen as a resource of help.

This strikes us as very different from single-minded, over-zealous parking enforcement where

the impression that frequently comes across is one of maximising 'hits' and corresponding fines: rigid adherence to permitted time and penalties where drivers can scarcely avoid minor, temporary transgressions (e.g. lorries in tight situations required to stop temporarily to make their deliveries). Our feeling is that the remit of traffic wardens is too narrow and that communities would benefit from a service that was committed to support as well as control. Strangely, in a country which is generally disposed towards tolerance we have allowed the pursuit of parking offences to become an industry. We think that it is one that itself should be controlled.

This information sheet has been compiled by Ann Darnbrough and Derek Kinrade. The views expressed do not necessarily represent those of the National Information Forum. Earlier News Briefings are available on the Forum's website: www.nif.org.uk.