

national information forum

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

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*A Digest of Current Social Information
For members of the National Information Forum*

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BACK TO BASICS

“The move to therapy for the unemployed, which Labour pushed, and the workfare scheme of the coalition government, treat unemployment as mainly due to behavioural deficiencies by the unemployed. This is nonsense.”

Professor Guy Standing, University of Bath, in a letter to *The Guardian*, 13 November (recommended reading).

It has been said that you can only see the way ahead if you have an understanding of the past. Given the present controversy over welfare reform we thought it would be worthwhile to go back to the words of the acknowledged architect of the welfare state, William Henry Beveridge. His two reports *Social Insurance and Allied Services* (1942) and *Full Employment in a Free Society* (1944) are not easy reads, and it would be unrealistic to pretend that one could faithfully convey their complexity in a brief article. Moreover, it has to be accepted that he was thinking in a different time with different conditions, when men were perceived as the breadwinners and non-contributory benefits had scarcely been imagined. But there are some milestone principles that are worth remembering. Perhaps above all that while he saw the aim of his plan for social security as “freedom from Want” – adequate food, shelter, clothing and fuel – it was only as a stopgap to provide a subsistence income during interruption of earnings financed by the worker’s previous contributions, and supplemented by children’s allowances and free medical treatment. He recognised that a prerequisite of such provision was “full employment”: not defining it literally as the total absence of unemployment, but acknowledging that in a progressive society there must always be some unemployment however high the demand for labour. Full employment in the thinking that lay behind his second report meant always having more vacant jobs than unemployed men (not slightly fewer jobs) and at “fair wages, of such a kind, and so located that the unemployed men can reasonably be expected to take them.” Thus Beveridge envisaged that in these circumstances the normal lag between losing one’s job and finding another would be very short.

Beveridge made a case for full employment so defined not only to make his plan for social security work, but also to combat the “separate evil” of idleness, which could not be escaped simply by having an income. He also made a distinction between the degree of harm resulting from difficulty in buying labour and securing paid work. The first caused annoyance or loss, but the second was a personal catastrophe. He argued that idleness, even with an adequate income, corrupted the individual, and that the feeling of not



being wanted was demoralizing.

Nevertheless, as we have mentioned before, Beveridge also saw the achievement of full employment as conditional upon the preservation of essential liberties, including freedom in choice of occupation. Only in a totalitarian state would it be possible to direct men to particular work. But the objective of creating a labour market in which vacancies outnumbered those seeking work (“a seller’s rather than a buyer’s market”) was one that would make Britain again a land of opportunity for all.

Now some of this is consonant with the Coalition’s welfare strategy. But not all. We are currently a long way from moving unemployment into equilibrium with job opportunities. And many workless people, reliant upon social security, have been unemployed for so long that even if theoretically capable of work they are virtually unemployable and supremely unattractive in a buyer’s market. Nevertheless, with the cost of social security seen as unsupportable and rising, draconian measures are the order of the day.

We think that there are echoes here of the concern which prompted the harsh Poor Law legislation of 1834. The cost to the Exchequer of providing relief had risen eight-fold between 1600 and 1830. The administration and practical operation of the Poor Law was called into question, and in 1832 a Royal Commission was appointed. It is clear that then, as now, a primary concern was to reduce expenditure. The thrust of the inquiry was directed, almost exclusively, at questioning the merits of providing relief to the able-bodied poor, and its conclusions were emphatic that such relief was morally destructive. In its report of 1834, the Commissioners took the view that able-bodied paupers had everywhere demonstrated ‘idleness and vice’ and that in most cases pauperism could have been averted by ordinary care and industry. The poor were thus regarded as being largely to blame for their own condition, and it was concluded that the provision of relief merely tended to encourage their feckless mode of living. The Commissioners therefore felt that the moral (as well as the economic) argument must therefore lie with the utmost restriction of relief.

In today’s dilemma we have not gone so far as to reintroduce workhouses, but there is a prospect that the imperative to reduce expenditure is likely to take priority over worthwhile job creation, with punitive measures against those deemed capable of work who refuse to take any work on offer. We fear that the DWP is on the way to becoming a centre for social injustice.

TOM DOWLING

We featured the story of Tom Dowling, editor of the newspaper *All Together Now*, in our issue of May 2009. It remains one of the great inspirational stories of our time, a fact that has now been recognised within his industry by a Lifetime Achievement Award from the communications giant Telefónica 02 UK Ltd. The presentation, on 4 November, at Liverpool’s splendid, restored Sefton Park Palm House, uniquely brought 200 guests to their feet for a standing ovation.



All Together Now, a registered charity, takes a realistic and positive view of disability, one that has characterised Tom’s own life. 60,000 copies are distributed across the North West, and research indicates a readership of 240,000, half of whom – in confirmation of the title - are not themselves disabled. The judges recognised that Tom’s achievement was the result of “sheer hard graft”. He has had neither a big company behind him nor huge financial resources. He has earned the greatest respect both as an individual and a pioneering and campaigning editor. The Forum, which presented Tom with a Getting the Message Across Award in 2005 echoes that view and adds its heartfelt congratulations.

EXECUTIVE PAY

Ann Darnbrough raised the scandal of soaring executive pay in her memoir *A rebellious disposition* (2007), and we have criticised it frequently in these News Briefings, notably in the *We Hate* series in no.8 (February 2009). We welcome, therefore, the news that the High Pay Commission, set up by the thinktank Compass and backed by the Joseph Rowntree Trust, has launched an analysis into the widening gap between the highest and lowest

paid. A Compass poll shows that 99% of respondents believe that top executives are overpaid (*The Guardian*, 9 November). The business secretary, Vince Cable, is also looking at the question, but dare we suggest that the tax yield on high pay and bonuses and the danger of persuading top earners to leave the UK is such that there is not a great incentive for government action.

CURE THE NHS

With the commencement of a Public Inquiry into the horrendous failings of Stafford General Hospital (where as many as 1,200 people are estimated to have lost their lives unnecessarily) the importance of Julie Bailey's campaign on behalf of her mother and others who died there has finally got somewhere. Even now Julie is not persuaded that things have much improved and calls into question the effectiveness of monitoring and procedures for making complaints. She argues against attempting to resolve problems by discussion (as encouraged by PALS) rather than by making a formal complaint. The new inquiry will focus on why the deficiencies were not detected sooner, rather than the nature of those deficiencies, already revealed in earlier inquiries. Apart from dealing with obvious questions around regulation, we hope that it will pay particular attention to the part the pursuit and financial benefits of Foundation Trust status may have played in the scandalous events, and their wider implication for the management of the NHS.

Go to www.curethenhs.co.uk.

MEDICAL ADVICE ONLINE

The curiously named website NHS Choices (www.nhs.uk), greatly admired by *Which?*, receives a huge number of 'hits', yet is still far from universally known. Its scope includes basic medical advice from NHS Direct, offering an initial assessment of symptoms affecting anyone over 1 year of age. Essentially the check will rule in or out the most serious conditions and may well end up without providing a clear diagnosis, in which case you will be invited to input contact details so that an advisor can phone you back. You do not have to identify yourself.

Problems covered include: colds and flu, anxiety, depression, male sexual health, stress and suicidal feelings.

A FAIRER BRITAIN?

According to Radio 5 Live (and we have no reason to doubt) the average age of an unassisted first time house buyer is now 37. With mortgage lenders typically requiring a 25% deposit, young people now have little realistic prospect of home ownership. Is this the Britain we want?

STATE SUBSIDISED SEX

In response to our question in issue 27, Lynne Punchard, editor of the Spinal Injuries Association newsletter *Forward*, has kindly sent us the full text of the article on which the piece was based. Anyone familiar with our history will know that we think it right that disabled people should have access to legitimate sexual services. Back in 1988, in *The Sex Directory*, we explored the therapeutic surrogate services then provided by Dr Martin Cole, and we have long admired the Outsiders Club. But we wonder if access to mainstream prostitution, especially given its association with human trafficking, could (or should) be said to be a proper use of local authority funding. Direct payments are, as we understand it, provided as an alternative to social care services. The source article claims that "The government has confirmed that it has no objection to disabled people using part of their council-funded personal budgets to pay sex workers", but this statement appears to rest only on a possibly ill-judged comment from a Department of Health spokeswoman.

THE CALVERT TRUST

Pam Jones, National Chairperson of British Polio, extols her experience of a Calvert Trust sailing course in the charity's magazine *The Bulletin*. We mentioned the trust in the second and subsequent editions of our Directory for Disabled People (from 1979). It is surely time to do so again.

The website by-line is "Challenging disability through outdoor adventure" and the trust continues to do just that, now operating out of Exmoor, Kielder and the Lake District. It caters for family or individual activity breaks, school or group activities, respite care, self-catering holidays, day activities, specialist courses, riding

and expeditions.

Costs are kept as low as possible and the trust has access to various bursary funds to help if necessary.

Further information from:

Calvert Trust Exmoor, Wistlandpound, Kentisbury, Barnstaple EX31 4SJ, tel: 01598 763221

Calvert Trust Kielder, Kielder Water and Forest Park, Hexham NE48 1BS, tel: 01434 250232

Calvert Trust Lake District, Little Crosthwaite, Keswick CA12 4QD, tel: 01768 772255

or through www.calvert-trust.org.uk

ANCIENT BARRIERS ARE COMING DOWN

The ordination in Berlin of Alina Treiger as a rabbi is to be welcomed. She is not the first female to be so ordained in Germany. That honour was accorded to Regina Jonas on 27 December 1935, but was met with stiff resistance. She was limited to a teaching role and during World War II sadly perished in the gas chambers of Auschwitz. In the USA, the reform movement ordained its first female rabbi (Sally Priesand) in June 1972 and further ordinations followed there in 1974 and 1985. Treiger's appointment is another significant step in the recognition of the right of women to genuine emancipation. *The Guardian* (4 November) commented: "She is expected to be the first of a wave of female rabbis, with another group due to finish their studies in 2012". One might have hoped that religious institutions everywhere would be leading, rather than resisting, the struggle for change.

Meanwhile in Conservative Switzerland women now form a majority on the country's Federal Council (57%).

EUROPEAN UNION SLEAZE?

According to AVAAZ, which now boasts 5.5 million members worldwide (rather more than NIF), top European Union politicians are "rushing from their positions to become corporate lobbyists", and asserts that the rules to prevent such abuses are "ridiculously weak". The consequence, they allege, is to corrupt EU decision-making.

Our special correspondent in Brussels comments that whereas there are quite rigorous rules for anyone wanting to move in from the private sector, there is a fairly free kind of revolving door from EU politics to business, with all the contacts and inside knowledge that gives.

AVAAZ invites signatures to a petition: see www.avaaz.org/en/eu_lobby_rules/96.php

FAITH IN BRITAIN

According to the *Daily Mail*, based on Office of National Statistics figures, 71% of people in the UK identify themselves as Christian, 4.2% Muslim, 1.5% Hindu, 0.7% Sikh, 0.6% Jewish, 0.4% Buddhist, 1.1% other faiths, and 20.5% none. The most faithless place in the UK is Brighton, where only 58% profess a faith. We suspect that these figures may not be up-to-date, but it will be interesting to follow trends.

BEWARE DOORSTEP SELLING

The Office of Fair Trading (soon to be merged harmoniously with the Competition Commission), working in association with Age UK, is warning people to be wary of rogue doorstep traders offering winter home improvement services. The OFT is careful to say that doorstep canvassing is not illegal. Perhaps it should be. We think that whether honest or not, all of it is intrusive. But common ground is that rogue doorstep selling, often targeting those who are older or more vulnerable, is an ongoing problem.

OFT advice (slightly amended) is:

- Don't agree on-the-spot house repairs, or sign anything on the spot
- Be wary of 'special offers' or warnings that your home is unsafe
- Don't make snap decisions. Take time out to talk to someone you trust
- If in doubt call Consumer Direct on 08454 040506 or visit www.consumerdirect.gov.uk/doorstep-selling.

Age UK (a merger of Age Concern and Help the Aged) is piloting a blog at <http://Ageukblog.org.uk/>

THE ROYAL WEDDING

Of course we wish William and Kate well, though preferably not on ‘the Throne’. When Ann first heard the news she remarked that William seemed almost normal, but we noticed that the BBC referred to Kate as a “commoner”. As we said in our last issue, some are still more together than others.

WE HATE NO.36:

BLANKET DENIAL OF VOTING RIGHTS TO THOSE BEHIND BARS

“Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this.”

Rule 64, Recommended European Prison Rules.

Perhaps no subject is more likely to prompt a knee-jerk reaction than that of the human rights of prisoners. It brings into play the different perspectives of politicians and the judiciary, hatred of criminals, media prejudice and the barely concealed resentment of taking orders from European authorities. Hence the rumpus over the franchise having to be extended to prisoners.

Britain has for many years relied on Section 3 (1) of the Representation of the People Act 1983: “A convicted person during the time that he [or she] is detained in a penal institution in pursuance of his [or her] sentence or unlawfully at large when he [or she] would otherwise be so detained is legally incapable of voting at any parliamentary or local government election.” Apart from specified marginal exceptions this is a blanket ban, and Section 3A extends the disfranchisement to offenders detained in mental hospitals.

The (Labour) Government’s position was made clear in 2001 when John Hirst, while still incarcerated, first brought proceedings. He argued that the UK legislation was incompatible with the European Convention on Human Rights. Essentially the government’s position then was that by committing offences which were found to require a custodial sentence prisoners “forfeited the right to have a say in the way the country is governed for that period”. It was further contended on the government’s behalf that “There is more than one element to punishment than forcible detention. Removal from society means removal from the privileges of society, amongst which is the right to vote for one’s representative.” Many people will agree with that view. We do not.

The main facts of the particular case are that Hirst killed his 69-year-old landlady with several blows of an axe. On 11 February 1980 he pleaded guilty to manslaughter on grounds of diminished responsibility. The plea was accepted on the basis of medical evidence that he had a gross personality disorder to such an extent that he was amoral. He was sentenced to a term of discretionary life imprisonment. That part of the sentence relating to retribution and deterrence expired on 25 June 1994, but his detention continued based on the view of the Parole Board that he continued to present a risk of serious harm to the public, and he was not finally released (on licence) until 25 May 2004.

Eventually, on 30 March 2004, the European Court of Human Rights (ECHR) held *unanimously* (our italics) that there had been a violation of Article 3 of Protocol 1 of the European Convention on Human Rights (hence also defining voting as a human rather than a civil right). Nevertheless, at the request of the UK government, the case was referred on to the Grand Chamber of the ECHR, which delivered its judgment on 6 October 2005. It found that the exclusion from voting imposed on convicted prisoners in detention was disproportionate in that it applied automatically irrespective of length of sentence or the gravity of the offence; and that the results were arbitrary and anomalous, depending on the timing of elections. In the particular case of Hirst it further observed that in so far as the disfranchisement was seen as part of a prisoner’s punishment, there was no logical justification for his disqualification to continue since that part of his sentence related to punishment and deterrence had been completed. Since then a judgment in the case of Helmut Froidl has reinforced the finding of the Grand Chamber, confirming that its decision made it unlawful simply to disfranchise all prisoners serving more than one year in jail.

This conclusion, in our view, is entirely correct. The idea that prisoners should automatically be stripped of

their basic rights ought to be an anathema in a democratic society. We cannot fail to observe that it follows an historical pattern which has in earlier times deemed people low in the social and economic scale and women as unworthy to vote. There was in the government's case in 2001 an implied recognition that parliamentary and local government representation extends to prisoners. The right to have a say in who that representative should be is potentially more important to those behind bars than to free citizens. This raises a further anomaly in that there is an increasing tendency towards non-custodial sentences. Are such offenders more worthy of rights than those who are locked up? Politicians may find it inconvenient and exasperating, even abhorrent, to extend the vote to prisoners, but the grounds for that view are mistaken.

There was, however, some elbow-room in the Strasbourg ruling. The finding was that a blanket ban was "disproportionate". The judgment nevertheless went on to accept that "a wide margin of appreciation should be granted to the national legislature in determining whether restrictions on prisoners' right to vote can still be justified in modern times and if so how a fair balance is to be struck." Thus a restriction might be tailored to particular offences, such as those of particular gravity. This again is surely correct. What is reasonable is to consider individual fitness to vote, as (though not in the same way) we assess fitness to become British citizens. What we hate is a legal bar on a prisoners' right to vote in *any circumstances*. The denial of rights as a punishment is no more sustainable than the torture of people we don't like.

For fuller details search for GRAND CHAMBER CASE OF HIRST v THE UNITED KINGDOM (NO.2).

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