

# not the national information forum

But still 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*

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## SOCIETY IN CRISIS?

It has been reported that applications from local authorities to place children into care have almost doubled in four years. Between April 2011 and March 2012 the Children and Family Court Advisory and Support Service (Cafcass) dealt with a record number of cases, exceeding 10,000 in a single year for the first time. It follows that the overall number of children in care is also rising, precisely when local authority funding is being cut. The effect, obviously, is to place the care system under unprecedented strain.

The surge is widely attributed to the 'Baby P effect', but it must also be noted that many families are facing increasingly hard times. As Debbie Jones, President of the Association of Directors of Children's Services has put it: "increasing financial pressure on families may be increasing the risk of welfare concerns escalating." The coalition, following a direction set by Labour, is fixed on a mantra that work is the antidote to deprivation. But such a view seems perverse when work is so hard to come by, particularly for a section of society largely unattractive to employers. There are in our deprived underclass some people of working age who are feckless, lazy, feeble, inadequate, inefficient and locked into unemployment. They may be fit for work, but temperamentally unsuitable for it: one might say 'undeserving'. May I nevertheless float the hypothesis that it is preferable unconditionally to provide such people with a living income, rather than suffer the social ills that inevitably arise from their destitution. We might then get rid of Jobseekers Allowance, Jobcentres, expensive welfare to work schemes and the paraphernalia of services dedicated to trying to make water flow uphill.

## PRIVATISATION

I invite you to explore with me the meaning of privatisation. For it is no simple concept. We live within a system of private commerce – a nation of shopkeepers, and much more besides. We generally welcome the private supply of goods and services, and take in our stride private provision that enhances our lives. Private enterprise is now commonplace: in education, professional services, transport, energy, water, even the custody of prisoners. And we accept the profit motive provided that we feel we are getting value for money. Not all private businesses are making hay. High street retailers face fierce competition from online suppliers, and some will fail. But anyone who hits on a niche demand may still make a fortune. It is somewhat the law of the jungle, but we seem generally happy with it.

Starting with British Telecom, the privatisation of major services, with regulation, has become familiar. Where then is a boundary crossed

that causes many of us, particularly those of a left leaning persuasion, to feel, innately, that there is – or should be - a limit on that which may properly be transacted for private gain? May I offer a possible answer: that concern arises when services vital to community well-being, for which the state has traditionally accepted a fundamental social responsibility, are farmed out to organisations whose primary interest is to make money. Thus we are uneasy when there are experiments to put elements of policing into private hands; when the opportunity to provide private health services is hugely expanded; when the task of determining fitness to work is privatised; when contracts to operate back-to-work schemes are awarded to private firms; when private enforcers are entrusted with the difficult task of deporting foreign nationals; and when the care of older people is entrusted to private companies. We worry about outsourcing when the public interest may be subordinated to the interests of shareholders; where there is potential for fraud; and where the effectiveness of regulation is open to question.

I want to take you back to a prescient address given by Ben Wittenburg, Director of Policy and Research at the Directory of Social Change (DSC). He was speaking to 2008 AGM of the National Information Forum, largely in the context of an alarming shift in the basis of government funding for charities, though with wider implications. Rereading his speech, I find the following extracts particularly telling:

“A funding contract fundamentally changes who the client is...In a contract with government the client is the government – not the person receiving the service... In a contract, the complex needs of the people receiving the service are usually quantified by a series of actions that must be carried out to satisfy the contract. Despite talk about ‘outcomes’, it is mostly really about ‘outputs’. It is not about clients’ needs as human beings in the round any more...The service user has become part of a commercial transaction – effectively a widget that is processed for financial remuneration. Government may claim to be acting on behalf of service users or taxpayers, but this assumes that they know what service users actually need, and that they have a grasp of what true ‘value for money’ really is...In reality, commissioning basically means procurement. The initial processes have been designed along the lines of getting the cheapest building contractor to fix holes in the road. They have been crudely transplanted to address complex social problems and human needs.”

Wittenburg was, of course, addressing a trend embraced by a Labour administration. But a recent DSC survey has revealed a similar disquiet. It asked whether the Prime Minister was right to claim that “Business is the most powerful force for social progress the world has ever known.” Of 257 responses (OK; hardly a revolution) some 84% disagreed. The strongest views were that the PM’s statement was the complete opposite of the truth, and that in fact business opposes and hinders social progress. “A profit motive,” said one respondent, “is totally at odds with developing a caring society.”

Food for reflection. The evidence, in care homes and hospitals, in allegations of fraud and thuggery is piling up.

## UNIVERSAL CREDIT

There are two things you need to know about Universal Credit. First, that it is not universal, but a single allowance to replace a number of existing benefits: Child Tax Credit, Working Tax Credit, Housing Benefit, Income-related Employment and Support Allowance, Income-based Jobseekers Allowance, Income Support, and parts of the Social Fund. Second, that phased implementation from October 2013 presents such complex IT problems that there is some doubt that the new system can start on time. Disability Rights UK has a factsheet F55 (April 2012) at [www.disabilityrightsuk.org/f55.htm](http://www.disabilityrightsuk.org/f55.htm).

## OUR GREATEST SINGER?

It seems important to notice that 22 April was the centenary of Kathleen Ferrier’s birth at Higher Walton, Lancashire. She rose to international stardom slowly and from a mundane background, and her illustrious career was brief (she died from breast cancer in 1953), but her impact over little more than a decade was enormous. Neville Cardus in *Kathleen Ferrier: A Memoir* (1954) recalled “how she entered another competition, now at Carlisle in 1937, and of course took first prize in the piano group. She happened to hear a singing class or bout next door. ‘I think I could make nicer noises than those’, she said; and a friend wagered with her, to the extent of a shilling, that she would not go into a contest for contraltos. She accepted the challenge, and was awarded the Rose Bowl, the Blue Riband of all North of England’s aspiring vocalists.”

Her first recording, for Columbia, was issued in September 1944, and on this label and later for Decca she became a family favourite. It is provocative to remember, given today's music scene, that back in 1949 'Blow the Wind Southerly', played at 78 revolutions per minute, was a hugely popular hit.

### **THE NASTY NATIONAL**

I said it all in 'We Hate no.41, May 2011, when only 19 of 40 horses finished the course and two died, bringing the total of Grand National fatalities to 67. This year it was 15 out of 40, with another two horses having to be put down. Nothing much has changed. I watched the race on television and saw the mayhem that occurred at some of the fences. It is said that lowering a number of the jumps led to a faster race, and rather than making it safer increased the risk. I would suggest that it was fortunate that more horses were not killed.

Sport, of course, carries risk, but we now make every effort to minimise it. Motor racing is spectacularly dangerous, and enormous and successful efforts have been made to improve the safety of drivers. But if you want an analogy with the Grand National just look at what happens to the cars! I believe that there are too many runners in the National and that the course is too long and too dangerous. We should by now have developed beyond the thrill-seeking of ancient Rome.

### **CARERS WEEK**

A partnership of eight national charities has carried out a survey among the UK's six million carers to examine the impact of social care cuts on providers of unpaid care. The results are to be published at the start of Carers Week 2012 on 18 June.

### **BOILER ROOMS**

My bank tells me to watch out for Boiler Room scams. They are practised by businesses that use high-pressure sales techniques to sell 'sure-thing' investments with the promise of massive returns. In reality, what they are selling is worthless stock, often in unquoted companies that are either overvalued or don't exist at all. Boiler Room operatives generally 'cold-call' their targets, using phone numbers from publicly available shareholder lists. Because it's illegal for investment companies to cold-call in the UK, they tend to be based abroad, beyond the jurisdiction of the Financial Services Authority.

Like all clever scams the approach can seem legitimate. They may mention well-known companies, give themselves a UK address or phone number, and have a professional looking website. They're persistent and can hound a target for months, catching out even seasoned investors. According to the FSA, victims lose on average £20,000.

If you think you are being targeted in this way the FSA's advice is not to worry about being polite, just hang up. You should then dial the FSA contact centre on 0845 606 1234 with as much detail as you can remember. There is more information about Boiler Rooms on the FSA website, [www.fsa.gov.uk](http://www.fsa.gov.uk).

### **LONGEVITY: WHAT ARE THE CHANCES OF SURVIVING TO AGE 100?**

Key points:

- Around one-third of babies born in 2012 in the United Kingdom are expected to survive to celebrate their 100th birthday.
- More than 95,000 people aged 65 in 2012 are expected to celebrate their 100th birthday in 2047.
- The total number of centenarians is projected to rise from 14,500 in 2012 to 110,000 in 2035.

Can the UK cope? Do we, as individuals, want to live that long? Full report at [www.ons.gov.uk/ons/dcp171776\\_260525.pdf](http://www.ons.gov.uk/ons/dcp171776_260525.pdf)

### **DISCRIMINATION**

The proprietors of the Indigo Restaurant in Carlisle have been ordered to pay £1,500 damages after turning away a blind customer with a guide dog.

**Full story in All Together Now!, April/May 2012.**

### **RIGHTS OF DISABLED AIR PASSENGERS CURTAILED**

The UK's Court of Appeal has dismissed two discrimination claims supported by the Equality and Human Rights Commission (EHRC). It decided that the Montreal Convention's rules on international air travel

take precedence over domestic law on accessibility and discrimination on board aircraft. The EHRC has concluded that the ruling means that having boarded a plane disabled passengers are not covered by UK law and the European regulations *Air Travel for Disabled Persons and Persons with Reduced Mobility*. Nor can disabled people seek compensation if they suffer discrimination during a flight. The EHRC believes that the Montreal Convention, which covers injury, death and loss of baggage, is irrelevant to the claims of disabled travellers. Because it does not deal with discrimination, it should not affect the rights of disabled passengers. The Commission is therefore considering taking the two cases to the Supreme Court.

### **WORK PROGRAMME UNDER SCRUTINY**

A National Audit Office report has said that the Department of Work and Pensions (DWP) and providers have made over-optimistic assumptions about how many people the government's Work Programme will get back into work.

The programme was criticised by the Public Accounts Committee, questioning why the DWP did not pilot the programme and why there is no data to test its assumptions about cost and performance.

They fear that if targets prove too optimistic there is a danger that providers will try to renegotiate contracts, or 'cherry-pick' clients who are easier to help. Referrals to sub-contractors are already lower than projected by the DWP, and this may have a devastating impact on small charities providing specialist support. The number of harder-to-help claimants being referred is lower than expected.

The Committee has asked for assurance that the DWP has oversight of its prime contractors and that sub-contractors are not squeezed out of business. Minister Chris Grayling told the National Council for Voluntary Organisations, and a special interest group of charities that are in a sub-contractor role, that he is aware of their concerns.

**From the RNIB's magazine *NB*, March 2012.**

### **THE CLOCK IS BEING TURNED BACKWARDS**

Almost nine out of 10 people questioned in a new survey feel that those with disabilities are treated badly – despite new laws promising to outlaw discrimination.

The research, by charity Papworth Trust, also revealed that one in seven believed disabled people were labelled 'benefit scroungers' and 12% of disabled people said they felt like second or lower class citizens.

The survey was based on a sample of over 750 people, most of whom were disabled. It also found that those questioned often felt marginalised by the actions of politicians and the media.

Four out of five people surveyed said politicians did not treat disabled people fairly, while more than two-thirds levelled the same criticism at newspapers.

Many disabled people said that after years of seeing improvements in attitudes to disability, they had recently noticed a backlash.

"For most of my life things have been improving for us, disabled," said one participant. "However, in the past couple of years it feels like the clock is being turned backwards, and quickly."

The survey was carried out as part of the Papworth's response to a Government consultation to inform their disability strategy.

The charity concluded that there are two easy changes which could be made to improve attitudes towards disabled people:

- A Government-led national review of Government and media language to highlight the damage done by pejorative language and negative stereotyping.
- More education and awareness-raising campaigns directed at schools, professionals and the public about disability. This would include a review of the effectiveness of current awareness-raising programmes about disability where they exist and assess where gaps could be filled.

**From *All Together Now!*, April/May 2012 (I thought it was important; a response from the Minister for Disabled People would be interesting.)**

### **NOTICED IN PASSING**

"The Jews are horribly, unnaturally oppressed and persecuted all throughout Germany."

Samuel Taylor Coleridge, *Letters I*, p.473, 1799, quoted by Richard Holmes in Coleridge – *Early Visions*.

## **SMOKING: A PERSONAL VIEW**

I have never smoked, and I accept that smoking kills. But I feel that there is something totalitarian and un-British about the requirement to cover up displays. I am surprised there has not been an outcry. What's next?

## **STOP THE CULL**

In News Briefing No.43, March 2012 I mentioned the view of the League of Cruel Sports that the government's intended badger cull is "absurd" and "misguided". I now notice that the Bow Group, a rightwing thinktank, agrees, calling the intended cull "impractical", and arguing that vaccination is a preferable strategy to combat the spread of bovine TB. A growing body of opposition to the cull includes the National Trust, the Gloucestershire Wildlife Trust and The Welsh Assembly Government. Go to [www.bowgroup.org](http://www.bowgroup.org), and search for badger cull.

## **ABORTION**

Right now everything that Health Minister Andrew Lansley touches seems to stir up controversy. Abortion is a notorious battle ground, with one lot championing the rights of the unborn child and another in absolute favour of a woman's right to choose termination of a pregnancy. It has been reported that Lansley was "appalled" at suggestions of irregularities at some pregnancy clinics. He is said to have asked the Care Quality Commission (CQC), as a priority, to inspect clinics across the NHS and independent sectors, and seize evidence.

On 22 March, the *Daily Telegraph* reported that 250 private and NHS clinics had been visited by the CQC. The *Telegraph's* reporters understood that more than 50 of them were failing to comply with the law or regulations, that doctors were regularly falsifying consent forms, and patients were not receiving acceptable levels of advice and counselling in many clinics.

Inevitably such serious allegations raised concerns beyond the scope of the reported malpractice. It seemed to some commentators surprising that the CQC, given its considerable commitments, had been able to spare time for such an urgent and extensive investigation, prompting speculation that the inquiry may have had some element of political motivation. A news release posted on the CQC website on 23 March offered a measure of clarity:

"Where our inspectors discovered pre-signed forms – indicating that providers might be breaking the law – we will share this information with the police and General Medical Council.

"CQC will also be considering what regulatory action we will be taking against these providers. We will be publishing individual reports on all providers inspected shortly and cannot legally identify non-compliant services until this point."

The Secretary of State, of course, has a proper responsibility to uphold compliance with the law. But I cannot help feeling that the particular hare he has set running on this occasion may end up casting doubt on whether law, framed in 1967, adequately has regard for women's rights to self-determination.

## **JACK ASHLEY**

Jack Ashley, made Baron Ashley of Stoke in 1992, died on 20 April. This is not the place to recount the story of his life; he has done that – for the most part – in two books, *Journey into Silence* (1973) and *Acts of Defiance* (1992). His was very much a life of two halves: the first succeeding despite a humble beginning; the second persisting with his sense of purpose intact when suddenly faced with profound deafness and the scourge of tinnitus. It is a time to give thanks for a good life, for his achievements and qualities as a quiet and gentle man, yet a determined and doughty campaigner. And to give him that increasingly precious accolade: a politician of integrity.

## **WE HATE NO. 53: DATABASE DISASTERS**

*"The ICO's mission describes our role, as the UK's information rights regulator...It is: To uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals."*

An information rights strategy for the Information Commissioner's Office (December 2011)

The advances of technology are such that databases are a fact of life. But the sheer scale of their expansion is such as to put in jeopardy the privacy of our personal identities and raise fears that the menace

of the 'big brother' state is upon us. There are (at least) two strands to our concern: first as to whether certain information should be kept on a database at all; second as to the loss of personal data. I do not presume to be encyclopaedic, but there is a great deal to hate.

In the first category, the greatest concern has focused on the retention on police databases of DNA profiles and fingerprints of people held to be innocent. Back in 2001, the Police and Criminal Evidence Act 1984 was amended to empower police to retain DNA profiles and fingerprints of anyone charged with an offence, whether or not ultimately convicted. This prompted complaints from some of those acquitted of offences. Two individuals, 'S' (a 12-year-old) and Michael Marper, against whom charges had been dropped, sought destruction of their DNA records, but this was refused. Legal action ensued, from judicial review, through various courts, and finally through the Court of Appeal to the House of Lords. Domestic judges were almost unanimous in rejecting the appellants' challenge. But in December 2008 the European Court of Human Rights took a different view. The court was 'struck by the blanket and indiscriminate nature of the power of retention in England and Wales.' Under UK legislation, anyone charged with any offence, whatever its gravity, would have their DNA retained for 100 years or until their death, with little chance of removal, and no independent review of the justification for retention. Essentially, it was held that the retention of S's and Marper's DNA profiles and fingerprints was a disproportionate interference with their right to respect for private life, and a violation of article 8 of the European Convention on Human Rights. *The Law Gazette* concluded that the effect of the ruling would be global. In the UK, where the scope of retention had been further expanded to include those arrested even when not charged, it was estimated that 850,000 DNA samples of innocent people were held on a database of four and a half million samples.

Despite this decision, the Labour administration prevaricated, and its eventual response was overtaken by the change of government in 2010. The coalition moved quickly to say that it would bring forward a bill to restore freedoms and civil liberties and repeal unnecessary laws. Two years on, however, the Protection of Freedoms Bill is still before Parliament. It promises a new and more rational legal framework, but in the meantime the law remains as it was previously enacted and implemented by the police.

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Alongside the retention of DNA and fingerprints was the enactment, under the last Labour government, of the Identity Cards Act 2006. This dubious initiative was designed to introduce a personal identity card with extensive biometric information, linked to a database known as the National Identity Register. Its passage through Parliament was fraught, with strong opposition from the upper house. From the outset, the scheme encountered fierce controversy. Some opponents likened the provisions to the kind of surveillance that had characterised Nazi Germany. But, in practice, implementation proved extremely difficult. Pilot schemes and partial roll outs were overtaken by the General Election of 2010. And in its early formal agreement the coalition announced that it planned to scrap all aspects of the scheme, as part of its measures to 'reverse the substantial erosion of civil liberties' that had occurred under the previous administration.

One of the most strident critics of the scheme was a campaign group known as No2ID ([www.no2id.net](http://www.no2id.net)), which saw it as changing the concept of policing by consent to one where the population would be monitored and controlled. Today No2ID remains fearful that the public sector and government would welcome an opportunity to identify dissidents and gather details of those attending demos. The human rights organisation Liberty also saw the issue as hugely important. Whitehall had been 'poised to take us into uncharted territory – allowing unprecedented amounts of personal information to be stored, sifted and accessed – realigning the relationship between the individual and the state.' It remains a relationship that must be carefully guarded.

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But one of the greatest database fiascos must surely be another Labour government project, launched in 2002, to set up an all-embracing national computer system for the NHS. It was established with a huge budget of £11.4 billion. When the Public Accounts Committee reported in the summer of 2011, suggesting that it might be better to scrap the programme, £6.4 billion had already been spent! I haven't found it easy to update the situation, but it appears that 'The Cabinet Office's major projects authority has now reviewed the National Programme for IT and decided it is not fit to provide the modern IT services that the NHS needs.' The Department of Health unit 'NHS Connecting for Health' now comments on its website: 'Consequently, in line with broader NHS reform, the National Programme for IT is being dismantled to localise decision-making and responsibility for NHS information technology.' So that's alright then. Wow!

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Yet the facts surrounding the second category of my research – the loss of personal data – are, if anything, even more astonishing, and alarming. The Information Commissioner's Office (ICO), having set up a voluntary reporting scheme, reported in May 2010 that reported breaches involving people's personal information had reached 1,000! Such breaches have arisen in both the government and private sectors, but the former are perhaps the more disturbing. Wikipedia has helpfully provided a list of government data losses between May 2007 and October 2008, detailing the departments, the number of records lost and the circumstances. The most serious concerned the Driving Standards Agency (3 million), HM Revenue and Customs (25 million), the Department for Work and Pensions (three times, totalling millions), the Home Office (84,000), the Service Personnel and Veterans Agency (50,500), and the Ministry of Defence (1.7 million). But also listed are the Foreign and Commonwealth Office, the Ministry of Justice, and the Insolvency Service. Among reported private sector losses one of the most serious was Zurich Insurance (46,000 customers), incurring a Financial Services Authority fine in August 2010 of £2.27 million. The unhappy story has continued apace. In October 2009, *The Register* reported that even more companies and government departments had notified data losses to the ICO: 356 between November 2008 and September 2009. This compared to 190 incidents between October 2007 and November 2008. The biggest cause was attributed to stolen hardware, usually laptops. 71 incidents were blamed on lost hardware, typically memory sticks. Another 78 were due to data disclosed in error – wrongly addressed discs or memory sticks – easily avoided by using basic encryption and secure online delivery. Even more recently (February 2012) it was reported that Brighton and Sussex University Hospitals Trust faced a possible record £375,000 fine, after patient information turned up on eBay.

Small wonder then that Paul Norbury, quoted in the April issue of *CILIP Update*, argues that data security should be put at the top of the agenda for public and private organisations. He points out that 'as flash drives and memory cards are available with massive capacities, people lose track of what's been stored. It's so easy to keep adding data without maintaining any record of what's been downloaded over extended periods of time. This means that organisations can lose control of the location and security of their data very quickly – and have no idea of how many copies of their documents are in circulation. For this reason, it is vital that owners and holders of sensitive data have a watertight security policy, enforced by a strong technological infrastructure. In short, USB and other memory cards really should be encrypted and their use authorised and logged by employers – or banned altogether.'

It isn't just that I, and many others, hate all these data disasters – and their cost. Given that ICO is now able to impose fines of up to £500,000 for serious data security breaches, custodians of personal information should take this message very seriously.

Derek Kinrade