

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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A SINGULAR HONOUR

On Wednesday, 30 March, a celebration of the 40th Anniversary of the coming into effect of the Chronically Sick and Disabled Persons Act was held in Westminster Abbey, attended by a huge invited audience. It has been rare for Acts of Parliament to be celebrated during the history of this great church. The last time any such event took place was four years ago, when a service was held to mark the bicentenary of the Abolition of the Slave Trade Act. That so illustrious a service was held in this imposing setting was indeed a singular honour in recognition of what has become known as the ‘Alf Morris Act’; a measure which, as the order of service put it, has “brought freedom, dignity and respect to many people whose prospects would otherwise have been severely blighted”.

There was a tribute from Prince Raad bin Zeid, President of the Higher Council for Affairs of Persons with Disabilities of the Hashemite Kingdom of Jordan, who spoke of the global impact of the Act and the Charters that had followed. Then three disabled people – Baroness (Tanni) Grey-Thompson of Eaglescliffe, Lance Corporal Craig Lundberg and Matthew Hampson – gave testimonies to the revolutionary [indeed evolutionary] consequences of the Act, which could only have been carried through to the Statute Book by a man uniquely fitted to challenge the status quo.

But it was for The Lord Lloyd of Berwick to lend judicial rigour to Alf Morris’s achievement, with an address in which he brought out the full significance of the Act as the first measure on disability to create enforceable *duties* on local authorities: a truly noble aspiration that changed the whole way we looked at disabled people. It was also remarkable that whereas other great milestones of historical legislation had come from ‘movements’ driven by many people, the Alf Morris Act came “out of the blue” as the brainchild of a single individual. Though others had come forward to help, it was an astonishing personal achievement. Baroness Royall had earlier read the passage from St.Paul’s first letter to the Corinthians (12:12-23, 26), stressing that the body does not consist of one member but of many, and that those members of the body that seem to be weaker are indispensable, to be clothed with greater honour and respect. In the same way, Lord Lloyd reminded us, society is made up of members of one body, with a duty to care for other members of mankind. As John Donne put it: “No man is an island”.

Editorial note: We thought that this, perhaps, put the idea of a ‘big society’

into a different perspective, and that while no-one was insensitive enough to air dissent on such an occasion as this, the coalition government might just now appear to be missing out on the honour and respect due to our disabled citizens, not least through the parcelling out of the 'work capability assessment' to a commercial provider using a malfunctioning mechanistic process that has so far produced so many bizarre results that tribunal judges are said to be overturning around 40% of the cases they see.

WELFARE REFORM: OBSCURE BUT IMPORTANT (AND SOMETHING THAT IDS MAY HAVE MISSED)

The Daily Mail Online (15 March) reported on a study carried out by a team from the Australian National University in Canberra. This found "that work of poor psychosocial quality, characterised by low job control, high job demands and complexity, job insecurity and the perception of unfair pay, does not bestow the same mental health benefits as employment in jobs of high psychosocial quality." In fact, the study found "that moving on from unemployment to a job with poor psychosocial quality was associated with a significant decline in mental health relative to remaining unemployed."

These findings, reported in the journal *Occupational and Environmental Medicine*, led the team to suggest that psychosocial job quality is a pivotal factor that needs to be considered in the design and delivery of employment and welfare policy.

Or as *The Daily Mail* put it more succinctly: **WHY HAVING A DEAD-END JOB IS WORSE FOR YOUR HEALTH THAN BEING UNEMPLOYED.**

SOCIAL WORKERS AND THE RIGHT TO COMPLAIN

What do users of social work services do if they have serious concerns about a social worker?

The General Social Care Council (GSCC) says that people have a right to expect a high standard of care and competence from social workers, and is publicising its code of practice, which sets out the standards expected of them.

The Code is available at gsc.org.uk/page/91/get+copies+of+our+codes.html

As well as reporting any problems to the social worker's employer, the GSCC suggests that anyone who is concerned about their social worker's behaviour can alert the Council by contacting them in the following ways:

- Telephone 01788 532 405
- Email conduct@gsc.org.uk
- Write to: Conduct Group, General Social Care Council, Myson House, Railway Terrace, Rugby CV21 3HT

From the RNIB's magazine, *NB*, February 2011.

WORTH WATCHING

In September last, Tom Brake, a Liberal Democrat MP, introduced the *Freedom of Information (Amendment) Bill 2010*, under the Private Members' 10-Minute Rule. It is intended to remove provisions permitting Ministers to overrule decisions of the Information Commissioner and Information Tribunal; to limit the time allowed for public authorities to respond to requests involving consideration of the public interest; and to amend the definition of public authorities to include certain public service contractors and publicly funded 'not for dividend' companies. The Bill was due for Second Reading on 18 March, but there was insufficient time for debate. It will now be brought to the House on 17 June.

In the meantime, the Government has introduced its own *Protection of Freedoms Bill 2010-11*. Having received a second reading on 1 March, it passed to Committee on 22 March. It is a wide-ranging Bill, which includes provision in section 92 to provide that where application is made to a public authority for information that forms part of 'dataset' held by that authority, the applicant having expressed a preference for the information to be provided in electronic form, then the authority must, so far as is reasonably practicable, supply the

information in an electronic form capable of reuse. ‘Dataset’, which is closely defined, broadly refers to collections of information held in electronic form. The Bill also contains detailed provisions limiting the powers of the Information Commissioner to act without the consent of the Secretary of State.

The Committee is now accepting written evidence.

NEW PUBLICATIONS ON ACCESS TO INFORMATION

The Scottish Accessible Information Forum (SAiF) has just published two further publications: *Making Services Accessible* and *Making Websites Accessible*. The first is a 12-page guide containing the key elements of SAiF’s Standards, while the latter replaces and updates *Making E-Communication Accessible* (2006), has all the key elements of the earlier guide condensed into just 20 pages and “is far more user-friendly”.

SAiF can be contacted through Consumer Focus Scotland, Royal Exchange House, 100 Queen Street, Glasgow G1 3DN; tel: 0141 226 5261 (voice), 0141 226 8459 (Minicom); e.mail: info@saifscotland.org.uk; website: www.saifscotland.org.uk.

HUMAN RIGHTS UNDER THREAT?

On 18 March the Government announced the setting up of a Commission to investigate a new Bill of Rights, one that “incorporates and builds on Britain’s obligations under the European Convention on Human Rights [and] ensures that these rights continue to be enshrined in UK law”. So nothing to be worried about there!!! Yet Liberty, our human rights champion, is anxious, fearing that the Human Rights Act is in jeopardy. It notices that the move comes after a month of unprecedented attacks on the senior judiciary and the Act itself from some politicians and parts of the media, marked by a great deal of misinformation. Liberty’s position is that the existing Human Rights Act already provides a uniquely British Bill of Rights, balancing parliamentary sovereignty with the rule of law to protect every man, woman and child in this country. However, it also points out that little has been done by successive governments to publicise and explain the existing legislation. In a recent survey commissioned by Liberty only 9% of respondents remembered having seen any information from government.

The Commission will be chaired by Sir Leigh Lewis, a former permanent secretary for the Department of Work and Pensions, and has a formidable mix of leading human rights and commercial QCs (a list is available on Liberty’s website).

Professor Geraldine Van Bueren, Commissioner for human rights at the Equality and Human Rights Commission had this to say:

‘It is really important that any discussion about a potential Bill of Rights goes beyond the usual slanging match which surrounds this most important of subjects. The review [] creates an opportunity to show what a positive contribution the Human Rights Act has made to the lives of everyone.

‘There is a job to be done to convince people that human rights are relevant to them in a way which contradicts their negative portrayal. It is also important that the instrumental role that the Human Rights Act plays in issues such as improving NHS care or promoting justice for victims of crime is recognised.

‘The Equality and Human Rights Commission is absolutely committed to the rights and protections currently in the Human Rights Act and we will be making the case that any new Bill of Rights must extend these further.’

Editorial note: We share concern that the direction of any change should not be regressive. Is it not remarkable at a time when our finances are under strain that the government should set up a new Commission on this subject? It suggests a great distaste for the existing legislation among the political establishment and an unfortunate hostility towards the judiciary. As we remarked in ‘We Hate No. 36’ (about the ruling on the blanket denial of voting rights to prisoners), the issue was one that brought 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.

THE ROAD TO THE SPECIAL OLYMPICS

Axess Film has produced a 60-minute documentary – *I Love Special Olympics*. It features four young athletes with learning disabilities who compete nationally and internationally in their chosen special sports. The film tells the story of:

- An extrovert Down's Syndrome dancer who aims to become the world's most famous person with that condition
- A ten-pin bowler who didn't speak his first word until he was seven, and did not walk until he was nine
- A world champion judo fighter, born prematurely, who has been in foster care since he was three, has autism and is blind in one eye
- A basketball player who hates crowds, finds it difficult to mix in a team, but is nevertheless hoping for a gold medal at the National Games.

Special Olympics, an official but 'Cinderella' member of the Worldwide Olympics Movement, was founded by Eunice Kennedy Shriver, sister of President John F. Kennedy, as a result of the tragedy of her younger sister Rosemary, a victim of prejudice against children with learning disabilities in the 1940s, who was cruelly lobotomised and confined to a nursing home for life.

This remarkable film is entirely in tune with the Corinthian message with which we began this News Briefing. Even Thomas Leader, who tells the stories, found the experience a voyage of discovery. We are all different, differently talented, differently challenged, but some are more different than others, and the film is brave in presenting the players realistically: each with their own peculiarities but all making the best of their lives towards fulfilment and finding happiness. This is a film that deserves to be shown on mainstream television. Axess Film wants to follow the story to the International Games, but needs support to do so, and thus promote a wider public understanding of the challenges faced every day by these young people and their families. The film is available as a DVD. For more information contact producer Cathy McDermott at 71A & 71C High Street, Heathfield, East Sussex TN21 8HU, tel: 0800 028 37 66, e.mail: axessinfo@btconnect.com, website: www.axessfilm.com

CUTTING THE EHRC DOWN TO SIZE?

On 22 March, the Government announced the launch of a consultation on its plans to reform the Equalities and Human Rights Commission (EHRC), with the somewhat pre-emptive title *Building a Fairer Britain*: an odd choice for a plan at the consultation stage, even if, as the executive summary says, the Commission "has struggled to deliver against its remit and provide value for money" and "has not been cost effective for the taxpayer". The Government looks to end those functions of the EHRC that it sees as outside its core purposes and which could be done better or more cost-effectively by others (note the use of 'or' rather than 'and').

Essentially, however, it is clear that the EHRC is regarded as punching below its considerable weight, and it is difficult to quarrel with the Government's vision that the EHRC should "become a valued and respected national institution [implication that it is not at present] focusing on its core role as a strong, modern equality regulator and UN-accredited National Human Rights Institution. It should champion effective implementation of equality and human rights law, work strategically with a range of partners to build capacity, hold Government and others to account for their performance on equality and human rights [and] build and use a strong evidence base."

The consultation, which ends on 15 June, sets out an agenda for reform, which includes an end to funding the EHRC helpline and grants programme (from 31 March 2012) and statutory requirements for an annual business plan and for the EHRC Chair and CEO "to have regard to using public money efficiently and effectively.", with a sanction if it fails to do so.

The Guardian has pointed out that it is likely that staff levels will be further reduced, and that the EHRC budget, already set to be cut from £53m to £45m in 2011-12, will face a much deeper cut by 2015.

The paper, a summary of consultation questions and a pro-forma for responses can be found at www.equalities.

VALUING CULTURE

You may find this difficult to comprehend, but a report to the Department for Culture, Media and Sport, from Leeds Metropolitan University, “explores the debates around cultural value, considering the meaning of culture and the reasons why valuation of culture is such a difficult task”. The report concludes that overall economic valuation techniques supported by the Treasury’s ‘Green Book’ should be used by the cultural sector when articulating its value to central government [and hence – we believe – to justify funding]. In the light of this conclusion the report makes three specific recommendations for DCMS and the cultural sector of which the first is perhaps the most important [and the most threatening], namely that the DCMS, in consultation with the cultural sector, should create clear guidance on how to use the economic valuation (rather than economic impact) techniques already deployed across central government and recommended by H.M.Treasury.

So let’s have no more nonsense about art for arts sake. We are reminded of the time (in March 1902) when Fred Gaisberg wanted to record Enrico Caruso, then early in his career. Caruso wanted £100 for ten arias, and Gaisberg felt it necessary check with his HQ. The response came back: “Fee exorbitant. Forbid you to record”. Fortunately for posterity Gaisberg took no notice.

For more go to www.culture.gov.uk/publications/7660.aspx

AN ENDANGERED SPECIES? (written before Sir Alex said much the same thing)

We wonder why football managers should not be entitled to challenge refereeing decisions after the game. Are match officials beyond criticism? Can they do no wrong? What has become of freedom of expression? We accept that you can’t have players fiercely disputing decisions during play, but why should not a manager upbraid a referee after the match about dodgy rulings. Mistakes are undoubtedly made and they can sometimes be of crucial importance to a team’s success. There is a law to protect match officials (or anyone else) against defamation, but why should the managerial expression of honest feelings be seen as an internal disciplinary offence by football authorities. Respect, we feel, can be carried too far.

INEQUALITY AND HOMICIDE

The Equality Trust has released its first quarterly *Research Diary*, a review of what the wider academic literature is saying about income inequality and its consequences.

The first issue focuses on the relationship between income inequality and violent crime. Go to www.equalitytrust.org.uk/resources/publications/research-digest-1-violent-crime-web

WE HATE NO. 40: TRIBAL POLITICS

“to get along in the world, it was necessary to support a ticket, whether Left, Right or Centre.”

Malcolm Muggeridge: *Chronicles of Wasted Time* (v.2, 1973)

If you watch the BBC’s *Question Time*, you cannot fail to have noticed that contributors with political affiliations generally follow their party line and seek to discredit the views of their political opponents, all to the detriment of open debate and reasoned argument. The same tribalism dominates Prime Minister’s Questions (and answers); such that political thinking is fettered by the bonds of ideological dogma. In such contexts the progress of government is often reduced to a game of defending the indefensible and scoring points between the narrow beliefs of opposing sides. Surely we can do better than this.

Seasoned parliamentarians will point out that the real thinking gets done in committee and by the Whitehall mandarins, but that is rarely what the general public sees. Therefore there is a widespread and growing disaffection with politics. Some people may, nevertheless, be influenced by charismatic and articulate tribal leaders; of whom there have been, of course, many striking, if misguided, examples. They can also be swayed by the forthright expression of tribal prejudice: such as the idea that many of those claiming benefits are work-shy spongers. Here history provides an interesting precedent. Back in the 1830s the cost of providing relief to the poor was causing concern. The administration and practical operation of the Poor Law was being called into

question, so that in 1832 a Royal Commission was appointed. It has been alleged that basic hostility to ‘outdoor relief’ was a given even before the evidence had been examined. It is certainly clear that a primary concern was to reduce expenditure. The thrust of the enquiry 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. On 14 August 1834, an Act for the Amendment and Better Administration of the Laws Relating to the Poor in England and Wales set the pattern for social security for the next 75 years. In addition to centralising the administration of the Poor Law, a key strategy was that relief should, wherever possible, be provided by admission into a network of local workhouses. Here was a system of relief which could be made so irksome and disagreeable that no-one would consent to receive it who could possibly do without it.

Today we don’t have workhouses, but readers may be forgiven if they nevertheless see parallels with current welfare reform proposals. The political dogma that work – any kind of work – is a pathway to a better life, especially when very little work is available, may perhaps be seen as little more than rhetoric to disguise an overwhelming desire to reduce expenditure.

Yet this is but one example. All too often the policy and practice of successive governments has been determined by perceived financial advantage. We can see this particularly in the sale of arms to repressive regimes and in the shameful cosy up to despotic leaders. No amount of impressive rhetoric can mask this subordination of moral principle.

Irrespective of the electoral system in place, we have in this country a parliamentary disposition in which, apart from a few independents, those elected or chosen are expected to follow the agreed policies of the party (tribe) to which they belong. A few radicals will occasionally rebel, but by and large our ‘democratic’ decisions follow the predictable political paradigms of the party for the time being in power. Thus politicians will be pressured to choose pragmatism over principle, be torn between sincerity and what is required to attract votes, gather around their tribe’s totem and withal sometimes have an eye open to advancement. Our politics, like our legal system, are predominantly adversarial rather than consensual. Hence we resort, for the most part, to tribalism with its attendant deconstructive bickering. As Henry Brooks Adams put it: “Politics, as a practice, whatever its professions, has always been the systematic organization of hatreds.” Small wonder that politicians have a bad name and are commonly despised.

This briefing, the last under the NIF banner, 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 still available at: www.nif.org.uk.