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## Smartscreen.co.uk Quarterly Policy Bulletin

### Keeping you in the know: Spring 2011

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Welcome our latest quarterly legislation and policy bulletin, keeping you informed about new legislation, policy, news and ideas in health and social care.

I've got so much to tell you. The health and social care landscape is changing faster than a PE teacher at home-time. As ever, if there is anything you would like me to look into or cover in future bulletins just drop me a line at: [policy.pundit@yahoo.co.uk](mailto:policy.pundit@yahoo.co.uk)

<b>What's hot?</b> .....	1
New Fostering Regulations.....	1
Work Capability Assessments.....	2
<b>New legislation</b> .....	3
<b>Bills before Parliament</b> .....	3
Health and Social Care Bill 2010-11 .....	4
Support and Protection for Elderly People and Adults at Risk of Abuse Bill 2010-11 .....	4
<b>Websites we like</b> .....	5
<b>Quotes for the quarter</b> .....	5
<b>Handy tips for busy folk</b> .....	5

### What's hot?

Perhaps more a question of what **isn't** hot just now. Everything is bubbling away in the melting pot of a fairly new Government that wants to put its mark on things while dismantling all of the last Government's efforts. As I have been surfing the virtual corridors of power – also known as government departmental websites – I have been seeing strange notices plastered all over nearly everything. Every link to a Labour policy has a note next to it reading something like:

**‘Warning: This may not reflect Government policy. While it may still be part of current legislation it is now under review.’**

But of course, it still **is** Government policy, until it isn't anymore. What a daft and rather petulant way to manage policy. It is a bit like saying: ‘If anything goes wrong under this policy it's not our fault, blame the last lot’. Perhaps the person who had to go through all these sites pasting in this silly message would have been better employed elsewhere.

Speaking of Government websites, apparently the Government has decided that it has far too many (you think?!) and is closing some of them down. The Youth Justice Board (YJB) site is one of the first to go in this latest economy drive.

Information for youth justice practitioners will move to a new [justice.gov.uk](http://justice.gov.uk) website.

This new site will also house content from the Ministry of Justice, Her Majesty's Courts Service, the Prison Service, the Legal Services Commission and other justice agencies whose websites are also closing.

Content from the YJB website intended for the general public will move to the [Directgov website](http://Directgov).

### New Fostering Regulations

A raft of new regulations relating to fostering children comes into force on the 1 April. There are

new minimum standards for adoption and fostering in England as well as new guidance on fostering with friends and family. There is an excellent page on the British Association for Adoption and Fostering website with links to all the relevant documents which can be found here: <http://www.baaf.org.uk/newadoptionregulation>.

The new minimum standards cover these areas:

- fitness to carry on or manage a fostering service management
- securing and promoting welfare
- staff and foster carer recruitment, checks
- recording and record keeping
- fitness of premises
- financial matters
- fostering panels
- short-term breaks
- families and friends as carers.

All of this seems to signify something of an overhaul of adoption and fostering services with only one centralised agency to check up on standards. Local authority fostering services, independent fostering agencies and voluntary organisations that provide fostering services will all come under the same inspection regime for the first time. It has been commented upon that part of this shake up is a set of 'minimum' standards – a far cry from previous calls to strive for excellence but perhaps more realistic in the end.

The Regulations have been supported by the Fostering Network who feel that they will mean a reduction in bureaucracy and great autonomy for foster carers.

A spokesperson said:

'What the government has tried to do is make the system less bureaucratic and make sure fosterers are allowed to make more decisions surrounding care without having to ask for permission all the time.

'What has been happening is that for a decision around something simple like a school trip or having a haircut, the fosterer had to report back and ask for permission.

'The old regulations were also very focused on processes and not the feelings of the child. Now the emphasis is very much focused on ensuring decisions are in the best interest of the child.'

Life in care has always been artificial and I think that these new regulations allow for a less intrusive situation for looked-after children and young people.

### **Work Capability Assessments**

This April we say goodbye to Incapacity Benefit which is to be replaced by the new and shiny Employment Support Allowance. Well, it's not all that new and shiny because for the last 2½ years all new claimants for Incapacity Benefit have had to apply for the new benefit instead. As of now however, existing Incapacity Benefit claimants will be swapped over after having been through the much-dreaded 'Work Capability Assessment'.

Notice the change in language here. In the old days it was all 'incapacity', 'invalidity', negativity. Now, in the new Big Society we talk in terms of 'capability' and 'employment support'. Now, this is not a bad thing in itself, it is good to be positive and to positively promote and assist people with an impairment to realise their full potential and contribute to society. **However**, here comes the scary statistic:

When they piloted the Work Capability Assessment in Scotland (why does everything get tested on the poor Scots? Remember the Poll Tax?). Anyway, when they piloted the test a staggering **30%** of candidates were disqualified or partially disqualified from benefits. The result was that the appeals process was immediately jammed solid.

Can it be that a third of people claiming incapacity benefits in the pilot area were wrongly assessed in the first place, or worse, they were 'at it'? ('at it' = Scottish phrase meaning to rip off or otherwise try it on, that is to say trying to fool us all.) Professor Paul Gregg, who helped design the system feels that there are still problems with the system and has criticised the current process. Employment Minister Chris Grayling refutes this and says that although some issues have been highlighted in the system they will be sorted before April. He has also said that the appeals and tribunal system is to be speeded up. I'm a bit cynical about this last bit. It seems rather like complaining that the roof has blown off your house and the builder responding by telling how good his complaints procedure is.

My advice to workers supporting people affected by this is to get stuck into learning those appeals procedures. If there is sufficient demand I can cover some of the issues in the next bulletin. The email is around here somewhere...

## New legislation:

Here are all of the relevant Acts of Parliament passed in 2010. Click the links for their text or explanatory notes.

- [Child Poverty Act](#) (UK wide except for devolved matters) March 2010.
- [Children Schools and Families Act](#) (Eng, Wales) April 2010.
- [Digital Economy Act](#) (UK wide) April 2010. (Not specifically social legislation but it has some interesting side effects on all of us.)
- [Equality Act](#) (Eng, Wales) April 2010.
- [Personal Care at Home Act](#) (Eng, Wales) April 2010.

## Bills before Parliament:

With the sad demise of the OPSI website (see **Websites we like** below) the place to find lists of Bills before Parliament is: <http://services.parliament.uk/bills/>.

The following are now at the bill stage:

- [Activity Centres \(Young Persons' Safety\) \(Amendment\) Bill 2010-11](#)
- [Carers and Employment Bill 2010-11](#)
- [Carers \(Identification and Support\) Bill 2010-11](#)
- [Credit Regulation \(Child Pornography\) Bill 2010-11](#)
- [Domestic Violence, Crime and Victims Amendment Bill 2010-11](#)
- [Education Bill 2010-11](#)
- [Employment Opportunities Bill 2010-11](#)
- [Equality and Diversity \(Reform\) Bill 2010-11](#)
- [Face Coverings \(Regulation\) Bill 2010-11](#)
- [Grandparents \(Access Rights\) Bill 2010-11](#)
- [Health and Social Care Bill 2010-11](#)
- [Localism Bill 2010-11](#)
- [National Service Bill 2010-2011](#)
- [Rights Bill 2010-1](#)
- [Sex and Relationships Education Bill 2010-11](#)
- [Shared Parenting Orders Bill 2010-11](#)

- [Support and Protection for Elderly People and Adults at risk of Abuse Bill 2010-11](#)
- [Young Offenders \(Parental Responsibility\) Bill 2010-11.](#)

## **Health and Social Care Bill 2010-11**

This is radical stuff and its ideas were recently largely rejected by the British Medical Association.

The Bill proposes to create an independent NHS Board, promote patient choice, and to reduce NHS administration costs.

### **Main areas covered by the Bill are:**

- establishing an independent NHS Board to allocate resources and advise on commissioning
- GPs to get increased powers to commission services on behalf of their patients
- the role of the Care Quality Commission to be strengthened
- Monitor, the organisation that regulates NHS foundation trusts, would become an economic regulator overseeing aspects of competition and access in the NHS
- the number of health bodies would be cut to help meet the Government's commitment to cut NHS administration costs -- this would include abolishing Primary Care Trusts and Strategic Health Authorities.

I would have thought that GPs have enough to do looking after us all at a personal, local level rather than being responsible for running the local NHS. This Bill relates to the business of health at a fairly high level but of course the effects will trickle down to us all in time. This is one to watch.

## **Support and Protection for Elderly People and Adults at Risk of Abuse Bill 2010-11**

This is a private member's bill introduced by Nigel Dodds (DUP) Belfast. In his presentation of the Bill, he highlighted the 'hidden problem' of the abuse of the elderly and of vulnerable adults and commented up on the lack of awareness and the need for training for those who work with them. Here is the summary of the Bill as printed in the UK Parliament website:

'A Bill to promote awareness of abuse of elderly people and adults at risk, to promote training on how to recognise and respond to such abuse amongst those who are likely to encounter abuse in the course of their work, to promote greater awareness and understanding of the rights of victims of abuse amongst agencies with responsibilities for providing, arranging, commissioning, monitoring and inspecting care services, to promote the development of local strategies for preventing abuse of elderly people and adults at risk and for ensuring that victims are assisted in recovering from the effects of abuse.'

Now this is all very commendable but are we really still living in ignorance of this issue? Have we not spent the last few years gearing up vetting and barring procedures, as well as legislation, to deal with this problem? One example being the Safeguarding Vulnerable Groups Act 2006. It seems a little as if Mr Dodds has only just discovered the problem for himself. Local authorities have systems in place to respond to elder abuse so why do we need yet more legislation? Except that we probably do.

In 2009 Clare Dwyer Hogg of the Independent wrote an important article in which several organisations and professionals expressed the feeling that abuse of vulnerable adults and the elderly is still a poor relation to the high profile world of child protection. One stunning statistic was that while 37% of the population had heard about the death of Victoria Climbié, only 6% had heard about the death of Margaret Panting, a 78 year old who died following dreadful cruelty at the hands of relatives after she moved in with them. You can read the full article at:

<http://www.independent.co.uk/news/uk/home-news/adult-abuse-the-shocking-truth-1692223.html>

So, we will follow the progress of this Bill with interest. Hats off to Nigel Dodd for stating the obvious – it seems to be sadly necessary.

## Websites we like:

I have a sad announcement to make. For anyone fond of browsing UK legislation on those long winter nights (I mean, don't we all?), I must announce the closure of our old friend the **OPSI website**. The Office of Public Sector Information has long run an excellent database of UK and regional legislation. This has been replaced with a new site, powered by the National Archive: [www.legislation.gov.uk](http://www.legislation.gov.uk).

I know we all hate change but after some weeks of using it I can only say... it's good. Sorry, I'd love to get all satirical about it and bang on about the coalition stamping their identity all over everything for no good reason and in a recession too – but actually it's a slightly better site with a few useful new features. One that I like is the bar graph that tells you how many laws have been passed in a given year. Methinks this is supposed to develop into a visual demonstration of rolled back government under the Tories. The good bit, however, is that if you click on any of the bars you go straight to the list of Acts for that year. Neat.

Why do I feel like Jeremy Clarkeson reviewing the latest family saloon? Anyway, give it a go. It takes a little getting used to but it works fine. I haven't got a sarcastic comment to make about it! I must be losing my touch.

## Quotes for the Quarter

**'We are all human and we err and stray.'**

**Prime Minister David Cameron**

**'Without music to decorate it, time is just a bunch of boring production deadlines or dates by which bills must be paid.'**

**Frank Zappa**

## Handy tips for busy folk:

Pushed for time? Fed up with having to actually do work for your hard-won qualifications? Never fear, help is at hand. It may come as a shock to some but your faithful policy pundit actually does other things to earn a crust. A lot of it is to do with writing and recently I was surfing the inter-web looking for writing jobs in the health and social care field when I began to come across a **lot** of websites which, basically, offer to write your essays for you.

What an amazing idea? No more actually having to think or learn or grow or progress. The scariest aspect was that they catered for clients from 'GCSE O-Level' to PhD. So, in theory, that person checking your moles for cancer or the national grid for gas leaks might not know **anything at all** about their professed profession.

I had to know more so I went undercover in their recruitment (for new writers) section. Apparently if I were to write for them they would... wait for it, you'll love this... *check my work for plagiarism!* Of course, that makes perfect sense; we can't have me using copied work in case some spoilt college brat gets in trouble for not doing the work themselves.

I shall resist the urge to write a rant about the state of the nation and 'young people today' but I might copy something off the internet later and paste it in if I get a minute...

Back in August, have a good summer!

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