

Policy News from MHA: May 2015

Welcome to MHA's May monthly policy bulletin. Following the Queen's Speech, we offer an overview of the Government's legislative agenda for 2015/16, highlighting key bills of relevance to older people and MHA.

- **Queen's Speech**
 - **Social Care**
 - **Health**
 - **Dementia**
 - **Ageing**
 - **Third Sector**
-

The Queen's Speech – the Government's legislative programme for 2015/16.

The Queen's Speech sets out the Government's agenda for the 2015/16, outlining proposed policies and the legislative programme for the coming year. The Bills announced are the laws that the Government hopes to pass in this session of Parliament.

This is the first wholly Conservative legislative programme since 1996.

Highlights – key bills of relevance to older people and MHA

The Queen's Speech announced [26 Bills](#) that will progress through parliament this year. This is a relatively large number of bills, so highlights of interest to MHA include:

- **Health and Social Care** – no Bills were announced. There was a resounding silence on social care, with focus on the NHS, including moving to a seven day service.
- **Older People** – no Bills were announced for pensions but 'measures will be brought forward' to continue the 'triple lock' to ensure increases to the basic State Pension. This indicates future legislation will be on the cards.
- **Housing Bill** – this introduces several measures designed to stimulate the housing market. This includes the controversial extension of 'Right to Buy' to housing associations.
- **Charities Bill** – progresses moves to give the Charity Commission more powers.

- **Finance Bill** – will enact the Conservative promise not to increase taxes over the next five years. The legislation will also raise the Personal Tax Allowance and make provisions for those receiving the National Minimum Wage.

Health and Social Care

- The Queen's Speech was disappointingly silent on social care, other than a reference to continuing to join up healthcare and social care. However, there was explicit reference to the NHS and supporting the NHS Five Year Forward View, by increasing the health budget and ensuring the seven day access.
- Earlier in May the head of England's NHS [Simon Stevens](#) suggested the health service would need more money each year than originally identified and suggesting that plans, such as a seven-day service, would have to be phased in.

Older people

- There is a commitment to continue the 'triple lock' to ensure increases in the basic State Pension for the duration of the Parliament and protection for other benefits, including Winter Fuel Payments, free bus passes, TV licences, and free prescriptions. Legislation is likely to follow later in the Parliamentary year.

Key Bills

1. Housing Bill

- Enacts the key Conservative Party manifesto pledge to extend the 'Right to Buy' scheme to housing associations, so that tenants in housing associations have the same right as tenants in local authority homes.
- Requires councils to sell the most valuable homes from their remaining stock and the proceeds from these sales will then be used to build replacement homes on a one-for-one basis.
- Provides help for first-time buyers by aiming for 200,000 starter homes to be available to those under 40 at a 20% discount

Implications: Concerns were raised about extending the 'Right to Buy' policy to housing associations when it was launched during the election campaign (previous comments can be seen in our [mid-May special bulletin](#)). The [Institute for Fiscal Studies](#) highlight that "in 2012 the coalition introduced a similar commitment to replace properties sold under Right to Buy on a one-for-one basis, though this commitment was somewhat looser, with replacement at a national level. The intention was to deliver replacement homes with receipts comprising just 30% of the total cost. However, the record on delivering this weaker commitment has been less than impressive... – a replacement rate of around one in ten... This record provides some reason for scepticism about whether this more stringent, more expensive commitment will be delivered."

In response to the Queen's Speech, [NCVO](#) have highlighted two concerns:

- *"The extension would generate a worrying precedent of government interference in the running of independent charities by enabling the compulsory sale of charity assets at a discount.*
- *There are serious implications for the financial model of housing associations, which is based on having houses as assets to borrow against. If tenants have the right to dispose of these*

assets, housing associations may become a very risky prospect for mainstream lenders and social investors and not be able to provide social housing for the future."

2. Charities (Protection and Social Investment) Bill

- Aims to give the Charity Commission additional powers to tackle abuse and deliberate wrongdoing in charities. It bans people such as criminals or terrorists from becoming charity trustees. And it aims to make it easier for charities to make social investments, following a Law Commission recommendation.

Comment: This Bill has already been through scrutiny as the Draft Protection of Charities Bill and has already been presented to the House of Lords. It is therefore expected to pass through Parliament fairly quickly.

The Charities Aid Foundation said new legislation must not place onerous restrictions on charities and that voluntary expertise "*must be listened to*". They also welcomed extra protections for charities from abuse. The Charity Commission welcomed the proposals, adding they will "*enable the commission to protect charities from abuse and will empower charities to make social investments.*"

3. Finance Bill (Personal Tax Allowance)

- Includes a commitment to raise the personal allowance to £12,500 and legislates to ensure that individuals working 30 hours at the national minimum wage will not pay income tax. Will also implement the election pledge to prevent increases in Income Tax rates, VAT rates, or individual, employee or employer rates of National Insurance, above the current rates over the next five years.

Implications: At MHA, we already pay above the national minimum wage, and our recent pay review continues to ensure this. Obviously, this is good news for other workers within the care sector who do receive the minimum wage.

4. Immigration Bill

Introduces greater controls on immigrants, particularly illegal immigrants, by:

- Creating a new offence of illegal working
- Allowing for the seizure of wages paid to illegal immigrants as proceeds of crime
- Making failure to advertise jobs in English in Britain illegal
- Creating a new enforcement agency to address the exploitation of migrant labour.

Implications: One of the main clauses of the Bill includes undertaking a consultation of a new visa levy on businesses that use foreign workers.

5. Cities and Local Government Devolution Bill

- This offers cities across the country the opportunity to take control of health and social care, housing, planning, transport and skills powers if they have or introduce a directly elected mayor. Mirrors the devolution powers already announced for the 10 Greater Manchester authorities.

Implications: Devolution of this range of powers offers the potential of more joined up and flexible local public services, such as more health and social care control at a local level. However, it could

also further complicate the navigation of an already varied and complex local commissioning landscape.

Note: Local government funding was not mentioned in the Queen's Speech as this is likely to feature in the Chancellor's Budget on 8 July. However in the lead up to State opening of parliament, the now Conservative-led Local Government Association (LGA) warned that a fresh round of cuts would devastate local services and communities. In an [open letter to the Observer](#), Councillor David Sparks, Chairman of the LGA said that *"Vital services, such as collecting bins, filling potholes and caring for the elderly, would struggle to continue at current levels. It would leave other parts of the public sector, such as the NHS, left to pick up the pieces of councils scaling back services."*

6. European Union Referendum Bill

- This Bill commits the Government to hold a referendum on whether or not the UK should stay in or leave the EU before the end of 2017, as part of the Conservative government's plans to renegotiate its relationship with the EU. It has been presented to the House of Commons and it is likely to be fast-tracked to meet the Government's timetable. The question posed to voters will be *"Should the United Kingdom remain a member of the European Union?"*

Comment: There are many implications for the UK of a potential departure from the EU, but at this stage, they are very hard to identify. For a large employer like MHA, it would depend greatly on what emerged from the Prime Minister's negotiations on reforms to the EU and/ or subsequent employment legislation following a UK exit. We will keep a watching brief on this as the debate evolves.

7. English Votes for English Laws

- Proposed changes to the Standing Orders of the House of Commons would ensure that decisions affecting England, or England and Wales, can be taken only with the consent of the majority of Members of Parliament representing constituencies in those parts of the UK.

8. Scotland Bill/Wales Bill

Enacts post-referendum agreements drawn up by the Smith Commission including:

- Enabling the Scottish Parliament to set the thresholds and rates of income tax on earnings in Scotland and keep all the money raised in Scotland
- Gives Scotland £2.5bn of welfare powers, plus the power to vary the frequency of Universal Credit, and control over benefits which affect carers, disabled people, the elderly
- Control of programmes which help people find work.

The Wales Bill will seek to clarify and devolve further powers to the National Assembly, such as energy development and decisions on votes for 16 and 17 year olds.

9. Trade Unions Bill

Aims to reform trade unions by introducing:

- A 50% voting threshold for union ballots turnouts
- A requirement that 40% of those entitled to vote must vote in favour of industrial action in certain public services (health, education, fire, transport)
- Time limits to a strike mandate following a ballot for industrial action
- An 'opt-in' process for the political fund element of trade union subscriptions.

Comment: UNISON General Secretary Dave Prentis said "*The UK already has tough laws on strikes – there is no need to make them stricter still. Democracy won't be enhanced by raising thresholds but by bringing balloting into the 21st century.*"

10. (Draft) Public Service Ombudsman Bill

- Creates an overarching Public Service Ombudsman organisation which would merge the functions of the Parliamentary and Health Service Ombudsman, the Local Government Ombudsman and potentially the Housing Ombudsman. Aims to provide 'a more effective and accessible final tier of complaints redress within the public sector'.
- The Government are currently consulting on this proposed Bill until the 16 June.

Comment: Should the Bill progress, changes may be required to change our processes for social care and housing complaints that involve the Ombudsman.

11. Enterprise Bill

This Bill aims to reduce regulation on businesses by:

- Increasing the number of regulators that must contribute to deregulation targets - requires regulators to report against their compliance with the 'better regulation' agenda.
- Expanding the Primary Authority scheme which allows a business to get advice on regulation from a single local council of fire service.
- Looking to modernise the Business Rates appeals system ahead of revaluation in 2017 – allowing the Valuation Office Agency to share information with Local Government.

12. British Bill of Rights

The Government has indicated it will bring forward proposals for a Bill of Rights to replace the Human Rights Act. The aim of this is would be to make the UK more independent of the European Court of Human Rights, by giving the UK supreme court the highest level of power over human rights matters in the UK. However there was no Bill for repealing the Human Rights Act this parliamentary year, suggesting further consultation and investigation is required.

Timetable

A Bill can start in the House of Commons or the House of Lords and must be approved in the same form by both Houses before becoming an Act (law). To see the timetable of Bills before Parliament for 2015/16, [click here](#).

[Back to top](#)

Social Care

Ray James, new President of Association of Directors of Adult Social Services (ADASS)

[Ray James](#) delivered his inaugural [speech at the ADASS annual conference](#) in April, focussing on integration, the workforce and co-production.

New appointments at the CQC

The CQC has appointed [Stuart Dean](#) as its new Market Oversight Director, responsible for overseeing the financial health of 'difficult-to-replace' large providers of adult social care services.

[Sue Howard](#) has been appointed as the new Deputy Chief Inspector for Adult Social Care for the Central Region, having been acting in the role since last September and before then as regional Head of Inspection.

Rise in the number of older carers

Research by Age UK and Carers UK has found that the number of older carers in England is rising, with the pressures of looking after loved ones affecting their health. According to the report [Caring into Later Life](#), there are 1.2m carers over 65 - a 25% rise in the past decade. However the biggest increase has been seen in the over 85s, with the numbers more than doubling to 87,000.

MHA says:

Remember that Retirement Living residents or Live at Home members may be carers, so it is important for them to know that support is available through new duties for local authorities, introduced by the [Care Act](#). From April 2015, carers of all ages are entitled to an assessment of their needs by their local authority, irrespective of whether the person they care for has eligible needs. If the carer has eligible needs of their own, they have the right to support from their local authority to help them with their care responsibilities, to support their own wellbeing.

Concerns over future of care workforce

A report by the [UK Commission for Employment and Skills](#) has suggested that a lack of career structure is preventing the care sector from attracting much needed younger staff. The report identified care work as the area likely to require the largest increase in staff by 2022 with a forecasted need of half a million more care workers (27% growth). The recruitment need was pressing in the care sector because the average age of current workers of between 50 and 65. It also the barriers to recruiting and retaining younger care workers to be:

- Low pay, zero hour contracts and lack of time spent with service-users
- Negative image of the jobs and perception of low skill
- Limited career pathways
- NHS/healthcare staff were seen as receiving better pay, benefits and progression opportunities, despite often carrying out similar tasks. Anecdotal evidence suggested many young people were defecting to NHS roles instead.
- Investment in specialist training appears less formalised.

The Commission says more qualifications for new entrants, joined up training, progression opportunities and flexible career paths that allow staff to move between health and social care could stave off a potential staffing crisis.

[Back to top](#)

Health

Significant Government review of arts impacts on health

The Department for Culture, Media and Sport has conducted a review of the evidence for arts impacting on health and wellbeing. The independent reviews report a "compelling" evidence base for the role of the arts which "*justify policy interventions with public funding*". ['A Review of the Social Impacts of Culture and Sport'](#), is a systematic literature review led by Professor Peter Taylor of Sheffield Hallam University's Sports Industry Research Centre. Wide-ranging in scope, the review

found that: "evidence of beneficial effects of the arts extends to clinical and non-clinical populations, and physical and mental health."

[Back to top](#)

Dementia

Guidance for nurses on dementia care package assessment

The Alzheimer's Society has published [new guidance](#), for NHS continuing healthcare assessors who evaluate the emotional and psychological needs of people with dementia. NHS continuing healthcare is a free package of care covering nursing and personal care needs. Evaluating the needs of someone in the later stages of dementia can be very difficult, particularly if the assessor has not known the person over a prolonged period, and this guidance hopes to address this challenge.

Dementia research gets 13 times less funding than cancer

Researchers at the [University of Oxford](#) have found that dementia and stroke are significantly underfunded in comparison to cancer and heart disease. The researchers looked at government and charity research spending in 2012 and calculated that for every £10 of health and social care costs attributable to each condition, £1.08 in research funding was spent on cancer, 65p on coronary heart disease, 19p on stroke and just 8p on dementia. They conclude that while there has been progress to increase levels of research funding for dementia and stroke, these areas remain underfunded when compared with the burden of disease.

A Choir in Every Care Home - MHA proud to be involved

Launched this May, this is a research project led by [Live Music Now](#) to explore how singing can feature regularly in care homes across the country. This is an ambitious new initiative, funded by the Baring Foundation and is a unique collaboration between 27 leading national organisations, across adults social care, music and healthcare research. MHA is delighted to be one of the 27 organisations participating. *"Together, we hope to improve the quality of life for people in care homes, and help create happy environments for carers, family and care home staff."*

[Back to top](#)

Ageing

UK ranks fourth in the EU Active Ageing Index

The [Active Aging Index of EU countries report](#) measures how far healthy and active life has advanced amongst older Europeans. Sweden, Denmark and the Netherlands top the table, while the UK comes fourth out of 28 countries. The researchers from the [University of Southampton](#) suggest these high positions are due to policies that sustain employment levels among older workers who are reaching retirement age and the provision for income security in their retired population. It suggests that while the zero-hour contracts in the UK have come under criticism, they have contributed to the kind flexibility that employers prefer in hiring older workers.

The Index not only focuses on employment, but also measures participation in society, independent living and capacity and enabling environment, which includes such things as life expectancy, educational attainment and mental wellbeing. The UK scored less well in the participation in society

(7th) and independent living (11th). The UK also scored poorly 'independent living' because of lack of physical exercise in the age group, a low number studying in later life and older people living in unsafe areas in some parts of the country.

Exercise helps older people to live five years longer

Regular exercise in old age has as powerful an effect on life expectancy as giving up smoking, according to [Norwegian researchers](#). The analysis of 5,700 older men in Norway showed those doing three hours of exercise a week lived around five years longer than the sedentary group.

Life expectancy falls for older UK women

A [Public Health England](#) report shows that life expectancies for women aged 65, 75, 85 and 95 all fell in 2012 compared with a year earlier, the first slip in all age groups in nearly two decades. There was also a small drop in life expectancy for men at ages 85 and 95, while longevity for men in the two younger age groups stagnated. The figures for 2013 did not show any further falls.

[Back to top](#)

Third Sector

New service allows charities to receive donations directly through Twitter

The new social payment platform, known as [#Donate](#), has been launched by the fundraising and marketing consultancy the Good Agency using the social media payment platform #PAY, which was developed by the technology incubator Dave's Lab. The service is available to all UK charities.

Do charities need to prove the impact of every last pound?

New Philanthropy Capital have been researching public attitudes towards charities and in their latest report [Show and Tell](#), they found that:

- 54% of current donors choose to give to charities "that decide what to do based on evidence", compared to 30% who give to charities whose activities are values-led.
- 85% of donors agree with the statement: "It is vital that charities collect good evidence to show they make a difference."

They conclude that while people still largely think of charities as 'values-led', the research suggests that basing decisions on evidence of what works (and publicising those decisions) appeals to donors and the more trusting they are of charities. "... *when it comes to trust, good evidence pays off...Our data shows that public support for charities collecting evidence remains the same whether or not people hear about failed projects along the way.*"

[Back to top](#)

Look Ahead

- Chancellor's Budget – 8 July
- DOLS: Law Commission consultation – 8 July
- Liberal Democrat Leadership: Leader announced – 16 July

If you have any feedback that will help us improve our MHA Policy news, please tell us - liz.jones@mha.org.uk

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[Back to top](#)