

PRIME MINISTER

File

TOP COPY
with P.M.

WJ

CHRONICALLY SICK AND DISABLED ACT (AMENDMENT BILL)

Mr. Kinnock asked you about the above Bill on Thursday which is due to receive its second reading next Friday. Its major features include:-

- (i) the prohibition of unreasonable discrimination against disabled people.
- (ii) the establishment of a Disabled Commission along the lines of the Equal Opportunities Commission.
- (iii) to strengthen Section 1 of the Chronically Sick and Disabled Act 1970 so that local authorities are obliged to establish the identity of disabled people with needs and not just their numbers.
- (iv) to provide the right of recourse to the Courts for disabled people where local authorities fail to provide services to meet an identified need.
- (v) to extend the right of representation of disabled people on various advisory bodies.

You may recall that a similar Bill was introduced by Donald Stewart in the last session. This failed in February when Mr. Stewart could not carry the closure. The Government's view of Mr. Wareing's bill is similar. In particular that disabled people would not be best served by setting up another quango and that in any event the Government has a good record on disablement. Benefits include.

Invalidity Benefit

Numbers:- 615,000
Rate :- £32.60 (November 1983)
Cost :- £1.6 billion

Non-contributory

Non-contributory Invalidity Pension

Numbers :- 195,000
Rate :- £20.45
Cost :- £140 million

Attendance Allowance

Numbers:- 364,000
Rate :- £27.20 (for day and night allowance)
 £18.15 (for one of the two)
Cost :- £45 million

Invalid Care Allowance

Numbers:- 8,000
Rate :- £20.45
Cost :- £8 million

Mobility Allowance

Numbers:- 27,000
Rate :- £19 a week
Cost :- £240 million

All these are price protected.

The Government have something of a tactical problem with Mr. Wareing's Bill since he has asked for Conservative sponsorship. The aim will be to talk the Bill out but there is some prospect that Mr. Wareing might be able to assemble the necessary 100 members. If he does so the Chief Whip has been instructed by Legislation Committee to mobilise the Government vote against the Bill. If the Government is successful the question of a money resolution about which Mr. Kinnoch pressed you will, of course, not arise. If the Bill receives a second reading I imagine that a money resolution would have to be provided.

T. FLESHER

11 November, 1983

BACKGROUND NOTE

1. The Bill to amend the Chronically Sick and Disabled Persons Act is sponsored by Robert Wareing. Its main aim is to prohibit unreasonable discrimination against disabled people. A Private Members Bill with a similar aim failed to gain a Second Reading in February. The Bill was published today (Monday 14 November). Its Second Reading Debate is on 18 November. Its provisions will be:-

- i) prohibition of unreasonable discrimination against disabled people;
- ii) establishment of a Disablement Commission to monitor the working of the Act and report annually;
- iii) representation of disabled people on an ill-defined but extensive range of public and private organisations; and
- iv) strengthening of the Chronically Sick and Disabled Persons Act 1970 including a survey of all disabled people.

2. There is a well-organised lobbying campaign in favour of it and it is likely to attract considerable support. H Committee Members have agreed that it should be blocked if possible but, if necessary, voted down. The Whips have been consulting with DHSS ministers on the tactics of handling it.

3. As presently drafted, the Bill would require a money resolution, but it is difficult to estimate the direct expenditure which the Bill would incur, as it is so imprecisely drafted. The Disablement Commission itself would cost up to £3 million a year to run (on a comparison with the Equal Opportunities Commission). This would presumably have to be met directly from Government funds.

4. In addition there would be additional expenditure by local authorities resulting directly from the provisions strengthening the CSDP Act which could amount to at least £30 million, and probably more. The overall financial implications indirectly flowing from this Bill (for example in likely extra demands on social service provision) could run to many millions of pounds.

Mr Fletcher

To see

PRIME MINISTER

Dms
21/11



Prime Minister

Hansard not yet available,
but you may like to note.

Briefing as this will be
provided for Mr Biffen.

Dms
18/11

MS

CHRONICALLY SICK AND DISABLED PERSONS ACT: ROBERT WAREING'S BILL

I thought you should know that the Government has been extremely well served in today's debate on the Wareing Bill by Tony Newton. As you know, our position was not an easy one but Tony made a most convincing statement of the shortcomings of the Bill and our reasons for opposing it.

It was, in my view, an outstanding speech and I hope you may find time to look at it. It will certainly provide firm ground for you in dealing with the issue if it comes up again - as must be likely - in Questions next week.

I am copying this minute to the Chief Whip and the Leader of the House.

RF

18 November 1983

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DEPARTMENT OF HEALTH & SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

The Rt Hon Viscount Whitelaw CHMC
 Lord President of the Council
 68 Whitehall
 London SW1

7 November 1983.

Dear Willie.

attached

Tony Newton wrote to you on 2 November about Robert Wareing's Bill.

Since then there have been discussions through the usual channels about the possibility of the Opposition supporting an attempt to persuade Robert Wareing to withdraw his Bill. But it is apparent that such concessions as we could offer are very unlikely to be sufficient to convince the Bill's supporters that they merit withdrawing the Bill. I am forced to the conclusion that the only course of action therefore is for the Government to attempt to block the Bill.

Copies go to the Prime Minister, Members of 'H' Committee, Norman Tebbit, Grey Gowrie and Sir Robert Armstrong.

Norman Fowler

NORMAN FOWLER

Parliament,
Legislation,
Part II

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DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

G.T.N. 2915

*From the Joint Parliamentary Under Secretary of State and
Minister for the Disabled*

The Rt Hon Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
Whitehall
London
SW1A 2AT

-2 NOV. 1983

Dear Lord President,

CHRONICALLY SICK AND DISABLED PERSONS ACT (AMENDMENT) BILL

Thank you for your letter of 18 October.

As the promoters of Robert Wareing's Bill are likely to marshal their support more effectively than was the case with Donald Stewart's Bill, as it is likely to draw support from some Government supporters as well as the Opposition, and as it will probably contain elements to which we cannot strongly object, I have given very serious thought to the possible courses of action open to the Government. Nevertheless, I feel we have no option but to try and ensure that the Bill fails to secure a Second Reading. The replies which I have received from other colleagues, since your letter, endorse that view.

There is nothing we can realistically offer which will persuade the Bill's sponsors to drop those parts of the Bill which are unacceptable - particularly the anti-discrimination clauses. And it is undoubtedly the case that a Bill of this nature, if it were allowed to Committee Stage, would be very hard to control and a continuous source of serious embarrassment to the Government over the coming months.

As the unanimous view seems to be in favour of blocking the Bill if we can, I do not think 'H' Committee need discuss it further at this stage. We will aim to present a paper to the 'L' Committee meeting on 9 November on the tactics to be adopted.

I have in mind that to minimise support for the Bill we should concentrate in the Second Reading Debate on the philosophical and practical objections to anti-discrimination legislation and a Disablement Commission (on broadly the lines followed by Hugh Rossi for the Stewart Bill), whilst putting up a robust defence of the measures we have taken as a Government to help disabled people. Clearly the case for the Bill stands or falls on the discrimination provisions; the other material we expect to be included (and some of which is not so objectionable) is essentially subsidiary.

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E.P.

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If, by any mischance, we were to fail to prevent a Second Reading on 18 November, then I agree with Lynda Chalker that we would need to re-examine our options. This would possibly necessitate further consideration by 'H' Committee.

I am copying this letter to the Prime Minister, to members of 'H' Committee, to Norman Tebbit, to Grey Gowrie and to Sir Robert Armstrong.

Yours sincerely,

Cowan Brown

PP TONY NEWTON

*(Agreed by Mr. Newton
and signed in his absence)*

Y SWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel: 01-233 3000 (Switsfwrdd)
01-233 7172 (Llinell Union)



WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel: 01-233 3000 (Switchboard)
01-233 7172 (Direct Line)

Oddi wrth y Gweinidog Gwladol

From The Minister of State

Parliament

19 August 1983

*hwy
22/8*

Dear Private Secretary

I attach a copy of a letter which should have been enclosed with the copy letter sent to you on 17 August about the Chronically Sick and Disabled Persons (Amendment) Bill.

I apologise for any inconvenience this may have caused.

Yours sincerely

MISS RENA MEECHAN

Private Secretary to
Prime Minister

Y SWYDIA GYMREIG

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel: 01-233 3000 (Switsfwrdd)
01-233 7172 (Llinell Union)

Oddi wrth y Gwainidog Gwladol



WELSH OFFICE

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel: 01-233 3000 (Switchboard)
01-233 7172 (Direct Line)

From The Minister of State

PUS/195/83(A)

17 August 1983

Dear Robert,

Thank you for your letter of 29 July to Nicholas Edwards about your intention to introduce a Chronically Sick and Disabled Persons (Amendment) Bill and asking for any ideas which might be included therein.

At this stage I am afraid I am unable to offer any useful suggestions.

Yours ever,

John.

JOHN STRADLING THOMAS

Robert N Wareing Esq MP
House of Commons
LONDON

Parliament
Legislation
Pt 11

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Y SWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel: 01-233 3000 (Switsfwrdd)
01-233 7172 (Llinell Union)
Oddi wrth y Gweinidog Gwladol



WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel: 01-233 3000 (Switchboard)
01-233 7172 (Direct Line)
From The Minister of State

PUS/195/83(A)

17 August 1983

Dear Colin,

CHRONICALLY SICK AND DISABLED PERSONS (AMENDMENT) BILL

Thank you for the copy of your letter of 8 August to Tim Flesher.

... This Department has no suggestions to make for inclusion in Mr Wareing's Bill and I attach a copy of Mr Stradling Thomas' reply to this effect.

/ I am copying this letter to recipients of yours.

yours

Sincerely

Mike Chown

M D CHOWN
Private Secretary

Colin Phillips Esq
Private Secretary to
Secretary of State for Health & Social Security
Alexander Fleming House
Elephant & Castle
LONDON

Parliament
Legislation Pt 11.



18 AUG 1983

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DEPARTMENT OF HEALTH & SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

DB
9/8

Tim Flesher Esq
Prime Minister's Office
10 Downing Street
LONDON SW1

8 August 1983

Dear Tim,

CHRONICALLY SICK AND DISABLED PERSONS (AMENDMENT) BILL

Robert Wareing MP has written to my Secretary of State about his Private Members Bill, which will have its Second Reading in November. Other Ministers may also have been approached, with a request to trawl for ideas from their Departments for inclusion in the Bill.

One of the main purposes of the Bill is expected to be an attempt to introduce anti-discrimination legislation along the lines recommended in the report of the Committee on Restrictions against Disabled People. A similar attempt was made in February this year through Donald Steward's Private Members Bill. The Government's approach to that Bill, agreed at "H" and "L" Committees, was that it should be blocked. Ministers have not yet had a chance to discuss their collective approach to Robert Wareing's Bill, but as long as the anti-discrimination element remains - and there seems little prospect of the Bill's supporters dropping this key point - it seems likely that Ministers will adopt a similar approach to the earlier one.

As far as Mr Wareing's letter is concerned, those Departments which have no suggestions to make for inclusion in the Bill will no doubt be writing to that effect, but I suggest that even those which could put forward possible ideas in their own fields, should send a non-committal interim reply at this stage, until Ministers have considered their approach to handling the Bill.

I am copying this to all Private Secretaries to Members of the Cabinet.

Yours ever,
Colin Phillips

COLIN PHILLIPS
Private Secretary

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