

# FELLOWS' ASSOCIATES

Building Britain's Future  
*Summary prepared by Fellows' Associates*  
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## Introduction

Today's publication of *Building Britain's Future* outlines the action that the UK government states that it is taking to move the UK from recession to recover, to restore trust through democratic reform; and to modernise public services.

In his foreword to the document, the PM Gordon Brown says that the government's task is to work harder and drive forward to meet new challenges. Amongst other things, it seeks radical modernisation in the welfare state and public services – in which an “enabling government”, wherever possible, wants national targets turned into individual entitlements in service delivery. He says that the first and urgent priority is to clean up Britain's politics through greater accountability and through “devolving and decentralising power even further.” The second is to expand opportunities by “getting Britain back to work”. And the third is the “next generation of public service reforms spelt out in this plan.”

It is the third year that the government has published legislative programme in draft for consultation in advance of the Queen's Speech. Much of the document consists of description about existing policies and so this summary focuses on the three key areas outlined in the first paragraph, and provides summaries of the proposed bills for the legislative programme of 2009/10.

The government is proposing to introduce 11 bills in the next session, two of which have already been introduced – the Equalities Bill and the Child Poverty Bill – but will be largely considered in the next section. The Constitutional Renewal Bill will also be introduced before the end of this session.

Commentators have suggested the publication of the document marks the onset of the general election campaign, in which the government will aim to prove that the Conservatives would do nothing but cut public services, and the Conservatives will argue that the government has run out of both money and policies.

Comments on the document may be submitted, to be received by the deadline of 21<sup>st</sup> September 2009.

## **Cleaning up politics**

The government claims to draw a line under the expenses scandal by establishing an independent regulator for Parliamentary Standard and a statutory code of conduct for all MPS.

It says that it will work with the British people to deliver a radical programme of democratic and constitutional reform, and will be bringing forward shortly proposals for wide-ranging consultation on the constitution for implementation after the election. However, the government now proposes further reform of the House of Lords in the 2000/10 parliamentary session, including “completing the process of removing the hereditary principle”.

The government says that it aims to show how city-regions can “flex their economic muscle and create more and better jobs for people who live in them.” It will consider further city-regions, following the pilots involving Greater Manchester and Leeds. There will also be a further round of Multiple Area Agreements (MAAs), and the government will enable groups of authorities to establish Economic Prosperity Boards. Where there is a local wish, the government will consider how it can better support the introduction of directly elected mayors.

The government indicates that whilst many councils are performing well, there is significant room for improvement, and says that it needs to “help local government to clarify its responsibilities and its ability to work in more innovative and collaborative ways to deal with new challenges, to better serve needs, and to ensure that waste and bureaucracy are minimised.” This includes working more closely with communities and business to develop a vision based on need and giving the community a stronger say; working more effectively with partners to deliver effective solutions to local priorities; and working with central government to combat climate change.

The government says that it will be setting out ideas and proposals for consultation on how there can be stronger, clearly defined powers for local government and city regions; and to strengthen the accountability of these institutions to local people. It says that it will promote the adoption of participatory budgeting following the pilots of these across the country. It will strengthen freedom of information; and review the protection for liberty and privacy in relation to how personal data is stored and used, with a “clearer commitment to only holding data that is necessary for significant public interest objectives”, and giving people opt-outs on data held on them. In addition, the Information Commissioner’s powers will be strengthened and scrutiny will be increased for local government, public sector agencies, and firms carrying out public functions.

## **From recession to recovery**

The government aims to prevent a “wasted generation of young people through guaranteeing a sixth form, college or apprenticeship to all school leavers. From next year every young person under 25, who has been unemployed for a year will be required to take up a guaranteed work experience or training place. A National Skills Strategy will be published later in 2009m, setting out the national policy as Britain prepares “for the upturn and beyond”

The government says that its forthcoming Financial Services and Business Bill will ensure that the Financial Services Authority (FSA) will be the primary mechanism through which the financial markets will, in future, be regulated.

The government also plans to invest a further £1.5 billion over the next two years to deliver an additional 20,000 energy efficient, affordable homes to rent or buy. It claims that this will create an estimated 45.000 additional jobs.

The government is committed to pursuing a new, more active industrial policy to drive growth. It aims to ensure broadband access for all by 2012, and work towards a new high speed broadband network by 2016. It wishes to support the ‘network’ industries of the future – low carbon, biotechnology, life sciences, digital, advanced manufacturing and financial services. A new £150 million Innovation Fund has been set up which government states, over time, will lever in up to £1 billion of private sector funding to support these industries. The government will establish a new advisory body ‘Infrastructure UK’. This will identify the country’s long term infrastructure needs across a 5-50 year horizon and analyse what more could done in respect of current plans.

The government claims to be making Britain a leader in low carbon industries. It will set out a major programme of rail electrification, as well as publishing a feasibility study for a new North-South high speed rail line. It will introduce a Flood and Water Management Bill aimed at improving the management of flooding and water emergencies.

## Reforming public services

The government states that it will continue to build excellent public services that promote social mobility and enable people to achieve their potential and fulfil their talents. It says that the next stage of reform will be to move from a system based primarily on targets and central direction to one where individuals have enforceable entitlements over the service they receive. This will free up front-line professionals to be “more responsive, innovative and personalised.”

This new approach is backed up, according to the government, by the current Equality Bill which requires a range of bodies to consider the needs of different groups in the community when designing and delivering public services. Amongst other things the government proposes –

- giving patient enforceable rights to high standards of care, including hospital treatment with 18 weeks, access to a cancer specialist with 2 weeks, and free health checks for people aged 40-74;
- parents will be guaranteed an education that is individually tailored for the child with the introduction of personal tutors, and the government will rapidly expand federations of schools, Trusts and Academies;
- local people will be given more power to keep their neighbourhoods safe, including the right to hold the police to account at monthly beat meetings, to have a say on CCTV and other crime prevention measures, to have their views taken into account in prosecution decisions, and to vote on how offenders pay back to the community;
- extending the points-based system to probationary citizenship and controlling the number of people getting settlement.

The government claims that it wants to see a bigger role and more responsibility for local authorities to meet the housing needs of people in their areas. It proposes the following:

- enabling local authorities to give more priority to local people and those who have spent a long time on the list;
- expanding Choice Based Lettings to help resident move nationwide;
- an Autumn “crackdown on fraud” within the sector;
- and consulting on allowing local authorities to keep all the proceeds from council house sales and council rents.

The government does not intend “enforceable rights” to mean people taking public services to court. Instead, it will provide “redress mechanism” to drive up standards. These will be ‘non-legal’ and tailored to the particular services. The government suggests a number of mechanisms that could be used, including given users the power to seek alternative services, offering people greater powers to complain and have their complaint heard by an independent

ombudsman. The government suggests that this will be “a rapidly responsive system of personal advocacy.” However, this is likely to be criticised on the grounds that these are simply “quasi” entitlements which lack legal backing. Over the next year the government intends to consult on further proposals involving redress.

In health the government will provide additional focus on prevention, with an investment and reform focus on prevention, early intervention, and partnership with patients. This is crucial to delivering a sustainable health service, according to the government at a time when resources are limited.

The government will continue to pursue its Public Value Programme which explores transformational policy options. It aims to “harness” the innovation of citizens and front-line offers through the new Innovators’ Council which recently called for ideas for innovation.

In criminal justice, the government will use its Policing, Crime and Private Security Bill to “further reduce red tape by cutting down on reporting requirements.” Individuals in every area will be allowed to vote online on which projects should be carried out under the governments’ Community Payback and Community Cashback programmes. Other online proposals include the “crime and justice maps” due in September, and the extension of online petitions.

## **Legislative programme 2009/10**

Below is a brief summary of all the bills included in the legislative programme.

### **Financial Services and Business Bill**

The Financial Services and Business Bill aims to promote stability, efficiency and competition in financial markets whilst taking action to reduce the frequency and impact of financial crises and promoting competition. One way in which the bill aims to do this is by renewing financial regulation, including strengthening regulation which covers all important institutions to reduce the systemic risk of markets, and to enable a wider approach to regulation.

The Bill also seeks to toughen the regulation of the financial system so that the Financial Services Authority (FSA) has sufficient powers to do its job. For example, the government is examining powers to suspend individuals or firms for misconduct or to penalise individuals who should have sought approval to perform a controlled function but did not do so. The government is also looking at the provision of freestanding powers which will enable certain emergency actions for the purposes of financial stability.

Other provisions included in the Bill include protecting and supporting consumers to boost financial capability and tighten up consumer-focused regulation. In particular to enable spending on a national money guidance service; improving efficiency and competition in financial markets including considering ways to strengthen the diversity of market participants, as well as action to maintain the competitive position of the UK as the leading global financial centre; banning unsolicited credit card cheques. The Government will be consulting on the proposed framework of a ban shortly in the context of the upcoming Consumer White Paper.

### **Constitutional Renewal Bill**

The Constitutional Renewal Bill aims to rebuild trust in our democratic and constitutional settlement by ensuring openness and accountability. The Bill sets out proposals to implement commitments in the Government's Green Paper *The Governance of Britain*, published on July 3<sup>rd</sup> 2007. The Bill aims to contribute to the government's commitments to rebalance power between parliament and government, giving parliament more ability to hold the government to account; to reinforce democracy by increasing participation in decision making at every level; and to clarify the role of government both centrally and locally.

Provisions proposed in the Bill include further reform of the House of Lords by completing the removal of the hereditary principle, providing for the disqualification of Peers convicted of a serious criminal offence, and allowing peers to resign. To complete the final phase of reform, the government intends to set out proposals and publish a draft bill for a smaller and democratically constituted second chamber.

Other elements of the Bill include: creating a statutory basis for the parliamentary scrutiny of treaties prior to their ratification; limiting the circumstances in which the Attorney General can intervene in cases; removing the Prime Minister from involvement in all judicial appointments in England and Wales; repealing legislation that limits protests around parliament; and standardizing the time limit within which legal action can be brought under the Human Rights Act across the UK.

## **Bribery bill**

The purpose of the Bribery Bill is to reform the criminal law to provide a new, modern and comprehensive scheme of bribery offences that will enable the courts and prosecutors to provide a more effective response to bribery in the 21st century at home and abroad.

The Bill is informed by the recommendations of the Law Commission set out in their report *Reforming Bribery* published on 20 November 2007. Provisions within the Bill include enabling the courts to consider evidence from proceedings in parliament in the event of a prosecution for bribery of a Member of Parliament or Peer; creating an offence of bribery of foreign public officials in order to obtain or retain business; creating a new corporate offence where a business fails to prevent bribery being committed by those working on its behalf; guaranteeing that foreign nationals who are resident in the UK are liable to prosecution for bribery committed abroad in the same way that UK nationals are already liable; and removing the existing requirement for the consent of the Attorney General to a prosecution for bribery. The draft bill covers England, Wales and Northern Ireland. The reform of the law on bribery in Scotland is a matter devolved to the Scottish parliament.

## **Equality Bill**

The Equality Bill seeks to promote equality, fight discrimination in all its forms, including age discrimination, and introduce the transparency in the workplace which is key to tackling the gender pay gap. The Bill places a new duty on ministers, departments and key public bodies such as local authorities and NHS bodies to consider what action they could take to reduce the socio-economic inequalities people face. It places a new equality duty on public bodies which would require them to consider the needs of diverse groups in the community when designing and delivering public services so that people can get fairer opportunities and better public services. The Bill also includes a power to require reporting on the gender pay gap by private sector employers with more than 250 employees. This power would not be used before 2013 and would only be used if sufficient progress on reporting had not been made. The Bill also makes provision for powers to require public authorities to report on equality issues. The Government is consulting on requiring public authorities with more than 150 employees to report annually on their gender pay gap and their ethnic minority and disability employment rates. The Bill would also ban secrecy clauses that prevent employees

discussing their pay with colleagues. Measures outlined in the bill generally apply to England, Scotland and Wales. The socio-economic duty applies to England and Wales only.

## **Policing, Crime and Private Security Bill**

The new Policing, Crime and Private Security Bill aims to back communities in setting fair rules to tackle crime and anti-social behaviour through increasing protection against a range of threats, including violence, anti-social behaviour and financial exploitation. The Bill seeks to reduce the reporting requirements on stop and search forms; add to the DNA database those convicted of serious violent or sexual offences before the 2004 change in the law which made it routine procedure to collect the DNA of offenders; provide the police with powers to compel sexual and violent offenders who have been convicted and imprisoned abroad to provide a DNA sample on their return to the UK; and protect women from violence through considering any recommendations for legislation from the response to the Violence Against Women and Girls consultation to be published in the Autumn. The Bill will also provide greater support to parents struggling to cope with a child's anti-social behaviour through ensuring that a parenting assessment is carried out on every child aged 10 to 15 who is considered for an ASBO and, for the same age group, will make a Parenting Order automatic upon breach of a child's ASBO.

## **Child Poverty Bill**

The Child Poverty bill aims to meet the target of abolishing child poverty and breaking the cycle of poverty for future generations by enshrining in law the Government's commitment to eradicate child poverty by 2020. The Bill seeks to establish an accountability framework to drive progress at national and local level through requiring the Government to publish a child poverty strategy every three years until 2020, setting out the steps it will take to end child poverty. The Bill would also ensure that the Government is held to account by Parliament and the public for progress made through an annual report. In addition to the UK-wide strategy and target, there are specific duties in the Bill on Northern Ireland and Scottish Executive Ministers to prepare their own child poverty strategies within their own sphere of responsibilities. Measures have been introduced to combat Child Poverty in Wales by the National Assembly for Wales.

## **Improving Schools and Safeguarding Children Bill**

The new Improving Schools and Safeguarding Children Bill aims to create world class standards in schools, listening to parents, giving them more information and acting to protect vulnerable children. Delivering the commitments in the forthcoming Schools White Paper, the Bill provides for: a new set of guarantees to an individually tailored education for each child and their parents; the backing of head teachers to enforce good behaviour with measures to clarify parents responsibilities to sit alongside their entitlements; an accountability framework

and school improvement strategies for all schools underpinned by a new School Report Card; and improving monitoring arrangements for children educated at home. The Bill also seek to give parents a greater say over the range of schools in their local area, and also seeks to clarify the role of Ofsted and other inspectorates in inspecting Local Safeguarding Children Boards (LSCBs) and information sharing for LSCB purposes. It further aims to help tackle anti-social behaviour through powers of intervention with Youth Offending Teams that are considered to be failing. In addition, It will also put in place a new framework, based on the position in youth courts, to enable the media to report the substance of family proceedings whilst protecting the identities of families and providing the courts with discretion to disapply this safeguard where it is in the public interest and safe to do so.

### **Energy bill**

The Energy Bill contains the legislative provisions required to implement UK energy policy following the publication of the Energy Review 2006 and the Energy White Paper 2007.

This policy is driven by the two long-term energy challenges faced by the UK: tackling climate change by reducing carbon dioxide emissions, and ensuring secure, clean and affordable energy. It will provide a financial incentive, funded by electricity suppliers, to support up to four Carbon Capture and Storage (CCS) commercial-scale demonstration projects.

### **Flood and Water management Bill**

The Flood and Water Management Bill aims to address the immediate effects of climate change by strengthening the UK's resilience to the threat of flooding and drought, and reducing the risk of disruption to householders, businesses and the economy that flooding and drought can cause. The bill will implement the recommendations of Sir Michael Pitt's report *Learning Lessons from the 2007 Floods*. The Bill seeks to protect homes and businesses from flooding and coastal erosion by improving the government's ability to manage the risk of flooding through by clearly defining the roles and responsibilities of everyone involved in flood risk management and giving the lead to local authorities in managing the risk of all local causes of floods.

### **Digital Economy bill**

Following the Digital Britain White Paper published on 16 June 2009, which set out the Government's ambition to secure the UK's position as one of the world's leading digital knowledge economies, the Digital Economy Bill seeks to take forward a new, more active industrial policy to maximise the benefits from the digital revolution. It seeks to do this by delivering universally available broadband in the UK by 2012 through a public fund. The Bill will also give the sectoral regulator, Ofcom, two new duties: first, to promote investment in infrastructure and content alongside its duties to promote competition; and second, to carry out a full assessment of the UK's communications infrastructure every two years. Other

provisions in the Bill include ensuring that all national broadcast radio stations are digital from the end of 2015; creating a robust legal and regulatory framework to combat illegal file sharing and other forms of online copyright infringement; and implementing the recommendations of the Byron Review published in June 2008 to put age ratings of computer games on a statutory footing for ratings of 12 years and above.

### **Cluster Munitions Prohibitions bill**

Put into effect in the UK, the government claims that the most significant new arms control agreement in recent years will ban the use, development, production, acquisition, retention, transfer and stockpiling of cluster munitions and make possible the UK's ratification of the Convention on Cluster Munitions which the Government signed on 3 December 2008.

## **Draft bills 2009/10**

In preparation for legislation, the Government is also proposing to publish the following 5 bills in draft over the next year for pre-legislative scrutiny:

### **House of Lords Bill**

A draft Bill to set out proposals for a smaller and democratically constituted second chamber.

### **Immigration simplification bill**

Replacing the many existing Immigration Acts with a single, simplified Act.

### **Civil law reform bill**

Bringing forward a number of civil law reform measures making the law simpler and more up to date.

### **Animal health responsibility and cost sharing bill**

Creating mechanisms and means of how responsibilities and costs can be shared between Government and the farming industry for animal disease control.

### **Antarctica Bill**

Implementing a new annex to the Environmental Protocol to the Antarctic Treaty to enhance the environmental protection of Antarctica and establish a liability regime for environmental emergencies.