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The Rt Hon Sir Geoffrey Howe QC MP  
Lord President of the Council  
Privy Council Office  
Whitehall  
LONDON  
SW1

| November 1989

*Dear Lord President,*

COMMUNITY CARE: LEGISLATION

*All with PC*

I have seen a copy of David Mellor's letter to you of ~~19~~ October about those aspects of the community care proposals which will need legislative cover. I am generally content with what is suggested, but I have a few detailed points which I think need to be registered at this stage.

On the assessment of client needs, it is not clear whether assessment legislation already on the statute book - Section 3 of the Disabled Persons (Services, Consultation and Representation) Act 1986 - will be brought into force. If so, this will have implications for local housing authorities which we will need to consider.

As regards the preparation of community care plans, I would like to see a duty placed on social services authorities to consult local housing authorities and housing associations in the preparation of such plans. There is a precedent for this, in the reverse direction, in the current Local Government and Housing Bill's proposals on disabled facilities grant.

On the arrangements for monitoring local authorities' performance, I wonder whether the proposed power to issue directions is strictly necessary? We have stressed previously the non-interventionist role of Government in the future community care structure, as in other areas, and I would have thought that the power to issue guidance, coupled with the role we envisage for the Audit Commission and the Social Services Inspectorate, would be sufficient for our purposes. Indeed, I believe that there was earlier legal advice that circulars issued under the Local Authority Social Services Act 1970 could well have the force of law. On a minor point, it would appear unnecessary



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to take a new power to call for reports and statistical returns, as such a power already exists under Section 230 of the Local Government Act 1972.

Finally, I am a little concerned about the potential for a proliferation of specific grants in the community care field. Such grants need to be carefully targeted and limited in number if we are to adhere to our objective of placing the main responsibility firmly on local authorities, who will be accountable through the community charge. While I am not opposed in principle to a general power being taken to pay such grants, we need to ensure that the case for each new grant is carefully examined on its merits.

I am copying this letter to members of H and E(A) Committees, Sir Robin Butler and First Parliamentary Counsel.

Yours sincerely

  
PP CHRIS PATTEN

(Approved by the Secretary of State  
and Signed in his Absence)





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