Letter from Westminster

Danger of losing Police Bill

WILLIAM RUSSELL

Not knowing whether there is to be a June election or not is most unsettling. The uncertainty makes events at Westminster even more unreal than they usually seem. All that huffing and puffing in debate on the floor of the House or in standing committees begins to sound somewhat hollow instead of impressive. After all, if there is an early election the legislation over which all the blood, sweat, and tears are being shed will not come into effect. No Bill is more vulnerable than the Police and Criminal Evidence Bill, which Labour will repeal should the government last long enough to get it into law. Mr William Whitelaw, Home Secretary, faced with Labour demands—after the various concessions he made to the BMA and members of my own profession about confidential records—to abandon it, promptly announced that he intended to complete it in the normal way.

The BMA may have won the day over access to personal files, but clearly the battle over the contents of the Bill is not over and the bone of contention is now the proposals for intimate body searches.

It is a fact of political life that governments do not like having to change their minds, and Mr Whitelaw has, I reckon, behaved a bit like the up to date citizens of Kansas City over this Bill and gone about as far as he can go. There may well be fresh attempts made to get more changes, but I suspect they will not succeed.

The fussing over informed consent is seen as wrongly conceived, and suggestions that what the government intends is one step nearer to a police state are strongly rejected. Mr Patrick Mayhew, the Home Office Minister of State in charge of the Bill, which has still to have its report stage, when the promised changes will be made, seemed to me to be in no mood to give way when he told me what the government's attitude to the BMA and the Bill was on the intimate search issue. He said that one of the problems when a new statute was produced was that several things permitted in common law attracted more notice when put into print in a Bill and seemed to be new proposals. "You are able under common law to search someone's body if you think they may have on them something that may assist them to escape," he said. "The police try to get a doctor to do it, but sometimes he is not available. So what are they to do? A woman known to have suicidal tendencies has been found before to have a razor blade concealed on her. What are we to do? Say that she is not to be searched because a doctor is not available? This is the way which this has to be looked at. It is not a case of the police panting to be able to look into people's private parts. That is a real life example of the need for powers of search. This aspect has been portrayed as a new, unworkable incursion into people's liberties. Look at it a little more realistically."

He said that doctors claimed that the Bill would compel them to do something they did not want to do. It did not. If the woman refused to be searched then the doctor was entirely within his rights in refusing to do so.

A June election would, of course, send it all back to the drawing board—not something the present Home Office ministers, should they not find themselves in new jobs afterwards, view with any enthusiasm. It might almost explain why Mr Whitelaw, who is undoubtedly accident prone, is said to favour October.

The battle lines on which that campaign, whenever it comes,

will be fought have been pretty clearly laid down. Mrs Gwyneth Dunwoody, Labour's health spokesman, told a trade union conference in her constituency last week that plans were now complete to ensure that after the next election, if the Conservatives managed to get back, the National Health Service would fall apart at the seams to be replaced by "squalid human dustbins" for those unwise enough to become ill in a Tory Britain.

"This government has been starving the NHS and those working in it of the funds they need to do their jobs," she said. "That is in part because Tories will not waste cash on health care, and because by running down the Service they have been hoping to entice sensible people into tasting the benefits of private health care. The second stage of the plan has been to encourage privatisation of laundry and cleaning services."

She then accused Mr Norman Tebbit, the Employment Secretary, and his friends of having shown what the next stage would be. "After the next election we shall be told that the NHS must save cash and therefore take private contracts with private hospitals if they are cheaper," she said. "The NHS will be left caring for the old, who will not magically become young again, and caring for those with long term or incurable disease for whom private medicine will offer nothing because there is no profit in caring."

"NHS Unlimited"

It was concern about the development of a private hospital in his constituency of Holborn and St Pancras that led Labour MP Mr Frank Dobson to embark on what seems like a piece of private enterprise.

He is the moving spirit behind NHS Unlimited, a committee set up to combat private medicine, which has just published its sixth pamphlet, *The Conservatives, The National Health Service, and Private Medicine*.^{*} One of the motives was that the Department of Health and Social Security, for obvious reasons, proved reluctant to come up with any meaningful statistics, another that those furnished by the National Union of Public Employees were mostly out of date. Mr Dobson reckoned that it could be better done and found a researcher prepared to see that it was. The result argues that all the government's actions have undermined the basic concept of the NHS, have made it less attractive and extended the play of market forces and payments for services, and have promoted the development of private medicine. It is critical of the rewriting of the consultants' contract, the lifting of restrictions on private hospital development, and the promotion of links between private and NHS hospitals. The tax incentives for private medicine are also attacked. The pamphlet concludes that there are serious grounds for the belief that a re-elected Thatcherite government would move towards the destruction of the NHS and its replacement by an insurance based system with a much larger role for the private sector. The NHS is not safe with the Tories. Private medicine is being positively coddled.

Well, it is a point of view. Mr Dobson and his committee have produced a pamphlet that contributes powerfully to the debate.

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^{*}Available from Mr F Dobson, House of Commons, London SW1, price 50p.