

THE ATTACHED TRANSCRIPT WAS TYPED FROM A RECORDING AND NOT COPIED FROM AN ORIGINAL SCRIPT. BECAUSE OF THE RISK OF MISHEARING AND THE DIFFICULTY IN SOME CASES OF IDENTIFYING INDIVIDUAL SPEAKERS, THE BBC CANNOT VOUCH FOR ITS COMPLETE ACCURACY.

TX: 21.02.03 JUDGE ORDERS LOCAL AUTHORITY TO SCRAP BAN ON MANUAL LIFTING DISABLED PEOPLE TO SCRAP BAN ON 0 Tc 0.001 Tw 12 0 0 12 242.8884 Tm[Colleg o

Nursing, on whose judgements many of these cases were based, they say they didn't inssayo

BARCLAY

Thank you very much Peter. Fiona Westwood is national officer at the union Unison, with responsibility for home care workers. Fiona it seems that everybody's denying that there's such a thing as a no lifting policy, David Archibald said they were perceived to be operating a blanket no lifting policy. The original guidelines from the Royal College of Nursing used to justify the ban say that each case should be treated on its own merits and an action plan and risk assessment worked out. So have the guidelines, do you think, been interpreted too defensively of nurseries and carers?

WESTWOOD

Well I think what I would say about that Liz is that people have interpreted them very vigorously in terms of saying if this isn't in place I will not do x, y or z because that's what their employers have told them to do. Having said that though I think there is room for flexibility and this whole case is about the balancing out of rights and responsibilities of the service user versus the care worker because at the end of the day you cannot afford to ignore health and safety legislation either. And there's a substantial body of evidence which indicates that back pain, back injury and back problems are a significant problem for the workforce. One in three cases is caused by manual handling.

BARCLAY

What do the workers themselves then feel about the decision on Tuesday?

WESTWOOD

Well I think the workers themselves would probably welcome a clear position, if we can ever get to there because there has been a lack of clarity and I think you have to bear in mind as well, at the end of the day, those people are on the frontline of the service, making extremely difficult decisions on a day to day basis with people, not with objects, as was referred to, but with living human people with feelings and dignity issues and all the rest of it. So I think that home care workers will welcome some sort of clarity on that but equally we cannot sanction a position that means people are put at risk and employers are right to seek not to do that.

BARCLAY

Liz Sace also joins us, she's director of policy and communications at the Disability Rights Commission. Liz Sace with the possible consequences of this decision for individual workers, for instance they could get injured, back pain, as we've heard, is a big problem for carers, they could end up having to leave the profession. You have actually welcomed this case decision but it could leave even more disabled people without help and it would be an irony if carers themselves became disabled as a result.

SACE

Well I think the first thing is that as the judge said the right

BARCLAY

So you're both basically saying exactly the same thing - you have to minimise the risks to the carers but while allowing some dignity for the patients. But will this really make any difference? David Archibald, we heard there, saying it's slightly more likely that people will get help with the lifting that they need. Will it actually make any difference Fiona?

WESTWOOD

I think the difference will be a marginal one, I have to say that, because at the end of the day, the bottom line on lifting and moving and handling is there no safe way to do it. So the whole question is about minimising rather than eliminating any element of risk. Our view is that if equipment is available and there are other measures that are appropriate those are the ones that should be used wherever possible.

BARCLAY

Liz Sace very briefly - will it make a difference?

SACE

I think it'll consign to the scrap heap the notion that was in the original RCN guidance that anyone over two stone twelve pounds can't be lifted even by two female workers. And I think it really puts in place the notion of partnership - it's the service user and the worker deciding together what'll work best and that is safer incidentally as well as better for the disabled person.

BARCLAY

Liz Sace from the Disability Rights Commission and Fiona Westwood from Unison thank you both.