



Older People's Commissioner
for Wales
Comisiynydd Pobl Hŷn Cymru

Impact, Effectiveness and Lessons Learnt



**Establishing the Older
People's Commission
for Wales**



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1 INTRODUCTION

This is the first of a series of reports that will be produced over the next three years as part of Arad Consulting's evaluation of the Older People's Commissioner for Wales. The main focus of this first report is to review the process of establishing the position of the Older People's Commissioner; highlight the progress achieved during the first 18 months and outline some of the lessons learnt along the way.

The report begins by focusing on the background and context within which the role of the Commissioner was developed and currently operates. It then goes on to describe the process of establishing the Commissioner's position and the development of her team. It also highlights the main achievements and challenges faced to date as well as those that are likely to be faced during the next three years. Finally the report offers some key lessons that have been learned to date which could guide the future development of the Older People's Commissioner in Wales as well as similar posts which may be created in other regions and countries in the future.

1.1 Background and context

The Commissioner for Older People (Wales) Act 2006 (the Act) established the office and functions for the Older People's Commissioner for Wales (OPCW). The first Commissioner, Ruth Marks, took up her post on the 21 April 2008. At present she continues to be not only the first but the only Older People's Commissioner in the world. The establishment of such a position therefore serves as a significant landmark and a reflection of the commitment in Wales to addressing the needs of older people.

The functions and powers of the Commissioner are set out in the Act and the associated regulations. The Act outlines that the Commissioner is independent of government and has the following functions:

- To promote awareness of the interests of older people;
- To promote the elimination of discrimination against older people;
- To encourage good practice in the treatment of older people;
- To review the law affecting the interests of older people.

The Commissioner's vision for Wales and the mission of her team over the next three years is outlined in the Older People's Commission's Interim Strategic Plan 2010-2013. The plan was developed from input provided by older people across Wales and outlines that the Commission wants **"to see a Wales in which respect for the rights and dignity of older people is a practical reality in all areas of life, where age discrimination is a thing of the past and where a positive view of ageing and of older people prevails"**.

The Commission's mission in relation to its purpose and desired level of performance is to ensure that **"we will be a world-class Commission, utilising our powers to further the interests of older people in Wales and make a lasting difference."**

The Commissioner also sets out that she and her team will enable the delivery of her statutory functions, as listed in the guiding principles of the act, **"in ways which are proper and regular, prudent and economical, making efficient and effective use of resources and identify and manage risks"**.

The evaluation process currently being conducted by Arad Consulting aims to assess the effectiveness of the Commission in

delivering its functions and the impacts achieved in the process. The evaluation aims to inform and offer ongoing guidance to the Commissioner during the evaluation period. In general the evaluation process aims to:

- Help with the Commissioner's own reflection and learning, and to provide answers to the key question posed by the Commission 'are we using our powers to best effect'?
- Share the evaluation lessons with partners from the public, private and voluntary sectors in Wales;
- Share the evaluation lessons on a world stage, to help inform discussion and developments in other countries.

The evaluation process to be adopted and outcomes to be achieved are based around three phases summarised below:

Phase 1 – understanding the statutory functions of the OPCW; scoping the evaluation requirements and developing an evaluation framework which will form the basis for evaluating the Commissioner's first four-year term.

Phase 2 – collecting evidence based on the indicators agreed within the evaluation framework which will enable the evaluation to assess the impact of actions and decisions taken.

Phase 3 - analysing and reporting the evaluation findings and developing recommendations relating to where best to focus effort and resources as well evaluation methods for the second four-years period and beyond.

This report forms part of phase 1 of the evaluation process i.e. understanding the statutory functions of the Commissioner including a review of the development process of the Commission to date.

The findings of the report are based on consultations undertaken to date with the Commissioner and the Deputy Commissioner and other current and former members of staff within the Commission. The findings are also based on consultations conducted to date with the following partner organisations:

- Welsh Local Government Association (WLGA);
- Care and Repair Cymru;
- Older People & Ageing Research & Development Network (OPAN);
- Age Concern Cymru/ Help the Aged.

Future phases of the evaluation will involve consultations with further partner organisations as well as collecting the views of older people in Wales.

2 INCEPTION TO PRESENT DAY

This section begins by focusing briefly on events and processes leading up to the development of the position of the first ever Older People's Commissioner in Wales. It then goes on to review the recruitment process and the initial few weeks in post before outlining how the Commission as an organisation has quickly grown and evolved into what it is today.

2.1 Developing the role and recruiting the Commissioner

The desire to appoint a Commissioner for Older People in Wales was evident for a number of years before the position was actually created and filled. A commitment to the Commission's existence first appeared in the Labour Party's election manifesto and a

recommendation from the Advisory Group on the Strategy for Older People in Wales in 2003.

The Commission for Older People (Wales) Bill to establish the office was drafted in 2005 and 1,700 organisations were consulted in the process. Following the overwhelming support for the proposal demonstrated during the consultation and debate that followed, the Bill was passed through Parliament and received Royal Assent on 25 July 2006.

By the time potential candidates were invited to apply for the post of Commissioner for Older People in July 2007, a great deal of attention had already been drawn to the position. As such, an advertisement for the post drew considerable interest and the calibre of the applicants, drawn from all areas of the UK and further afield, was very high.

Candidates were interviewed by representatives of older people's organisations as well as representative from each of the leading political parties and one senior civil servant. Ruth Marks was appointed from more than 40 candidates for the post following two rigorous and highly contested interview rounds. She took office in April 2008.

It was noted that it was Ruth Marks' personal and professional experience combined with empathy and commitment that made her right for the role. One of the first actions taken by the newly appointed Commissioner was to change the title of her position from Commissioner for Older People to Older People's Commissioner. This was a small but symbolic change to signify the Commissioner's intent that the role was to support older people and place the focus and emphasis on them.

2.2 The early days

The process leading up to the appointment of the first Older People's Commissioner was gradual. However the actions required from the Commissioner and her team, once in post, started with immediate effect and they were required to hit the ground running from the first day. Having had little or no time to prepare or acclimatise to the new role the Commissioner and her team had to deal with situations as they arose, often with limited access to systems and resources with which to do so.

The early few days of the Commissioner's time in office were therefore challenging. On the first day in post the Commissioner and a small team of five individuals, consisting of secondees from other public sector organisations and temporary staff, started work in temporary serviced offices in Cardiff. At this stage the office was equipped with only one phone and a borrowed laptop. There had been no lead-in time to establish basic requirements such as a bank account, IT equipment and stationary and there had been no opportunity to set up any fundamental operating systems.

“There were lots of ‘chicken and egg’ situations at the start which exercised my brain such as setting up bank accounts when we didn’t have any money but needing a bank account before WAG would release our funding was a small but frustrating issue” (a member of the Commissioner's team present on day 1).

It would appear therefore, with the benefit of hindsight that a number of these practical aspects should have been addressed before the Commissioner and her team took office. However, the immediate **‘in at the deep end’** nature of the Commissioner's early

time in post and the lack of a more phased lead in was not due to oversight but was rather a result of provisions set out in legislation. The corporate or legal context within which the role was established dictated that no actions could be taken to develop the Commissioner's office until the Commissioner herself officially started in post.

The requirement for the Commissioner to respond to enquiries etc from day one was also as a result of political pressure placed on the Commissioner to do so. Allowing the Commissioner to exert her independence and dictate her own lead in time would probably have been a better course of action to have taken.

Even if the corporate and political context within which the position was developed could not have changed, the process would have benefited from identifying two starting points for the Commissioner. The first would be the date at which the Commissioner and her team took office and the second – some time later – a date when the Commissioner and her team would be in a position to deliver the statutory functions.

Despite the lack of a transitional period and the initial shortage of office equipment and resources, a number of achievements were made from the outset. As early as 9.30 a.m. on the first morning in post an older person contacted the office and the Commissioner was able to take the call and fully respond to the enquiry made. By 12:30 p.m. on the same day the Commission's holding website went live. By the end of the first week in office the Commissioner had written to introduce herself to the Chief Executive of every local authority in Wales as well as all AMs, Welsh MPs and Welsh MEPs. All Older People's Strategy Coordinators were contacted by 1 May and all local health board chairs were contacted by 1 June.

Within the first few weeks, finance systems were in place which enabled the team to draw down funds. Initial governance and operating systems were also put in place which enabled the Commissioner to set up a series of consultation groups with older people. (Further details relating to the establishment of corporate governance systems are outlined in section 2.4 below).

The environment during the early days proved to be both challenging and invigorating. Those involved in the process of setting up the office agreed that the energy generated by having to deal with new situations and challenges as they arose ensured that the Commission's inception was successful and that working systems were set in place at a more rapid pace than may otherwise have been achieved. However, they also agreed that, in hindsight, it was probably not the best way of establishing the Commission.

The current working environment of the Commissioner's office is a far cry from the early days summarised above. The office environment is now one of calm efficiency and this is a reflection of the process of developing a well-balanced team (see section 2.3).

The key lesson learnt from these early days is that ideally there should be a greater lead in time to enable the Commissioner and her team to set up necessary operating systems before undertaking any of the statutory required tasks and functions. As such any future posts or roles of this nature should factor in sufficient time between the announcement of the Commissioner's appointment and the commencement of official business. This will ensure a smoother transition between setting up office and delivering statutory functions.

Ruth Marks, the appointed Commissioner, has previous experience of setting up other roles and initiatives and this experience and her enthusiasm to get things done are obvious qualities that ensured

the successful establishment of the Commission. The Commissioner also surrounded herself with people with similar experience of establishing a new office and who also had an abundance of enthusiasm and energy.

The experiences of the Commissioner during these early days of development are likely to serve as key lessons for future Commissioners (those appointed in other countries as well as successive Commissioners in Wales). However, the challenges that will face future Commissioners are likely to be different to those noted above. The main difference will be that a blueprint has now been developed; there is an example to follow or at least to use as a reference point. Some things, however, will remain equally pertinent, particularly the need for sufficient bedding-in time and the need to ensure that staff appointed have the necessary drive and commitment to move things along in the desired direction and are equipped with a genuine passion for what they do.

2.3 Developing the right team

Following the initial establishment period, there followed a period of development, building a team of individuals with the required qualities to meet the needs of the Commission. This section summarises the actions taken in developing the right team and the lessons learnt in the process.

The recruitment of staff following the Commission's inception has been critical to success to date. There were no guidelines to follow which outlined the staffing structure that should be developed and therefore there was a need to consider carefully the functions and requisite size of the Commissioner's team. Early recruitment was based on filling the skills and human resource gaps that were immediately apparent and which complemented the Commissioner's own strengths.

The transition from this small base of core staff to the organised staffing structure that currently operates within the Commission has been achieved in a relatively short period of time. A significant factor that has enabled the relatively rapid development of the current staffing structure has been the ability of the Commission to second individuals from public and third sector organisations in Wales, into posts within the Commission.

Appointing secondees enabled expertise to be brought into the team at fairly short notice; freeing the Commissioner from some of the day-to-day responsibilities of setting up an office and enabling her to listen to the views of older people during visits to all parts of Wales.

Appointing seconded individuals as opposed to recruiting permanent staff at the outset also ensured that the Commissioner could review the roles and structures of the team in a flexible manner, avoiding immediate commitments to long-term employment contracts. This flexibility enabled the Commissioner to assess the expertise required for the future and therefore plan her team's structure in a considered manner.

The success of appointing secondees into posts at the outset could not have been achieved however without the goodwill and support offered by a range of public sector organisations who were prepared to release individuals to take up positions. Gaining a strong level of support from public and third sector partners has therefore been a critical factor in the successful establishment of Commissioner's team.

Flexibility continues to be a theme in ongoing recruitment processes. The Commissioner is seeking to build a team of individuals who can work well together and apply their skills and

experience in a number of different ways. Ensuring that team members can work flexibly and in different contexts is very important to enable everyone to quickly adapt to emerging priorities.

As such job descriptions and vacancy advertisements have been deliberately presented in a manner that outlines the flexibility required. The Deputy Commissioner noted that this description of the position was one of the appealing factors that initially drew her to the role.

Adopting such flexible approaches during early recruitment would not have been possible however, without the support of the civil service link officer who oversaw the contractual agreements associated with recruiting seconded individuals to the Commission. This again reinforces how important the support gained from partner organisations in the public and third sector has been to the successful development of the Commissioner's team to date.

The Commission has also adopted flexible approaches in terms of appointing other members of staff. For example an advertisement for two positions within the team drew a very good response with four of the applicants demonstrating the skills and experience which were considered to be beneficial to the needs of the Commissioner. A decision was made to appoint four of the candidates instead of two who were then assigned to appropriate positions within the organisation that best suited their abilities.

Opportunities for these new staff members to apply their skills to best use were increased further by the fact that they were given flexible job descriptions. This has also been true of all those appointed during the last twelve months. Such approaches enable the Commission to adapt as it grows in responding to emerging priorities.

The final stages of this recruitment process are taking place at the time of writing so that in 2010 the Commissioner will have in place the full team that she and her colleagues have been planning towards. When all positions have been filled the Commission will include a team of some 23 members of staff, plus four audit committee members which will operate within the following teams:

- Information and Enquiries
- Review and Examination and Policy
- Communications
- Human Resources (internal policies)
- Corporate Support

Once the staff members are in place the Commissioner and her team will be in a position to deliver the aims outlined in the Strategic Plan.

Alongside the approaches adopted by the Commission in developing a balanced team, efforts have also been focused on establishing a working ethos that ensures that all staff members have a real passion for what they're doing. This has been achieved partly by recruiting the right people but has also been supported by ensuring that those recruited to the Older People's Commission work in an environment where individuals are enthusiastic and committed.

During the first six months of development the team adopted a largely inward looking approach to their work, focusing on developing internal systems and protocols to enable the effective delivery of the statutory functions. This encouraged good team working practices which are still evident today.

During the latter months the focus has shifted towards a more outward-looking perspective with an aim of instilling a shared understanding of the Commissioner's values and commitment to deliver key objectives among all staff members. This has been achieved by ensuring that every member of staff (from administrators to finance officers) spends at least part of their time away from the office, getting involved in 'front line' activity – attending meetings and events with the Commissioner.

“All members of staff are required to go out ‘in the field’ as it were with the Commissioner to see for themselves the real issues facing older people and the situations the Commissioner deals with”. [Current member of the Commissioner's team]

One of the most important additions made to the Commissioner's team to date has been the appointment of the Deputy Older People's Commissioner, Sarah Stone. The Deputy Commissioner was appointed to her post in November 2008 having previously been a Director of Policy and Public Affairs for Age Concern Cymru. Similarly to many other people recruited to the Commission over the last 12 months, one of the main factors that attracted Sarah to the post was the flexible 'non black and white' nature of the job as well as the opportunity to be part of a 'world first' organisation.

The appointment of a Deputy Commissioner was a legal requirement, as set out in the Act. However, the experiences of other organisations, notably the Children's Commissioner for Wales, also confirmed the need for a Deputy. The experience of others outlined the need for a key individual to oversee the operations of the Commission in a similar way to the responsibilities taken on by a Chief Executive in other organisations. The Deputy Commissioner is also responsible for supporting strategic planning and ensuring the Commission is fit for purpose. The Deputy is also

tasked with carrying out the Commissioner's functions if she is unable to act upon them herself for any reason.

A specific area of focus for the Deputy during her time in office has been to review and gain a clear understanding of the legal role and remit of the Commission as outlined in the 2006 Act.

“The Commissioner for Older People Wales Act offers us a paint box of colours. It is up to us to us how we use these to best effect to create the painting.” [Consultation notes, Deputy Older People's Commissioner]

During her 12 months in post the Deputy has also been instrumental in developing the Interim Strategic Plan published in January 2009, outlining the Commission's vision, as well as developing the current Strategic Plan for 2010 – 2013.

The Deputy, as with all other members of the Commissioner's team, is based in the Commission's head office in Cardiff Bay. This has enabled her to work closely with the Commissioner and other members of the team while reviewing the Commission's legal remit and developing the strategic direction of the organisation. While this arrangement would appear logical and necessary in light of the development work required, a few individuals outside the Commission have expressed concerns that the arrangement is too Cardiff-focused.

A small minority of individuals have voiced the opinion that the Deputy Commissioner should have been located in North Wales in order to ensure an equal geographical representation of the Commission across Wales. Views of this nature serve to demonstrate the challenges faced by the Commissioner, and her team, in addressing the needs of a diverse Wales. (This is a point that is taken up in greater detail in section 3.5 below).

As well as drawing experience and expertise into the Commissioner's team there is also a desire to draw on expertise from outside the Commission, from Wales, other parts of the UK and beyond. This forms part of the Commission's commitment to develop a robust evidence base, a desire to work with a range of partner organisations as well as ensuring transparency and accountability. (These are also points that are taken up in greater detail in sections 3.2, 3.4 and 3.8 respectively).

2.4 Establishing corporate governance systems

Alongside developing the right team around the Commissioner, the first twelve months following the inception of the Commission focused on establishing a new public body that is both legally compliant and which operates effectively within a range of relevant statutory frameworks. As a new publicly funded body the Older People's Commission for Wales did not inherit any corporate governance systems. Therefore these had to be created and tailored to meet the specific needs of the Commission. This has required a considerable amount of time and effort and has drawn on the experience and expertise of those appointed to the Commission during this time.

The Commissioner for Older People in Wales Act and associated regulations provides the framework within which the Commission operates. However, in order to establish how to implement these regulations it has been necessary to recognise where they interface with other relevant legislation. The Commission placed a great deal of emphasis on this during the first twelve months as well as ensuring that policies and procedures relating to Health & Safety, Protection of Vulnerable Adults (POVA), Public Interest Disclosure Act (PIDA), Welsh Language and Confidentiality were developed.

Managing information forms a significant part of the Commission's role. As such, Data Protection and Freedom of Information Acts (FOIA) place particular responsibilities on the Commission as a public body to deal with this information appropriately. FOIA requires proactive accountability and transparency in relation to the work carried out by the Commissioner as well as the way in which the Commission's funding is spent.

Although, as noted above, many of the systems and process required by the Commission had to be developed from scratch, the team ensured that the development process drew as much as possible from the experience and expertise of others. This was certainly true for the business management system which was developed following detailed discussions with other commissions and ombudsmen.

Developing robust management and operational systems in partnership with other bodies with similar statutory requirements is considered by members of the senior management team within the Commission to be a key success factor and serve as essential lessons for the future.

The systems developed ensure that the Commission operates in an appropriate and lawful manner. However, some risks remain and an emphasis has been placed during the development stage of the Commission to identify potential risks within a risk register. The risk register is reviewed regularly by the senior management team and risk management plans are then mainstreamed against all functions and activities.

The lessons learnt from this are that a significant amount of time is required to develop systems and processes under which the Commissioner can fully utilise her statutory powers. Time has also been required to review and interpret the statutory functions of the

Commission in light of the priorities of older people in Wales and the roles and functions currently being delivered by other bodies and agencies in the public, private and voluntary sectors. The time commitment required for such developments must also be balanced against the weight of expectation on the Commission to deliver actions and tangible outcomes.

Developing new and appropriate systems has been an absolute necessity. The Commission has not therefore faced a choice of either developing corporate systems or directing all available resources towards dealing with individual cases. The development process was required in order to ensure that the Commissioner is in a position of strength to be able to use her power and influence in the most effective and appropriate manner.

It should also be noted that during this development phase individual cases have not been ignored in any way. In many instances concerns expressed to members of the Information and Enquiries team within the Commission have been successfully dealt with by providing contact details or directly referring older people to the relevant organisations that can offer the information and services they require. Efforts have also been made to unblock problems faced by older people through informal resolution (see further examples of this are outlined in section 3.2 below).

3 ACHIEVEMENTS TO DATE

Section 2, above, outlined the necessary development processes that the Commission has led and the time commitments required as a result. However, the activities of the Commissioner to date have not been entirely developmental in nature. This section outlines the positive outcomes that have already been achieved by the Commissioner and her team in the first 18 months in post.

3.1 Listening to the views of older people

One of the key achievements of the Commissioner to date is the extent to which she has listened directly to the views and experiences of older people. During the last 18 months she has travelled the length and breadth of Wales attending events and visiting older people in each of the 22 local authority areas. Not only has the Commissioner spent a great deal of time talking and listening to older people, she and her team have also based the future priorities and actions of the Commission on the views directly expressed by older people during these visits.

The Commissioner recognised at an early stage that it was relatively easy to gather the views of older people who formed part of active groups and representative bodies. While the views of these older people are of great importance, the Commissioner has been fully aware that they may not represent those of all older people in Wales. Engaging only with representative bodies and active groups could therefore capture the views of the minority who regularly attend meetings and events while overlooking the quiet majority who remain at home. It is for this reason that the Commissioner has invested considerable time and effort in gaining direct contact with older people, ensuring that they have the opportunity to express their views in a language and style that suits them. In so doing she has captured a wide spectrum of views illustrating the needs of older people in Wales. At the same time she has demonstrated to older people that she is approachable and responsive and is not, as some may have feared a token figurehead for older people in Wales.

3.2 Building and acting upon a robust evidence base

The Older People's Commissioner's Interim Strategic Plan states the Commission's intention to plan activities around a robust evidence base. The views gathered directly from older people in Wales during visits by the Commissioner form a strong cornerstone to this evidence base. This has been evident in the way that the Commissioner and Deputy Commissioner have regularly appeared in the press to comment on issues such as care, basing their comments on the evidence received directly from older people.

This evidence has been strengthened further by the views, concerns and enquiries made by older people directly to the Information and Enquiries team within the Commission. These views have been documented since the Commission first came into operation. During the last twelve months these, along with all the enquiries and concerns received since, have been recorded within a new knowledge bank system developed by the policy team. Policy statements and research outcomes generated by other bodies and organisations have also been recorded on this system during this time. The information held is available to all staff members via the intra-net system. Access to the information stored within this knowledge bank ensures that responses, comments and actions made by the Commission are underpinned by robust evidence.

The strong evidence base developed has played an important role in informing some of the early activities and initiatives supported by the Commissioner. These include the focus on fuel poverty, as well as a pilot projects supported in Gwynedd to encourage a greater number of older people to access the benefits to which they are entitled.

3.3 Reaching informal resolutions

The work supported by the Commission noted in section 3.2 above serve to demonstrate the additional impact that can be exerted to

efforts to influence changes when they are directly associated to the Commissioner. It was noted by one partner organisation that Ruth Marks' signature on letters and correspondence directed to older people and stakeholder organisations adds considerable authority to the content of the message (see also section 3.4 below for further examples of this).

This influence and impact has enabled the Commission to informally resolve a number of issues facing older people. Detailed case study examples of how these informal resolutions have been reached are included in the Older People's Commissioner Annual Review.¹ The case studies outline examples of how the Commission has used its influence to help a number of older people in Wales to express their concerns to relevant bodies and gain a satisfactory response from them. Addressing issues in this way has also enabled the Commission to gain a valuable insight into various situations and issues facing older people as well as the extent to which these are dealt with by various support organisations and service providers.

The ability to reach informal resolutions serves as an example of how the Commissioner has already been able to successfully exert her influence in a positive manner. It also serves to demonstrate the unique position of the Commissioner that enables her to deal with issues that arise in this way.

3.4 Developing links with partner organisations and stakeholders

The roles of the Commissioner and her team are delivered alongside a number of other organisations and stakeholders. There is recognition of the need to ensure that the Commission adds

¹ Older People's Commissioner for Wales Annual Review 08 / 09
<http://www.olderpeoplewales.com/index.php?id=366>

value to the work of others and avoids duplicating good work already being done.

The range of partner organisations and stakeholders with which the Commissioner can potentially develop associations is very broad. They range from bodies and organisations that focus specifically on the needs of older people to a range of government sponsored bodies and media organisations. The Commissioner must therefore inhabit a unique space among these organisations that enables her to establish and maintain sufficient links and contacts with them in an effective manner that demonstrates the efficient use of resources. A considerable focus has been placed during the last 12 months on identifying this 'unique space'. Interpreting the responsibilities and powers of the Commissioner, as outlined in the Commissioner for Older People Act, has played a key role in establishing where this unique space is likely to be.

Efforts have also been required to define clearly the relationship between the Commissioner and various organisations. For example the Commissioner can work in partnership with an organisation while at the same time being empowered to scrutinise their actions.

During her first 18 months in office the Commissioner has been able to form connections with key individuals and partner organisations relatively quickly. These links have been developed through informal networks and associations partly as a result of joint attendance and participation at meetings and events relating to older people and partly as a result of joint working arrangements. This is one of the advantages of operating in a relatively small country such as Wales where networks of like-minded individuals and organisations with similar areas of interest or expertise can develop quickly and organically.

“I’ve been surprised and pleased with how it’s been possible to get on with things quickly.” [Partner organisation based in Wales referring to their working relationship with the Older People’s Commission]

However, the benefits of informal links and associations can also potentially be counter balanced by other challenges. Informal links can sometimes be perceived as casual links which, in turn, could potentially dilute the Commissioner’s authority to challenge practices. It should be made clear that there is no evidence to suggest that this is the case or that it is likely to be. However, there is recognition that the Commissioner has a dual role which is to both work with and add value to work carried out by other organisations as well as challenge and scrutinise their practices where required. The nature of the relationship between the Commission and various partner organisations must ensure that neither role is compromised in anyway. The Commissioner and her team may at times need to adopt a more guarded approach towards partner organisations to ensure that the optimum balance is achieved between open friendliness and formal professionalism.

“She’s not there just to be nice; she’s there to critically assess how the life of older people in Wales can be improved.”
[Partner organisation in Wales referring to the role of the Older People’s Commissioner for Wales]

Comments such as these outline the potential for stakeholders to perceive the Commissioner as being too friendly and therefore possibly under-utilising her powers to critically review partner organisations. Based on evidence collected thus far during the evaluation, this does not reflect the reality of the situation. Nevertheless perceptions can be very powerful and therefore efforts may be required to address them.

Achievements to date have not only focused on establishing and defining links and relationships with partner organisations. Outcomes have also been achieved that have had positive impacts on older people in Wales as a direct result of the Commissioner working in partnership with other organisations.

For example in November 2008 the Commission organised a Fuel Poverty Summit, bringing together organisations from the public, private and voluntary sectors to focus on what action could be taken to help older people most vulnerable to increasing fuel and heating costs. As a result of the Summit, the Commission worked in partnership with Care and Repair Cymru to send out over 13,000 letters informing older people across Wales of the Home Heat Helpline. This helpline service helps people become more energy efficient, resulting in reduced fuel bills. The outcomes achieved were very positive and served to demonstrate what can be achieved through partnership working.

An example of partnership developments achieved by the Commission to date has been the formation of Team Wales. Team Wales consists of the Older People's Commissioner for Wales, academic researchers, Welsh Assembly Government officials as well as other public and voluntary sector organisations that represent the needs of older people in Wales.

3.5 Managing expectations & perceptions

The appointment of the first ever Older People's Commissioner has been greeted with a great deal of appreciation and genuine excitement by older people and other stakeholders alike. However, this level of appreciation has been accompanied by an equal amount of anticipation and expectation. Managing these expectations has possibly been one of the biggest challenges that the Commissioner has faced to date.

The challenges of developing the capacity and strategic direction of the first Older People's Commission have been outlined in earlier sections of this report. These challenges have been further amplified by high expectations for the Commissioner to exert her influence and power to full effect as soon as possible.

Some frustrations have been expressed that the Commissioner has not, in the first 18 months in post, fully utilised the power invested in her to tackle specific issues of concern. This stems from an expectation that the Commissioner would be in a position to champion specific causes and campaigns from the outset. Although the Commissioner has made efforts and voiced her opinion on issues such as elderly abuse and care home closures, some of those consulted were of the opinion that the Commissioner has not exerted her powers strongly enough to date on important issues such as these.

While the Commissioner has gone to lengths to listen to the concerns of older people and their representatives, she and her team have resisted the temptation during the early months in office to place all available resources to champion the first cause presented to them. Instead efforts have been adopted to ensure that a balanced approach has been achieved; developing an organisation positioned to take appropriate and strong actions where required in the future while at the same time addressing current priorities as they arise. As noted earlier this approach was adopted out of necessity and was not chosen from a range of options.

This has been a deliberate policy during the early stages of the Commission's development which has been based on the experiences of other organisations. The Children's Commissioner, for example, recommended that the initial focus of the Older People's Commissioner should be on developing a good

understanding, based on sound evidence, of the priority needs of older people. It was also recommended to the Commissioner, by heads of other established organisations and ombudsmen that during the first year or so in office the Commissioner should focus on establishing a strong team and strengthen links with partner organisations to enable the Commissioner to use her influence to best effect during the remainder of her term in office.

“We need to work out the size and nature of the boot before we start to use it.” [Ruth Marks Older People's Commissioner for Wales].

The strong emphasis placed by the Commissioner on developing a strong base of personnel, evidence and interpretation of powers reflects both the Commissioner's commitment to prepare for the longer term as well as her desire to learn from the experience of others.

Communicating the need to develop this strong base to others has however proved challenging at times. It is understandable that some individuals want actions to be taken in the immediate term and are not always tolerant of these development processes. This is sometimes fuelled further by the perception that the Commission receives a substantial amount of funding each year to carry out its statutory functions. As such some consider that the Commission should have taken more direct actions to date in order to demonstrate value for money.

In light of the potential range and scale of activities and issues that could be included under the remit of the Commission (and therefore the staff and resources required to deal with them) the budget can be considered to be a modest resource. Indeed the budget available requires a need to identify and prioritise the actions to be taken. Further to this, the resources available are not sufficient to

enable the Commissioner to champion every cause presented to her.

However, as some organisations consulted as part of this review process to date have outlined, the Commission's annual budget of £1.5 - £1.8 million exceeds the resources allocated to all 22 local authorities collectively to implement the Welsh Assembly Government's older people strategy. This heightens expectations among many as to what the Commissioner should be able to deliver and confirms the need for the Commission to demonstrate good value for money.

The Commissioner and her team realise that the development stage of the organisation is approaching completion and that the focus will from now on be delivering actions linked to the priorities included in the Strategic Plan. As such there is nowhere where expectations are higher with regard to what can and should be achieved over the next period than with the Commissioner herself and her team. Managing and meeting the Commission's own expectations may be prove to be an even bigger challenge than managing those of other stakeholders.

“Lots of the foundation stones for the organisation were in place by the end of year one. I think year 2 will be difficult in a different way as the Commission needs to define its working role and decide where to focus its limited resources.” [Early secondee to the Commission]

3.6 Communications

Alongside establishing links and associations with other organisations it has also been important to outline the nature of these relationships to others. This has not been without its

challenges, particularly in relation to confirming the Commission's relationship with the Welsh Assembly Government. The Commission is independent of the Welsh Assembly Government and, as such, can challenge policies and actions undertaken by it. However, this independent relationship is not clear to everyone: some perceive the Commission to be part of the Welsh Assembly Government, and perceive its primary function to be to support and implement government policy.

This misconception is likely to stem from the fact that the Older People's Commission is funded by the Welsh Assembly Government. It is also likely to reflect the fact that the Commissioner aims to serve the needs of a Wales that has wide diversity of views and opinions. This is a point that is taken up in more detail in section 3.7 below.

A further challenge that remains for the Commissioner is whether or not stakeholders, and in particular older people themselves, have a good understanding of what the Commissioner does. This is an issue that the Commission may struggle with until such time that a situation arises which will require the Commission to take decisive action. Once the Commissioner demonstrates how she and her team react to a specific issue or situation relating to older people, then her role will become clearer.

As noted elsewhere in this report, the Commissioner has resisted temptation to jump too early to champion the first issue presented to her. This is widely agreed to have been the right course of action to date. Equally, pressures to be 'seen to be doing' or to demonstrate with actions what the role of the Commission is, should not draw the Commissioner away from this course.

One suggestion of how the role of the Commissioner could be clarified in the short term would be to produce an illustrative

scenario outlining how the Commissioner would respond to a hypothetical situation or issue relating to older people in Wales. The document could then summarise how other organisations would also respond to the situation outlining how their roles complement and differ from those of the Commissioner. This would convey clear messages relating to 'who does what' offering the opportunity to communicate simply and effectively the Commission's roles and responsibilities to a broad audience.

The Commission has placed a considerable emphasis on being open and honest in its communications with external partners and stakeholders and this has been met with much appreciation. However, it may also be necessary to place additional emphasis on ensuring that outcomes achieved to date are publicised and communicated in a positive manner. This could include promoting planned core activities in a more positive way that demonstrates the Commission's uniqueness in relation to other organisations.

“Just doing the right thing isn't always enough to avoid negative perceptions.” [Partner Organisation in Wales].

An invitation extended to the Commissioner to attend the International Federation on Ageing's global conference in Melbourne Australia serves as a further example of the need to positively promote the Commissioner's work. An invitation to this high-profile conference confirms the positive recognition that the Commissioner's role has gained across the world. The conference and the meetings associated with it provide an excellent opportunity for the Commissioner to demonstrate the achievements gained in Wales and to learn from the experiences of worldwide experts in relation to addressing the needs of older people.

It is important that the potential benefits that could emerge from this conference are understood and appreciated by stakeholders and

older people across Wales. In order to ensure this, further efforts are required to highlight these positive outcomes through various means including the media.

3.7 Addressing the needs of a diverse Wales

A significant and ongoing challenge faced by the Commissioner is that of taking into consideration the wide-ranging needs of older people in Wales. This challenge is increased further by the need to ensure that older people from every local authority area in Wales are represented by the Commissioner. As such the diverse needs of older people in general need to be considered alongside the social and cultural influences that differentiate between rural and urban areas, as well as those that distinguish between predominantly Welsh speaking and English speaking areas of Wales.

The Commissioner has gone to great lengths to ensure equal and even representation – mainly through the time and effort invested in visiting older people in each of the local authority areas. Despite these efforts an apparent north-south divide appears to have occurred. Some older people and stakeholders based in North Wales perceive the Commission as being Cardiff-centric.

The location of the Commission's office in Cardiff Bay, a short distance from the Senedd, fuels further speculation that the Commission is an extension of the Welsh Assembly Government. This is despite the fact that the 2006 Act and associated regulations clearly state that the Commissioner is independent of government.

Despite the Commissioner's efforts to visit all areas in Wales and to communicate her message to all older people in Wales, this perception of a geographical divide has remained. Further

opportunities are likely to arise to overcome this issue over the next year through the actions supported by the Commission. Hosting future events such as the launch of annual review reports in North Wales may be one way in which this current perceptual divide can be bridged.

At times during the last 18 months perceptions of the Commission have spilt over into the release of some challenging press items. The Commissioner and her team feel very strongly, and have ensured at all times, that any critical comments are met with honest and consistent answers that are not overly defensive. This forms part of the Commissioner's commitment to listen to the views of others and learn from them.

It has fallen under the remit of the Communications team within the Commission to respond to some of these challenging comments as well as to convey messages to local and national media organisations promoting the work of the Commissioner. To help ensure that they achieve these communication tasks the Commission has employed the help and support of a PR company. Similar to the points outlined earlier in this report relating to the use of individuals seconded into positions at short notice, the support of a PR company has enabled the Commissioner to access the required communications expertise until sufficient capacity to do so can be developed in house. This serves as another example of how the Commission has addressed its short term capacity requirements in a flexible and efficient manner.

Older people and stakeholder organisations from all areas of Wales want to have access to the Commissioner. The demand for the Commissioner to attend events to outline the Commission's position on various topics is already high and could potentially increase. There is a danger that by attempting to meet this demand the

Commissioner and Deputy Commissioner could spread themselves too thinly on the ground.

Consideration should be given to increasing the capacity within the Commissioner's team to enable more individuals to represent the Commission and speak with authority on its behalf at meetings and events. This in turn could possibly lead to individuals from within the team becoming official representatives for specific topic areas or possibly regional areas across Wales. This would also free up the Commissioner's time to focus on other priority areas.

“I would hope in the future that it's the head of policy going to the BBC, and Ruth [Ruth Marks the Older People's Commissioner for Wales] in the Assembly building” [Partner Organisation in Wales referring to time pressure put on the Commissioner to offer comments to the media]

3.8 Ensuring accountability

The Commission has an obligation as a publicly funded body to be fully accountable for its actions. To ensure that it meets these obligations, the Commission has developed internal systems as well as governance and risk arrangements, all of which are referred to in greater detail in section 2.4 of this report.

Alongside these standard accountability processes the Commissioner has also appointed an independent Audit Committee. The role of the Committee is to review the reliability and integrity of these systems and process as well as support and challenge the Commission's work.

The appointment of the Audit Committee was not a statutory or legal requirement but was instead a voluntary decision taken by the Commissioner reflecting her desire to ensure transparency and

accountability. The Committee is made up of high profile individuals chosen from a strong field of candidates. Between them they have a wealth of experience and expertise of audit, public finance accountability as well as working with older people.

The Audit Committee also contributes a considerable amount of external expertise that informs the strategic direction of the Commission. Their commitment to the Commission is obvious and goes beyond the contributions they make during planned Audit Committee meetings. Members of the Committee are often present at the Commissioner's head office between meeting dates, taking an active interest and offering regular support and guidance.

The Commissioner's commitment to transparency and accountability is also evident through its commissioning of the current independent evaluation. The evaluation process will run alongside the Commissioner's work over the next three years, supporting the scrutiny and guidance provided by the Audit Committee. The evaluation team will also work with the Commissioner and her team to identify and assess measurable outcome based objectives. These will then form the basis upon which the success of the Commission will be assessed.

4 FUTURE DIRECTION

The Commissioner has now reached a pivotal point in her time in post. The essential developmental work is now almost done. The focus over the next twelve months will inevitably move away from a position where the Commission announces "we will" to that of stating "we are" and eventually towards "we have."

A three year strategy for 2010-2013 has recently been drafted which will be launched in March and revised annually. The strategy

outlines the main priority areas that the Commission aims to address during the next three years. These include strategic aims based around the Commission's four key principles outlined in section 1.1. During this period the Commissioner will be using her legal powers and implementing a rolling review programme.

Specific aims include:

- Looking at the effectiveness of provision of information and advice services, recognising their key role in tackling poverty amongst older people;
- Identifying best practice in, and solutions to, the provision of transport which meets the needs of older people to participate in community life;
- Seeking and considering evidence about the experience of older people in some specific care settings;
- Producing a guide to help clarify existing legislation ... making it easier to understand and use to protect older people from abuse;

The operational plans that will follow in the wake of the strategic plan offer the opportunity to outline where and how tangible outcomes are likely to be achieved. Alongside the 'where' and 'how' operational plans will also need to outline 'when'. It was suggested that the focus for change for older people is often in the immediate future as opposed to the longer term future. Change often takes time and therefore often requires longer term strategic planning. However, this process should not overlook the shorter term outlook of many older people, and a balance between longer term planning and short term gains should be considered.

5 LESSONS LEARNT

The first 18 months of the Older People's Commissioner for Wales' time in office has delivered a number of key lessons. These

lessons will guide the future direction of the current Commissioner and her successors as well as the development of new positions for Older People's Commissioner's elsewhere. This section summarises some of the main lessons learnt to date.

The need to ensure that any new Commissioner setting up a post of this nature has sufficient lead in time has been a clear lesson to emerge from this review and evaluation process to date. Time should be allowed in the first instance to establish basic office systems and processes before the doors are opened for official business. Further lead in time is then required to establish the correct team, develop corporate governance systems and interpret the powers invested in the Commissioner. Time is also required to establish and define links with partner organisations and to understand the unique space that a new body such as this inhabits. It is only after these important developmental stages have been completed that the Commissioner will be in a position to fully utilise her legal powers.

The Commissioner to date has also demonstrated the importance of adopting flexible approaches, such as appointing seconded individuals to key posts at the outset, as well as learning from the experience and expertise of others. The experience and support of the Children's Commissioner for Wales and the Public Service Ombudsman for example have been particularly beneficial in ensuring that the Commission avoided similar pitfalls that they encountered. This included the importance of not being drawn into addressing issues too early at the risk of compromising the development and future focus of the Commission.

It is apparent that the demands placed upon the Commissioner to address the needs of a diverse Wales are high and likely to increase. To alleviate some of these demand pressures, there is a need to ensure that more individuals within the current staffing

structure have the ability, capacity and authority to represent the Commissioner in various situations.

The need to manage high expectations that follow the appointment of a new Commissioner has also been a clear message that has emerged during the last twelve months. Developing clear and consistent communication processes have been essential aspects of ensuring that these expectations have been managed. However, with the benefit of hindsight, earlier messages outlining the required developmental processes of the Commission could have been communicated before the Commissioner took post. This would have relieved some of the expectation and pressure placed upon the Commissioner and her team during the first year in office. There is also a need for the Commission to communicate success achieved to date in a more positive manner.

The Commissioner has also demonstrated the benefits of adopting transparent accountability processes that go beyond statutory auditing requirements. By voluntarily appointing an Audit Committee and commissioning an ongoing evaluation process the Commissioner clearly demonstrates her desire and intent for transparent accountability. The independent Audit Committee and evaluation will also challenge the work of the Commissioner, demonstrating her desire to learn from others and the need to plan actions on a sound evidence base.

Above all the Commissioner has demonstrated during the last 18 months the importance of ensuring that older people themselves are, and should remain, at the core of all of the Commissioner's work. The Commissioner has placed a great deal of effort in travelling to all parts of Wales to hear the views and opinions of older people firsthand. Furthermore the views and opinions gained have guided the Commissioner's priorities and future strategic direction. The process of listening to the views of older people has

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also highlighted the importance of understanding and responding to the social and culture diversity of older people from different areas of Wales.