



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

Driving Change for Older People

Impact and Reach Report
2013-14



An independent voice and
champion for older people

The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales. The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older, not just for some but for everyone.

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Foreword

As the Older People's Commissioner for Wales, I am an independent voice and champion for older people, standing up and speaking out on their behalf. My work is driven by what older people and those who care for and support them say matters most to them.

There is a wonderful diversity among the older people in Wales, which brings huge cultural and social wealth to our country and should be celebrated. I have worked hard to reach out to this full diversity of older people in Wales to ensure that I am a voice for all older people, not just for some. Through my Engagement Roadshow and other events this year, I have spoken with and listened to more older people than ever before.

Older people, through their experience, knowledge and the lives they have lived have much to teach all of us in public service about getting it right, particularly in times of austerity. The more we listen, the better we become.

Over the past year, I have continued to work with local and national governments, as well as key public bodies, organisations and individuals, to grow their knowledge, thinking and practice around the issues that matter most to older people, and to ensure that the views, knowledge and experiences of older people are increasingly reflected in policies, legislation and in the redesign of our public services.

In addition, I have continued to scrutinise and hold public bodies to account and, where necessary, I have not hesitated to use my legal powers to deliver change.

I have provided direct support to older people who have found themselves in the most complex and unacceptable situations, working with them to ensure that they are both safe and have their rights upheld.

There is much change underway in Wales to transform our public services, with a greater focus on the wellbeing and prevention agendas, new integrated models of providing care and support being implemented, and legislation that

will significantly change the way that social care is provided. Many of these changes reflect the issues raised with me by older people and have led to real improvements. But of course, strategies, policies and plans must translate into tangible change that makes a real difference to the lives of all older people, not just some.

I recognise the difficult challenges faced by our public services in delivering these changes, but if we fail to deliver the change required the price that will continue to be paid by too many older people will be unacceptable. The cost of failure to the public purse will also be unsustainable.

I am a human rights-based Commissioner and proud to be so. Human rights matter to us all and should be used as a lens through which to view the delivery of care and support to individuals by our public services. Too many of the older people I meet have been stripped of their human rights, which undermines their dignity, quality of life and safety. Embedding human rights at the heart of our public services is one of the key ways to drive forward the improvements needed in Wales.

In April 2013, I published my Framework for Action 2013-17, which clearly outlines my priorities, the changes I expect to see in Wales and how I will drive forward improvements in older people's lives.

This report, my second Impact and Reach report, outlines the action I have taken on behalf of older people across Wales over the past year, as their independent voice and champion, to drive forward the change they have told me they want and need to see.



Sarah Rochira
Older People's Commissioner for Wales

Reaching out and listening to older people across Wales

To ensure that older people know about my work and how I can help them, my team and I continuously and extensively engage with a diverse range of older people across Wales in numerous ways.

Engagement Roadshow

I have continued to travel the length and breadth of Wales as part of my Engagement Roadshow, to meet and speak with older people about the things that matter most to them.

This year my team and I have met with more older people than ever before, over 200 groups of older people in communities throughout Wales, travelling over 20,000 miles to reach out to more than 5,300 people. We have met and spoken with older people in every constituency in Wales, with at least 30 engagement events in each of the five National Assembly electoral regions.

My team and I meet older people in their communities, in the places they live their lives, in settings such as day centres and social clubs, care homes and extra care housing complexes, support groups, dementia cafes and in people's own homes.

This year, my Engagement Roadshow has had an even greater focus on reaching out to the full diversity of older people in Wales. This ensures that I am a champion for all older people and that the voices of older people that are seldom heard are at the heart of my work and drive my priorities.

I am proud that my Engagement Roadshow has reached so many people, representing the diversity of Wales, and was delighted to win Diverse Cymru's Excellence in Equality Public Sector Award 2013.

Wider engagement

In addition to my Engagement Roadshow, I have also undertaken a wider programme of engagement to grow knowledge and understanding about who older people are, the vital contribution they make to society, the challenges they face and the issues that matter to them most.

I have continued to work extensively with formal organisations that represent older people, such as the National Pensioners Convention, National Old Age Pensioners Association of Wales, the Welsh Senate of Older People, Pensioners Forum Wales, Older People's Advisory Group, Cymru Older

People's Alliance and the National Partnership Forum, meeting with them regularly to update them on my work, provide them with support and identify opportunities for joint working.

I also work in partnership with third sector organisations across Wales, supporting them in their aims and objectives to deliver real change for older people.

During the past year I have delivered key note speeches and chaired discussion panels in conferences and events run by the third sector, as well as those run by public bodies, reaching out to thousands of professional colleagues and volunteers across Wales.

My team have provided information, advice and useful resources to older people and those who care for and support them by running information stands at a wide range of conferences and events across Wales, from large events such as the Cardiff Mardi Gras and Mela, to smaller community events such as Swansea Sparkles, an annual event for people who are transgender and Llandudno Carers Information Day.

Media

Using the media is an important way to engage with older people. I have worked with the Welsh broadcast media to ensure that I maintain a regular presence across TV and radio news, as well as other national current affairs programmes such as Week In Week Out and Wales This Week, so that older people know about the work I am undertaking to make a difference to their lives.

To ensure that older people know about my role and the specific work that I am undertaking in their communities, I have also worked extensively with journalists to maximise coverage in local newspapers and magazines, including Welsh language publications such as the Papurau Bro, which are widely read by older people.

I also write regular columns for widely circulated magazines such as the Cardiff Times, Neath Community Magazine, the Powys Local Beacon and Inside Flintshire.

Website

In order for older people and stakeholders to be able to access information about my work more easily, I have refreshed and restructured my website, making it more user-friendly and accessible.

My newly refreshed website now contains information hubs on equality, human rights and adult protection, which can be used both by older people and professionals to access an extensive knowledge base and a wide range of useful resources.

Enquiries and Support Team

I have provided significant assistance to individuals under Section 8 of the Commissioner for Older People (Wales) Act 2006. Through my Enquiries and Support Team, I provided help, support and advice to 795 older people. The most common subjects my team were contacted about were:

Subject	Number of Enquiries Received	Percentage of total received (%)
Residential Care	127	15.97
Healthcare	110	13.84
Community Services	41	5.16
Financial	41	5.16
Housing	39	4.91

In many instances, my team were able to direct older people to other agencies who were best-placed to provide them with help and support, ensuring that I did not duplicate the work of others. This has enabled me to increase the support I provide to individuals who require complex case support who are in distress and in situations of high vulnerability, where only my intervention can assist.

Examples of complex cases that my team dealt with during 2013-14, where there were protection and/or safeguarding issues, include:

- Undertaking a Section 5 Review into the whistleblowing arrangements within a Local Authority, following concerns raised with me in respect of the care and alleged abuse of an older person.
- Undertaking a Section 3 Review into the closure of a care home following significant representation made to me by a number of individuals and concerns being raised about the quality of care of residents.

- Providing Section 8 Assistance by representing the relatives of an older person at the Coroner's Court.

Other issues emerging through my complex case support include:

- Circumstances surrounding death
- Very poor care standards and mistreatment of residents
- Continuing NHS healthcare assessments
- Raising concerns
- Care home closures, including EMI

The case studies below illustrate the kind of support I have provided to older people and their families during the past year.

Mr Morgan

The Commissioner met with Mr Morgan during a series of home visits with the Red Cross as part of her Engagement Roadshow.

Mr Morgan, who has a significant mobility impairment, was living in unsuitable accommodation, which meant that he was confined to his bedroom and living room because the rest of his flat was not accessible in a wheelchair.

Mr Morgan was isolated, effectively a prisoner in his own home and at immediate risk, and although he was receiving some support from carers, his health and wellbeing was of great concern as he was housebound and not receiving the level of support that he needed.

As ongoing efforts by the Red Cross and Mr Morgan's social worker to rehouse him had not been successful, the Commissioner contacted the housing association requiring action to find Mr Morgan suitable accommodation as a matter of urgency.

Mr Morgan was promptly rehoused in an accessible flat that fully meets his needs. He now has a far better quality of life, describing his new home as 'absolutely perfect, fantastic'.

Mr Morgan now has a far better quality of life, describing his new home as "absolutely perfect... fantastic!"

Mr Lewis

Mr Lewis contacted the Commissioner following an ongoing dispute with his Local Authority about the cost of the domiciliary care he was receiving, which was vital to enable him to remain independent.

He had received notice that the cost of his care was due to increase, but no other information was provided about what the increase would be and when it would be implemented. When this information was eventually provided, an invoice was included for four months of backdated payments at the increased rate.

Mr Lewis felt that this was unfair and that the Local Authority was breaching the terms of his contract as he was given no prior warning of what the increased costs would be. He challenged the Local Authority's decision, but after a prolonged period no resolution was reached.

The Commissioner therefore contacted the Local Authority on Mr Lewis' behalf, reiterating his concerns and requiring an update on the matter.

The Local Authority responded, stating that the issue was the result of an error following the implementation of new Welsh Government guidance and that Mr Lewis was therefore not required to make any additional payments.

They also confirmed that all similarly affected individuals within the Local Authority would be refunded any additional costs they had unnecessarily paid.

The Commissioner also requested an estimate of the total amount refunded to all service users and will raise this matter with the Welsh Government to ensure that other Local Authorities have not made similar errors.

The Local Authority confirmed that all similarly affected individuals would be refunded any additional costs they had unnecessarily paid.

Mrs Lloyd

The Commissioner was contacted by Mrs Lloyd who was distraught following the death of her husband. Mr Lloyd had spent a week in a care home, to give respite to his wife who was his carer.

Following his stay, Mr Lloyd was very unwell, which Mrs Lloyd attributed to a lack of care during his stay at the care home. Mr Lloyd sadly passed away two weeks after returning home.

Although Mrs Lloyd wanted to make a formal complaint about her husband's care, she did not know how to do so and required assistance to support her throughout the process.

Acting as her advocate, the Commissioner contacted the Local Authority to make the complaint on Mrs Lloyd's behalf. As the complaint was being investigated, safeguarding and protection issues were identified, which resulted in a referral to the Protection of Vulnerable Adults (POVA) Team.

The POVA investigation confirmed that there were significant safeguarding and protection issues and recommended the immediate implementation of a formal policy to ensure that the care home staff seek immediate medical advice if a resident becomes ill.

The investigation also recommended further training for care staff across a range of key areas to address neglectful practices at the home.

As a result of the Commissioner's support to Mrs Lloyd in making her complaint, important lessons have been learnt and appropriate action has been taken to ensure that all residents are safe and well cared for.

*The names of the individuals in these case studies have been changed to protect their identity.

The investigation recommended further training for care staff across a range of key areas to address neglectful practices at the home.

Driving forward change

Framework for Action

In May 2013, I published my Framework for Action 2013-17, which outlines my priorities over my term of office as Commissioner, the changes I expect to see in Wales and how I will drive forward improvements in older people's lives over the next four years.

I used the voices of older people across Wales, as well as the voices of those who care for and support them, to shape the priorities contained within my Framework for Action and the change that older people want and need to see.

Older people are very clear that they want to have a strong voice and meaningful control over their lives. Their priority is to be safe, as healthy and independent as possible and to lead lives that have value, meaning and purpose. This is how older people define quality of life and the priorities within my Framework (below) reflect this.

- Embedding the wellbeing of older people at the heart of public services
- Driving up the quality of - and availability and access to - health and social care
- Protecting and improving community services, facilities and infrastructure
- Standing up for older people who are at risk of harm and ensuring that they are safeguarded and protected
- Tackling prejudice, inequality and discrimination

My Framework sets out an ambitious programme of change for Wales, reflecting the breadth of issues that impact upon the lives of older people. It is the change that we must see if we are to ensure that older people today, and those who are growing older, have the best quality of life in the years to come.

At the end of my four year term in office, I will publish an overview of my delivery against my Framework, clearly outlining the changes I have delivered on behalf of older people.

Community Services, Facilities and Infrastructure

Whilst high-quality health and social care matters enormously to older people, they consistently raise the need for a stronger focus on key local and community-based services and facilities, such as buses and community transport, public toilets, public seating, outdoor areas, libraries, leisure facilities, and community and day centres.

These services are not luxuries – they are essential to the maintenance of older people’s health, independence and wellbeing. These services are also essential to the delivery of national priorities relating to prevention, citizen focus and community resilience, containing the cost pressures upon statutory services and maintaining the wider health of the economy. These are the services talked most about by older people, who are concerned that they are disappearing, and they should be seen as essential community assets.

Older people across Wales have also spoken to me about the community based barriers they face across many areas of their lives that make growing older unnecessarily harder, even for the most active and resourceful older people.

These experiences were captured in my ‘A Thousand Little Barriers’ report, which was published in August 2013 to give a voice back to older people and highlight the importance of everyday services and support that they rely on to remain healthy, safe and independent.

In the report I gave a commitment to work with older people to look in more detail at the issues of access to public toilets, the availability of public transport and refuse collection. I did this through establishing my Toilets, Transport and Bins Taskforce, older people working directly with me to grow understanding about the importance and impact of these services.

Building upon the excellent work carried out by my Toilets, Transport and Bins Taskforce, I published my report ‘The Importance and Impact of Community Services within Wales’ in February 2014.

The report makes a clear and strong case for protecting community services, which are not only essential to the health, wealth, and wellbeing of our villages, towns, cities and communities, but are also integral to the public service and public health priorities within Wales and the overall health of our economy.

To gather information and to hear first-hand from older people how important community services are in their day-to-day lives, I held a series of focus groups across Wales (in Aberystwyth, Cardiff, Carmarthen, Colwyn Bay and Llandrindod Wells) to enable older people to share their experiences.

In addition to the focus groups, information was also gathered from a range of partners to provide expertise on specific areas for the report and supporting research evidence. Evidence was obtained from:

- British Toilet Association
- Bus Users Cymru
- Community Transport Association
- NIACE Dysgu Cymru
- 'P is for People' Campaign
- Public Health Wales
- Royal Voluntary Service
- Society of Chief Librarians Wales
- Welsh Government
- Welsh Local Government Association
- Welsh Senate of Older People

An area of particular concern was the lack of public toilet provision, which older people have told me has a significant impact on their health and wellbeing. Without access to public toilets many older people are effectively housebound, at risk of losing their independence and their links to their communities.

I was therefore delighted that the Welsh Government announced proposals in March 2014 to place a duty on Local Authorities across Wales to improve access to public toilets.

I understand that difficult decisions must be made concerning the future of our community services, facilities and infrastructure and, continuing my work with Local Authorities, I will hold a number of seminars in 2014 for key Local Authority staff, to discuss and agree the most effective way forward to deliver the best outcomes for older people.

In order to ensure that older people are able to fully engage with Local Authorities and influence key decisions that affect them, I will also publish a practical toolkit that can be used when changes to community services are proposed, as well as good practice guidance for Local Authorities on how to improve engagement and consultation with older people.

Residential Care Review

I have spoken many times since my appointment as Commissioner about the importance of high quality residential care for older people and how the term ‘residential care’ does not adequately reflect the fact that it is someone’s home. I have travelled extensively across Wales meeting with many older people living in care homes, as well as frontline carers, and seen for myself the impact that high quality residential care can have on the lives of older people. Whilst residential care is not an option for everyone, and increasingly need not be, for many older people it will continue to be a key way in which they receive the care and support they need and are supported to live lives that have value, meaning and purpose.

However, in the past year I have received an increasing amount of correspondence about the quality of life and care of older people in residential care across Wales. I have also provided individual support to older people and their families who have found themselves in the most distressing and unacceptable of circumstances to ensure that they are safe and well cared for.

I have spoken frequently about the many excellent examples of health and social care in Wales and the many dedicated staff in both the public and private sector. However, I have also spoken publicly about what I consider to be unacceptable variations in the quality of life and care of older people in residential care. I have been clear that we fail to keep too many older people safe and free from harm, that too many older people are not treated in a compassionate and dignified way and that, for some, their quality of life is unacceptable.

I made it clear in my Framework for Action, published in April 2013, that driving up the quality and availability of health and social care was one of my five priorities. I was also clear that I expect quality of life to sit at the heart of the provision of residential care.

In May 2013 I therefore announced that I would use my legal powers, under Section 3 of the Commissioner for Older People (Wales) Act, to review the quality of life and care of older people living in residential care in Wales.

Gathering evidence for my Review

In October 2013, I officially launched my Review and called upon older people across Wales, as well as their friends and families, to share with me their experiences of residential care.

To capture their views, I developed a detailed questionnaire that considers factors such as physical and psychological health, social relationships, the care home environment and spirituality.

To ensure that the questionnaire was widely distributed across Wales, copies were sent to every care home in Wales. Alongside this I worked with partner organisations in the third sector, as well as older people's groups, 50+ forums and Assembly Members to reach as many older people and their families as possible. The questionnaire was also available to download from my website and I worked with the media, particularly local newspapers, to promote my Review and the call for evidence.

There was an outstanding response to my questionnaire, with over 2,000 responses from older people, as well as their families and the public, double the original target of 1,000. This will ensure that the voices of older people are at the heart of my Review.

Formal letters were distributed to the public bodies subject to the Review, to gather additional information about the procedures in place and actions underway to safeguard the interests and promote the quality of life of older people living in residential care.

A call for evidence was also widely distributed to third sector organisations across Wales, as well as to professional bodies and recognised experts, so that they were able to share examples of good practice or highlight areas of particular concern.

To ensure that the voices and experiences of older people with protected characteristics (e.g. race, sexual orientation, religion or belief) were captured as part of the Review, a series of focus groups were held across Wales, particularly important as their voices are seldom heard and are often overlooked by policy and decision makers.

A series of formal evidence sessions with the bodies subject to the Review took place in February 2014, to discuss and consider the written evidence provided in greater detail and provide opportunities to obtain further information as required. Similarly, a number of round table meetings also took place with key stakeholders, including third sector organisations, professional bodies and relatives of older people living in residential care.

In order to speak directly with older people and hear first-hand about their quality of life and care and their everyday experiences of living in residential care, an extensive series of unannounced visits were arranged to care homes in each Local Authority across Wales.

I recruited a team of social care rapporteurs to support me and my team during visits to care homes across Wales. I received over 65 applications from people wanting to volunteer as rapporteurs, including former nurses, inspectors and carers; medical and social work students; and colleagues from partner agencies.

To ensure that all rapporteurs are able to carry out the tasks required to the highest standards, those who have applied have gone through a rigorous recruitment process, which includes a detailed competency based interview, references, an enhanced DBS check and POVA training.

Advisory group and sub groups

I have established an Advisory Group of experienced representatives from the field of residential care and older people who meet with me regularly to provide guidance and strategic insight throughout my Review.

I have also established an Older People and Carers Group and an Equalities and Welsh Language Group to provide independent specialist knowledge and to ensure that the needs of older people in all their diversity is fully considered and understood.

Next steps

The information and evidence gathered throughout my Review will allow me to fully understand not only the experiences of older people living in residential care, but also the current challenges and issues faced by service providers and how these can be addressed. This will ensure that I am able to make robust recommendations to the public bodies subject to my Review, in order to drive the change that older people living in residential care want and need to see.

Following my Review I will publish clear recommendations in October 2014, which the public bodies subject to my Review will be expected to comply with. In the development of these recommendations I will take into account what older people have told me must change, as well as the actions which are already underway by a range of agencies across Wales.

Dignified Care: Two Years On

Following my Dignified Care Review in 2011, carried out under Section 3 of the Commissioner for Older People (Wales) Act 2006, a series of twelve recommendations were issued to the Welsh Government, Health Boards and the Velindre NHS Trust to improve the quality of care of patients in hospitals across Wales. This led to the development of specific action plans designed to drive change within the health service at all levels, from board level down to hospital wards.

As part of my on-going follow-up work to improve dignity and respect in hospitals in Wales, I required further evidence from the bodies subject to my Review of the actions underway to improve patient care and the impact they are making. This evidence, together with information provided by older people about the care they had received while in hospital following my Dignified Care Review, formed the basis of my 'Dignified Care: Two Years On' progress report, which was published in September 2013.

Overall, I saw evidence that my 12 recommendations are being taken seriously and that action is being taken across Wales designed to improve the quality of patient care and dignity and respect accorded to patients.

However, following the publication of my progress report, I met with the Chief Executives and Chairs of Health Boards and the Velindre NHS Trust, together with the Health Minister, and made clear my expectation that significant further progress must be made in a range of key areas to ensure that all older people in hospitals in Wales are treated with dignity and respect. I also made it clear that there must be a zero tolerance of failures in care and that the NHS in Wales must capture, and act upon, the experiences of patients far more effectively.

I agreed with the Chairs and the Welsh Government that future reporting against the areas where further and continued improvement is required would now take place through the new Annual Quality Statements, to ensure a consistent and integrated approach to reporting on quality of care. I will review these statements on an annual basis and publish an assessment of progress made and further action that may be required.

Aids and adaptations

In 2012, I found that there were often unacceptable delays in providing Disabled Facilities Grants (DFGs) to older people for home aids and adaptations, with a number of Local Authorities failing to meet statutory requirements. This meant that individuals were at risk of falling, being unable to return home from hospital, or having to go into residential care unnecessarily. The cost to individuals was unacceptable, with a consequentially high impact upon the public purse.

I issued good practice guidance to Local Authorities, which clearly set out my expectations for improvements within 12 months to those who were failing to deliver. I also provided Local Authorities with examples of good practice to assist them in delivering their improvements.

In November 2013, I sought assurances from Local Authorities that these expectations are being met, in particular that minor adaptations are not being processed through the DFG route but are being delivered swiftly through another effective route and that mechanisms are in place to capture the customer experience and use this to drive continuous improvements.

I also required an update on how Local Authorities intend to build upon and sustain the improvements that have already been made.

The responses indicated that significant progress is being made to improve both DFG and minor adaptations systems and that there is an on-going commitment to improvements: only three local authorities are now breaching their statutory timescales for delivering DFGs compared to seven in 2012, with average delivery times also dropping substantially from an average of 325 days in 2011-12 to 271 days in 2012-13. However, there is still significant variation in the ways in which these are delivered and the funding streams that are used.

Following ongoing correspondence on this matter with the Minister for Housing and Regeneration, and the Chair of the Communities, Equality and Local Government Committee, which published its own report on home adaptations in 2012, I was pleased that the Minister confirmed that a review into the home adaptations system in Wales would commence in Spring 2014.

To support the review, which will be essential to drive the fundamental change that older people have told me they want and need to see, I issued a detailed summary of progress made by Local Authorities to the Minister, as well as the Chair and members of the Communities, Equality and Local Government

Committee, and I have been clear that any changes to the home adaptations system following the review must address the following:

- Standardisation of, or minimum national delivery times for all aids and adaptations, including minor adaptations, regardless of the funding route.
- Streamlining of the various adaptation routes, using a less complex system that is focused on the needs of the customer and is tenure blind.
- An accurate performance management framework covering all adaptation routes. The customer experience should be incorporated into this and used to drive improvement.

As Commissioner, I will continue to monitor and scrutinise home adaptations processes so that older people, wherever they live in Wales, can access the support they need, which is vital to enable them to lead healthy, safe and independent lives.

Ageism and Discrimination

We live in a world obsessed by age and stereotypical views of older people. Despite the value they bring to our country, older people are too often talked about in a derogatory, disrespectful and defamatory manner. The false assumptions society often makes about older people undermine their self-esteem, self-confidence and independence, as well as the delivery of good public services.

Many older people face discrimination, which is both illegal and morally wrong, limiting their access to services and fair treatment. Sometimes the discrimination faced is from individuals, sometimes it is more systemic within services and organisations themselves. Often discrimination is not recognised as society has normalised ageist attitudes and practices.

To help professionals to better understand the nature and impact of ageism and how it feeds discrimination, I worked with Local Health Boards, Local Authorities, Care Homes, the Police and the Welsh Government to deliver a series of training seminars that included both practical activities and a range of detailed written resources to support the further development of better practice.

The training seminars explored ageing and its impact upon individuals, families and communities in Wales, as well as how negative attitudes towards ageing can impact upon good service delivery. The training also allowed

delegates to think, in practical terms, about how to develop age-friendly public services and age-friendly communities, based on the World Health Organisation Framework, that will meet the needs of an ageing population.

147 professionals have completed the training to date and further training seminars will be held throughout 2014, available to a wider group of participants.

In addition, 'train the trainer' training and resource packs were provided to professionals across public bodies to enable them to deliver this training on my behalf.

Over the coming year I will further build my work around helping public services to better understand the nature and impact of ageism to ensure that, as public services in Wales are redesigned and new ways of delivering care and support are developed, ageism and discrimination are continually challenged.

Access to Justice: Operation Jasmine and the wider legal context

Throughout 2013, I was privileged to provide support to the families of the victims of alleged abuse and neglect in a number of care homes in south Wales, investigated by Gwent Police and known as Operation Jasmine.

In June 2013, following the collapse of a key trial linked to Operation Jasmine, I called on the Welsh Government, on behalf of the families, to undertake an Inquiry as there were still many unanswered questions about who was responsible and how neglect and abuse on the scale alleged could have taken place.

I therefore strongly welcomed the announcement from the First Minister that an Independent Review would be undertaken to ensure that the families have the information and the answers they have told me they need.

The families and I both expressed concerns in respect of the charges brought. This reflected concerns already raised by me, detailed in my Framework for Action, regarding the need for improvements to the law in relation to the abuse and neglect of older people, in particular, the need to strengthen the law in respect of wilful and corporate neglect. This matter was discussed in detail at a meeting, which I facilitated, between the families and the Director of Public Prosecutions.

I also arranged a briefing session with MPs in Westminster to discuss my concerns about the current gaps in adult protection law, which often prevent access to justice for older people, and the need for these to be addressed with updated legislation.

Following this, I also met with the Prime Minister to further raise the need for improved legislation, particularly in relation to wilful and corporate neglect. I am therefore pleased that a UK consultation is now underway on a new criminal charge of wilful neglect.

In my Framework for Action, I am very clear that we must get better at recognising the abuse faced by older people; all older people who are at risk must have access to effective safeguarding support and those who are abused must swiftly and appropriately be supported to regain their safety. I am also clear that abuse of older people must be recognised as a criminal act and, where they fit the definition, that older people are recognised as victims of domestic abuse and have access to the widest possible support available under domestic abuse legislation and domestic abuse support services.

I organised and chaired a seminar with senior public service staff, including Police and Crime Commissioners, the Crown Prosecution Service, Police Officers, Senior POVA leads and Welsh Government officials, to discuss my wider concerns in respect of access to domestic abuse support, passporting from protection to criminal and restorative justice services and identifying how we can address these issues within Wales.

I have also worked with the Welsh Government to ensure that domestic abuse of older people is fully understood and reflected in the new Domestic Abuse (Wales) Bill in Wales and that the links between the domestic abuse and the safeguarding provisions in the Social Services and Well-being (Wales) Bill are fully understood.

A Rights-Based Approach: Declaration of the Rights of Older People

Since taking up post as Older People's Commissioner for Wales, I have stated publicly many times that, all too often, older people in Wales face unacceptable discrimination and struggle to have their basic rights recognised and upheld.

I was therefore pleased that there was cross-party support for my call to enhance the rights of older people and that the Welsh Government asked me to chair an Independent Advisory Group to consider and explore the merits of

a Welsh Declaration of the Rights of Older People, which would be the first of its kind in the UK.

The Advisory Group found that a Declaration would provide a clear framework and standard that could be understood and used by older people to ensure that their rights are upheld when receiving the support and services they need to live fulfilled and independent lives. Drafted correctly, a Declaration would be more accessible than existing human rights legislation.

The Advisory Group subsequently worked with older people to develop a draft Declaration, which was based upon the issues that older people identified as most important to them, as well as the United Nations Principles for Older Persons. The Declaration clearly sets out its links to the Human Rights Act 1998 and the European Convention on Human Rights.

In December 2013, the Welsh Government launched a public consultation on the Declaration, reaffirming its commitment to promoting the interests of older people in Wales and a commitment to equality and human rights.

Over the next year I will work with, and provide practical support to, the Welsh Government and public bodies to develop a rights-based approach to the provision of public services that both upholds the rights of individuals and supports the delivery of better public services.

Review of Health Board Reconfiguration

In February 2013, I issued formal guidance, under Section 12 of the Commissioner for Older People (Wales) Act 2006, to all Health Boards in Wales, which set out the standards against which I would measure their actions when engaging and consulting with older people.

Following this, I requested further evidence from all Health Boards, under Section 3 of the Commissioner for Older People (Wales) Act 2006, to assure me that the interests of older people in Wales were sufficiently safeguarded and protected as proposals for reconfiguration were developed. I requested evidence on the following:

- The extent to which Local Health Boards are involving older people in discussions about decisions being made and taking their views seriously.
- Whether they are taking proper account of the impact of proposed changes upon older people, ensuring that alternative provision is appropriate and effective and being used by the older people affected by the changes.

- Whether they are ensuring that older people will not be disproportionately affected by the changes.

All Health Boards submitted evidence detailing the actions they undertook to engage with older people. I reviewed the evidence and provided my assessment to each Health Board and requested that they share and discuss this feedback at a public session of the Health Board. This was intended to support and strengthen their engagement and consultation as they take forward significant changes as to how their services are provided.

I have requested that a number of Health Boards provide me with further information and have made clear my expectation that Health Boards will continue to strengthen their on-going engagement with older people, paying regard to my Guidance.

Following receipt of the further information, I will also meet with the Chief Executive of the NHS in Wales to ensure that the areas that need to be strengthened are acted upon.

Influencing Legislation, Policy and Practice

Welsh Government

One of my core functions as Commissioner is to keep under review the law affecting the interests of older people in Wales. I have therefore continued my work to ensure that their voices are heard and listened to, and that the issues that matter to them are reflected and addressed across the breadth of Government business.

Most direct references to older people in the Welsh Government's Programme for Government are in the context of health and social services, despite the fact that many of the issues faced by older people fall outside of these policy areas, such as poverty, the importance of lifelong learning and the vital importance of transport to older people.

I met with the full Welsh Government Cabinet in May 2013 to grow knowledge and understanding about the importance of these and other issues to older people, to ensure that the potential impact of policies and decisions on older people's lives are given full and proper consideration across all portfolios and that the issues that matter to older people are seen as a key part of every Minister's brief.

Building upon this work, I met with individual Welsh Government Ministers and their officials to ensure that the impact and importance of non-health

and social care issues upon older people, as well as upon wider Welsh Government objectives, are better understood and strengthened. For example, the impact that poverty amongst older people has in Wales, not only on individuals, but also on their communities and the wider economy.

I also continue to work with the cross-party older people's spokespeople, meeting with them regularly and providing detailed information and briefings to inform debate and strengthen older people's voices across the political spectrum.

Consultation Responses

Throughout 2013-14 I responded to a wide range of Welsh Government consultations, using the experiences that older people across Wales have shared with me, ensuring that their voices are heard and that the changes they want and need to see are delivered:

- Commission on devolution: A joint response from the Children's Commissioner for Wales and the Older People's Commissioner for Wales, June 2013
- Equality Impact Assessment of the 2014-2020 Rural Development Plan for Wales, July 2013
- Renting Homes White Paper, August 2013
- National Assembly for Wales Health and Social Care Committee The work of the Healthcare Inspectorate Wales, September 2013
- Welsh Government - Tackling Hate Crimes and Incidents: A Framework for Action, October 2013
- A framework for delivering integrated health and social care, December 2013
- Blue Badge Scheme in Wales: Changes to the eligibility criteria, January 2014
- Consultation on the Housing (Wales) Bill, January 2014
- National Assembly for Wales' Inquiry into Public Libraries in Wales, January 2014
- Draft Planning (Wales) Bill and Positive planning: proposals to reform the planning system in Wales, February 2014

- Social services complaints and representations procedures, February 2014
- Consultation on 'Revising the national framework for Continuing NHS Healthcare (CHC)', March 2014
- Revision of Weekly Maximum Charge for Non-Residential Social Services, March 2014
- Welsh Government Review of Council Tax Support, March 2014

I provided evidence to the Commission on Public Service Governance and Delivery, making it clear that public services are still failing to get the basics right, that the pace of change must increase and that there must be a greater focus on outcomes to deliver the vital improvements that are needed in Wales.

I also provided evidence to the Silk Commission, discussing the ways in which increased powers to Wales could enable improved outcomes for older people, particularly around equality law and the justice system.

Social Services and Wellbeing (Wales) Bill

Further to my written and oral evidence provided to the National Assembly's Health and Social Care Committee as part of Stage 1 scrutiny of the Social Services and Wellbeing (Wales) Bill, I held a stakeholder workshop in September 2013, which brought together a wide range of social care experts and frontline service providers, as well as representatives from the third sector. This workshop considered the reality of the Bill on the lives of older people, using the experiences of people who had contacted my office, to see whether the proposed legislation would make the intended difference.

The evidence gathered from the expert group formed the basis of a report that was distributed to the Health and Social Care Committee to inform members about the ways in which the Bill would impact on older people who find themselves needing social care and whether or not it would lead to an improvement in their wellbeing and the voice and control they have over their lives. The report also included real-life examples taken directly from the breadth of experiences of the older people who contact my office on a daily basis.

I also provided on-going detailed briefings for Assembly Members to ensure that the needs and experiences of older people were fully considered throughout the scrutiny process and were reflected in the final version of the Bill.

I am pleased that following my extensive work on the Bill during the past year, the right to advocacy has now been included and that the UN Principles for Older Persons are also within the Bill, which should significantly strengthen the rights of older people in Wales.

Advocacy

Reflecting the strong and public stance I have taken in respect of advocacy, in particular independent advocacy, and following on from the publication of my first formal report as Commissioner, 'Voice, Choice and Control', published following a Review under Section 5 of the Commissioner for Older People (Wales) Act 2006, the Deputy Minister for Social Services asked me to advise the Welsh Government on what should be included in a business case for a comprehensive advocacy service for older people in Wales.

To support me in this work I established and chaired an advisory group, consisting of representatives from bodies across the health, social care and third sectors, which met four times between June and October 2013.

The advisory group report:

- Outlines the key role that advocacy has in giving older people voice and control.
- Identifies priority groups to whom the duty to offer and provide advocacy should apply based on the circumstances, situations and places in which older people find themselves, including circumstances in which independent advocacy must be offered.
- Outlines what success will look like and how progress should be monitored and reported on.
- Makes recommendations in respect of the need for consistent standards around the quality of advocacy.

The recommendations in the report were developed in conjunction with advocacy providers across Wales and draw strongly upon a wide range of evidence and research, as well as information from funded advocacy schemes across Wales and my own extensive case support, about the benefits of advocacy.

It is my expectation that this business case will now be used to inform the regulations that sit behind the section in the Bill relating to advocacy.

Working with public bodies to grow knowledge, thinking and practice

There is much change currently taking place in Wales, both at a policy level and in the ways in which care and support are provided, that has the potential to impact significantly upon older people. For this impact to be positive, these changes must reflect the experiences and wishes of older people and over the past year I have therefore worked extensively with public bodies to ensure that this is the case and to grow their knowledge, thinking and their practice.

Annual Quality Statements

I undertook detailed scrutiny of the first Annual Quality Statements published by Health Boards, providing feedback to Health Boards, the Welsh Government and a range of professionals. I have also provided advice to the Welsh Government in the further development of the role of the second round of Annual Quality Statements and supporting guidance. I consider strengthening the accountability of Health Boards to the public to be a significant driver for improvements in the quality of care of older people. I also agreed with the Welsh Government and Health Boards that further reporting against my ‘Dignified Care?’ recommendations would be included in the second round of Annual Quality Statements, on which I will publish a statement in 2015.

Framework for Integration

I provided detailed advice to the Welsh Government on the development of its Framework for Integration and scrutinised the first statements of intent, providing feedback to Health Boards and Local Authorities. I have also spoken extensively with corporate leads and professionals across health and social care about the importance of integration to older people, what good integration looks like from their perspective, examples of good practice that I have personally seen and could be replicated across Wales and the price paid by individuals when we fail to get integration right. Older people frequently say to me ‘why don’t people talk to each other?’ and many of the individuals that I have supported have suffered as a result of the lack of integration between services. I have been clear and consistent that integration will not succeed without housing and the third sector as equal partners and I will continue to keep under close review and support policy and practice developments in this area.

Escalating Concerns Guidance

Further to Section 16 Guidance being issued to the First Minister in 2012 concerning the current guidance used by Local Authorities when care homes are at risk of closure, I discussed at length with the Welsh Government the need for this guidance to be updated. Whilst an important step forward, the guidance no longer adequately reflects the range of reasons why a care home may close and does not sufficiently consider how the transfer of residents should be managed from an individual's perspective. Following this, I was asked to chair an Independent Advisory Group and advise the Minister on how the guidance should be further updated. The Advisory Group:

- Heard and considered evidence about the principles on which new guidance regarding Local Authority Closure of Care Homes should be built.
- Identified good practice in dealing with care home closure from the UK or elsewhere.
- Clearly outlined the statutory duty of Local Authorities and Local Health Boards in relation to instructing Independent Mental Capacity Advocates.
- Identified the role and means of providing independent advocacy when a care home is closing.
- Produced findings and a series of recommendations that could be utilised to draft statutory guidance for the Minister's consideration.

The Welsh Government is currently considering the Advisory Group's findings and recommendations, and will respond in due course, outlining the proposed way forward.

Forward Look

It is important that the work I undertake as Commissioner reflects not only the issues that older people have told me they want me to focus on, but also reflects the realities of the challenges faced by our public services.

Public services across Wales are going through a period of significant change, driven by a recognition that current models of service and care are no longer sustainable and do not meet people's needs, as well as the realities and impact of reduced public spending. The current challenges faced by public services have not been seen for a generation, but provide significant opportunities to redesign, redevelop and reclaim public services on behalf of the people who use them.

Recognising the substantial change currently taking place in Wales and the potential impact this will have on older people, over the coming year I will:

- Increase, through direct case support, my direct assistance to older people who find themselves in highly complex and unacceptable situations.
- Publish the findings of my Residential Care Review and issue requirements for action to ensure that quality of life sits at the heart of residential care in Wales.
- Strengthen older people's ability to secure their rights and empower them to be part of and, where appropriate, challenge decisions and changes taking place in Wales.
- Strengthen the rights of older people through the development of, and support to, a human rights-based approach to the delivery of public service.
- Work with the Welsh Government, the new Safeguarding Board and front line practitioners to ensure that the new safeguarding arrangements established by the Social Services and Well-being (Wales) Bill will effectively deliver improved safeguarding and protection to older people.
- Work with partners to strengthen the access older people have to domestic abuse support and the criminal and restorative justice system.
- Challenge ageism, discrimination and the stereotypes held of older people, their impact upon individuals, and their impact upon the delivery of efficient and effective public service.

- Undertake formal reviews into the support available to carers and people living with dementia.
- Grow the knowledge and understanding with key public bodies and service providers of how to design and deliver better legislation, policy and public services.
- Formally launch the Ageing Well in Wales forward work programme, its supporting networks and its implementation plan.

In the coming year, I will continue to work with public bodies, organisations and individuals to support the development of better public services and the roll out of the significant good practice we have in Wales. I will also, where necessary, continue to use my legal powers to drive change on behalf of older people.

I will also grow my work with other scrutiny bodies and Commissioners in Wales to ensure alignment between my work and the work of the bodies and individuals who also have a role to deliver change in Wales.

More information on the full breadth of my work for 2014-15 is contained within my published work programme, which is based on the priorities in my Framework for Action. The Framework clearly outlines my priorities and the changes I expect to see for older people, as well as the role I will play in delivering these changes. These are the changes older people have told me they want and need to see and are the changes they have a right to expect.

