



Comisiynydd Pobl Hŷn Cymru
Older People's Commissioner for Wales

Know your rights

An easy guide



**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 they need.

How to contact the Commissioner:

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Introduction

We all have rights. Your rights are important and understanding them can help you ensure that you are treated fairly and not discriminated against.

Laws such as the Human Rights Act, the Equality Act, the Social Services and Well-being (Wales) Act and the Regulation and Inspection of Social Care (Wales) Act exist to protect your rights and governments, health boards, and local authorities (known in law as public bodies) must uphold and respect your rights.

This easy guide presents some of those important rights in clear “I have the right to” statements and a short explanation as to which laws protect those rights, which include:

- Having your views and opinions heard when people make decisions that affect you.
- Being treated with dignity and respect when receiving help or care.

If you believe that you have been treated unfairly, don't put off asking for help. You can find details of organisations that can help at the end of this guide.

I have the right to be treated fairly and not be discriminated against

You have a right not to be discriminated against because of your age.

Your rights under the law

Age is a protected characteristic under the Equality Act. This places a legal requirement on public bodies to avoid direct or indirect discrimination.

As well as age, it is illegal to discriminate against someone based on their sex, race, disability, pregnancy or maternity, sexual orientation, religion or belief, or gender reassignment.

The Human Rights Act makes it illegal to discriminate against you accessing your human rights.

I have the right to be treated with dignity and respect

You have the right to be treated with dignity and respect by public services, and health and care providers.

You should never be treated in an inhuman or degrading way, no matter what the situation.

Professionals should also not make assumptions about your best interests and what you are able or unable to do.

Your rights under the law

Under the Social Services and Well-being (Wales) Act, care professionals are required to treat you with dignity and respect.

The Mental Capacity Act protects the right of people to participate in decisions about their lives as fully as possible.

The Human Rights Act prohibits torture and inhuman treatment.

I have the right to be involved in decisions that affect me

Your voice should be heard when decisions are being made that affect you. If needed, you should receive support to have your views and wishes heard.

Your rights under the law

The Social Services and Well-being (Wales) Act states that you have the right to have your voice heard in decisions made about any care or support you receive. If you do not have someone who can help you to have your voice heard, you may have the right to an Independent Professional Advocate.

The Mental Health Act gives you the right to be involved in decisions about healthcare, support and treatment relating to your mental health. This includes the right to have the support of an Independent Mental Health Advocate.

The Mental Capacity Act gives you the right, in certain circumstances, to the support of an Independent Mental Capacity Advocate to ensure that decisions are taken in your best interest.

If a decision is being made about someone else who lacks mental capacity and you are speaking on their behalf, you also have the right to the support of an Independent Mental Capacity Advocate.

I have the right to continue to work whatever my age

Your suitability for a job should be assessed solely on your ability, not your age.

Your rights under the law

There is no compulsory retirement age in the UK. Employers used to be able to force workers to retire at the age of 65, but this has been abolished.

In some cases, an employer can force you to retire by law. This is known as 'compulsory retirement age'. If they do this, they must give you a good reason why.

You may still be made redundant from your job or be dismissed if you are unable to do your job, but these decisions must not be taken because of your age.

I have the right to have a say about where and how I live

Being in control of decisions about where and how you choose to live is fundamental to your well-being and independence.

Having a home that meets your needs can enable you to live the life that you want and be close to the people and places that are important to you.

Your rights under the law

The Human Rights Act protects you against interference with your home life.

The Social Services and Well-being (Wales) Act gives you the right to participate in decisions about your care and support including where you live and to have your independence and well-being promoted.

If you move to a care home, you should be consulted on where you want to live and whether you are happy to share a room.

If you live in a care home or receive homecare you have the right to set out your personal preferences about how your care is delivered.

I have the right to health

Access to good healthcare is essential to staying healthy and maintaining your independence, dignity and well-being.

Your rights under the law

The right to health is internationally recognised as a fundamental human right.

Although there is no specific UK law which protects your right to health, the United Nations' Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights gives you the right to the highest standard of health.

This does not mean that you are entitled to any type of treatment. The Government must provide the highest possible standards of healthcare, taking into account a variety of factors, including cost.

If you have any concerns about your care or treatment, you should raise them with your GP or with healthcare professionals. If you do not wish to talk to the staff concerned or it doesn't help, you can also raise your concerns with the Health Board via the 'Putting Things Right' process. A family member, friend or representative of the Community Health Council (free, confidential advice & support service) can support you.

I have the right to be safe and protected

You have the right to be protected from abuse and neglect. Abuse can come in many forms. It can be physical, neglectful, sexual, financial, emotional or psychological, or any combination of these.

It does not matter whether abuse occurs in your own home or in a health or care setting. Your right to protection is unaffected regardless of who is carrying out the abuse, whether friends, family, neighbours, strangers, or a health or social care professional.

Your rights under the law

The Human Rights Act protects you from being treated in an inhuman or degrading way. Public bodies are therefore legally required to ensure that your rights are upheld.

The Social Services and Well-being (Wales) Act requires a local authority to investigate if it suspects that you are at risk of abuse and neglect and take action to protect you if it decides that you are at risk.

I have the right to be myself

We are all unique. It is our differences that define us as individuals. While diversity is something to celebrate, these differences can sometimes result in people being discriminated against.

Whatever your background or lifestyle, you have a right to live free from exclusion, abuse and mistreatment.

Your rights under the law

The Human Rights Act protects your rights as an individual. This includes respect for family and home life, freedom of belief, expression and assembly, and protection from discrimination.

The Equality Act requires people and organisations that provide services and goods to respect your rights as an individual.

The Welsh Language (Wales) Measure gives the Welsh language equal status with English in Wales. Many public bodies must comply with Welsh Language Standards, which set out how organisations are expected to use the Welsh language in different situations.

Useful contacts

Several organisations can provide you with help and support if you feel your rights have been breached. They can also provide you with more detailed information about your rights and the legislation designed to protect your rights.

ACAS

Provides information, advice, training and conciliation to help prevent or resolve workplace problems.

- Web: www.acas.org.uk

Age Cymru

Provides free, impartial advice to over 50s, their families and friends across all areas of Wales on a range of subjects.

- Tel: 08000 223 444
- Web: www.ageuk.org.uk/cymru

Citizens Advice

Provides free, independent, confidential and impartial advice to everyone on their rights.

- Web: www.citizensadvice.org.uk/wales/

Equality & Advisory Support Service

Advises and assists individuals on issues relating to equality and human rights.

- Tel: 0808 800 0082
- Web: www.equalityadvisoryservice.com

Community Health Councils

The Community Health Council (CHC) provides an independent advocacy complaints service for patients in each Health Board area.

- Abertawe Bro Morgannwg: 01639 683490
- Aneurin Bevan: 01633 838516
- Cardiff and Vale: 02920 750112
- Cwm Taf: 01443 405830
- Hywel Dda: 01646 697610
- Powys (Brecon): 01874 624206
- Powys (Newtown): 01686 627632
- North Wales (Bangor): 01248 679284
- North Wales (Wrexham): 01978 356178
- Web: www.wales.nhs.uk/sitesplus/900/page/45192

Welsh Language Commissioner

Promotes and facilitates the use of the Welsh language and complying with Welsh language standards.

- Tel: 0345 6033 221
- Email: post@welshlanguagecommissioner.wales
- Web: www.comisiynyddygybraeg.cymru

Public Service Ombudsman for Wales

Investigates complaints about public bodies to put things right.

- Tel: 0300 790 0203
- Email: ask@ombudsman-wales.org.uk
- Web: www.ombudsman.wales

Glossary:

Social Services and Well-being (Wales) Act 2014

The Social Services and Well-being (Wales) Act 2014 is a Welsh law that aims to make your care and support personal to your needs, helping you to live the life you choose and stay independent for longer.

‘Getting the help you need from Social Services’ provides a brief summary of the main duties in the Social Services and Well-being Act. You can view this leaflet at <https://bit.ly/29Vqpe2>.

A BSL version of the leaflet is also available at <https://bit.ly/2Lvi8xz>

The Mental Capacity Act 2005

The Mental Capacity Act sets out the legal safeguards for decision-making where a person’s ability to make decisions about their life is impaired.

An easy guide to mental capacity is available at <https://bit.ly/2LuB1Bh>

Independent Professional Advocate

An independent professional advocate is someone who can support you when you are dealing with difficult issues to help you to get the care and support that you need by ensuring that your views are heard.

Their job is to communicate your views, wishes and feelings so that you have voice and control in decisions about your care and support.

A guide to Voice and Control is available at

<https://bit.ly/2PfMEO2>

Hard copies of the information booklets highlighted above can be obtained by calling 03442 640670.

