



The Commissioner's Report 2010/11

Helping make Wales a great place
to grow older



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

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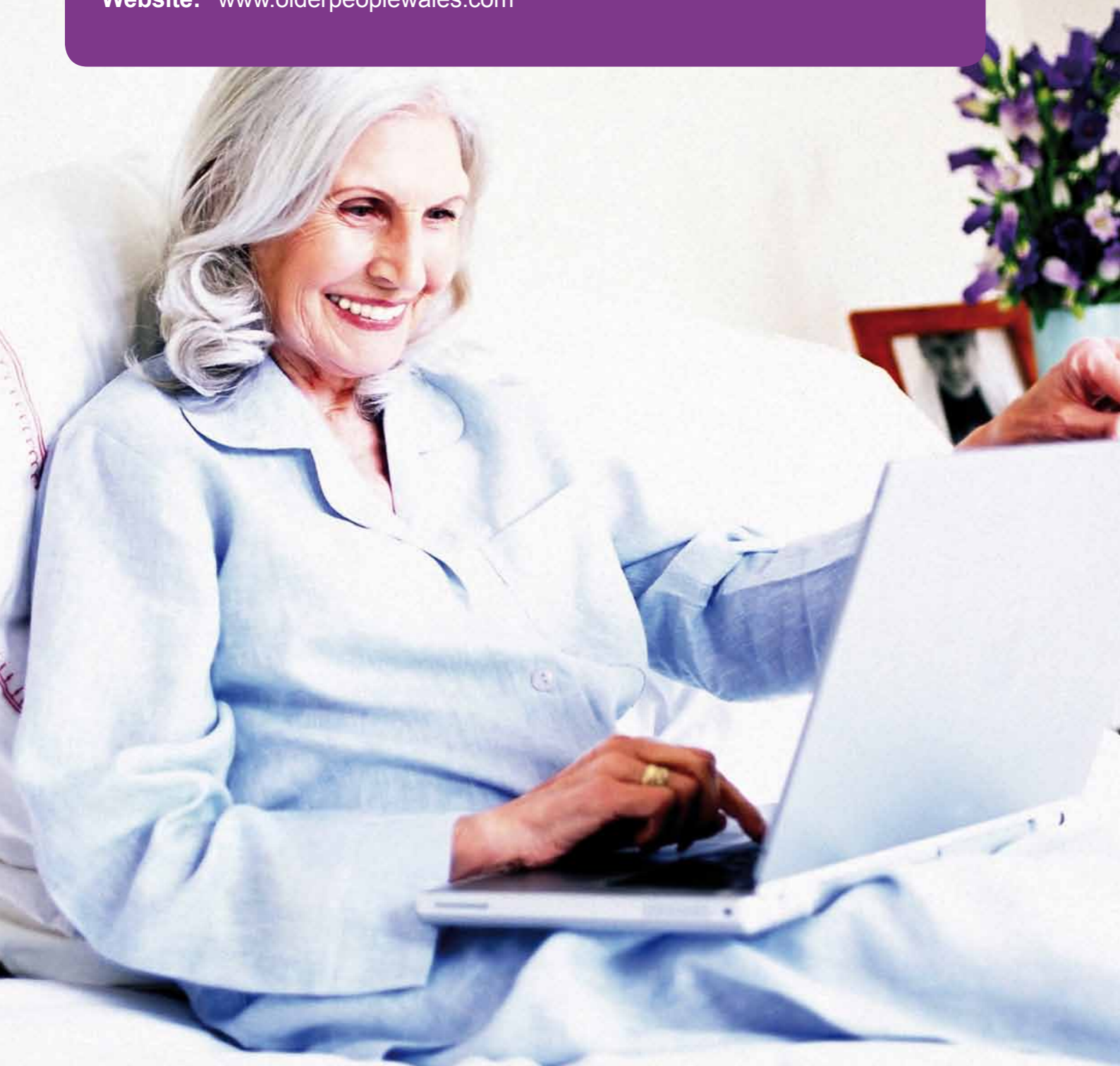
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Foreword

This year was the first of our three-year Strategic Plan, to which many older people contributed. I committed to a range of actions under each of my legal powers and this Report sets out the substantial progress my team and I have made. My Strategic Plan 2010-13 focuses on older people and gives the Commission a clear sense of direction and purpose so we can achieve the best possible outcomes.

As Commissioner I use the powers set out in the Commissioner for Older People (Wales) Act 2006. I am supported by a team of staff “the Commission” and together we apply our skills and resources to create lasting change for older people in Wales.

Looking back over the past year, I am proud of what the Commission has achieved. This year the Commission has seen an increase in activity and made a difference across all areas. This emphasises the need for the Commissioner to be a strong independent advocate for older people across Wales.

I promised to develop the use of my legal powers in order to make an effective and unique contribution to achieving change. This year I have conducted my first Review, into whether older people in hospital are treated with dignity and respect. I have used my power to make recommendations to bodies in Wales and to require a response. I found that the treatment of some older people in Welsh hospitals is shamefully inadequate.



It is vital that public debate about issues affecting older people is conducted in a way which recognises the great contribution they make and their key role in communities. The voices of older people themselves, their families, carers and fellow patients made my hospital review possible. They are vital in driving change and the evidence they gave is allowing essential lessons to be learned about the reality of experiences of care. I am concerned that my Review found that many people have low expectations of their care. Older people need the support to assert their individual rights.

I will be considering the adequacy of the responses to my Review recommendations and will seek improvements where necessary. The team and I will work with others to assess the effectiveness of changes put in place to ensure that dignified care for older people is delivered consistently.

Advocacy has become a cause of increasing concern to me. It is vital as a means of supporting people to know about and exercise their rights and to make informed choices. Our research with Age Cymru into the provision of advocacy services showed that there are still large areas of Wales that have no funded generic or specialist advocacy provision for older people. Some areas are trying to provide a limited service from within existing resources which can push those services to breaking point. Bringing an end to the post code lottery in availability of advocacy services for older people in Wales is essential, as is ensuring that advocacy provision is adequately funded. I published a practical guide for social care workers in order to improve understanding and application of the current law protecting older people. I will be undertaking further work on this.

This time of economic difficulty presents challenges to services across Wales. It is vital that this is not allowed to undo positive progress already made or, impede the development of for example, community support services which prevent avoidable admission to hospital.

Older people tell me they are finding it harder to cope financially as they face rising costs, including energy costs, at the same time as trying to manage on a limited income. I am deeply concerned, for example, by the findings of research (commissioned by the Older People's Commission for Wales) carried out by Citizens Advice Cymru into the range

of issues older people were discussing with them. This research shows an increase in the number of queries about the management of debt from those over 60, as well as concerns over benefits and pensions. The Welsh Government must do more to tackle poverty among older people.

The Equality Act is a key opportunity to eliminate unfair age discrimination and promote equality. I have listened to older people's experience of public service delivery and will follow up any issues or concerns with public bodies so they can ensure that older people are treated fairly and are not discriminated against because of their age.

An ageing population is all too often seen as a problem, but in fact older people themselves make a huge contribution providing a tremendous amount of unpaid care and volunteering work in all communities. They care for each other, for children and grandchildren and are a key part of the community spirit that defines Wales. We must never take this for granted, but make sure we tackle the challenges that face older people and make Wales a great place to grow older.

Ruth Marks
Older People's Commissioner for Wales



Calls from the Commissioner

In February 2011 the Commission produced 'Turning the Page', a document which outlined ten clear and achievable changes which should be made by the Welsh Government during this Assembly term to improve the lives of older people in Wales. The ten calls in 'Turning the Page' are as follows.

Poverty: A life course approach

The Commission believes it is time for the Welsh Government to expand the innovative approach it has taken to child poverty across all ages. They should recognise that older relatives' financial circumstances have an effect on all generations of a family.

Review the law to better protect older people at risk of harm

We want to see improvement to adult protection legislation so that the protection of older people at risk of harm is given the same statutory recognition as child protection and protection from domestic violence.

Make the most of the Equality Act

The Equality Act offers a further opportunity to end age discrimination in Wales. We want the Welsh Government to commit to implementation of all its provisions, and to ensure public bodies do the same.

Role of public transport in combating social exclusion

The Welsh Government should promote corporate social responsibility among bus companies, by encouraging them to involve older people in decisions on transport links, and use financial incentives to support essential but lesser used services.

They should also recognise the important service community transport provides in reaching those older people with particular needs or who cannot access public transport.

Develop better advocacy services for older people

The Commission believes there should be an Advocacy Strategy and Action Plan for older people in Wales. Advocates make a critical difference to some older people who might otherwise be unable to cope, or who are subject to potential abuse and neglect.

Improve and promote community facilities for older people

The Welsh Government and local authorities should directly involve older people in community planning, and local decision making. This should include reaching out to older people from minority groups, and those people who formal consultations sometimes overlook. Public authorities should also do more to promote the use of existing facilities by older people and recognise facilities which are 'older people friendly'.

Reform the funding of social care

The Commission calls on the Welsh Government to act on the clear recognition that the arrangements for paying for care are unfair, and unsustainable. In developing a new system for care funding the Government should be mindful of the UN Principles for Older Persons, and ensure that the arrangements do not discriminate on the grounds of age.

Ensure dignity and respect for hospital in-patients

We will be looking to the Welsh Government, all Health Boards, and Velindre, NHS Trust in Wales to accept and implement the recommendations we have made in 'Dignified Care?' as a result of our Review into older people's experiences as hospital in-patients.

Reduce preventable hospital admissions and promote independence

The Welsh Government should evaluate local schemes aimed at keeping people healthy and avoiding unnecessary hospital visits. Successful approaches should be used to inform a consistent all-Wales action plan on preventative health.

Improve the provision of aids and adaptations provided by local authorities

We are calling on the Welsh Government to ensure that home aids and adaptation services are consistent across Wales. Long waiting times for substantial adaptations have a clear impact on a person's quality of life. They should also recognise the importance of access to reliable information about these services.

What we do

As the Older People's Commission for Wales, we use our unique powers to achieve the following:

Promote awareness of the interests of older people

By engaging with decision makers and the media across all areas of public life, the Commission raises awareness of both the contribution made by older people to Welsh society, and of the challenges many older people face in leading dignified, fulfilled lives. The Commission gives a strong voice to the issues that concern older people.

Challenge age discrimination

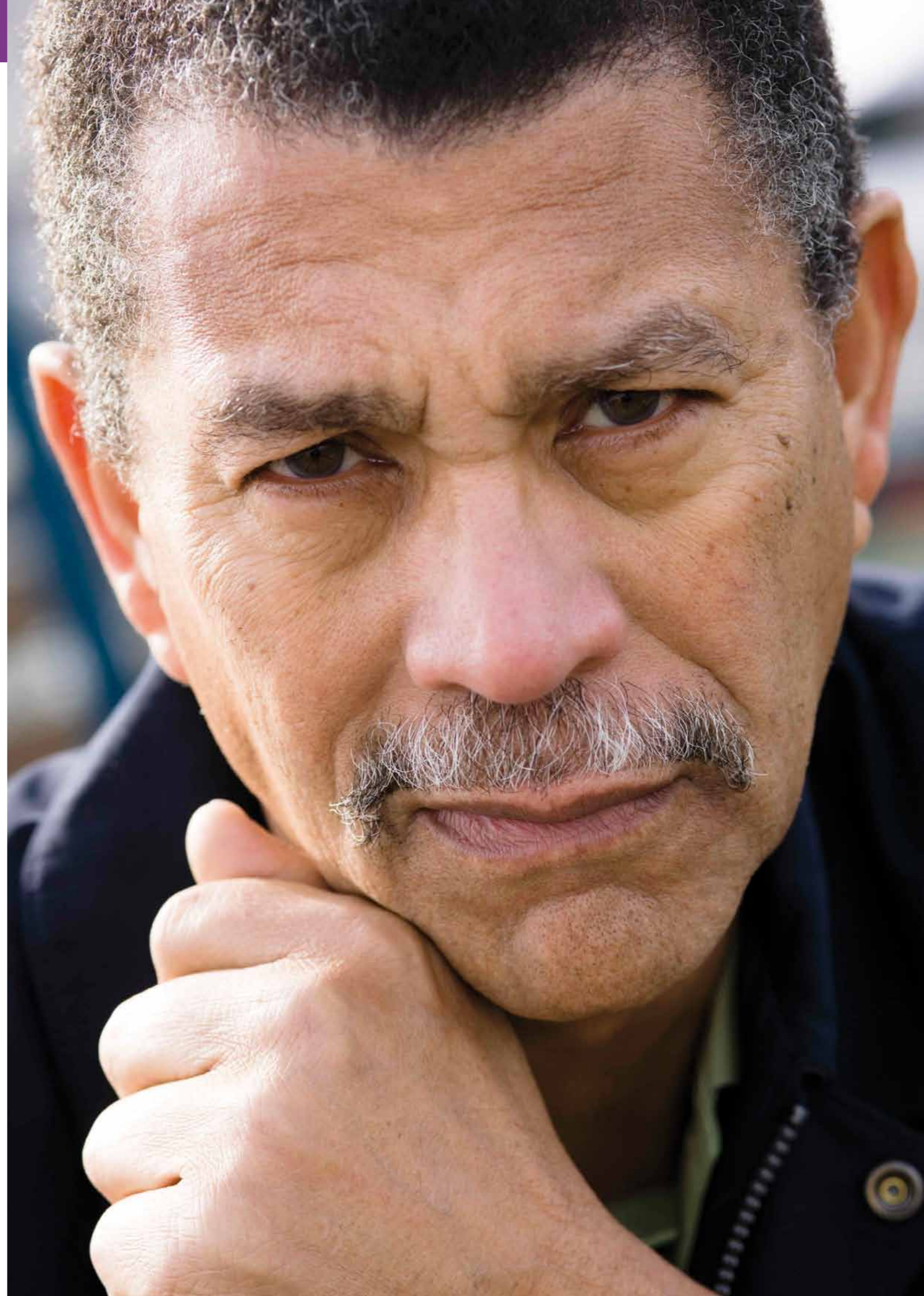
Older people are individuals with diverse aspirations, needs and circumstances. We take every opportunity to portray older people in ways which are balanced and realistic, and which emphasise there can be no single view of older people and their lives. We strive to increase awareness of the discrimination and inequality older people face across all areas of life, and we challenge assumptions, prejudices, practice and the law when the need arises.

Encourage best practice

Through all our work we are always looking to identify and encourage the uptake of best practice by all those providing services which affect older people. We use our own research activities and our regular contacts with decision makers to highlight examples of best practice and to challenge others to adopt effective and proven approaches for the benefit of older people.

Review the law

Effective, understandable and accessible law is a key component in achieving a society in which older people and their rights are protected. Working with older people and legal experts we explore the areas in which the law needs clarification or improvement and make representations to the Welsh and UK governments.



When older people contact us

All enquiries are passed to the Commission's Information and Enquiries Team.

In 2010-11, the Commission received a wide range of enquiries from older people and their families. We noted a marked shift in the variety and complexity of those enquiries. When older people contact the Commission the Information and Enquiries Team manage their enquiries in a number of different ways.

Signposting

In the first instance, we aim to assist older people quickly and effectively and provide them with the most appropriate and useful information. We do this by directing an enquirer to the agency best placed to assist with their enquiry.

Referrals

There are instances in which older people who, through ailing health, vulnerability or isolation, may be unable to access services by themselves. In this situation, the Information and Enquiries Team will make a referral to other organisations best placed to assist. The Team will then follow up on the referral, ensuring that the older person is receiving the services they need. We have developed agreements with key agencies to ensure that this process works effectively.

Direct Assistance

In many instances, the complexity of an enquiry will demand greater involvement and further investigation. For example, the Information and Enquiries Team may enter into discussions with older people and their service provider[s] and seek informal resolution through dispute intervention. This often benefits both the older person and the service provider as it can lead to a prompt resolution and often avoids escalation and lengthy complaints processes. In instances in which an older person wishes to make a formal complaint against an organisation, the Team may provide support with and throughout the complaints process. The Information and Enquiries Team will also work collaboratively with the Review, Examination and Policy Team to progress enquiries that are of wider interest to older people across Wales.

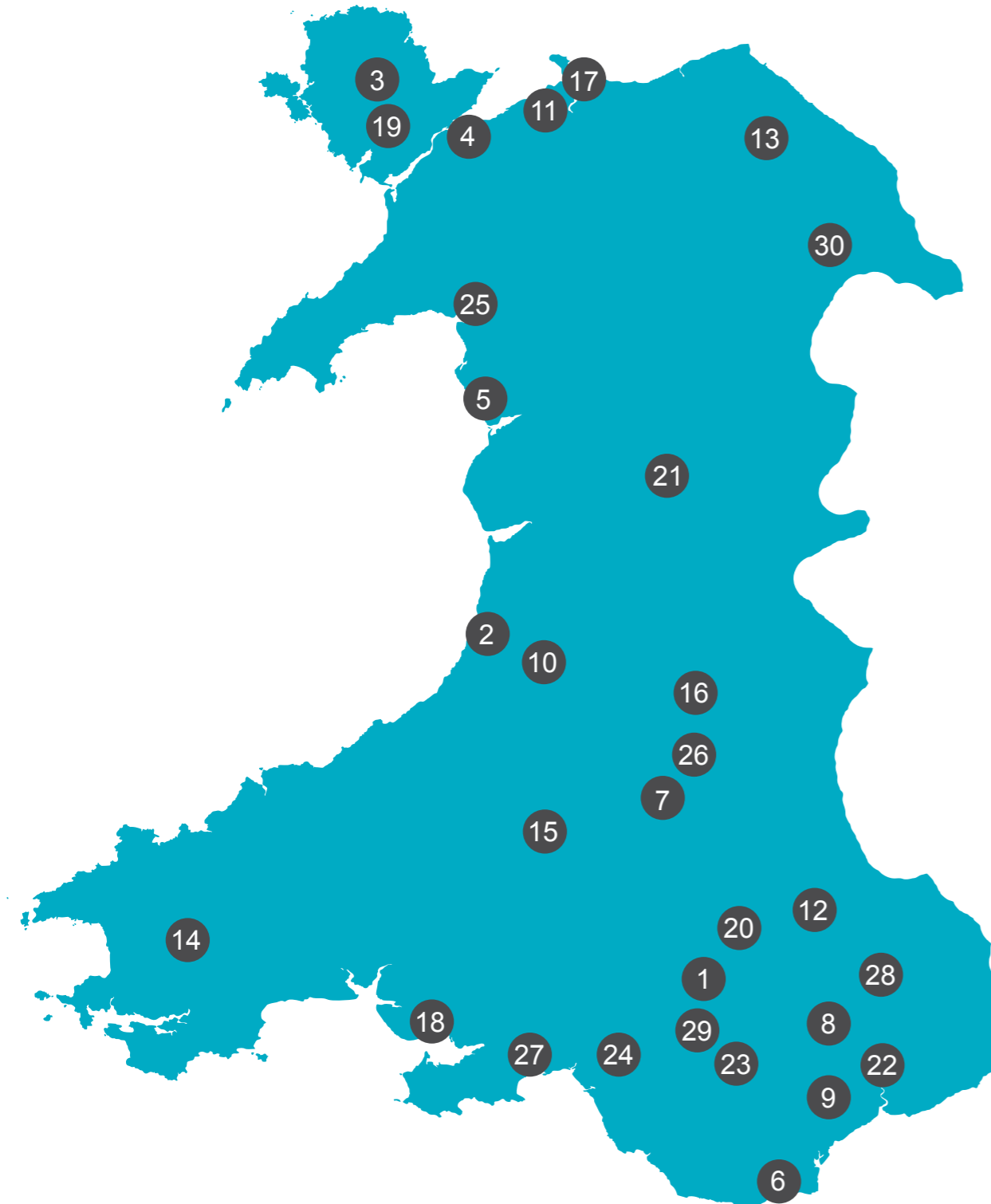
In addition to the increased enquiries and complex issues we address, we are also pleased to be contacted with positive experiences and feedback.

Tips for a healthy and happy retirement

Mr K wrote to the Commission with tips for a healthy and happy retirement. These include maintaining a positive outlook, taking up a physical activity, living a healthier lifestyle, walking when possible, and having regular health checks with the doctor. He also suggests keeping a good social life with family and friends, travelling if you can afford to, and to not spend too much time watching the television or sitting at a computer.

Mr K goes on to explain that retirement needs to be planned in advance to accommodate the adjustments you will need to make to your lifestyle, and to bear in mind that retirement is fundamentally different to your working life.

Listening to older people all over Wales



Examples of some of the groups and places we have visited:

1	Intergenerational Project	Aberdare
2	Older People Strategy Coordinators Meeting	Aberystwyth
3	Older People's Bilingual Eisteddfod	Anglesey
4	National Partnership Forum	Bangor
5	Rural Health for Older People	Barmouth
6	St Helen's Ladies Circle	Barry
7	Royal Welsh Show	Builth Wells
8	Age is Just a Number	Caerphilly
9	All-Wales Doorstep Crime Awareness Campaign	Cardiff
10	50+ Forums	Ceredigion
11	World Elder Abuse Awareness Day	Conwy
12	National Eisteddfod for Wales	Ebbw Vale
13	Older People's Forums	Flintshire
14	50+ Forum	Haverfordwest
15	Llandovery Friendship Group	Llandovery
16	Wales Pensioners' Meeting	Llandrindod Wells
17	The Association of Directors of Social Services/ Welsh Local Government Association Conference	Llandudno
18	Wellbeing and Regeneration Centre	Llanelli
19	Clwb Nant y Pandy	Llangefni
20	Older People's Forum	Merthyr Tydfil
21	Age Concern	Montgomeryshire
22	Red Robin Volunteers	Newport
23	Crossroads Care Cwm Taff AGM	Pontypridd
24	National Old Age Pensioners Association Wales Rally	Port Talbot
25	Gwynedd Older People Council Annual Conference "Promoting Independence"	Porthmadog
26	All Wales Symposium	Powys
27	Community Transport Association Conference	Swansea
28	Falls Prevention Services	Torfaen
29	Upper Rhondda 50+ Forum	Treorchy
30	My Home Life in Wales	Wrexham

Local visits – Best practice and key challenges

Throughout the year, both the Commissioner and Deputy Commissioner along with other Commission staff visited a wide variety of older people’s groups, organisations and representatives across Wales.

We recognised and celebrated the contribution of older people to life in Wales at key events including the National Eisteddfod, the Royal Welsh Show as well as through the media. We met with older people and older people’s interest groups across Wales. Meeting older people in their own communities is often the best way to find out about their local issues and concerns. This also gives us the opportunity to find out more about some of the great work being carried out to improve the lives of older people around Wales and share these examples of best practice with stakeholders and other older people’s groups around the country.

The visits enable us to provide information on the work and priorities of the Commission. We regularly share information about these visits through our website, newsletter and local media.

UN International Day of Older Persons

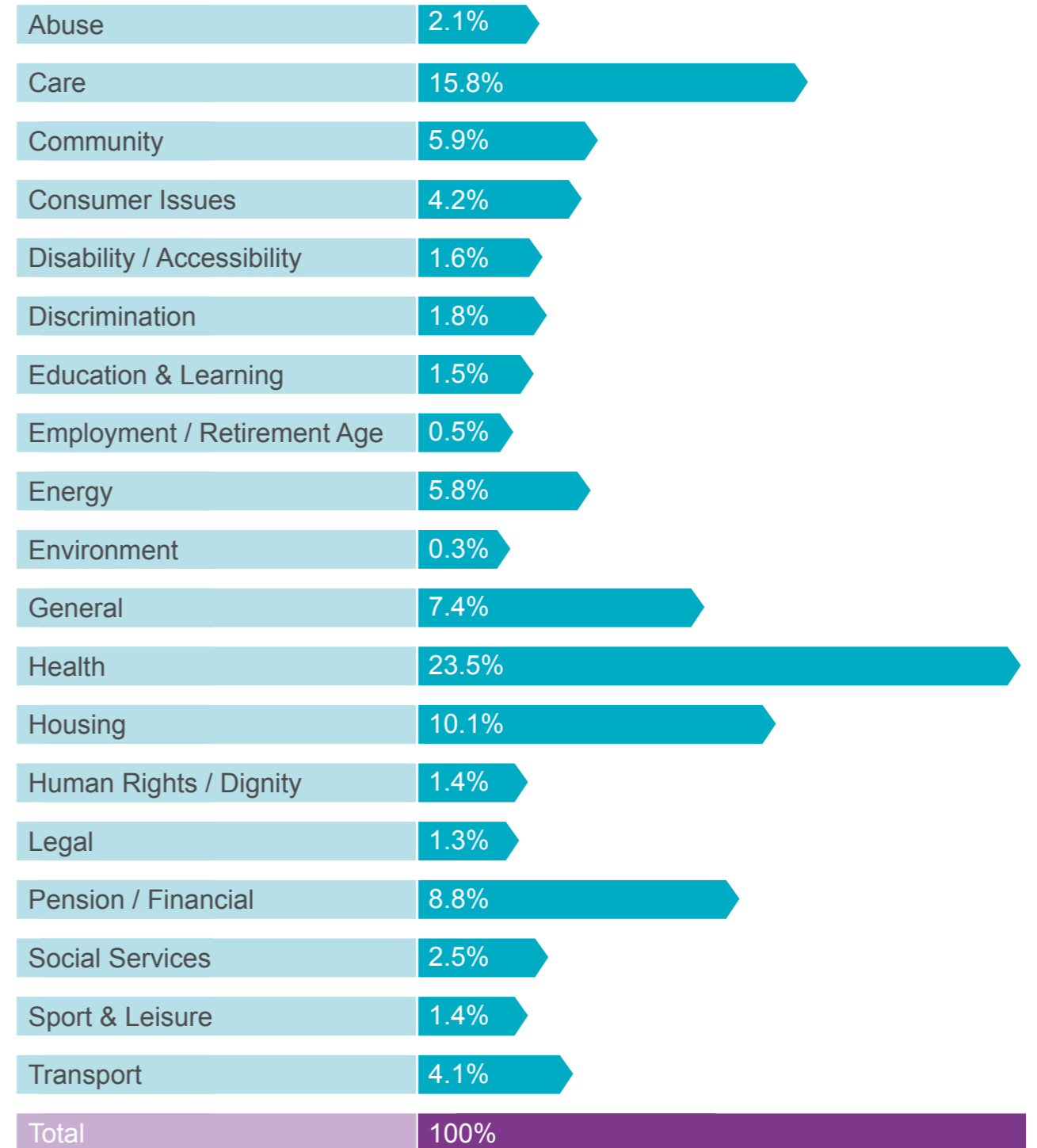
On 1 October 2010, Ruth Marks presented her Report to the First Minister at the first Welsh Senate of Older People. She called for services for older people in vulnerable situations to be protected at this time of significant reductions in public service funding. On this, the UN International Day for Older Persons, the Commissioner recognised the great contribution older people make to life in Wales and the need to join together to tackle prejudice and discrimination.

“I realise the challenges ahead for public services, we all understand that there will be reductions in public spending. I believe it is essential that private, public and voluntary sector bodies fully engage with older people to deliver the best services possible within the new financial constraints.”

Ruth Marks,
Older People’s Commissioner for Wales

Older people’s main concerns

The Commission is contacted every day by older people, their families and carers from across Wales with issues and concerns affecting them and their area. The four most common themes that we were contacted about over the past year were health (23.5%), care (15.8%), housing (10.1%), and financial issues (8.8%). This builds on the evidence from the previous year.



1. Health

The Commissioner's Review into dignity and respect in a hospital setting prompted a considerable response from the public. The Call for Evidence during summer 2010 resulted in over 180 responses and following the launch of the Dignified Care? Report on 14 March 2011, many older people and family members continued to contact the Commission in order to share with us their experiences of poor hospital treatment. Nearly a quarter of all enquiries received by the Commission related to older people and healthcare in Wales.

"We continue to receive a large amount of correspondence on the quality of care in both health and community settings. This is indicative of the strength of feeling this subject raises due to the huge impact that receiving care has on people's lives."

Alison Evans, Information and Enquiries Manager, Older People's Commission for Wales

Health Case Study – Direct Assistance

Mrs G contacted the Commission to tell us that she had been waiting for several months to get her x-ray results. The x-ray had been taken in order to diagnose a condition that was causing Mrs G a great deal of pain. A number of weeks passed and neither Mrs G nor her GP had heard anything from the x-ray department.

With Mrs G's consent, the Commission contacted the Local Health Board's complaints manager and presented Mrs G's concerns to him. The complaints manager assured us that the x-ray results would be sent to the GP immediately, and that they would also investigate how this error had occurred.

The Commission updated Mrs G as to the Commission's conversation with the Local Health Board. We also provided her with information and a step-by-step guide specific to the Health Board's complaints process. The Commission also gave Mrs G contact information for her local Community Health Council who would be able to provide her with advice, information and support throughout the complaints process.

Shortly after providing this information, we were contacted by Mrs G who wished to thank us for our intervention. She confirmed that her x-ray results had been sent to her GP and that the Health Board had provided Mrs G with a written apology for the inconvenience caused.

2. Care

Older people have contacted the Commission with enquiries about care, ranging from concerns over proposed care homes closures, to the treatment of older people receiving care services.

The Commission is aware that major changes are taking place in care services, but argues that older people should not be disproportionately affected by such changes. We accept that there are circumstances in which care services may have to alter, but we urge that older people and their families are properly considered in any debate and that full consultation that takes place. All consultations on changes to existing care provision should be fair and unbiased and take full consideration of the rights, needs and wishes of older people. Consultations should be well planned, and provide a genuine opportunity for all stakeholders to participate. Decision making should be transparent, address the concerns raised during the consultation process, and stand up to external scrutiny.

The Commission is working in partnership with Swansea University to look at the experience of older people of care home closure. The research will include recommendations and is due to be completed in 2011/12.

Care Case Study – Direct Assistance

Miss E contacted the Commission on behalf of her father who needed care support. Miss E informed the Commission that she was currently her father's sole carer but she was no longer able to cope with the demands of full-time care. The local authority provided one hour of care each week but she felt in need of extra support. Miss E told us that she had contacted the local authority requesting additional support but had been told that this was not possible.

Miss E had tried to contact her social worker to request reassessment, but despite repeated messages left, the social worker had failed to return her calls. Miss E felt that their needs were being ignored by social services.

With Miss E's permission, the Commission contacted the local authority to raise the matter with the Care Manager of Social Services. We were told that social services had been made aware of the matter and it was acknowledged that there had been some serious failings in communication. The Care Manager assured the Commission that the matter was now being looked into and that Miss E's father's case was being reviewed.

The Commission was later informed that Miss E's father had been re-assessed for his care needs and that he was now in receipt of additional care.

3. Housing

In 2010-11, 10.1% of all enquiries concerned housing related issues. These enquiries ranged from individuals contacting us about straightforward housing repairs, to residents associations asking us to look into the responsibilities of, and the services provided by, Registered Social Landlords.

During the year, the Commission strengthened its partnership with Care and Repair Cymru and the Commissioner spoke at their Annual Conference in Llandudno. The Commission worked with Care and Repair Cymru, the Royal College of Occupational Therapists and Age Cymru on the issue of aids and adaptations.

Housing Case Study – Direct Assistance

Mrs A lives alone in a council owned property. In late November 2010, Mrs A noticed a leak in her bedroom ceiling and reported this to the council. The local authority organised roofing contractors who carried out the repair work.

Three weeks later, following heavy rain, Mrs A became aware that a significant amount of water was entering her home once again. She climbed up into her loft and saw that two of the repaired roof tiles had slipped away allowing rain to enter the loft area.

Mrs A contacted the Commission when the local authority informed her that the roof repair would have to wait as the contractors were reluctant to carry out roof work during current "icy" conditions.

The Commission contacted the local council housing department and expressed concern over the delay.

The following day, Mrs A contacted the Commission and told us that shortly after we had telephoned the council, the contractors had visited her home and carried out the roof repairs. This was confirmed shortly after by the local council who provided the Commission with an update.

4. Financial

We are contacted regularly by older people concerned about financial matters and the challenges of living on a fixed income. Enquiries range from incidents of financial abuse, to questions about pensions, and access to financial services.

Living on a fixed income remains a major concern for many older people. Combine this with increases in the cost of fuel and food and a difficult situation becomes a lot worse.

"Older people consistently tell me that they struggle to make ends meet, and that navigating their way through the tax and benefits system can be confusing and frustrating. The economic downturn has hit older people hard. Service providers in Wales must make sure older people can access the help and support they need to maximise their income."

Ruth Marks, Older People's Commissioner for Wales in joint statement with Citizens Advice Cymru

Financial Case Study – Referral

Mr D contacted the Commission as he was very upset and worried about his financial situation. Mr D explained that his pension only just covered his food bill, and that he was struggling to meet bill payments for electricity, gas and Council Tax. Mr D told us that he was also very distressed at receiving a number of final demands.

With Mr D's consent, the Commission referred him to an organisation that provided information, advice and advocacy on financial matters. The organisation also provided assistance with entitlements applications.

A representative from this organisation contacted the Commission after visiting Mr D and provided us with an update. Mr D had received help with his application for entitlements and his application had been successful. This resulted in Mr D receiving significant financial assistance including a large reduction in his Council Tax bill and full housing benefit entitlements.

The organisation also informed the Commission that they would continue providing Mr D with advice and support with his finances.

'Dignified Care?' Our Review of older people's hospital experience

In March 2010 we announced that we would be using our legal powers of Review to explore the treatment of older people in hospital, focussing particularly on dignity and respect. To gather and assess the evidence we established a Panel of Inquiry, led by Dame Deirdre Hine DBE FFPH FRCP FLSW, a former Chief Medical Officer for Wales

The work of the Panel of Inquiry

The Panel sought and considered evidence about the experience of older people in hospitals in Wales in relation to dignity and respect. The Review was announced in March 2010 and delivered a report and recommendations in March 2011. Written evidence was received from older people, their families, carers and people working in the NHS and the Panel visited 16 hospitals across Wales.



The Panel's findings

The Panel found examples of poor and good practice. Examples of poor practice included not helping someone to go to the toilet, ignoring people's privacy and not communicating well with patients. They also found that older people have very low expectations of what to expect in terms of dignity and respect in hospital.

There were positive examples including effective ward leadership and older people telling us how much they appreciate good care.

"I don't know why I am here. I don't know what is wrong with me or what they are doing about it. I don't know when I will be able to go home. I feel trapped."

Patient

"...the nurses and doctors were so polite and spent time talking to me. They offered me choices and listened to me. They treated me as a person and not just as a patient."

Patient

'Dignified Care?' Report and Recommendations

On 14 March 2011, the Commissioner published her report, 'Dignified Care? The experiences of older people in hospital in Wales'. It carried a strong message that the treatment of some older people in Welsh hospitals is shamefully inadequate and that there are practices happening which should not be tolerated in Wales' healthcare system. Based on the Panel's findings, the Commissioner made 12 recommendations, aimed at the Health Boards and Trust, Welsh Government and Local Authorities in Wales.

The next steps

'Dignified Care?' presents the case for change and shows how hospital care fails older people in too many cases. It is intended to make a real difference and to be a source of strength and support for all those trying to achieve change. The launch of the Review in March was just one stage in a much longer process. The Health Boards, Trusts and Welsh Government were given until 14 June 2011 to respond, setting out how they intend to comply.

We will be working with other organisations to monitor the implementation of our recommendations. Much of what we learnt during the course of the Review applies to other care settings and we will work to spread our knowledge more widely.

"'Dignified Care?' found that many older people, their relatives and carers did not show a high level of understanding of their rights, nor did they have high expectations of how they should be treated. A clear explanation of the right to receive dignified care would help to address this."

Sarah Stone, Deputy Older People's Commissioner for Wales



'Dignified Care?'

The experiences of older people in hospital in Wales



Dignified Care? The experiences of older people in hospital in Wales

Summary of Recommendations

Changing the culture of caring for older people in Welsh hospitals

1. Empower ward managers to run their wards in a way that enhances dignity and respect
2. Equip staff to support people with dementia
3. Prioritise continence care
4. Ensure consultations between patients and clinical staff are held in private
5. Health and social services should reduce the level of delayed discharges and manage care more effectively together, when older people are discharged from hospital

Resourcing the care of older people in Wales

6. Use volunteers imaginatively
7. Develop a tool to determine staffing levels on wards are adequate to provide dignified care
8. Work with patients and staff to ensure new/redesigned wards are beneficial environments

Creating the conditions for greater dignity and respect in hospital care

9. Make sure people know that they have a right to dignified care
10. Capture and act on patient experiences consistently across Wales
11. The Welsh Government should hold all Health Boards and Velindre NHS Trust to account when they do not adopt good practice without good reasons
12. Health professionals should be trained to understand the needs of older people when in hospital

1. Promote awareness of the interests of older people in Wales

The Commission stressed to decision makers in Wales and at a UK Government level that in difficult economic times it is vital to protect the services that are delivered to those who are most vulnerable and in need of support. We warned that any proposed changes to services relating to older people must ensure that their safety and quality of care is not compromised.

We made representations to politicians of all parties based on 'Turning the Page', set out in 'Calls from the Commissioner'. We have pressed all of them to make changes in areas of policy and practice such as poverty, equality, transport, aids and adaptations. We were able to communicate concerns from our many meetings with older people across Wales.

We championed the diversity of older people to policy makers and politicians. We challenged negative stereotypes and engaged in public debate on attitudes to ageing through work we commissioned with the Institute of Welsh Affairs which resulted in a publication "Adding life to years – Welsh approaches to ageing policy".

We commissioned research to underpin our work, including attitudes to ageing, information and advice services, and advocacy and complaints. This work has informed our first Review, our public statements and decisions about future priorities.

Opinion Poll

An opinion poll of 1,500 people of all ages, commissioned by the Older People's Commissioner for Wales in 2010, questioned people's views about the contribution older people make, as well as their thoughts on whether they felt older people were valued by communities. This found that nine out of ten (91%) of people of all ages think that older people make a valuable contribution to society today.

People felt that several factors have an influence on a positive ageing experience. These range from maintaining independence and a good family life to access to transport and being able to get about.

Factors influencing a positive ageing experience	% * (Base - all respondents 1,003)
Financial security	51
Good health	49
Support from friends and family	20
Being able to stay in your own home	8
Maintaining independence	8
A strong sense of community	8
Family life / children / happy family / good partner	5
Transport / access to transport	4
Keeping active / access to facilities / activities	4
Healthcare	3
Safety / security	3
Nice home / roof over my head / where i live	3
Paid care	2
Socialising / having company / friendship	2
Being mobile / able to get around	2
Positive mental attitude	1
Employment / job	1
Faith / religion	1
Other	4
Don't know	7

*Some people answered more than one option

We gathered evidence from across Wales to show the wide public support for a stronger set of rights for older people and achieved public discussion of this through the media. We promoted the UN Principles for Older Persons through our public statements and made them central to our 'Dignified Care?' Review.



Joint Report with Citizens Advice Cymru

The Commission produced a joint report with Citizens Advice Cymru analysing their data on the range of issues older people were discussing with them. The report showed higher than expected levels of debt worries amongst those aged over sixty, as well as concerns with pensions and benefits. Publicising this report helped raise awareness of the financial worries of older people and gave a broader picture of other issues older people need help with.

The report showed that the most common problems raised by older people seeking help from Citizens Advice were to do with benefits and debt. Debt enquiries were higher than might be expected, making up a quarter of the total. This suggests that some older people are struggling to manage their money, and pay bills. In a time of cuts to public spending, the additional cost to people on low incomes is a real concern, especially as over half of older people in Wales rely on the state pension as their main source of income. The Commission and Citizens Advice Cymru will continue to monitor older people's enquiries to inform our work.

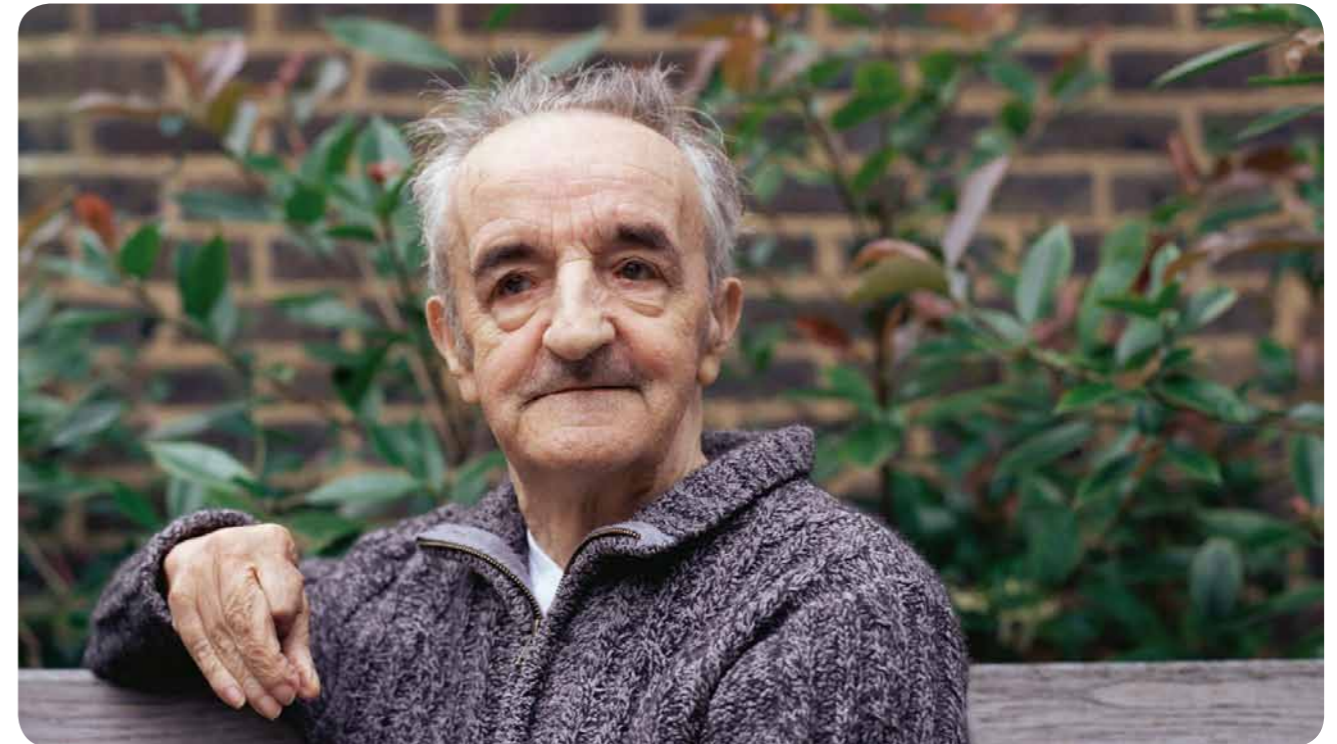
Rural issues

Issues faced by people in rural and isolated communities were highlighted during discussions at the Royal Welsh Show in Builth Wells. We worked with the Farmers Union for Wales and The Pension Service to meet farmers and their families who were concerned about access to services including transport and hospitals. To mark the UN International Day for

Older Persons in 2010, the Commissioner attended the Older People's Bilingual Eisteddfod in Llangefni on Anglesey. The event was a celebration of music and poetry as well as arts and crafts. In Newtown, the Chairman and staff from Age Concern Montgomeryshire and Age Concern Powys gave useful overviews of the services they provide to older people in mid Wales. The partnerships across many different organisations are providing vital support to people who live in some of our most isolated communities.

The Church in Wales offered the Commissioner the opportunity to meet with Bishops and Archbishop of Wales to enable links to be made with people in their local communities. At an All Wales Symposium, an informal network developed, comprising of the Church in Wales, the Older People's Commissioner for Wales and leaders from the Care and Social Services Inspectorate for Wales, Welsh Local Government Association, Wales Carers Alliance, The Pension Service and the Care Council for Wales. It also includes a senior fellow of the Welsh Institute for Health and Social Care. The Symposium discussed the particular challenges faced by older people in rural communities. The key issues included poverty, including fuel poverty and transport.

The Symposium resulted in a report that called for specific actions. There were two outcomes: positive media debate and co-ordinated efforts to influence social care developments in Wales.



Rural Issues Case Study – Direct Assistance

Mrs B wrote to the Commission on behalf of herself and a number of older people who reside in a small rural community in West Wales. Mrs B organises an older persons' parish group that attends a weekly meeting at a town a short distance away. The weekly trip is important, Mrs B states, because the older people in the group are not only provided with the opportunity to access a variety of local services, such as shops and medical services, unavailable to them in their village, but are also afforded the opportunity to get out of the house and socialise.

Recently, Mrs B was informed that a bus service that runs once a day from the village to the nearby town is due to be cut. Mrs B argued that the service is crucial in addressing isolation, it is an essential service and the cuts will negatively impact the lives of a number of older residents in the village.

The Commission contacted both the local authority and representatives of the regional voluntary association expressing the concerns of the enquirer. The Commission was notified shortly after by both Mrs B and the voluntary organisation that an agreement had been made and the bus service was to be reintroduced.

2. Promote the provision of opportunities for, and the elimination of discrimination against, older people in Wales

The Commission has helped to shape and build on the opportunity offered by legislation by participating in the Senior Stakeholder Group looking at the Equality Act led by the Government Equalities Office. We stressed through consultation responses to government in Westminster and in Wales the importance of rigorous implementation of the ending of age discrimination in goods, facilities and services.

The Equality Act 2010 came into force on 1 October 2010. In the past year the Welsh Government has been consulting about the duties that should be placed on public bodies in Wales to eliminate discrimination and promote equality of opportunity. We said that public bodies should explain clearly what they are doing to eliminate unfair age

discrimination in Wales and account for any failure to address such discrimination. We commented on the age aspects of the Equality and Human Rights Commission guidance that has been produced for Wales. This will help public bodies to carry out the equality duty more effectively.

We pressed for the UN Principles for Older Persons and the need to end age discrimination to be incorporated into plans for reforming paying for care. We made representations to policy makers and contributed to the UK Government Commission looking at the future of paying for care. We hosted their Wales consultation meeting and ensured older people's representatives were able to participate.

“No longer will it be acceptable to limit the aspirations and needs of older people solely on the basis of their age – for the most part, treating someone differently on account of their age will need to be objectively justified.”

Alun Thomas, Head of Review, Examination and Policy, Older People's Commission for Wales

Research into the impact of the concessionary bus travel scheme

The Commission undertook research into the impact of the concessionary bus travel scheme on older people in Wales, with the emphasis on obtaining the views of older people themselves. The results highlighted strong support from older people for the bus pass.

The research provided robust evidence that the concessionary bus pass scheme offered older people the opportunity to remain integrated in society and improved their quality of life. There was a strong feeling among respondents that “without a bus pass their quality of life would suffer” (81% agreed) and that they “would be more lonely and housebound (78% agreed).

There was also a strong perception among respondents that their independence would suffer if they did not have the pass: “having a bus pass allows me to be independent” (92% agreed) and “the bus pass allows me to do things more easily” (93% agreed).

The research suggested that the bus pass has helped to increase the frequency of bus services, benefiting all groups.

The cross party commitment to retain the concessionary bus pass scheme in its current form is reassuring. We feel it is important to have this valuable evidence base that features the voices of older people in Wales.



Concessionary Bus Pass Research

Report

November 2010
Older People's Commissioner for Wales



“Social care funding should be fair, and clear, so that people are able to plan for later life. Older people do not want to lose a lifetime of assets simply because they need care and support”.

Sarah Stone, Deputy Older People's Commissioner for Wales

3. Encourage best practice in the treatment of older people in Wales

Care home closure and research

The Commissioner has a particular interest in the needs of older people who are in situations where they are vulnerable. Through our contact with older people and with voluntary and statutory bodies across Wales, we have been made aware of people's anxiety and distress surrounding the issue of care home closure.

Many older people have been concerned that their views were not being listened to and were worried that they would have to leave their home and friends. Our work in this area has identified a need for clearer guidance to local authorities about the consultation process specifically in the event of care home closure.

We supported older people and their families in a number of situations where care homes were under consideration for closure and made representations on their behalf to Local Authorities and to the High Court. We particularly stressed the importance of the rights and welfare of the older people themselves and of access to independent advocacy services. Our intervention resulted in a greater emphasis on these issues.

Research carried out for us by Citizens Advice Cymru showed a surprisingly high level of debt enquiries from older people and Advocacy Counts 3 research undertaken by Age Cymru showed the need for more consistently available advocacy support.

We progressed research in partnership with Swansea University to look at both good and poor practice in care home closure and organised two seminars in Bangor and in Swansea at which interim findings were presented to local decision makers and practitioners.

In one area where care home owners took the Local Authority to court residents and their families contacted us stating they felt powerless and were caught in the middle of the dispute. We wrote to the court outlining their worries and asked the court to hear the case quickly. The case was heard as soon as possible and the judge's comments showed that he did have the residents' interests firmly in mind.

The rights of couples in care homes

We were told that a couple living in a care home might be separated because the couple had different care needs. We contacted the local authority concerned and expressed our concern that this was a possibility. We said that to separate a couple in this way, without having made every possible effort to keep them together, would be a violation of their right to respect for their private and family life. The local authority was able to find accommodation that catered to the needs of both partners.

Frailty

In March 2011, the Commission hosted a seminar bringing together stakeholders to consider Wales' approach to frailty. The group identified consensus, best practice, barriers to progress and areas for further development. The Commission will publish a report in 2011-12 capturing key highlights and will act as an 'honest broker' to improving services so that they are collaborative, community based and suitable to the needs of frail older people.

"I monitored the situation carefully and spoke to the Welsh Government and Welsh Local Government Association about care home closures. My primary concern will always lie with care home residents and their families who are faced with uncertainty. I will continue to actively monitor the way in which local authorities and independent providers protect the interests of older people in Wales. It is essential we recognise the human rights of the residents who live in care homes."

Ruth Marks,
Older People's Commissioner for Wales

Advocacy Counts 3

In 2010, the Older People's Commissioner for Wales supported Age Cymru to conduct the Advocacy Counts survey for the third time. 20 organisations responded to the online survey to indicate that they provide independent advocacy services, of which 11 provide services to older people as part of a wider client group. Respondents included complaints services, Independent Mental Capacity Advocacy services, mental health advocacy services, domestic abuse services, and local Age Concern charities amongst others.

Advocacy Counts 3 built upon the baseline information obtained through Advocacy Counts 1 and 2, which highlighted the stark picture of the state of advocacy services in Wales.

Although small improvements have been made since 2008, Advocacy Counts 3 highlighted that far more still needs to be done to ensure that older people have adequate access to independent advocacy services when they need them.

The report provides useful intelligence about the state of advocacy services on the ground. It states that 22 services provide advocacy for older people in Wales – one fewer than in original survey in 2007 and that there are still large areas of Wales with no funded generic or specialist advocacy.

Following its launch at the Senedd, a written Statement of Opinion was raised by three Assembly Members welcoming Advocacy Counts 3. It noted the importance of independent advocates in supporting vulnerable older people to make decisions

about their own lives and committed to ensuring that those who need support to make their voices heard are given the opportunity to do so. This was signed by a further seven Assembly Members.

Wales is the subject of considerable interest around the world because of the structures and partnerships which support older people in having a voice in key areas which affect them. The Commission worked with a range of organisations to share lessons learnt in Wales and discuss best practice. The Commissioner and Deputy Commissioner were invited to present at two international conferences. The Commissioner met with a Junior Minister and officers from the Northern Ireland Executive as they developed legislation for a Commissioner for Older People in Northern Ireland.

Advocacy can simply be described as:

"...taking action to help people to say what they want, secure their rights, represent their interests and obtain services they need. Advocates and advocacy schemes work in partnership with the people they support and take their side. Advocacy promotes social inclusion, equality and justice"

(Action for Advocacy, Advocacy Charter, www.actionforadvocacy.org.uk)

4. Keep under review the adequacy and effectiveness of the law affecting the interests of older people in Wales

We monitored existing legislation and potential legislation that affects the well-being of older people in Wales through our participation in the Project Board on adult protection set up by the Deputy Minister with responsibility for older people. We organised a fact-finding visit to Scotland to look at the lessons to be learned from the implementation of the Scottish Adult Support and Protection legislation. We produced an influential report which has informed thinking in Wales and will assist further in the future. We pressed for improvements in legislation in this area and contributed to the Law Commission work on potential reform of adult social care law.

We engaged with others to consider the adequacy of existing adult protection legislation through the production of a report of the conference held in 2009/10 in partnership with the Law Commission and Age Cymru, and through representations to politicians and policy makers.

We advised the Welsh Government as it developed a pilot project which will enable older people who are victims of domestic violence to have better access to justice. We said that there needs to be an end to age discrimination in the justice system and that older people must be properly supported, whether or not a case goes to court. The pilot scheme is running in Swansea for one year from December 2010.

'Protection of older people in Wales: a guide to the law'

In the Commissioner's Report 2009/10, we said that we had commissioned a practical guide to the current law protecting older people in Wales. This guide was written by Professor John Williams of Aberystwyth University and completed in March 2011. Many people who work with older people have welcomed this guide which clearly outlines areas of law that practitioners should know about. The guide will be officially launched on 15 June 2011 – World Elder Abuse Awareness Day.

Adult protection – learning from Scotland

We organised a fact-finding visit to Scotland to look at the lessons to be learned from the implementation of the Scottish Adult Support and Protection legislation. We produced a report which has informed thinking in Wales and will assist further in 2011/12.

The visit was informative on a practical level. It helped us envisage some of the practical problems that might be encountered if Wales were to introduce adult protection legislation. The aspects of the Scottish Act that we would consider to be highly beneficial to adult protection in Wales include:

- A duty to co-operate
- A duty to share information
- A duty to make inquiries at an early stage when harm, as opposed to serious harm, is suspected
- A duty to provide advocacy where needed (this goes one step beyond the Scottish Act's duty to consider advocacy provision)

In the recent White Paper on Social Services, the Deputy Minister for Social Services stated that the government will consider where changes could be made to strengthen adult safeguarding in Wales, taking into account the experience of the new system in Scotland.¹

(¹ Sustainable Social Services for Wales: A Framework for Action, Welsh Assembly Government, February 2011, para. 3.77)

5. Enable the delivery of objectives listed above in ways which are proper and regular, prudent and economical, make efficient and effective use of resources and identify and manage risks.

We continue to seek ways to increase our effectiveness and efficiency, to make best use of our skills and resources. As a learning organisation we regularly monitor and evaluate our work and the outcomes we achieve. We use our learning to develop and improve the way we work.

Internal resources

During 2010/11, the Commission worked towards and achieved bronze status in the Small Workplace Health Award during the year; and made significant progress towards the achievement of the Investors in People standard.

Independent evaluation

The independent three year evaluation of the Commission's performance by ARAD Consulting has progressed during the year, an evaluation framework has been developed and a draft stakeholder feedback report issued. The Commission has received regular feedback from the evaluation process and used it in assessing the progress of the strategic plan progress and suggestions for engagement with other organisations.

Equal opportunities

We are committed to equality of opportunity and seek to employ a diverse workforce. All applications are considered on the grounds that all job applicants should have equal opportunity for employment and advancement on the basis of their ability, qualifications and suitability for the work.

No job applicant or employee should receive less favourable treatment on grounds of age, race, colour, sex, sexual orientation, disability, religion, family/ domestic responsibilities or working patterns, nor should any individual be disadvantaged by conditions or requirements which cannot be shown to be justifiable.

Environmental sustainability

The Commission is committed to good environmental practices. Examples of how we pursue good environmental stewardship are set out in the Annual Accounts and included energy usage, use of public transport, paper management and waste disposal.

Protection of personal data

We are required to report on any loss, unauthorised disclosure and any insecure disposal of protected personal data.

We are able to report that there were no incidents of loss, unauthorised disclosure or any insecure disposal of protected personal data in 2010/11.

Commission website

In March 2011, the Commission launched its revised external website after consulting with older people and groups.

The website is one of the main ways people find out about the Commission's work and the revised website aims to make this information as accessible as possible. We have built further engagement with stakeholders and older people into the planning and development for the website and hope to work closely with these groups in the future to ensure it works well for its users.

Budget

The Commission is funded by but is operationally independent of Welsh Ministers and is accountable to the National Assembly for Wales for the use of resources. In 2010-11 the Commission received funding of £1.8million to fund its activities.

Audit

The internal auditors' opinion stated that, based on the work undertaken for the year ended 31 March 2011, the Commission has adequate and effective risk management, control and governance processes to manage the achievement of our objectives. The Auditor General issued an unqualified audit certificate on the 2010-11 financial statements. For further information, please see our Annual Accounts 2010-11 at www.olderpeoplewales.com or contact us to request a copy.

Partnership working

We have successfully concluded memoranda of understanding and communication agreements with other key partner organisations, including the Public Services Ombudsman for Wales and the Children's Commissioner for Wales. We have agreed how information will be shared with appropriate controls and protection.

Complaints

In 2010-11 there were no formal complaints made to the Commissioner which required investigation under our complaints procedure.

Freedom of Information requests

During 2010-11 we received 4 requests under the Freedom of Information Act 2000.



Ruth Marks working with members of the Commission Team

Publication Scheme

We have continued to make information about the Commission and our work routinely available through our Publication Scheme and website.

Welsh Language Scheme

During 2010-11 we did not receive any complaints under our Welsh Language Scheme.

Forward Look

In 2010-11 the Commissioner used her legal power to review for the first time and issued 'Dignified Care?', her Review into dignity and respect in hospitals.

During 2011/12 the Commissioner and her team will further develop the use of her powers to scrutinise, challenge, review, examine and assist.

We will ensure that older people's voices are heard and we will hold bodies to account where they fail to properly support vulnerable older people. We will continue to assist older people to access information and services and provide support to them to resolve problems.

We will engage with older people throughout Wales through meetings with representatives of pensioner organisations, planned visits to groups, projects and meetings of older people throughout Wales, as well as contact with individual older people through our Information and Enquiries Team.

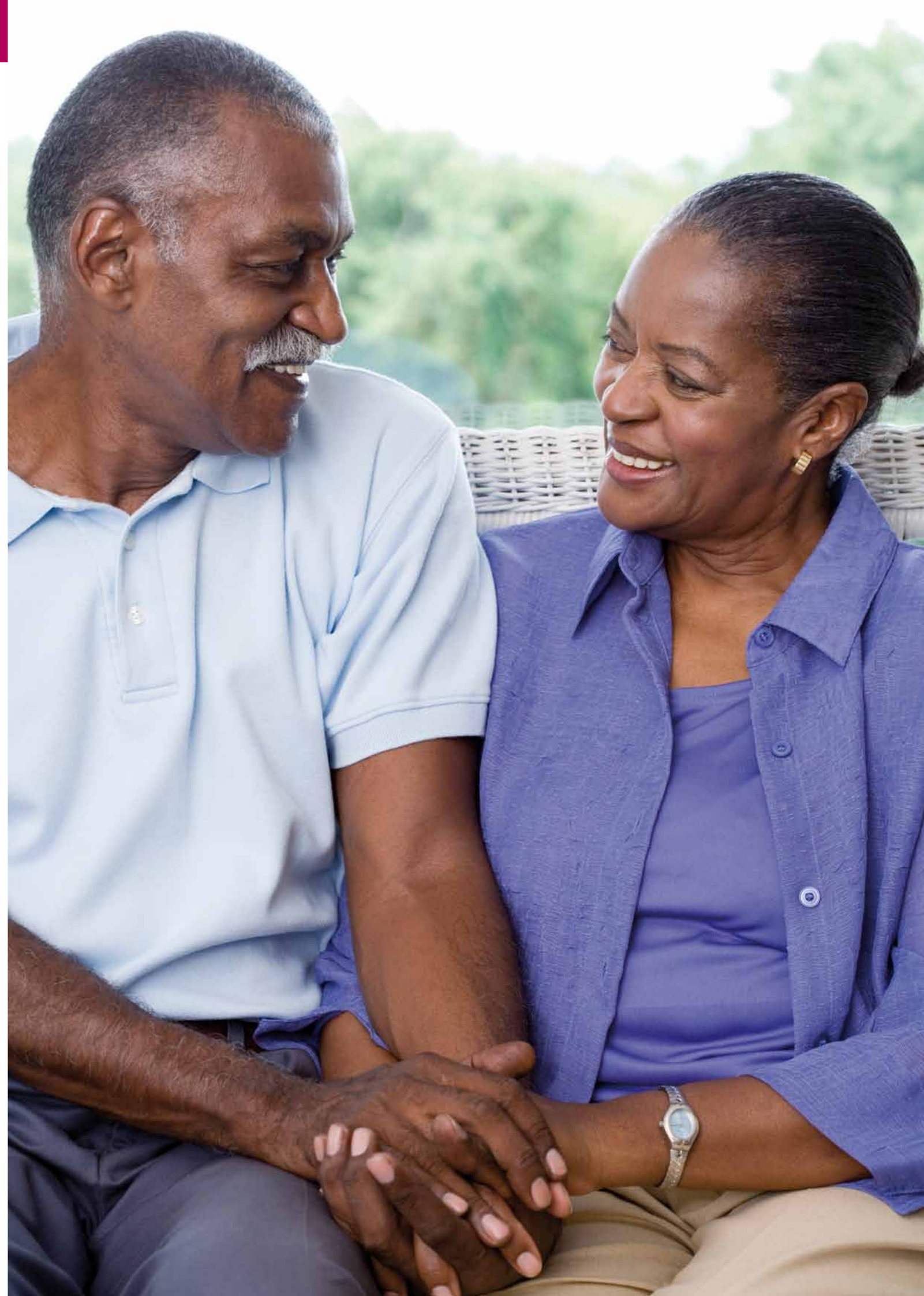
We will continue to respond to enquiries from older people. We record key data on these contacts through our business management system, and produce statistics on the range and nature of these enquiries in order to inform our work; this identifies areas in which we need to act.

All our enquiries give us a strong evidence base about issues affecting older people, which we use to help create our work plan for future years.

The main areas of work for 2011-12 will include:

- Monitoring the implementation of the Commissioner's recommendations in "Dignified Care?" – the Review into the treatment of older people in a hospital setting with regard to dignity and respect
- Follow up of 2010-11 activities
- Age Discrimination, including the implementation of the Equality Act 2010
- Information and advice services; especially a focus on pensioner poverty and how to best access relevant information about additional benefits and assistance in managing money
- Social care in domiciliary and residential settings
- Arrangements for advocacy and whistle-blowing

Throughout all of our work in the coming year we will be mindful of the impact of the financial situation with regard to public services, seeking to understand the impact on older people, and ensure that they are not disproportionately affected.



Thanks and acknowledgements

Many thanks to all the individuals and organisations who have provided support, advice and guidance over the past year. Whilst there are far too many to list, we would especially like to acknowledge:

- All the older people and their families, carers, friends and advocates who have contacted us to share their experiences - please continue to do so.
- The individuals, groups and organisations who have worked with us to help us to listen to older people and deliver a range of work and research.
- The people and organisations that have helped us evaluate our work and ensure we are legally compliant.

Documents

Any documents referred to in this Report are available on our website at www.olderpeoplewales.com or on request. All case studies relate to typical examples of the information that we receive, rather than specific cases, in order to guarantee that people who contact the Commission remain anonymous.

You can obtain a copy of the full audited annual accounts for 2010-11. Email ask@olderpeoplewales.com or view them on our website.

None of the photographs used in this Report (except the photograph of Ruth Marks) relate to the case studies and contacts mentioned in the Report. All other photographs were sourced from www.veer.com.

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Contact Us

If you would like more information about the Older People's Commission for Wales, have an enquiry or would like to give any feedback on the content or design of this report, please contact us at:

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