



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

Update from the Older People's Commission for Wales

Newsletter number 5: May 2010

Message from the Commissioner

The last few months have seen many key pieces of work and announcements relating to older people's issues.

I recently announced my first official Review as independent Older People's Commissioner for Wales as being on the treatment of older people in hospitals in relation to dignity and respect. Dame Deirdre Hine DBE FFPH FRCP has been appointed as Chair of the Review, with a Panel of Inquiry to be named in the near future.

The Review's launch received a great deal of media coverage and this publicity has helped to raise the profile of dignity and respect for older people. Thank you to everyone who has contacted us with their comments and experiences. They have been recorded and have shown the high level of support for the Review.

The Government has launched the new budget and the General Election took place on 6 May. The Commission will be contacting the new government in relation to the non-devolved issues relating to older people. These issues should be high on the agenda of any party in power and full account should be taken of older people's needs.

I welcome the age provisions in the new Equality Act wholeheartedly and believe they will make a real difference for older people by tackling

unfair age discrimination. I hear of many examples where older people feel they have been discriminated against because of their age. To end this, it is vital that there are no delays in turning the Equality Act into practical reality.

Public bodies should be acting on their duty to ban unfair age discrimination against adults by April 2011, and the ban on unfair age discrimination against adults when providing goods and services, including health and social care, should be operating by 2012 at the very latest.

I hope that the momentum towards positive work and change continues and older people in Wales feel the benefits at all levels.

Ruth Marks
Older People's Commissioner for Wales

Current priorities

Commission's Review of older people's experiences in Hospital

On 24 March, the Commissioner announced that the focus of her first Review would be the treatment of older people whilst they are in hospital, especially in relation to dignity and respect. The Commissioner will use her legal powers to Review the way certain public bodies, in this instance Health Boards and NHS Trusts, are functioning.

The views and concerns that older people have expressed to the Commission have indicated that there is a need for an independent, authoritative look at hospital care from the perspective of the older person.

Dame Deirdre Hine will chair a Panel of Inquiry, the membership of which is to be finalised shortly. The Review will seek both positive and negative experiences as well as examples of the good work that can be adopted across Wales. The Commission wants to make a positive difference to older people's experiences of hospital.

Further information about how individuals and organisations can contribute to the work of the Review will be made public over the coming weeks.

Financial abuse

The financial abuse of older people has recently hit our headlines. The Commission advocates a zero-tolerance approach to all types of elder abuse.

Deputy Commissioner, Sarah Stone commented “Some victims of this type of crime may be embarrassed or ashamed that they have been ‘duped’ and want to hide what is happening. I hope that people who feel that way will realise that this type of crime is taken seriously and be encouraged to report financial abuse so that the police can quickly find those responsible.”

We welcome the Welsh Assembly Government’s investment in this area. There also needs to be support and advocacy across Wales to support older people in dealing with abuse.

Consumer Direct Wales offer this advice to householders about how to deal with bogus callers. Their advice is:

- **Question it:** If it sounds too good to be true, it probably is. Don’t be afraid to say no, throw letters in the bin or hang up.
- **Think about it:** Don’t make an on-the-spot decision. Ask friends or family for advice, or even an accountant or solicitor if big money is involved. Read the small print. Always get a number of quotes if you want work done.
- **Who are they?:** Check that the firm or organisation you want to deal with is legitimate and reputable. Don't be fooled by professional-looking marketing materials. Scammers are good at making their scams look authentic. Speak to your local authority – they may be participating in a Trustmark Scheme, or the Care and Repair service in your area may have a list of approved traders.
- **Protect yourself:** Never give your bank account details to someone you don't know. Never e-mail anyone your financial information -

even if you know them. Sign up for telephone and mail preference services to reduce junk mail and calls.

- **Credit cards:** Use a credit card, if you can. Under the Consumer Credit Act, you should be entitled to a refund from your card issuer of money lost through fraudulent activity - if the cash price of a single item is over £100.
- **Ask for advice:** If you suspect you've been had by a scam, don't let embarrassment or fear prevent you from seeking advice or reporting it. Many people fall victim to scams every year. Call Consumer Direct for advice on 08454 04 05 06 or your local neighbourhood police officer using the 101 non emergency number.

For more information, please see the Consumer Direct Wales website:
<http://www.consumerdirect.gov.uk/>

Consultation on Older People's Commissioner's Welsh Language Scheme

The Commission is preparing its first Welsh Language Scheme under the terms of the Welsh Language Act 1993.

If you have not already commented on the draft Scheme, please use the questionnaire available on our website to respond to this consultation.

The draft scheme and consultation questionnaire are available here:
[http://www.olderpeoplewales.com/index.php?id=71&L=0&tx_ttnews\[tt_news\]=205&tx_ttnews\[backPid\]=72&cHash=a4cc06a415](http://www.olderpeoplewales.com/index.php?id=71&L=0&tx_ttnews[tt_news]=205&tx_ttnews[backPid]=72&cHash=a4cc06a415)

You may submit responses to us in the following ways:

Email us at:

ask@olderpeoplewales.com

Write to us at:

Welsh Language Scheme Co-ordinator, Older People's Commissioner for Wales, Cambrian Buildings, Mount Stuart Square, Cardiff CF10 5FL

All documents referred to can be made available in other formats on request and are also available on our website:

www.olderpeoplewales.com

The consultation will run from Monday 29 March 2010 until 24 May 2010.

All responses received will further inform the development of the Scheme.

New Commission Website

We are currently designing plans for our new website which we hope to launch in early 2011. We would like to invite older people and stakeholders to let us know what they would like to see on, and get from, the website.

If you have any ideas of how the website could be improved or elements you would like to see included, please let us know. Also, if you could open this question to anyone you know who may want to give feedback, it would be gratefully appreciated.

Please contact us at: news@olderpeoplewales.com with any feedback.

The planning and tender stage will be carried out over the next few months and all feedback and input is gratefully received.

Burning Question

Each bulletin will contain a burning question that the Commission thinks needs to be raised with the public for comment. In this edition the question is regarding Jury Age.

Jury Age

Jury service is said to be one of the most important civic duties that anyone can be asked to perform. At present there is an upper age limit on jurors and no one over 70 can serve on a jury.

The Ministry of Justice are now considering whether to change this, and to either raise or abolish the upper age limit on jurors.

One of the four main functions of the Commissioner is to promote the provision of opportunities for, and the elimination of discrimination against, older people in Wales. We welcome the consultation which addresses an issue of concern to older people for some time and we would like to know what you think.

Would you support this change?

What do you think the upper age limit on jurors should be, or should there be no upper age limit?

Currently, jurors will only be excused from serving on a jury under exceptional circumstances, e.g. serious health reasons. Anyone who refuses to serve on a jury can be fined up to £1,000.

If those aged 70+ could be on a jury, should they have the right to excuse themselves from jury service?

We would like to know what you think. Please email Andrew Regan at andrew.regan@olderpeoplewales.com with your thoughts, or call us on 08442 640670.

If you have any thoughts or feedback on this issue, please let us know them by **31 May 2010**. The consultation closes on 8 June 2010 and the Commission will be submitting a formal response by this date.

What Older People are saying to us

We actively encourage older people from all over Wales to get in touch with the Commission. Information we receive is used to identify key needs and priority areas, and is then used to inform the Commission's ongoing work plan.

In recent months, older people have contacted the Commission about a wide range of issues. The particularly prominent topics have been:

Continuing Health Care

Older people and family members have contacted the Commission raising concerns over qualification for Continuing Health Care. Some enquiries relate specifically to the overly bureaucratic processes involved and ask if there is anything that can be done to clarify and simplify these processes. Older people and their families also believe that there should be more effort made by authorities to raise awareness of the availability of Continuing Health Care.

Hospital Care

In addition to concerns raised over the long waiting times for hospital treatment, the Commission has also received letters highlighting the need for more appropriate and correct levels of support for older people while hospitalised, and for more emphasis to be placed upon specialist medical training for older people.

Education

The Commission has received a number of enquiries regarding education and the provision of Lifelong Learning courses across Wales. Classes provide not only an opportunity for academic challenge, but also a means of staying connected; in many cases participation and social inclusion are the main contributing factors for older people attending. Concerns have therefore been raised about the prospect of courses being cut by a number of Welsh colleges and universities.

Transport

A reliable public transport system is essential, particularly for those older people living in rural communities and more remote areas of Wales. In many cases, a local bus service is the only means for people to access necessary services such as a hospital or other medical facility, or as a means to visit the supermarket. We have received enquiries from older people who are very concerned about cuts in local bus services that could potentially leave many of them isolated.

Fuel Poverty

It was a particularly cold winter and this was reflected by the number of enquiries the Commission received relating to energy costs. Many older people contacted us requesting advice and how best to keep their homes warm whilst keeping costs to a minimum. It is very worrying that as energy costs rise many older people living on a fixed income are unable to afford to keep their homes warm, sometimes having to make the choice between eating and heating.

Housing

In addition to enquiries relating to long waiting times for housing repairs and adaptations, the Commission has also received correspondence regarding housing costs and concerns over Unitary Authority rent increases often outstripping annual pension increases.

Recent activities

UN Principles workshop

The United Nations Principles for Older Persons were adopted by the UN General Assembly in 1991. Governments are encouraged to incorporate them into their national programmes whenever possible. There are 18 Principles, which are grouped under five themes: independence, participation, care, self-fulfilment and dignity.

The Older People's Commission held workshops in Swansea (22 March 2010) and Bangor (24 March 2010) to find out what the UN Principles mean to older people in Wales and how they can be used to make a difference. The events allowed small groups of older people from

around Wales to explore what the Principles established to safeguard their rights and situation could mean in practice.

Participants were also encouraged to put forward ideas about how to make the Principles more relevant if possible and to make suggestions about what other improvements could be made in Wales to improve the lives of older people.

Outcomes of the workshops included lively debates on key issues such as funding for care and suitable housing for older and disabled people. Community concerns and ideas to promote intergenerational links were also discussed.

A report is being written following to events and will be published on the Commission's website.

[UN Principles – Further information](#)

Welsh Assembly Government (WAG) Carers Measure Evidence

Ruth Marks and Alun Thomas, Head of Policy, Review and Examinations at the Commission gave evidence to the Legislative Committee for the proposed Carers Strategies (Wales) Measure on 17 March 2010.

Points they made include:

- The Commissioner welcomed the Measure as a key means in securing practical recognition and support for carers.
- Limited but significant progress has been made at both a Westminster and European level in recognising carers rights, both in relation to securing the right to assessments and to demand flexible working. However individual rights and imposed duties on public bodies are both required
- Older carers are preoccupied with delivering care and may be encountering deprivation or poor health themselves, older carers often don't have the time to complain or are fearful of doing so. They should be able to take 'group' or 'class action' where individual complaints have failed.

- The requirement to develop strategies are a means to an end and not an end in themselves – effective implementation is the key
- Older carers need to be involved at all stages in developing strategies not consulted in a tokenistic fashion

Ruth stated “At a time when public bodies are under financial constraints and obliged to draw up and update equality and other schemes, it makes sense to require a single strategy for carers rather than adopting one strategy for advice and information and another for engagement”.

Information from the National Assembly for Wales states that “The purpose of this Measure is to enable the National Assembly to legislate to introduce a new requirement on the NHS and Local Authorities in Wales (“the relevant authorities”) to work in partnership to prepare, publish and implement a joint strategy in relation to carers.

The strategy will provide for the provision of information and advice to carers and for the effective involvement of the relevant authorities with carers when making decisions about the provision of services to or for carers or the person cared for.”

[Proposed Carers Strategies \(Wales\) Measure – Further information](#)

[The Commissioner’s evidence](#)

Adult Social Care Law Reform Conference

The Law Commission is reviewing Adult Social Care law and is seeking opinions on its proposals, published in February.

The Older People’s Commission for Wales worked with the Law Commission and Age Concern Cymru and Help the Aged in Wales to hold a consultation event on the impact of the current law on older people and proposed changes to the law. It was a chance for older people to influence the Law Commission’s proposals on future legislation.

The event was held on 29 March 2010 in Cardiff and delegates included older people, carers and frontline workers. A series of workshops took place for delegates to discuss ideas in more depth.

We will be publishing a report on the findings of the Conference on the Commission website in the near future.

WLGA Learning Exchange

Ruth Marks and members of her staff attended the Welsh Local Government Association's (WLGA) Learning Exchange on 4 February in Cwmbran. The event was an opportunity to "promote and share good practice examples and discuss key topics associated with the future direction of the Strategy for Older People in Wales."

Ruth took part in the panel discussion along with Councillor Arnold Woolley, Deputy Spokesperson for Older People and Social Justice; Andrea Nicholas-Jones, Welsh Assembly Government, Rob Taylor, Age Concern Cymru and Help the Aged in Wales.

[WLGA Learning Exchange - More information](#)

Listening Events for Dignity in Care

The Commission was represented on the panels at each of the consultation events held in Llandudno, Cardiff and Carmarthen in March 2010. The purpose of these events was to inform the work on the National Dignity in Care Programme over the next year.

The Welsh Assembly Government organised the events with the specific aims of:

1. Empowering older people to share their experience or otherwise of dignity in care
2. Raising awareness in relation to dignity in care amongst frontline staff and explore the facilitators and barriers to providing dignified care

3. Exploring any particular issues in relation to dignity in care surrounding – black and minority ethnic older people, those with dementia, those who are terminally ill.

Older people, informal carers and frontline staff were able to take this opportunity to discuss issues around providing care with dignity. The Commission stressed the importance of dignity in practice and welcomed the opportunity to be part of this discussion.

Recent visits by the Commissioner and her team include:

- Rose Cross House Residential Home and Day Centre in Penlan, Swansea
- Pontypridd & Rhondda NHS Retirement Fellowship St David's Day Lunch in Pontypridd
- British Geriatrics Society meeting in Wrexham
- Meeting with the Onllwyn and Banwyn and Coelbryn branches of the Old Age Pensioners Association
- Day Centre at Deva House in Wrexham
- Clwb Bro Nant y Pandy 5th Birthday celebrations in Llangefni

Spotlight on...

In this section we will highlight an aspect of the Commission's work or views on a particular issue affecting older people. In this edition the issue is the Equality Act 2010.

Equality Act 2010

The Equality Act 2010 has now received Royal assent. We welcome the age provisions in the new Act wholeheartedly and believe they will, if implemented properly, make a real difference for older people by tackling unfair age discrimination.

Ruth and Sarah took part in the Equality Bill's Senior Stakeholder Group which engaged with the Bill's passage through Parliament. They were

able to go to advise at meetings and actively represent the position of older people in Wales.

Our policy team was also active, responding to all aspects of the consultation process. They are now engaging with the Equality and Human Rights Commission as they draft Codes of Practice and other guidance to help 'illuminate' the Act. We want to make sure that older people in Wales derive the greatest benefit possible from this new legislation.

We have heard of many examples where older people feel they have been discriminated against because of their age. It is, therefore, vital that there are no delays in turning the Equality Act into practical reality, no matter which political party comes into power after 6 May 2010. Public bodies should be acting on their duty to ban unfair age discrimination against adults by April 2011, and the ban on unfair age discrimination against adults when providing goods and services, including health and social care, should be operating by 2012 at the very latest.

Age discrimination often goes unrecognised in our society because it has, in some instances, become normal to discriminate unfairly against older people. The Act will help individuals and organisations identify more clearly what age discrimination is and how it can be tackled.

The Equality and Human Rights Commission (EHRC) is producing a briefing on the Equality Act, more information on which can be found on their website:

<http://www.equalityhumanrights.com/legislative-framework/equality-bill/>

The EHRC states that "The Bill represents a real opportunity to improve the way we pursue fairness and equality in Britain.

For public bodies, simplifying the currently complex legislation into one single duty will make it easier to tailor public services to meet their communities' needs. The simplified approach and improved targeting should increase the effectiveness and efficiency of public spending."

Future work

International Federation on Ageing Conference 2010

The International Federation on Ageing (IFA) conference is a key opportunity for countries around the world to learn from international experience and share good practice.

Ruth Marks will be representing Wales along with Professor Judith Phillips, Co-Director of the Older People and Ageing Research and Development Network (OPAN Cymru). Their presence is being supported by the following organisations working with or for older people:

- Age Concern Cymru and Help the Aged in Wales
- Older People and Ageing Research and Development Network (OPAN Cymru)
- Older People's Commissioner for Wales
- National Leadership and Innovation Agency for Healthcare (NLIAH)
- National Partnership Forum
- NHS Confederation
- Welsh Assembly Government
- Welsh Local Government Association (WLGA)

An example of Ruth's work and involvement in the conference will be speaking at a symposium to explore moving from United Nation's Principles on Older People to a more formal convention. The United Nation's Convention on the Rights of the Child have enshrined the rights of children and led to policies including Every Child Matters. A Convention on the Rights of Older People would better protect the rights of older people around the world and we need to engage with the international community to make this shift.

[More information on the IFA Conference.](#)

[More information on OPAN Cymru](#)

A Conference Report will be published to share the information gathered at the Conference.

Care Home Closure

The Commission is delighted our joint bid with Swansea University for research funding from the Wales Office of Research and Development for Health and Social Care has been successful. The 18-month research project will explore the effects of care home closures particularly the outcomes for those involved. It will involve analysis of data collected by the Care and Social Services Inspectorate Wales as well as in-depth interviews (before and after relocation) with providers, older residents, relatives and carers at four care homes in Wales targeted for closure.

Royal Welsh Show and National Eisteddfod for Wales

Ruth Marks and members of her team will be attending both the Royal Welsh Show in Builth Wells and National Eisteddfod for Wales in Ebbw Vale during July and August 2010.

Ruth will be attending various stakeholder and partner stands, including The Pension Service and National Farmers Union for Wales, to meet with representatives from the organisations and older people from across Wales. This will act to strengthen the Commission's links with partner organisations in Wales and to focus on some of the key issues effecting older people around money and rurality.

NOAPA Annual Conference and Rally

Members of the Commission will be attending the National Old Age Pensioners Association of Wales (NOAPA) Annual Conference and Rally in the Princess Royal Theatre in Port Talbot in June 2010.

Information to Note

Nursing and Midwifery Council

Healthcare services in the UK are changing and for many thousands of people who receive care each day, the idea of losing decision making power can be quite daunting.

‘Care and respect everytime’ was produced for the public by the Nursing and Midwifery Council (NMC) to reaffirm the role that older people and the people who care for them have in making decisions about how their care is delivered.

Nurses and midwives have a duty within the code to respect the contribution that people make to their own care and wellbeing, to listen to them and to respond to their concerns and preferences. However, not everyone feels comfortable speaking out to healthcare professionals. Older people may not be able to exercise control over the choice of care they should have.

This means that instead of taking an active role in how their care is delivered, they allow care to be imposed on them.

In addition to **‘Care and respect everytime’** the NMC also produced **‘Guidance for the care of older people’** to support nurses in their role to deliver care in a way that is dignified and appropriate for each person.

Both documents are free of charge and can be ordered from the Nursing and Midwifery Council (NMC) website

<http://www.nmc-uk.org/aArticle.aspx?ArticleID=3607>

Older pen-pals visit Wales

From 18-20 May, older students and their tutors from Gdansk, Valencia, Bratislava and Turkey will be visiting Cardiff for three days of activities including meetings, Welsh cultural visits to St Fagans and the National Museum and learning some basic Welsh. This project is being run by Prime Cymru.

Under a Grundtvig project, Welsh older people are acting as e-penpals to people in Europe. As part of the project, Welsh participants will be

improving their IT skills and learning about the history and culture of their e-penpals' countries.

Prime Cymru have arranged a guided tour of the National Assembly and hope to meet with Gwenda Thomas, Deputy Minister for Social Services, to highlight some of the work that aims to improve the lives of older people in Wales.

[Prime Cymru – more Information](#)

Your comments

Feedback welcome at news@olderpeoplewales.com

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