

**Giving older  
people a voice:**

the case for an  
Older People's  
Commissioner for  
England

Edited by  
Paul Burstow

**CENTRE:FORUM**

# **Giving older people a voice:** the case for an Older People's Commissioner for England

**Edited by Paul Burstow**

The logo for Centre for Ageing Research, featuring the text "CENTRE" in grey, a stylized orange and grey symbol, and "FORUM" in orange.

**CENTRE**  **FORUM**

## Contributors

Rt Hon Paul Burstow MP

Baroness Bakewell DBE

Sarah Rochira, Older People's Commissioner for Wales

Esther Rantzen CBE, Chair, The Silver Line

## Acknowledgements

The editor is grateful to Age UK, House of Commons Library, Baroness Bakewell DBE, Sarah Rochira and the Office of the Older People's Commissioner for Wales, Esther Rantzen CBE and The Silver Line. He would also like to thank Sean O'Brien and Natasha Kutchinsky for their support and research assistance. The editorial sections and recommendations below plus any errors are the editor's responsibility alone.

ISBN: 978-1-909274-06-8

Copyright September 2013 CentreForum

All rights reserved

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of CentreForum, except for your own personal and non-commercial use. The moral rights of the author are asserted.

## ■ Contents

	Foreword - Esther Rantzen CBE	4
	Executive Summary	7
1.	Introduction - Paul Burstow	11
2.	Examining the case for an Older People's Commissioner for England	16
3.	Why the case for a commissioner grows ever more pressing - Baroness Bakewell	34
4.	The role and powers of the Older People's Commissioner for Wales - Sarah Rochira	37
5.	Conclusions and recommendations	41

## ■ Foreword

*Esther Rantzen CBE  
Chair, The Silver Line*

As a nation, we need to change our attitude to valuing and reaching out to older people. At a time when our population ages and so many are living alone, that is a necessity. At the moment we stereotype ‘oldies’, ‘wrinklies’ as ‘grumpy’, ‘greedy’, ‘past their sell by date’, and older people report that they feel invisible and unheard. Older people need their own advocate, someone with real clout.

I have seen what a huge difference that can make in other fields. Until 1974, disabled people had no champion. Then the appointment of Alf Morris, (the Lord Morris of Manchester, much mourned when he died last year), to the newly created post of Minister for Disabled People transformed the lives of people with disabilities. Until that moment nobody could advocate for them holistically, but Alf told me: “That job gave me the right to walk into any minister’s office, and ask them what their department was doing to improve the opportunities, and challenge them to the needs of disabled people. It forced them to put all the issues at the top of their agenda, instead of allowing them to gather dust in a forgotten file.” And crucially, Alf was able to change the nation’s attitudes to disabled people, whose rights and talents are now respected. Life still isn’t perfect, but disabled people have far more opportunities and access than they had prior to 1974.

Until the appointment of the Children’s Commissioner, the UK’s children were both everyone’s problem, and nobody’s. For years I walked around Whitehall listening to each minister for health, education, home affairs and social security, tell me they were the ‘Minister for Children’. And yet nobody was looking across

the board, holistically, at the way children were being treated in the UK. Then the post of Children's Commissioner was created, to champion the cause of young people across the UK.

Older people are a crucial resource to this country, but face discrimination, neglect, abuse, and are consistently misrepresented and undervalued. We know that other cultures revere old age. In our country, we are constantly told that old people are a burden. That they eat up scarce resources. That they take far too much of the national income. Whenever old age is mentioned, our politicians and the media treat the fact of an older population not as good news, but as a disaster. We are warned about the 'graph of doom', the looming catastrophe of older people outnumbering the young, causing, the 'prophets of doom' tell us, our whole health service and social structure to collapse under the strain.

In reality we 'oldies' contribute so much, and have so much more we could contribute, if we were enabled and empowered. According to the recent House of Lords report, 'Ready for Ageing', one in three working mothers relies upon grandparents for childcare. 65% of older people support their older neighbours. The value of informal care provided by older people has been assessed at £34 billion. And the voluntary sector would collapse without us. 65% of all volunteers are over the age of 50. So the increase in the age in our population could be described as a 'graph of hope', proving that older people still fulfil a crucial role. And they would like to do more: 76% of them believe the country fails to make good use of the skills and talents of older people.

Yet the feeling that older people are considered an unwanted, useless burden, and 'a waste of space' disempowers the old. My son is a doctor working in a large hospital, in a ward which treats a number of older patients. He told me: "An old lady was being helped back from the bathroom by a physiotherapist. As they passed the nurses' station, the old lady paused, leaning on her zimmer frame, and flashed a look at us. "There was a time," she said, "When I was praised for my philosophy dissertation. Now, if I get myself back from the loo they say "Well done, dear." What does that tell us of the way older people are patronised, and underestimated?

It is imperative that we challenge these stereotypes, and see older people as they really are, with their frailties, and their strengths. Politicians and the media need to be aware of how destructive the negative stereotypes can be. To achieve this transformation in public attitudes, I believe that older people need an advocate, a champion, a public figure who can represent them, understand their needs but also celebrate their value and their achievements.

## ■ Executive summary

British society is ageing. The pensioner population is fast expanding. Mortality rates are falling and people are living longer. In many ways, there has never been a better time to grow old. Major advancements in health and social care, innovation, technology and transport have made life for people of all ages more comfortable than ever before.

But while an older society should be seen as a triumph, it is often portrayed as a disaster. Sensationalists talk of a ‘demographic time bomb’. As Esther Rantzen writes in the foreword to this report: “We are warned about the ‘graph of doom’, the looming catastrophe of older people outnumbering the young, causing, the ‘prophets of doom’ tell us, our whole health service and social structure to collapse under the strain. In reality we ‘oldies’ contribute so much, and have so much more we could contribute, if we were enabled and empowered.”

Ageism in Britain is rife. Older people are characterised as a burden – their talents and depth of experience neglected. Worse still, they are discriminated against and, in some extreme cases, abused. More than 50% of respondents in a recent poll by Age UK thought that those who plan services do not pay enough attention to the needs of older people. 60% agreed that age discrimination exists in the daily lives of older people. And more than three quarters believed we fail to make good use of their skills and talents.

Despite seeing significant improvements in living standards – and getting a better deal on pensions and social care under the current coalition government – older generations face a number of specific challenges around vulnerability, abuse, poverty, housing, health, and transport. At the same time, the contributions of older people – including an estimated £4

billion in unpaid voluntary care and up to £34 billion in unpaid social care a year - are frequently undervalued. The overriding problem, identified by contributors to this report, is that there is currently no unified approach to policy.

We maintain that older people need a strong advocate who will fight their corner in policymaking circles to ensure that their needs are adequately met both now and in the future, fight discrimination and champion their contribution to society and the economy. It is time that the government establishes an independent commissioner to act as an advocate for current and future generations of older people.

The need for an independent voice for older people has been recognised for some time. In 2000, Paul Burstow MP tabled amendments to the Care Standards Bill which aimed to establish an independent Older People's Commissioner. Then in 2008 the Labour government appointed Baroness Bakewell as an 'independent and informed' champion for the elderly based in central government. Although her position had no statutory underpinning, she was tasked with providing a voice for the elderly to ministers and acting as an advocate on age equality issues. Baroness Bakewell sets out her experience, and the lessons that can be learnt from it, in Chapter 3.

Northern Ireland and Wales already have an Older People's Commissioner. This report calls for the position to be established in England, where over 80% of the UK's population lives. In Chapter 4, the serving Welsh commissioner Sarah Rochira describes her powers and how they can make a difference. Her job is to promote the awareness of the rights and interests of older people; challenge discrimination against older people; encourage best practice in the treatment of older people; and review the law affecting the interests of older people. Notable successes include taking action to improve dignity for older people in hospital, the championing of more accessible information for older people, and challenging cuts to community transport. This can clearly be translated into the English context and we urge the government to examine the role carefully.

## Recommendations

The Care Bill currently working its way through Parliament should be amended to include provision for the creation of an independent Older People's Commissioner to represent and protect the interests of older people in England.

The UK government should draw on the experience of the Welsh and Northern Ireland administrations in establishing the commissioner's roles and responsibilities. Using the Welsh model as a guide, the government should oversee a cost benefit analysis on establishing such a post which takes into consideration the different options that could be taken.

We recommend that an Office of an Older People's Commissioner for England should

- promote the social, economic and cultural contribution of older people across society and challenge negative perceptions and discrimination
- establish a distinct function independent from government departments to address and influence overlapping issues affecting older people
- spearhead and champion the future proofing of all English policy development across government
- act as a vocal advocate on issues affecting older people – with the powers to investigate complaints and effect change
- champion the take up across government and civil society of the UN Principles for Older Persons and the recommendations of the UN's International Plan of Action on Ageing, ensuring that they become the quality mark for treatment of older people whilst underpinning any work carried out by an Older People's Commissioner
- provide oversight and enforcement to complement the powers of existing regulatory, safeguarding and scrutiny bodies
- promote positive images of ageing and older people and challenge negative stereotypes

## Older People's Commissioner for Wales

### Case Study 1: 'Dignified Care?' review

*Providing oversight and enforcement to complement the powers of existing regulatory, safeguarding and scrutiny bodies*

As a result of concerns raised with the Older People's Commissioner for Wales about the treatment of older people in hospitals, particularly in regard to issues of dignity and respect, the commissioner announced in March 2010 that she would be undertaking the 'Dignified Care?' review, a study into hospital care standards.

The commissioner established a panel of inquiry which visited 16 hospitals across Wales to speak with older patients, relatives and staff and hear about their experiences of care.

The commissioner published her findings in March 2011 including 12 recommendations to improve hospital care for older people across Wales. As a result of the commissioner's statutory authority, those subject to the recommendations – including the Welsh government – were required to respond and publish detailed action plans outlining how they would improve dignity in care.

This led to a number of significant improvements in older people's care in Wales, including: an increase in the number of dementia nurses; dignity now being a 'tier one' priority in the NHS in Wales; the introduction of dignity 'spot checks' by Healthcare Inspectorate Wales; and the return of matrons to a number of wards. The NHS in Wales and Welsh government are taking the issue of dignity in care more seriously than ever before.

However, despite these achievements, the commissioner believes that there is still not sufficient evidence to show that there has been a significant enough improvement in the quality of care and patient experience for older people in hospital. As a result, the commissioner is continuing her programme of work around 'Dignified Care?' including reporting annually on the improvements made across Wales, with the option of undertaking further reviews of services if necessary.

## : 1 - Introduction

### *Rt Hon Paul Burstow MP*

*I believe that there is a case for establishing a commissioner for the rights of older people. Such a commissioner would lend an independent ear and a powerful voice to promoting the rights and interests of older people. Such a commissioner would work closely with many aspects of central and local government, looking at the impact of those services on the lives of older people. ....*

*An independent commissioner for older people would send a powerful signal that the dignity and rights of older people matter and will be upheld.<sup>1</sup>*

Rt Hon Paul Burstow MP, House of Commons  
May 2000

The UK is ageing, falling mortality rates and rising life expectancy are remaking our society. Yet this triumph is all too often portrayed as a catastrophe. The language is of 'demographic time bombs', older people as costly 'burdens' or 'hoarders' of underutilised homes. There are allegations that our health service cannot cope. Ageist attitudes are deep seated in our society and as our society ages before our eyes there is little sign of this changing of its own accord. Despite our age discrimination laws now being applied to the NHS, social care and other public services, I fear that we still have a long way to go to banish ageism.

In the foreword to this report, Esther Rantzen draws on her experience of lobbying ministers across Whitehall, all of whom claimed to be 'Minister for Children'. Everyone had responsibility so no one took responsibility. In the end the case for a Children's

---

<sup>1</sup> House of Commons Debate, 'Second reading of Care Standards Bill', 18 May 2000

Commissioner won through. Now Esther argues that the same fragmentation of responsibilities requires an Older People's Commissioner. I agree.

I first argued the case for appointing a commissioner for older people back in 2000. I urged the then Labour government to build the role into their plans for a new national regulator of care standards. Sadly the idea did not find favour with Labour ministers at the time.

Over the past decade the need for an independent ear and powerful voice promoting the rights and interests of older people has gathered growing support. The first commissioners have been appointed in Wales and Northern Ireland and they are proving their worth. They have successfully lobbied on the issues that really matter to older people, working with NHS institutions and care providers to promote the dignity and wellbeing of older people, and using their influence to demand change when persuasion and support fall short.<sup>2</sup> They are also working to advocate on behalf of vulnerable older individuals who need support to access information or make complaints. As the older population in Wales and Northern Ireland report, the office of the commissioners sends a powerful signal across government and society that older people and their rights matter – something that is not always obvious in England.

In 2008 the Labour government appointed Baroness Bakewell, as an 'independent and informed' champion for the elderly based in central government.<sup>3</sup> Although the position had no statutory underpinning, she was tasked with providing a voice for the elderly to ministers during policy development and acting as an advocate for older people. Baroness Bakewell stood down from this post in 2010 and now sits in the House of Lords. However she has used this vantage point to call for the UK government to appoint an independent representative of older people with real powers, convinced that such a position is required after her own experience.<sup>4</sup> In February 2012 she put forward an unsuccessful Lords amendment to the Health and Social Care Bill which

---

2 House of Lords, 'Commissioner for Older People (Wales) Bill', 25 May 2005

3 P Fentiman, 'Dame Joan appointed Champion of the elderly', The Independent, 9 November 2008, available from: [www.independent.co.uk/news/uk/politics/dame-joan-appointed-champion-of-the-elderly-1005276.html](http://www.independent.co.uk/news/uk/politics/dame-joan-appointed-champion-of-the-elderly-1005276.html)

4 J Bakewell, 'We need a commissioner for older people', The Guardian, 14 February 2012, available from: [www.guardian.co.uk/commentisfree/2012/feb/14/need-commissioner-for-older-people](http://www.guardian.co.uk/commentisfree/2012/feb/14/need-commissioner-for-older-people)

advocated the appointment of an Older People's Commissioner whose role would be 'to consult with and garner the opinions of older people, and to represent those opinions in all arenas of public discourse, including Parliament.'<sup>5</sup> Baroness Bakewell sets out her own experience as older people's champion in Chapter 3 and why that led her to conclude that a commissioner was needed.

A high profile campaign entitled 'Grey Pride' was launched in 2011 by Anchor, a not for profit operator of residential care homes. This campaign advocates the creation of a specific Minister for Older People who would sit in the Cabinet and ensure the needs and interests of older people are heard and that government is held to account for decisions on issues that have a significant impact on them, such as social care, pension reform, transport, housing and discrimination. The campaign achieved cross party political backing and 137,000 petition signatures. It also secured House of Commons debate on 28th June 2012, during which MPs voted in favour of a motion calling for a dedicated Minister for Older People. Even with a single minister, which I support, there is an urgent need for an independent voice for older people that can champion and challenge 'the powers that be' and where necessary has the legal teeth to bite. In Chapter 4, the current Older People's Commissioner for Wales, Sarah Rochira, spells out what her powers are and how they can make a difference.

I believe an independent voice for older people in England, with the power to drive change on their behalf, is long overdue. It would mark recognition by government that we have to change the debate and start valuing the contribution older people make. It would also be an important step towards acknowledging the urgency of the need to better prepare for ageing.

Some great individual reforms, like the Pension Bill or the Care Bill, are important. But they do not amount to a coherent strategy for age proofing the UK. As the Lord's Committee on Demographic Change recently highlighted, we are "woefully" unprepared. Creating an office of Older People's Commissioner for England should form an essential part of any serious strategy

---

5 House of Lords, 'Health and Social Care Bill: Sixth marshalled list of amendments to be moved on report', 1 February 2012, Clause 231A, available from: [www.publications.parliament.uk/pa/bills/lbill/2010-2012/0119/amend/ml119-vi.htm](http://www.publications.parliament.uk/pa/bills/lbill/2010-2012/0119/amend/ml119-vi.htm)

to age proof the UK. And, with the growing concern about the vulnerability of older people in a range of areas, we cannot wait any longer to establish this role.

With the Care Bill currently before Parliament, there is an opportunity to legislate for the establishment of an Older People's Commissioner for England. And I believe it is the responsibility of parties across the political spectrum to take up this mantle, support the amendment of the Care Bill, and make a clear commitment in their 2015 manifestos to seeing through the establishment of a this position – and guaranteeing the tools and resources it will need to drive through the culture change we so urgently need to see.

To make this a reality, I believe we will need to partner with the voluntary sector who have already done so much to highlight the challenges and prejudices faced by older people. The voluntary sector must position themselves at the heart of this call to action to ensure that all parties demonstrate a genuine commitment to delivering more for older people and more for an ageing society. Putting an Older People's Commissioner on every party's agenda is the acid test for this commitment, and will be the standard against which they will be judged.

## Older People's Commissioner for Wales

### Case Study 2: 'Mr Jones'

*Acting as a vocal advocate on issues affecting older people – with the powers to investigate complaints and effect change*

Mr Jones contacted the commissioner to raise his concern that his mother was being forced to move from her care home to a secure unit for people with dementia, despite not having been properly assessed for the condition. When Mr Jones contacted the commissioner, his mother had been issued with notice to leave her current home within four weeks.

While Mr Jones was happy for his mother to move to a new home, having been concerned about the level of care and support she had been receiving, he was very concerned about the local authority's suggestion that his mother move to a secure unit. He raised these concerns with the commissioner, particularly highlighting the threatened deprivation of her liberty as he felt strongly that she did have capacity and it was not her wish to move to a secure unit.

The commissioner provided advocacy support and advice to Mr Jones for several weeks to help to remedy the situation, however, it proved impossible for the agencies concerned to agree a way forward or to communicate effectively with Mr Jones and his mother.

At this point, with eviction only three days away, the commissioner formally advised the local authority and Health Board concerned that if an attempt was made to move Mr Jones' mother without a proper assessment, an injunction would be sought to prevent such a move going ahead. This intervention effectively halted the planned move and the commissioner was also able to provide support to assist Mr Jones to find a suitable care home for his mother, where she now lives happily.

## 2 - Examining the case for an Older People's Commissioner for England

*"We are united in the view that older people need a proper voice right at the heart and right at the top of government. We need to think very hard about how we deliver that."*

Steve Webb MP, Minister of State for Pensions  
28 June 2012

Older people are sometimes characterised as *never having had it so good*. This is in some senses true. Analysis by the Institute for Fiscal Studies shows that over 65s are the only group to have seen a rise in their real income since the financial crisis started in 2008. Those in their 20s by contrast have seen their median income fall by around 12 percentage points in the same period.<sup>6</sup> Moreover, today's pensioners have largely been spared the costs of deficit reduction, retaining benefits and tax breaks that are not available to people of working age, and a triple lock state pension guarantee. Coalition government policy has been to protect older people, wherever possible, from the pain of austerity.

But when we cut through the headline statistics, it becomes clear that life for untold numbers of older people is far from painless. In April 2012 BBC Panorama aired covertly recorded footage of an elderly woman with dementia being beaten by a member of staff at a care home that had been declared 'excellent' by the national regulator in England, the Care Quality Commission. While the programme brought the issue of the abuse of elderly care home residents to the attention of the public, it was the subsequent media coverage and debate which highlighted a much wider problem: it is not just the infirm or vulnerable

---

6 J Cribb et al, 'Living Standards, Poverty and Inequality in the UK: 2013', Institute for Fiscal Studies, 2013, available from [www.ifs.org.uk/comms/r81.pdf](http://www.ifs.org.uk/comms/r81.pdf)

elderly who feel they do not have a voice but older people in general.

### **What do we mean by 'older people'?**

The Welsh and North Irish Older People's Commissioners are responsible for acting in the interests of people aged 60 and over. The same could also apply in the case of an Older People's Commissioner for England, or alternatively the 'age threshold' could be increased along with the state retirement age. For the purposes of this report, we define 'older people' as individuals aged 60 or over - ie the current 'state pensioner' population.

With those aged 60 and over forming a growing proportion of the population, there are a number of significant, and often interdependent, challenges and opportunities which impact directly upon the lives of current and future generations of older people and which in some cases have yet to be addressed by policymakers. It is envisaged that an Older People's Commissioner would act as a voice and advocate for older people across the myriad of government departments, both national and local, and policy areas which deal with issues affecting older people. Crucially, an Older People's Commissioner would also have a vital role in supporting government to prepare and plan for England's rapidly changing demographics.

This chapter examines the case for the creation of an Older People's Commissioner for England. In doing so it considers issues currently faced by older people and how such a position could address these, review the challenges and opportunities presented by our ageing population, evaluate the popular support for an Older People's Commissioner, and draw on examples – both from the devolved nations of the UK and abroad – as to how such a position might function.

### **Issues currently facing older people in England**

Recently there has been discussion around the significant costs of long term care, abuse of elderly patients and residents in both hospital and care settings and retirement ages to meet the challenges of our ageing population. Despite this, Age UK have determined that these issues have not necessarily been central

to government decision making and that a large proportion of older people believe that their needs and rights go ignored by government and wider society. Polling by Age UK found that of older people in the UK:

- 52% agreed that those who plan services do not pay enough attention to the needs of older people;
- 60% agreed that age discrimination exists in the daily lives of older people;
- 76% believe the country fails to make good use of the skills and talents of older people.<sup>7</sup>

### Poverty

According to the Department for Work and Pensions (DWP) 1.7 million people aged 60 and over in the UK in 2010/11 were living below the poverty line, with incomes lower than £215 per week after housing costs for couples and £125 per week for single pensioners.<sup>8</sup> In terms of fuel poverty, estimates suggest there are around 4.5 million people aged 60 or over in England living without enough income to adequately heat their homes.<sup>9</sup> This is despite DWP data showing that £3.7-5.5 billion of means tested benefits allocated for older people (such as Housing Benefit and Council Tax Benefit) in 2010 went unclaimed, while between 32 and 38% of pensioners eligible for Pension Credit did not make a claim the same year.<sup>10</sup>

While the single tier pension can be expected to reduce the complexity of pension credits and state pensions for future pensioners, there is currently simply not enough information and advice readily available which can help older people navigate the complexities of multiagency pensioner benefits. In some cases it can be the sheer volume of information and advice which is itself confusing.<sup>11</sup>

---

7 Age UK, 'Later Life in the United Kingdom', 2013, available from: [www.ageuk.org.uk/Documents/EN-GB/Factsheets/Later\\_Life\\_UK\\_factsheet.pdf?dtrk=true](http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/Later_Life_UK_factsheet.pdf?dtrk=true)

8 Department for Work and Pensions, 'Households Below Average Income: An analysis of the income distribution 1994/95 – 2010/11', 2012, available from [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/200720/full\\_hbai12.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200720/full_hbai12.pdf)

9 'Later Life in the United Kingdom'

10 Department for Work and Pensions, 'Income Related Benefits: Estimates of Take-up in 2009/10', 2012, available from: [research.dwp.gov.uk/asd/income\\_analysis/feb2012/tkup\\_full\\_report\\_0910.pdf](http://research.dwp.gov.uk/asd/income_analysis/feb2012/tkup_full_report_0910.pdf)

11 Age Concern & Help the Aged, 'One Voice: Shaping our ageing society', 2009, available from: [www.ageuk.org.uk/documents/en-gb/for-professionals/research/one%20voice%20\(2009\)\\_pro.pdf?dtrk=true](http://www.ageuk.org.uk/documents/en-gb/for-professionals/research/one%20voice%20(2009)_pro.pdf?dtrk=true)

***An Older People's Commissioner could ensure that different parts of our public services work together more effectively and that the new duty to provide information and advice contained in the Care Bill is implemented across the country.***

### *Housing*

There is a strong connection between poor insulation and a lack of heating and deaths of older people from cold weather during the winter months.<sup>12</sup> This accounted for 21,700 excess winter death in England and Wales in 2011/12 – a disproportionate number of which would have been older people.<sup>13</sup> Moreover, if support, modifications or care is needed, unsuitable housing may also lead to older people feeling they must move into sheltered accommodation or residential care. Yet, staying put in the homes and communities in which they have built their lives can be the right choice for many older people, particularly if the correct kinds of modifications are made available by local authorities or private providers, and if community based care and support schemes are readily available.

Contemporary narratives about 'under-occupancy' among older households and its relationship to the current lack of availability for younger buyers within the housing stock are unhelpful when it comes to addressing these issues. The government defines under occupation as any household with more than one bedroom for every couple or every single adult (21 years or over). Much is made of the fact that currently 68% or 3.8 million of all older (here, 55 years and over) owner occupiers in England are under occupying, along with 19% or 300,000 of older people who are socially renting their property, compared to figures of 36% and 16% respectively for all other households ages.<sup>14</sup> This comparison is unfair because it presents the issue as simply a matter of older people being unwilling to leave houses which are ill equipped for their needs, thereby restricting the much needed choice within the housing market that younger people require. The real problem is that not enough houses are being built at a time when housing demand is significantly outstripping supply.

12 Marmot Review, 'Fair Society, Healthy Lives: A Strategic Review of Health Inequalities in England Post-2010', 2010, available from: [www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review](http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review)

13 'Later Life in the United Kingdom'

14 Joseph Rowntree Foundation, 'Findings – Older People's Housing: Choice, quality of life and under-occupation', 2012, available from: [www.jrf.org.uk/publications/older-peoples-housing-choice](http://www.jrf.org.uk/publications/older-peoples-housing-choice)

***An Older People's Commissioner would have the profile across government to work with ministers, planning authorities and developers to increase the supply of suitable housing for older people.***

### *Health and social care*

More than 65% of NHS patients are over 65 and there have been a number of recent reports highlighting that older people face prejudice on the grounds of age and lower standards of care and treatment than younger people.<sup>15</sup> For example, Macmillan Cancer Support published a report in 2012 showing that stereotypes and assumptions about older people meant that they were receiving a lower standard of NHS cancer care.<sup>16</sup>

While there have been improvements in the care and health services provided to older people over the past decade, the 2013 report of the House of Lords Select Committee on Public Service and Demographic Change, 'Ready for Ageing?', concluded that "England has an inappropriate model of health and social care to cope with a changing pattern of ill health from an ageing population".<sup>17</sup> In particular the report highlights the urgent need for policymakers to address the "interdependent nature of health and social care".<sup>18</sup> The current fragmented approach is regularly criticised for being confusing to older people and leading to a 'postcode lottery'.<sup>19</sup> It is clear that there is a need for a greater level of 'joined up thinking' across the many government departments, local authorities, private and voluntary sector organisations which deal with aspects of health and social care policy to ensure the delivery of care is better coordinated for older people.

---

15 Department for Health, 'A recipe for care - Not a Single ingredient', 2007, available from: [www.endoflifecare.nhs.uk/search-resources/resources-search/publications/imported-publications-a-recipe-for-care-not-a-single-ingredient.aspx](http://www.endoflifecare.nhs.uk/search-resources/resources-search/publications/imported-publications-a-recipe-for-care-not-a-single-ingredient.aspx) and

16 Macmillan Cancer Support, 'Cancer Services Coming of Age: Learning from the Improving Cancer Treatment Assessment and Support for Older People', 2012, available from: [www.macmillan.org.uk/Documents/AboutUs/Health\\_professionals/OlderPeoplesProject/CancerServicesComingofAge.pdf](http://www.macmillan.org.uk/Documents/AboutUs/Health_professionals/OlderPeoplesProject/CancerServicesComingofAge.pdf)

17 House of Lords, 'Select Committee on Public Service and Demographic Change Report of Session 2012-13, Ready for Ageing?' 2013, available from: [www.parliament.uk/business/committees/committees-a-z/lords-select/public-services-committee/report-ready-for-ageing/](http://www.parliament.uk/business/committees/committees-a-z/lords-select/public-services-committee/report-ready-for-ageing/)

18 *ibid*

19 [www.telegraph.co.uk/news/10047708/New-laws-to-stop-postcode-lottery-for-pensioners-needing-care.html](http://www.telegraph.co.uk/news/10047708/New-laws-to-stop-postcode-lottery-for-pensioners-needing-care.html)

***An Older People’s Commissioner would be ideally placed to conduct research into older people’s experience of care, bring agencies together to share and spread good practice, and have the authority to effect changes where necessary.***

### *Abuse, neglect and discrimination*

It is estimated that, in private households and care homes, up to half a million older people are abused every year in the UK.<sup>20</sup> Intentional or unintentional neglect from families, carers or health professionals can also result in older people suffering distress or ill health. These issues have only come to the widespread attention of the public as abuse scandals, such as Ash Court in North London, have been exposed. In 2011 the Equality and Human Rights Commission (EHRC) published a report into the standards of care received at home from private companies commissioned by local authorities, concluding that quarter a million of old people received ‘poor’ or ‘very poor’ levels of care.<sup>21</sup> Age UK research has found that older people are as vulnerable to mistreatment, abuse and neglect as some children but they often feel that this goes ignored by government.<sup>22</sup>

***There is a need for government to ensure proper safeguarding for older people. A commissioner could provide oversight of existing regulatory and safeguarding bodies and could challenge agencies and government where there are failings or gaps in the system.***

### *Transport*

When the time comes when an older person is no longer fit to drive, having access to public transport becomes vitally important. 40% of people aged 60 and over use a local bus service once a week.<sup>23</sup> But for those living in rural households, only 57% are within 13 minutes of an hourly or more regular bus route.<sup>24</sup> A survey conducted by Age UK found that of people

<sup>20</sup> ‘Later Life in the United Kingdom’

<sup>21</sup> EHRC, ‘Close to home: An inquiry into older people and human rights in home care’, 2011, available from: [www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-home-care-of-older-people/close-to-home-report/](http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-home-care-of-older-people/close-to-home-report/)

<sup>22</sup> ‘Later Life in the United Kingdom’

<sup>23</sup> *ibid*

<sup>24</sup> *ibid*

aged 65 and over in the UK 25% find it difficult to attend their local hospital.<sup>25</sup> Good mobility and access to transport links enable older people to lead active and healthy lives.

***An Older People's Commissioner could play a role in ensuring that older people's transport needs are properly considered.***

### *Preconceptions of older people*

The role of a commissioner should include highlighting the contribution older people make as active citizens and members of the community. For example, older people in England contribute a vast amount to society as grandparents, volunteers, and carers.<sup>26</sup> Nearly 4.9 million people aged 65 or over in England, or well over half (58%), take part in volunteering or community engagement.<sup>27</sup> Without support from older people it is probable that many services and resources which are commonplace throughout communities in England, such as charity shops, church groups, sports clubs and other societies would be curtailed. In terms of providing care and support it has been estimated that those aged 60 and over are providing up to £4 billion of unpaid voluntary care and up to £34 billion in unpaid social care a year.<sup>28</sup>

***An Older People's Commissioner could champion the social, economic and cultural contributions of older people and help promote their contributions across communities and government.***

## **The changing demographics of England – challenges and opportunities**

### *An ageing society*

The 2011 Census revealed that in England and Wales the percentage of the population aged 65 and over was the highest

25 Age UK, 'Agenda for Later Life survey', 2013

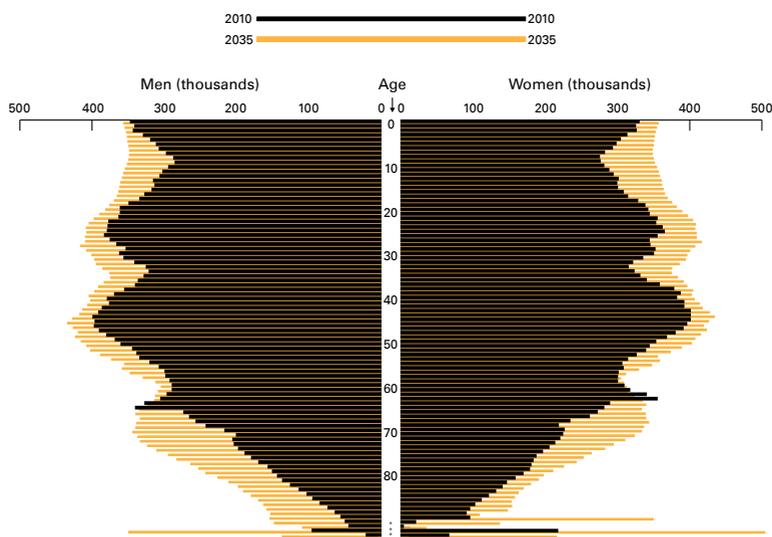
26 See eg WRVS, 'Gold Age Pensioners: Valuing the Socio-Economic Contribution of Older People in the UK', 2011 and Department for Culture Media and Sport, 'Taking Part Survey 2011/12, 2012

27 Department for Communities and Local Government, 'Cohesion Research 2008-2009: Citizenship Survey', 2010, available from: [webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/publications/corporate/statistics/citizenshipsurvey200809cohesion](http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/publications/corporate/statistics/citizenshipsurvey200809cohesion)

28 'Gold Age Pensioners: Valuing the Socio-Economic Contribution of Older People in the UK'

since records began.<sup>29</sup> Figures show that almost one in five people currently in the UK will live to 100.<sup>30</sup> These numbers are only expected to increase over the coming decades. The ONS projects that the number of people aged 60 and over in the UK will increase from just over 14 million in 2010 to over 20.8 million by 2035 (see Figure 1). In England alone further ONS projections show that by the mid 2030s there will be 51% more people aged 65 and over, and 101% more people aged 85 and over compared to 2010.<sup>31</sup>

**Figure 1: Estimated and projected age structure of the English population, 2010 and 2035**



Source: Office for National Statistics, 2011<sup>32</sup>

\* ONS has grouped together people aged 90-94, 95-100 and over 100.

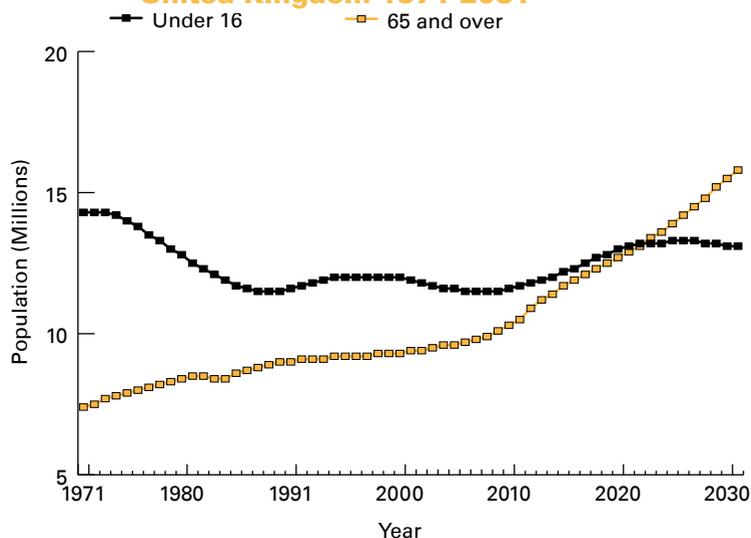
29 ONS, '2011 Census - Population and Household Estimates for England and Wales', 2011, available from: [www.agediscrimination.info/SiteCollectionDocuments/2011%20census%20-%20population%20and%20household%20estimates%20for%20england%20and%20wales%20march%202011.pdf](http://www.agediscrimination.info/SiteCollectionDocuments/2011%20census%20-%20population%20and%20household%20estimates%20for%20england%20and%20wales%20march%202011.pdf)

30 Age UK, 'Minister for Older People - House of Commons Debate Briefing', 2012, available from: [centrallobby.politicshome.com/fileadmin/epoliticx/Minister\\_Older\\_People\\_Debate.pdf](http://centrallobby.politicshome.com/fileadmin/epoliticx/Minister_Older_People_Debate.pdf)

31 'Ready for Ageing?', p 1

32 National Population Projections, 2010-Based Projections, Office for National Statistics, October 2011

**Figure 2: Population aged under 16 and 65 and over, United Kingdom 1971-2031**



Source: Office for National Statistics, 2012<sup>33</sup>

It is instructive to note the assessment of the case for the creation of the independent Older People's Commissioner for Northern Ireland which highlighted the implications of the demographic shift currently observable within the populations of the UK.<sup>34</sup> This research indicated the following potential areas that could be affected by an ageing society:

- economic growth
- labour markets
- pensions
- intergenerational wealth transfer
- extent, quality and availability of health and social care
- family make up
- carers
- volunteering
- accommodation requirements

33 ONS, 'Measuring National Well-being, Social Trends 42 – Population', 2012, p 9

34 See [www.niassembly.gov.uk/researchandlibrary/2010/9310.pdf](http://www.niassembly.gov.uk/researchandlibrary/2010/9310.pdf)

The current government has set about addressing several of these areas, including legislation for a more affordable 'single-tier' state pension, and the announcement of a cap on lifetime care costs. Despite policy action from both the current and previous governments, the Lords Select Committee on Public Service and Demographic Change, in its report 'Ready for Ageing?', reached the conclusion that we are "woefully unprepared for ageing" as a nation.<sup>35</sup> It identifies a number of areas crossing individuals, employers and public services and the economy, that could be adversely impacted by an ageing population and which require urgent policy action and political will if future crises are to be avoided.

With older people making up a significantly higher proportion of the population over coming decades, the pressure placed upon public services, particularly health and social care, will increase and current funding models for these services will become unsustainable. An ageing society will lead to a greater number of people living with long term health conditions such as diabetes, arthritis, heart disease and dementia. It will create significant extra medical costs, and, as the Lords Select Committee reported, is likely to require a fundamentally different model of care and funding of care to support people in their own homes and communities.<sup>36</sup> The government needs to set out a new framework for health and social care services so the effects of ageing society can be better managed.<sup>37</sup> It will also need to address the accompanying, but by no means unwelcome, need for older people to work longer and wait longer before drawing retirement benefits such as the state pension. The predicted shift in the 'dependency ratio' in Britain can be altered in part through positive changes to age discrimination legislation and the way employers treat older workers.<sup>38</sup>

These challenges are significant but not insurmountable. The ONS has revealed that the UK population is ageing more slowly than in other EEA countries. This means UK policymakers have more time than their European counterparts to assess and plan for the challenges ahead and ensure the many opportunities presented by an ageing population, both economic and social, are taken.

---

35 'Ready for Ageing?'

36 NESTA, 'Preparing for Ageing - Research Summary', 2009

37 'Ready for Ageing?', p 17

38 Age UK, 2012, Agenda for Later Life 2012: Policy priorities for active ageing

## An Older People's Commissioner for England

*"We don't appear to have an older people's commissioner in England, because, despite the rhetoric, there does not appear to be the political will to appoint one."*

Kath Parson, Chief Executive  
Older People's Advocacy Alliance (OPAAL UK), 2012<sup>39</sup>

An Older People's Commissioner for England with effective statutory powers would help the government address many of the challenges and opportunities that an ageing society presents. Currently, ministerial responsibility for issues affecting older people is diffuse and this can lead to coordination problems. An Older People's Commissioner for England would catalyse a more joined up approach to policy. In deciding how this post is best constructed there are a number of different models to examine and learn from. The legislative and regulatory framework governing the Children's Commissioner for England, for example, may provide a potential blueprint for an Older People's Commissioner.<sup>40</sup>

The role of the office of Children's Commissioner is to "promote the views of children and young people from birth to 18 (up to 21 for young people in care or with learning difficulties)".<sup>41</sup> Its responsibilities, as set out in the Children Act 2004, are to champion the views and interests of children across government and wider society, and to support effective complaints procedures in regard to matters relating to children. In parallel to the context around the Older People's Commissioner, the Children's Commissioner was introduced at a time when young people fell under the remit of several government departments and ministers – including health, education and justice – and despite the existence of a dedicated children's minister.

The Children's Commissioner has a statutory duty underpinned by United Nations principles (the UN Convention on the Rights of the Child) that guides any work undertaken.<sup>42</sup> In 1991, the General Assembly adopted the UN Principles for Older

---

39 K Parsons, 'Panorama documentary highlights why elderly people in care need a voice', The Guardian, 24 April 2012, available from: [www.guardian.co.uk/social-care-network/2012/apr/24/panorama-documentary-elderly-people-care](http://www.guardian.co.uk/social-care-network/2012/apr/24/panorama-documentary-elderly-people-care)

40 ONS, 'Neighbourhood Statistics Age Structure (KS102EW)', 2011

41 See [www.childrenscommissioner.gov.uk/info/about\\_us](http://www.childrenscommissioner.gov.uk/info/about_us)

42 See [www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention/](http://www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention/)

Persons, which declared 18 global entitlements for older people, around independence, participation, care, self fulfillment and dignity within societies.<sup>43</sup> It also published an 'International Plan of Action on Ageing' in 2002 calling for 'changes in attitudes, policies and practices at all levels to fulfill the enormous potential of ageing in the 21<sup>st</sup> century'. Its specific recommendations for action give priority to 'older persons and development, advancing health and well being into old age, and ensuring enabling and supportive environments for older people'.<sup>44</sup> Despite these UN declarations there is currently no official or department in England with a legal obligation to follow them when developing and delivering policies for older people.

### The Welsh example

A public consultation in Wales showed that there was overwhelming support from individuals, organisations and departments for an Older People's Commissioner. The consultation and research highlighted that older people in Wales suffered many of the same problems as older people in England, including poor housing, poverty, lack of employment and inadequate transport services, as well as a dissatisfaction with both health and welfare provision. Furthermore, research demonstrated that, as in England, older people felt stigmatised and discriminated against on the grounds of age, with a lack of respect shown to them, and an imbalance in power and influence to their detriment.<sup>45</sup>

An advisory group on the creation of a commissioner concluded that: "An appropriate aim for the new post of commissioner in the exercise of his or her functions would be: "to promote and safeguard the rights and dignity of older people in Wales and to challenge discrimination against older people".<sup>46</sup> There was strong support for the using the Children's Commissioner for Wales as the blueprint for the older people's equivalent among current advocacy groups. The Commissioner for Older People (Wales) Act was passed in 2006, which allowed the Welsh Assembly to appoint the first Older People's Commissioner in

---

43 See [www.un.org/documents/ga/res/46/a46r091.htm](http://www.un.org/documents/ga/res/46/a46r091.htm)

44 See [social.un.org/index/Portals/0/ageing/documents/Fulltext-E.pdf](http://social.un.org/index/Portals/0/ageing/documents/Fulltext-E.pdf)

45 Welsh Assembly, 'When I'm 6...and more report', 2002, available from: [wales.gov.uk/topics/olderpeople/publications/whenim64/?lang=en](http://wales.gov.uk/topics/olderpeople/publications/whenim64/?lang=en)

46 See [wales.gov.uk/consultations/olderpeople/956644/?status=closed&lang=en](http://wales.gov.uk/consultations/olderpeople/956644/?status=closed&lang=en)

2008. This was not only a first for Wales but also the first such appointment in the world. The current commissioner, Sarah Rochira, took up post in June 2012 for a period of four years.

The 2006 act sets out the role of the commissioner and how it would improve the lives of older people in Wales. It established the functions of the Older People's Commissioner to:

- promote awareness of the interests of older people in Wales and of the need to safeguard those interests;
- promote the provision of opportunities for, and the elimination of discrimination against, older people in Wales;
- encourage best practice in the treatment of older people in Wales; and to,
- keep under review the adequacy and effectiveness of law affecting the interests of older people in Wales.<sup>47</sup>

In addition, the commissioner may make representations to the Welsh ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly about any matter relating to the interests of older people in Wales. There is a statutory duty placed upon the commissioner to report annually to the First Minister on how they have carried out their responsibilities, and the powers of the office are further enhanced by making it an offence to obstruct the Commission's work or fail to comply with a requirement to provide information.<sup>48</sup> So important is the advocacy aspect of the role that the act also confers on the commissioner the power to enter any premises, other than a private dwelling, for the purpose of interviewing an older person accommodated or cared for there.

In terms of funding, for the financial year 2011-12, the commissioner received just over £1.7 million, a slight reduction from the 2010-11 figure of £ 1.8 million in 2010-2011. According to an independent evaluation of the Older People's Commissioner for Wales, covering 2008-2012, the cost effectiveness of this body is clear, with the 'commissioner having met many of the high expectations placed upon it through their increased ability and authority to influence positive change for older people in

---

47 See [www.olderpeoplewales.com/en/about/Our-role.aspx](http://www.olderpeoplewales.com/en/about/Our-role.aspx)

48 See 'Section 11: Commissioner for Older People (Wales) Act', 2006

## Wales'.<sup>49</sup>

One example of the impact the commissioner has had includes a review of the treatment of older people in hospitals in Wales. This has led to the development of explicit action plans in every Health Board to deliver improvements; the introduction of unannounced 'dignity spot checks' in hospitals by Healthcare Inspectorate Wales; more matrons on wards; dignity and respect a key priority for the NHS; and the improvement of dementia services. The commissioner has also taken on a range of other issues that older people have flagged as being particularly important to them which may otherwise have been neglected. For example, action was taken on proposed cuts to community transport projects across Wales which could have left older people – particularly those living in rural and remote areas of Wales – without any means of transportation. After the commissioner met with Welsh government ministers to present evidence, the Welsh government ordered a thorough evaluation of each of the services under threat.

Similarly, the commissioner has recently undertaken work to address information inequalities. Having commissioned a review of information services across Wales, the commissioner met with public bodies across Wales to identify best practice and areas for improvement and is continuing to work with other bodies to encourage an outcome based approach to the provision of basic advice and information. Such changes can be transformative in supporting older people to maintain their independence and wellbeing.

### **The Northern Irish example**

Inspired by the Welsh example, the Office of the First Minister and Deputy First Minister of Northern Ireland commissioned a review and feasibility study of the case for introducing an Older People's Commissioner, including a cost benefit analysis based on data from the Welsh model. The review highlighted the increasingly large proportion of older people in Northern Ireland, the lack of a single advocate for older people, and presented the case for an organisation with a remit to influence policy making and service delivery to ensure that the needs and concerns of older people are addressed. This in turn led the

---

49 See [http://www.aradconsulting.com/downloads/Final\\_report\\_Issued\\_15052012.pdf](http://www.aradconsulting.com/downloads/Final_report_Issued_15052012.pdf)

Northern Ireland Assembly to enact the Commissioner for Older People Act (Northern Ireland) 2011. The first commissioner was appointed towards the end of that year. The duties of the Older People's Commissioner for Northern Ireland set out in the 2011 act are to:

- promote awareness of the interests of older people in Northern Ireland;
- keep under review the adequacy and effectiveness of the law as it affects the interests of older people;
- keep under review the adequacy and effectiveness of services provided to older people by relevant authorities;
- promote the provision of opportunities for and the elimination of discrimination against older people;
- encourage best practice in the treatment of older people;
- promote positive attitudes towards older people and to encourage older people to participate in public life;
- advise the Northern Ireland Assembly, the secretary of state and relevant authority on matters concerning the interests of older people; and
- take reasonable steps to communicate with older people.

The inclusion of a duty to 'promote positive attitudes towards older people and to encourage older people to participate in public life' is a particularly useful addition for the consideration of any duties being assigned to an Older People's Commissioner for England given the issues which have been examined in this piece. In terms of powers, the Northern Ireland commissioner has similar abilities as that for Wales to:

- make arrangements for research or educational activities concerning the interests of older people;
- issue guidance on best practice in relation to any matter concerning the interests of older people;
- conduct investigations for the purpose of their function;
- compile and publish information concerning the interests of older people;
- provide advice or information on any matter concerning the interest of older people.<sup>50</sup>

---

50 See [www.legislation.gov.uk/nia/2011/1/pdfs/nia\\_20110001\\_en.pdf](http://www.legislation.gov.uk/nia/2011/1/pdfs/nia_20110001_en.pdf)

The Older People's Commissioner for Northern Ireland, Claire Keatinge, has recently published a corporate plan 2013-15 highlighting key areas for action including: promoting positive attitudes towards older people; reviewing the law and policy in relation to older people – including on entitlements to social care and protection from abuse, promoting opportunities for, and eliminating discrimination against, older people and encouraging best practice in treatment of older people, including as victims of crime. There is clearly much to be learnt from the Welsh and Northern Irish models.

Building on these models, we determine the role for an Older People's Commissioner for England could be to:

- promote the social, economic and cultural contribution of older people across society and challenge negative perceptions and discrimination
- establish a distinct function independent from government departments to address and influence overlapping issues affecting older people
- spearhead and champion the future proofing of all English policy development across government
- act as a vocal advocate on issues affecting older people – with the powers to investigate complaints and effect change
- champion the take up across government and civil society of the UN Principles for Older Persons and the recommendations of the UN's International Plan of Action on Ageing, ensuring that they become the quality mark for treatment of older people whilst underpinning any work carried out by an Older People's Commissioner
- provide oversight and enforcement to complement the powers of existing regulatory, safeguarding and scrutiny bodies
- promote positive images of ageing and older people and challenge negative stereotypes.

### **Indicative budget for an Older People's Commissioner for England**

The annual budget for an Older People's Commissioner for England will depend on the Commission's remit and responsibilities. As a point of reference, we have the Children's Commissioner for England whose annual budget for 2012/13 was £2.2 million. We also have the existing Older People's Commissioner for Wales whose expenditure for the financial year ending March 2012 was £1.9 million. This covered staff costs and other operating expenses. We estimate that demographic and geographic differences would be likely to add costs in England as compared with Wales and consider that any differences in remit may also have cost implications. The government should commission a full cost benefit analysis of establishing the post.

### **Older People's Commissioner for Wales**

#### **Case Study 3: Influencing legislation**

*Establishing a distinct function independent from government departments to address and influence overlapping issues affecting older people/future proofing policy development across government*

In 2012 the commissioner published her 'Voice, Choice and Control' report. This highlighted the need to ensure that all older people – especially those who may be in situations of vulnerability – are empowered to voice their opinions and preferences, and are listened to. In particular, the report made the case for improved independent advocacy support to older people and a better overall awareness across health and social care of the value and impact of advocacy.

The report coincided with the passage of the Social Services and Wellbeing (Wales) Bill focusing on social care reform, as a result of the report's impact, the Welsh government tabled an amendment to the Bill to promote and increase access to independent advocacy.

The Welsh government also asked the commissioner to establish and chair an expert group to develop a business case for advocacy provision across Wales. This will then inform the implementation of legislation's advocacy provision and help make a reality its commitment to give voice and control back to citizens and safeguard those who are vulnerable.

### **: 3 - Why the case for a commissioner grows ever more pressing**

#### *Baroness Bakewell DBE*

The case for creating the role of Older People's Commissioner grows ever more pressing. In light of the Care Quality Commissioner crisis it is clear that institutions set up to keep a check on each other don't always work. There may well be something endemic in their nature that instils traditional patterns of institutional behaviour. And the priority of such behaviour all too easily involves acting primarily in the interests of the institution itself, keeping criticism at bay and making all efforts to present oneself as functioning according to the given remit. The need to perpetuate funding and keep up a good public profile may take precedence over total and thorough commitment to the task in hand. It needs a different perspective.

I believe that this perspective can be given by a commissioner for older people: an individual, widely known by name and accessible to the public who with a modest staff and budget acts entirely on behalf of older people. Such an individual would be perceived as owing allegiance to the old, not to any national or government body. They would be entirely independent and given free access to government ministries health and social care institutions and national data. But their prime relationship would be with older people themselves.

This idea is not dreamt up out of the blue. It springs from my personal experience when from 2009/10 I acted as The Voice of Older People for the Labour government. Harriet Harman was working to promote the Equality Bill in which she wanted to include 'ageism' as an issue around equality. This was an idea that needed some wind behind it so she recruited me on

an informal basis (no pay, no hours) to raise the profile of older people and their concerns in as many ways as I could.

Once the announcement was made and the press designated me the Old Persons' "Czar" – a word never used in any government department or document – the deluge descended. I could never have imagined how much older people needed someone to talk to, to hear their complaints, to seek help with their problems – health, housing, social care, pensions. The list seemed endless: they wanted to stop the closing of public toilets; they sought full access to pension increases when they were domiciled abroad; they needed help making complaints about poor services and asked me for suggestions about how to stave off loneliness and depression. The whole panoply of what it means to age in our society was spread out before me. And, of course, I couldn't meet their needs. I could write sympathetic letters, I could refer them on to organisations such as the Citizens Advice, Age UK and local services. But I felt totally inadequate to answer what is clearly a desperate public need.

I heard that things were different in Wales. They had in 2008 appointed the world's first official Older People's Commissioner – Ruth Marks, Ruth had been given an office, a budget and a full time job (since passed on to her successor Sarah Rochira). We met and talked. It seemed from what I learned that this would be an important move up the scale from where I was operating. It still does. I did in fact propose the creation of such a post in England, based on that of Children's Commissioner created in 2004, in a Lords amendment to the recent Health Bill. In fact Earl Howe, the government Health Minister in the House of Lords indicated he had some sympathy with the idea. But there would be difficulties. These focused on the need to have the agreement of all government departments to come on board with such a project. I strongly believe the time has now come to tackle those difficulties and to give this suggestion serious consideration once again.

## Older People's Commissioner for Wales

### Case Study 4: 'Mrs Pearce'

*Acting as a vocal advocate on issues affecting older people – with the powers to investigate complaints and effect change*

The commissioner was contacted by Mrs Pearce who was very concerned that she had been overcharged for the community alarm service that she relied on as a vital tool to maintain her independence.

Following an investigation the commissioner found that the local authority had failed to correctly inform residents about a recent change in eligibility for the community alarm service which should have waived the cost for Mrs Pearce, and was able to secure a refund for her.

The commissioner was concerned that other older people could also have been affected by the same error and required the local authority to undertake a full investigation. As a result, reimbursements totalling £93,557 have subsequently been paid to 127 other individuals.

To minimise the risk that similar mistakes were happening elsewhere, the commissioner raised this matter with the network for the grant administrators, so that knowledge of this issue was shared with representatives of all local authorities in Wales.

## **4 - The role and powers of the Older People's Commissioner for Wales**

*Sarah Rochira*

*Older People's Commissioner for Wales*

As the Older People's Commissioner for Wales I am an independent voice and champion for older people in Wales, standing up and speaking out on their behalf and working to drive change to make real improvements to their lives.

The role of Older People's Commissioner was established following calls and campaigning from a wide range of groups and individuals representing older people and, more importantly, older people themselves. Subsequent consideration and consultation around how a role of this kind might work in practice led to the development of legislation to establish the role of commissioner, which would be underpinned with unique statutory powers. The Commissioner for Older People (Wales) Act received Royal Assent in 2006, paving the way for the world's first Older People's Commissioner to be appointed in 2008.

At the heart of my role as commissioner are four key statutory duties:

- Promote the awareness of the rights and interests of older people;
- Challenge discrimination against older people;
- Encourage best practice in the treatment of older people;
- Review the law affecting the interests of older people.

Establishing the role of commissioner marked a significant step forward, recognising that older people's voices often went unheard, that many of the challenges and issues faced by older

people are unique to this demographic and that traditional mainstreaming approaches were not effectively addressing such issues or delivering the changes needed to meet the needs of an ageing population.

A significant amount of my time is spent travelling the length and breadth of Wales, meeting and speaking with older people, either directly or through forums and focus groups, not only to ensure that they know that I am their champion and that they understand my role and the ways in which I can help them, but also to ensure that their voices are at the heart of everything I do and drive my work as commissioner.

Ensuring that the role of commissioner was independent of government was also both significant and apposite: the commissioner's priorities would be driven by the voices of older people, driven by evidence and research, and not influenced by party-political policy. This is vital so that the commissioner can hold public servants to account effectively at all levels, driving change both nationally and locally.

This independence allows me to work in partnership with a wide range of public services and public bodies to share good practice and grow knowledge and thinking about the issues faced by older people, vital to support the development of policies that reflect their needs.

One of the most important aspects of my role are the statutory powers provided to me as commissioner which allow me to undertake formal reviews of the way in which the interests of older people are safeguarded, protected and promoted when public bodies discharge their functions, including those who are discharging functions on behalf of public bodies.

While undertaking a formal review, I have the legal authority to enter premises (other than private homes) to interview older people with their consent. This has allowed unprecedented access to older people in vulnerable situations since the role was established, particularly important with regard to care homes, where gaining access has traditionally been very difficult for other agencies.

Where a report and/or recommendations are issued, I can request a response from those subject to the review, detailing

what action they will take to address issues or concerns identified. Responses must be provided within a pre-defined legal timescale and can be rejected if they do not reassure me that required change will be delivered.

Where a review includes advocacy, whistle blowing or complaints arrangements, my statutory powers are even stronger: bodies may be required to provide information needed to carry out the reviews and, subsequently, information outlining how they will comply with recommendations (or an explanation of why they feel the recommendations are not applicable). If a body fails to provide this information, they may be referred to the High Court to be treated as contempt of court.

I also have the power to issue formal guidance to public bodies in connection with any matter relating to the interests of older people in Wales. Public bodies and those providing regulated services must pay due regard to the guidance once it is issued.

If a specific case involving an older person relates to a matter that has implications for a wider group of older people, I have the power to undertake an examination. Once terms of reference for an examination have been established, I have the ability to summon witnesses and question under oath before publishing a report and, if appropriate, a series of recommendations. Again, should an individual or body refuse to supply the information required, they may be referred to the High Court.

I am also able to provide assistance, including financial assistance or representation, to an older person in making a complaint about a public body. Where a case is of wider interest to older people, I am able to provide assistance in legal proceedings, but may not review or examine a matter that is currently under judgement or where a decision has been made by a court of law or tribunal.

We are all living longer, healthier lives, which is something to be celebrated, but there are still too many examples of older people being failed by the vital services they rely on, both at an individual and systemic level. Age discrimination and negative stereotypes of older people are also far too prevalent in today's society and must be challenged and addressed.

Older people I have met and spoken with across Wales have strongly welcomed the creation of the role of Older People's Commissioner, someone independent who can stand up and speak out on their behalf when necessary, someone with effective statutory powers who can ensure that policy and legislation meets their needs and, perhaps most importantly, someone who can make a real difference to their lives.

## **5 - Conclusions and recommendations**

The Care Bill currently working its way through Parliament should be amended to include provision for the creation of an independent Older People's Commissioner to represent and protect the interests of older people in England.

The UK government should draw on the experience of the Welsh and Northern Ireland governments in establishing the commissioner's roles and responsibilities. Using the Welsh model as a guide, the government should oversee a cost-benefit analysis of establishing such a post which takes into consideration the different options that could be taken.

We recommend that an Office of an Older People's Commissioner should

- promote the social, economic and cultural contribution of older people across society and challenge negative perceptions and discrimination
- establish a distinct function independent from government departments to address and influence overlapping issues affecting older people
- spearhead and champion the future proofing of all English policy development across government
- act as a vocal advocate on issues affecting older people – with the powers to investigate complaints and effect change
- champion the take up across government and civil society of the UN Principles for Older Persons and the recommendations of the UN's International Plan of Action on Ageing, ensuring that they become the quality mark for treatment of older people whilst underpinning any work carried out by an Older People's Commissioner

- provide oversight and enforcement to complement the powers of existing regulatory, safeguarding and scrutiny bodies
- promote positive images of ageing and older people and challenge negative stereotypes