



The statutory guidance required to implement the duty of quality and the replacement of the health and care standards (2015)

January 2023

Introduction

The Older People's Commissioner for Wales welcomes the opportunity to respond to the Welsh Government's consultation on the Statutory Guidance required to implement the duty of quality and the replacement of the health and care standards (2015).

The Commissioner supports the Welsh Government's intention to achieve a system-wide approach to quality in the health service to secure improvement in quality and outcomes for the people of Wales.

The Commissioner welcomes the wider remit of the six domains of quality and the five quality enablers in the context of the duty of quality as a whole and their relevance in all clinical and non-clinical services and settings. The Commissioner notes the Welsh Government's intention to publish less detailed Statutory Guidance than before.

However, the Commissioner would like to draw attention to some aspects of older people's experience of health services which are particularly relevant, on some of which she has produced her own reports and guidance. The intention is to be helpful to the Welsh Government and Health Boards in developing their approaches to quality and in producing their annual reports.

Ageism and age discrimination

A growing body of research indicates that ageism has a wide range of negative impacts, affecting people's physical and mental health, memory function, recovery from illness, levels of social exclusion and even life expectancy.

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The Royal Society for Public Health's report, *That Age-Old Question: how attitudes to ageing affect our health and wellbeing*,¹ called for healthcare professionals to be trained on the effects of ageism in clinical and care settings. The Royal College of Psychiatrists' report, *Suffering in Silence*,² highlights discrimination, infringement of human rights, unmet need and neglect of older people in mental health services in the UK and provides examples of what constitutes age discrimination within a service. These may be summarised as:

Direct discrimination

- Preconceptions, for example depression is an inevitable consequence of ageing
- Requirement to transfer services at a certain age, resulting in disadvantage and loss of relationships
- Inequitable distribution of resources, including through perceptions, for example that diverting more resources to younger people is more cost-effective; over-emphasis on Quality-Adjusted Life Years (QALYs); long-term underfunding and falling investment
- Denial of access to younger people's services that could meet older people's needs, e.g.: crisis resolution; home treatment; talking therapies, due to preconceptions that: older people are unsuited to the service; physical and social issues should take priority.

Indirect discrimination

- Failure to recognise changing need
- People of all ages receiving the same services regardless of specific needs.

Tackling ageism and age discrimination is therefore essential to support older people's health and well-being, and their access to and experience of health care. The Commissioner recommends that the Welsh Government and Health Boards refer to her publications [Taking Action Against Ageism](#)³ and [How to Avoid Ageism in Communications: practical tips for professionals](#)⁴ as resources for implementing policy and practice on quality.

Data

Older people are often under-represented in many data sources, which causes difficulties when trying to identify the issues and barriers that affect their experience of service quality and contributes to ageism and age discrimination.

It is crucial that the diversity of older people is reflected in policy and practice, in particular, those who have faced life-long discrimination and inequalities, which includes LGBTQ+, Black Asian and Minority Ethnic, disabled and socio-economic disadvantaged older people. Reflecting the diversity of all older people and older people's needs, especially where

discrimination and inequality has been experienced across a lifetime, is essential and policy and practice must not treat older people as a homogenous group.

It is also essential that data collection about health service quality enables the Welsh Government and Health Boards to publish Wales-specific, disaggregated data on older people, categorised by age band as well as by other categories of diversity.

Non-digital access to information and services

The increasing use of digital technology accelerated during the Covid-19 pandemic, with more information being made available online and remote consultations now being delivered by the NHS throughout Wales. Whilst these appointments will be suitable for many people, 33% of people over 75 and 13% of people aged 65-74 do not use the internet.⁵ Even where people have online access, they may not be confident internet users. It is therefore important to recognise the risk of excluding those who do not want to, or are unable to, access information and services in this way.

The Commissioner issued [Ensuring access to information and services in a digital age: Guidance for Local Authorities and Health Boards](#) in November 2021.⁶ The guidance, issued under the Commissioner's legal powers, set out the kinds of action health boards should be taking so that people who can't (or don't wish to) get online have ways to access the information and services they need via non-digital means, and to support older people to get online. The Commissioner recommends that the Welsh Government and Health Boards take account of her guidance on access to information and services when developing policy and practice on health service quality.

Transport

The Commissioner's report, [Accessing Health Services in Wales: Transport Issues and Barriers](#) sets out the findings of research into older people's experiences of accessing health services in Wales and the difficulties they often face due to issues relating to transport.⁷

The findings highlight the significant barriers and challenges older people may face when travelling to health services, often as a result of the limited transport options available, and issues relating to quality, accessibility and reliability.

The issues identified within the report, particularly those related to planning and engagement with older people, have wider resonance given the significant amount of service change currently underway.

It is crucial that the issues that older people may face when using transport services are properly understood, and that older people's voices are heard as changes are being considered to prevent the creation of barriers to access to services.

Visiting in hospital

Older people in hospital benefit greatly from face-to-face contact with loved ones and friends, and visits play a crucial role in their health and well-being, and their quality of life, particularly for those who are most vulnerable.

It is also important to remember that 'visiting' often involves far more than just social interactions: many relatives and friends provide additional support to older people in hospital, such as spending time with them to help them to eat and drink sufficiently, or helping a loved one to communicate their wishes, supplementing the care available from staff. The knowledge and expertise of families has also been shown to play a crucial role in facilitating person-centred care in busy hospital settings,⁸ while insufficient involvement of carers in hospital care and discharge planning puts people at risk.⁹

Understanding just how difficult separation is, and how difficult prolonged separation during the Covid-19 pandemic has been already for many older people and their families, is vital. This has already had an impact on health and well-being. Alongside this, the additional risks to people's health and well-being that are created when visits are stopped or restricted must be recognised.

It is therefore essential that older people's ability to receive visits and to keep in contact with their family and friends when in hospital is included as an important dimension of quality.

Discharge from hospital to a care home

The Commissioner has launched a new guide, [Living in a care home in Wales - A guide to your rights](#), which provides information about the rights of older people when moving into and living in a care home.¹⁰

The Commissioner developed the guide to help older people and their families to better understand the rights they have, what they can do if they are concerned that their rights are not being upheld, and details of organisations that can provide help and support, including the Commissioner's own advice and assistance team.

The guide includes information about rights relating to living in a care home that older people and their families are often not aware of, such as the right older people have to be involved in decisions about their care, rights relating to contact with family members, and rights to access services, including health services. In addition, the guide also provides information on rights relating to paying for care, an issue that is often of great concern for older people and their families.

It would be useful for discharge teams to make the guide available to older people and to their families early in the discharge process, whenever discharge to a care home is being considered.

Conclusion

Consideration of the above areas followed by relevant action is integral to ensuring that the Welsh Government and NHS bodies secure improvements in the quality of services they provide in respect of older people. The Commissioner and her team would be happy to discuss this response further.

Notes

¹ Royal Society for Public Health, That Age Old Question: how attitudes to ageing affect our health and wellbeing 2018 <https://www.rsph.org.uk/static/uploaded/a01e3aa7-9356-40bc-99c81b14dd904a41.pdf>

² Royal Society of Psychiatrists, Suffering in Silence: age inequality in mental health care, November 2018 www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/college-reports/college-report-cr221.pdf?sfvrsn=bef8f65d_2

³ Older People's Commissioner for Wales, Taking Action Against Ageism, September 2020 <https://olderpeople.wales/resource/taking-action-against-ageism/>

⁴ Older People's Commissioner for Wales, How to Avoid Ageism in Communications: practical tips for professionals, September 2020 <https://olderpeople.wales/resource/how-to-avoid-ageism-in-communications-practical-tips-for-professionals/>

⁵ Older People's Commissioner for Wales, Understanding Wales' ageing population: key statistics, August 2022 [Understanding-Wales-ageing-population-23-August.pdf](https://olderpeople.wales/Understanding-Wales-ageing-population-23-August.pdf) (olderpeople.wales)

⁶ Older People's Commissioner for Wales, Ensuring access to information and services in a digital age: Guidance for Local Authorities and Health Boards, November 2021 <https://olderpeople.wales/resource/ensuring-access-to-information-and-services-in-a-digital-age-guidance-for-local-authorities-and-health-boards/>

⁷ Older People's Commissioner for Wales, Accessing Health Services in Wales: Transport Issues and Barriers, August 2021 <https://olderpeople.wales/news/accessing-health-services-in-wales-transport-issues-and-barriers/>

⁸ Kelley, Godfrey and Young, The impacts of family involvement on general hospital care experiences for people living with dementia: An ethnographic study, 2019 <https://eprints.whiterose.ac.uk/145142/3/The%20impact%20of%20family%20involvement%20ACCEPTED%20VERSION.pdf>

⁹ Carers Wales, Hospital discharge and its impact on patient flow through hospitals consultation, January 2022 <https://business.senedd.wales/documents/s121815/HD%2039%20-%20Carers%20Wales.pdf>

¹⁰ Older People's Commissioner for Wales, Living in a care home in Wales - A guide to your rights, October 2022 <https://olderpeople.wales/resource/commissioner-launches-new-guide-on-older-peoples-rights-in-care-homes/>

The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people throughout Wales.

The Commissioner is taking action to protect older people's rights, end ageism and age discrimination, stop the abuse of older people and enable everyone to age well.

The Commissioner is working for a Wales where older people are valued, rights are upheld and no-one is left behind.

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