

# ***Safeguarding Update August 2015***

## **Operation Jasmine**

Age Cymru has welcomed the publication of a report into the UK's biggest ever investigation into allegations of abuse at care homes. Operation Jasmine was looking at allegations that 103 people at six care homes in South Wales were abused. But the seven year, £15 million investigation collapsed when Dr Prana Das the director of Puretruce Health Care Limited – a company which owned 25 care homes, suffered a brain injury.

Commenting on the publication of the report on Tuesday 14 July by Dr Margaret Flynn, Age Cymru's Chief Executive, Ian Thomas, says:

"The abuse of older people in any form is totally unacceptable and Age Cymru welcomes the publication of this report and its recommendations. The families of people abused in these six care homes have been waiting a long time for any kind of justice and we salute their tireless campaigning for action to be taken. We welcome Dr Flynn's call for board members of companies who provide care services to be held accountable for failings like those identified by Operation Jasmine."

"The needs of care home residents must come first and they and their families must have the peace of mind of knowing that they will always be looked after properly and be treated with respect and dignity. Making board members accountable for such failings as the ones investigated by Operation Jasmine would act as a safeguard and help ensure that care home residents are actually getting the care they deserve."

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## **Scams Awareness Month - an overview**

It was very disappointing to hear the Welsh Government's response to calls for tighter controls against scams in a debate on July 15. Public Services Minister Leighton Andrews AM was replying to calls from Mike Hedges AM for Wales to become a No Cold Calling Zone and for the process of creating zones to be streamlined making them virtually cost free.

Age Cymru has argued for the past two years that the workload and cost of setting up zones was deterring local authorities from creating them. Mr Hedges was putting our case to the Minister as part of Scams Awareness Month. He also called for more pressure to be put on the UK Government for better protection for the vulnerable in non-devolved areas including postal and phone scams.

Disappointingly the Minister repeated the same mantra from the Welsh Government as heard in previous debates that the Welsh Government had funded 12 new zones in 2013 and now 53,000 homes in Wales were included in zones. This is out of a Welsh total of 1.3million homes – a tiny percentage.

In reality we believe this small investment to be the only practical step taken in relation to a Programme for Government commitment made in 2011. We will continue to repeat our calls for a streamlining of the process for creating zones and increasing the pressure on Westminster for tighter controls against scams. In the current financial climate we believe that this would be a responsible and positive step forward.

**Gerry Keighley**

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## **Deprivation of liberty: a practical guide**

The Law Society has issued comprehensive guidance on the law relating to the deprivation of liberty safeguards. The safeguards aim to ensure that those who lack capacity and are residing in care home, hospital and supported living environments are not subject to overly restrictive measures in their day-to-day lives.

The guidance was commissioned by the Department of Health and aims to help solicitors and frontline health and social care professionals identify when a deprivation of liberty may be occurring in a number of health and care settings.

It uses case scenarios to explain the law following the landmark judgment of the Supreme Court in the case of Cheshire West (2014).

The complete guidance is available in the link below. You can also download individual chapters relating to specific care settings.

[Deprivation of liberty: a practical guide](#)

## **Deprivation of Liberty Safeguards Accelerated programme**

The minister, Alistair Burt announced yesterday that our review of the Deprivation of Liberty Safeguards is being accelerated. We will be publishing a report and draft bill by the end of 2016, instead of 2017 which was originally scheduled -

<http://www.publications.parliament.uk/pa/cm201516/cmhasnrd/cm150617/halltext/150617h0002.htm#15061741000002>

## **UK legal system is failing older people, says the Older People's Commissioner for Wales**

The UK legal system is failing older people and perpetuating abuse, neglect and crimes against older people, according to the Commissioner. She is calling for the law to be changed to make it easier to prosecute those who abuse or neglect older people, or those who allow abuse or neglect to occur, such as managers and health and social care providers. Speaking on Elder Abuse Awareness Day, the Commissioner said:

“There have been a number of truly horrifying cases of abuse and neglect in Wales where, despite extensive investigations and evidence of significant concern, there has been a total failure to bring criminal charges. “A key question needs to be asked of our justice system – just how bad does care, abuse or neglect have to be before it is considered criminal. “As it stands, the law simply does not offer sufficient protection for older people who are the victims of substandard care, abuse or neglect, nor does it provide a suitable deterrent to those who deliver substandard care or to those who abuse or neglect older people. This is something that needs to change urgently.”

The Commissioner also has serious concerns that the number of convictions for crimes against older people is proportionately lower compared with the population as a whole, with only around 1% of the crimes recorded against older people leading to convictions. For all UK crime, this figure is around 19%. She has written to Justice Secretary Michael Gove and to the Director of Public Prosecutions, Alison Saunders, to highlight her concerns about the current gaps in the law and will work with legal experts from across Wales during the summer to identify specific

issues that must be addressed by the Ministry of Justice to ensure that the UK justice system does not continue to fail older people. She added:

“The shockingly low prosecution and conviction rates for crimes against older people tell us that either the evidential test currently used by the CPS is not fit for purpose, that there is a lack of willingness to prosecute for crimes against older people, or that the law itself is not sufficient. “A person’s age cannot be allowed to be a defining factor in whether or not they have the support and protection of the justice system and the clear inequality that currently exists within this system must be addressed as a matter of priority.”

To view the Older People's Commissioner for Wales Summer newsletter, please visit the link below:

[http://www.olderpeoplewales.com/en/Publications/pub-story/15-07-10/Summer\\_2015\\_Newsletter.aspx](http://www.olderpeoplewales.com/en/Publications/pub-story/15-07-10/Summer_2015_Newsletter.aspx)

## Commissioner’s Casebook



Commissioner’s Casebook 2 Every year, the Commissioner’s Protection and Scrutiny Casework Team provide direct support, assistance and advocacy to hundreds of older people and their families across Wales, intervening to challenge the practice and decisions made by public bodies. This year, for the first time, the

Commissioner has published a casebook, which highlights the kinds of cases that the Commissioner and her team deal with, the support they provide and the difference this makes to people's lives. The casebook also identifies key themes that arise through the Commissioner's casework, which are used not only to guide her own priorities, but are also raised with public bodies in order to inform and shape current and future practice.

To download a copy of the Commissioner's Casebook, visit <http://www.olderpeoplewales.com/favicon.ico> or call 08442 640670 to request a hard copy.

## **Independent Complaints Advocacy Standards to support the commissioning, delivery and monitoring of the service**



These proposed standards set out Healthwatch England's vision for complaints advocacy. They have been developed in collaboration with users, providers and commissioners of complaints advocacy services, and reflect the expertise and experience of these groups.

The purpose of the standards is to provide a vision of what a good complaints advocacy service should look like. It

starts by setting out the principles that must be at the heart of complaints advocacy. The standards describe what these principles look like in practice, from the perspective of service users and providers. They have also included some examples to illustrate what the standards might look like when put into practice.

These standards are not intended as a minimum baseline to be met. Rather, they provide a set of user-centred outcomes that should be central to the commissioning and provision of complaints advocacy services.

This document is relevant to England, but it may have some interest to people in Wales.

To view this document, please visit:

<http://www.healthwatch.co.uk>

## **‘Care Act right to advocacy being undermined by chaotic commissioning and lack of resources’**

According to Kath Parson, the government must step in to address problems in local authority implementation of the right to independent advocacy under the Care Act. To read the full article, please visit:

[‘Care Act right to advocacy being undermined by chaotic commissioning and lack of resources’ | Community Care](#)

## **Appointment of Wales' first National Adviser for Violence against Women and other forms of Gender-based Violence, Domestic Abuse and Sexual Violence**

A key element of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 was the appointment of a National Adviser to drive improvements in the way services for victims and survivors of gender-based violence, domestic abuse and sexual violence are planned, commissioned and delivered.

On 15<sup>th</sup> July Public Services Minister Leighton Andrews announced that Rhian Bowen-Davies would be Wales's first National Adviser. Rhian has been Chief Executive of Calan DVS since 2013, following a five year period as Manager of Neath Women's Aid. Earlier in her career she served as a police officer in South Wales Police, qualifying as an Independent Domestic Violence Advocate.

Violence against Women, Domestic Abuse & Sexual Violence August 2015 Bulletin. For more information, please contact [Angela.Gutierrez@Wales.GSI.Gov.UK](mailto:Angela.Gutierrez@Wales.GSI.Gov.UK)

## **Choosing care campaign**

We would like to share with you a campaign produced by CSSIW, to share information about choosing various care services. CSSIW worked with eight senior inspectors to develop a series of tips and recommendations of 'things to look out for' when choosing adult care, child care and childminding services. There are three visual (shareable) infographics and three videos, which CSSIW has been promoting at the Royal Welsh Show, the National Eisteddfod for Wales and via social media and external newsletters.

The campaign signposts visitors to CSSIW's [choosing care](#) campaign pages, as well as to '[choosing care](#)' information produced by the lead FIS team in the Welsh Government, and a publication outlining the support and financial information for parents on childcare costs.



If you require any additional information about the campaign or about CSSIW in general, please contact [CSSIWComms@wales.gsi.gov.uk](mailto:CSSIWComms@wales.gsi.gov.uk)

## **Dementia research project**

The Older People's Commissioner for Wales is working with Age Cymru to give a voice to older people in Wales living with dementia and raise awareness of the challenges they face in their day to day lives.

The project team would like to meet and speak with older people living with dementia across Wales, as well as their families and carers, to hear directly from them about their experiences.

The project aim is to give a strong voice to older people living with dementia in Wales and shine a light not only on their experiences and their needs, but also on their hopes and aspirations.

This will support our public services and policy makers to take the action needed to meet the needs of older people living with dementia in Wales and make our communities truly dementia supportive.

The number of people living with dementia in Wales will reach 45,000 this year, and this number is set to rise.

It's more important than ever that we get things right for older people living with dementia in Wales and support them to live well within their communities.

To share your experiences of living with dementia in Wales, or the experiences of a family member or friend,

contact Kathy Lye at Age Cymru by emailing [kathy.lye@agecymru.org.uk](mailto:kathy.lye@agecymru.org.uk) or by phone by calling 029 2043 1570.

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**It's Age Positive Week Sunday 27 September – Sunday 4 October 2015.**

A weeklong celebration of the positive aspects of ageing and the contribution older people have made and continue to make in our communities. The week coincides with the UN International Day of Older Persons on 1 October. For more information, why not visit our [website](#) and get involved #agepositiveweek