



Mr Mark Drakeford AM,  
Chair of the Health and  
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National Assembly for Wales

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By email

6 November 2012

Dear Mark,

I thought it timely to write following Sunday night's 'The Wales Report' programme. I think the point the programme was making, but perhaps not entirely clearly, was that people often need time, information and sometimes support to make the best decision when deciding whether to move into a residential setting or return to their own home. I am sure this is something we would both endorse. However, there are some people for whom information and advice is not enough and who need greater help to have their voices heard.

Ensuring that those who are vulnerable have an effective voice that is independent of those who provide services to them, and in a few cases independent of their families, goes to the heart of my statutory duty to promote and safeguard the interests of older people in Wales. This is why I recently published recommendations under Regulation 15 of the Commissioner for Older People in Wales Regulations 2007 on independent advocacy when entering, living in or leaving a care home, following my review of independent advocacy provision. These recommendations have particular relevance to the process by which older people enter residential care.

Once the consultation period on those recommendations ends on 16 November, I will be issuing formal guidance under s.12 of the Commissioner for Older People (Wales) Act 2006. Public bodies will be obliged to have regard to this guidance when discharging their functions and I will ensure compliance to the fullest extent possible, which in this instance could lead to the referral of public bodies to the High Court if necessary, which I hope would not be the case.

Members of the Committee will have received a copy of my report on independent advocacy both as AMs and also from the Committee Clerk (18 September 2012), but I hope this letter explains the priority given to this issue by my office. If you or the Committee would find it helpful to discuss this further, I would be very happy to do so.

I look forward to seeing the recommendations from the Residential Care Inquiry. Improving the quality of care for older people in residential care and their experiences of services is going to be a formal priority for me and I am really pleased that as a Committee you have been looking at this. I am sure we both want to achieve the same outcome, which is to see people's voices at the heart of service delivery, support and care.

Yours sincerely,

A handwritten signature in black ink that reads "Sarah Rodger". The signature is written in a cursive style with a long, sweeping tail on the letter 'g'.

**Older People's Commissioner for Wales**

Cc: Health and Social Care Committee Members  
Llinos Dafydd, Clerk to the Committee

The Independent Advocacy Review Report can be found here:

[http://www.olderpeoplewales.com/en/news/news/12-09-18/Voice\\_Choice\\_and\\_Control.aspx](http://www.olderpeoplewales.com/en/news/news/12-09-18/Voice_Choice_and_Control.aspx)