



Edited highlights from the speech given by:
Sarah Rochira - Older People's Commissioner for Wales
at the
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Importance of research

You mentioned just then John (Professor John Williams, Head of Law & Criminology department, Aberystwyth University), that we have a lot to be proud of in Wales. We have. And you are part of what we have to be proud of in Wales. It is a pleasure to work with you. I have learned much from all of your colleagues here in the room, in terms of my own work, I know I will continue to do so. And actually the work you do here, I think, is not only ground breaking in Wales, or the United Kingdom, but actually ground breaking in the world.

Research matters enormously, because really good research does something important. It changes the way we think. And I have a very clear model in my head when we talk about change. We change the way we think and we change the way we practice. If we change the way we practice we change people's lives. It is a simple equation.

But for me it always starts, not with legislation and strategy action plans. Those are important, and I will go back to those later on. It starts with us fundamentally understanding what matters, what is important, and why we need to change and improve. So I am a huge supporter of research. And the research you are doing here is not only ground breaking, but I know will inform not just my work, but the work of others. So let's hear it for research, and more funding for research as well.

Focus of the Older People's Commissioner for Wales

For those of you I have not met before, I am the older people's commissioner for Wales. I am an unusual creature. There are only two of my kind in the world. I am an independent commissioner. I am appointed by the First Minister but I am independent of Welsh Government, and I hold that independence dear.

My shorthand for what I do is, I am an independent voice and champion for older people. I stand up and I speak out on their behalf. Now my challenge when I was appointed three years ago was what to focus on. I represent almost eight hundred thousand people across Wales. Soon, the people we represent, will be one million in number. In no small part we are the people of Wales. And we are of course, despite the label, older people, all different.

So what to focus on. Well it's very simple. I went out, and I spoke with the people I represent, older people.

And I asked them very simple questions, **"What are the best things about growing old in Wales?"** And there are fantastic things about growing older in Wales. And many of those are in no small part due to our public services within Wales. I am very measured when I speak and I give credit where credit is due. Work in public service, these days, can be a very difficult job indeed.

And another question, **"What are the not so good things about growing older in Wales?"** And people have shared with me, both the trials, and tribulations that come to all of us as we grow older. But also those systemic failures in public services. The cracks that people fall into. And the impact that has upon their lives. And I have seen things as commissioner that I ought not to see. I have seen huge amount of good practice across Wales, and I talk about it all the time, because if we can get it right in parts of Wales we should be getting it right across Wales.

I was just recently at Victims Hub in Gwent, an outstanding model of integrated work to support victims of all sorts of abuse and neglect. But an isolated model.

When I asked people, “What is good? What is not so good?” I had a third question. And this was the key question for me.

“If I had a magic wand as your commissioner and I could wave it and change three things, what would you want me to change?” People didn’t tell me three things, they told me five, and that was fine. But what was interesting was that despite the fact we are all different, you might not know it, but many of you in this room who are over the age of fifty, and you wear that label, old person. Wear it with pride I say, but you still have a label. They told me five priorities.

One of those was standing up for old people who are at risk of harm and ensuring that they are safeguarded and protected. I published three years ago my formal priorities, on behalf of older people in Wales, as their commissioner. And that was one of my five.

Now when I published my priorities I called it my framework for action. I would say the clue is in the word action. I didn’t call it strategy, or plan, or policy. It’s what we need to do in Wales. I was very clear. And I will just read you what I said in here, because it encapsulated my view around protection and safeguarding of our older people. I want to see, this is what a good job well done looks like. This is what a finished job looks like. I want to see that the different forms of abuse, and I will talk about those in a minute, faced by older people, are recognised and addressed. Your point John about the numbers. We are really addressing, not whether we have that strategy, that plan, that legislation, but when the numbers start to go down.

I want to see a systematic approach across public service on a joined up basis to identify those at risk. To prevent, rather than remedy. And I want to see all older people who are at risk have access to effective safeguarding support. The clue is in the word effective. What feels effective to the individual can be very different to the way we measure effective in public service.

I want to see those people who have been abused or neglected swiftly and appropriately supported to regain their safety and their confidence as well. Hugely important, their confidence.

And I want to see, and I will talk about this in detail, abuse of older people recognised as a criminal act. Your point again John. I want to see, where they fit the legal definition, and there are issues around legal definitions, older people recognised as victims of domestic abuse. And I want them to have access to the widest support available under domestic abuse legislation, and domestic abuse services. Not a lot to ask really, on behalf of older people, I think. But a huge challenge for us in Wales. Because we are very, very far from being able to achieve that at the moment.

Older people can be victims of abuse and neglect in so many different ways.

Domestic abuse

What I really want to focus on is around domestic abuse.

A huge amount of my work is focused around domestic abuse. And I am really pleased to be working with John, Alan and Sarah, and your team, on this. Because I think together we are really starting to change the agenda.

Make people wake up to the scale and impact of what is happening right under our noses across Wales. Now we talk about older people, that label, we talk about domestic abuse. We talk about, for those of you here from social services, 'protection of vulnerable adults'. We have a whole range of labels and jargon we use. And it's useful in shorthand. But it's sanitising language. And we need to be really careful when we use sanitising language that we don't forget what we are really talking about.

In Wales every year over thirty thousand older people are the victims of domestic abuse. Now there are a few of us who know that number. And we are all in this room. And that tells us something doesn't it? I shouldn't have been the one who was commissioned to find that. We should have known that number. Firstly, know the issue, know the problem, and know the scale of it. Because you can't begin to address it till you do. It says something that only I, and a few in this room, know that number. Thirty thousand, a huge number.

Now we call it domestic abuse because we like shorthand, but let me give you some other words that better describe what it is. And I have met people who have been in these positions.

You can call it theft, because that is what it is. Theft by family members. By those we actually love and trust the most.

You could call it sexual assault and rape. Hard words, but that's what it is. And there are many who have been in that experience in a place they should have been safest. A place they call home.

You could call it battery.

You could call it common assault.

You could call it coercion. Coercion isn't yet a criminal offence. I hope it will be soon. I am pushing hard for it to be made a criminal offence.

You could call it degradation.

You could call it emotional cruelty.

You could call it imprisonment.

Who would want to fall into any of those categories? I don't. And all the other people I have met, none of those deserve to fall into those categories.

That is really what we are talking about. The reality is that the sanitising language we use, and it's very easy for all of us, and we need to do this to some extent, allows us to distance ourselves from the impact of it, to forget that to be the victim of domestic abuse is quite simply to live in hell. Day in day out. So in calling it what it is it reminds us of the impact on individuals.

These thirty thousand people, and these thirty thousand are not grouped apart. Mothers, fathers, brothers, sisters, loved ones. People who have built this country. People I have met. People who have fought for us, our rights. Real people in our own community. These are thirty thousand people, who live in many cases, daily in fear.

They are frightened and they experience levels of distress, no-one, regardless of their age, their gender, their ethnic origin, their sexual orientation or gender identity, and there are huge nuanced issues around all of those, no-body should have to experience.

Even worse, for many older people, this abuse may have gone on for years and years. And we know this through our partnership working over the last eighteen months. If not for decades. For many of them there won't be any exterior signs to look at. They won't fall into the classic image of the abused person. They simply won't. Because by the time we find them, a look, a glance from their abuser will be sufficient. Because they will have learnt that what follows if they don't comply will be awful. And they will have altered their behaviour to protect themselves. Not acceptable.

And again in the last three years we have seen a disturbing increase, and this have been year by year, in the number of domestic homicides, death or murder is a better word to call it, in the UK, where the victim was an older person. And last year they accounted for twenty-one percent of all reported domestic homicides. And in many of these cases the indicators and opportunities to intervene were missed.

The point there, critical point, they shouldn't have happened. Those people should not have died. We should have been better. We should have saved their lives.

There is of course a huge amount of excellent work we are doing across Wales to address domestic abuse. This is part of it. As is our partnership working. And many other agencies across Wales have been doing really innovative, creative work. And I don't take away from that at all. Nor, as I mentioned earlier, the scale of the challenge ahead of us. But the real test of how successful we are will be quite simply, this is your point John, when we begin to see a dramatic reduction in the shocking figures, and the length of time, that people are abused for.

That's it, quite simple. That is the test and that is the measure. We should not high five on getting better. We get to high five in Wales when we start to push those figures down. When people don't die. When people aren't raped. When people aren't the victims of degrading treatment and aren't under coercive control. And that is when we get to celebrate a good job well done.

The whole of society has a role to play within this. But particularly for individuals who work within public service. Where those duties of care have specific roles to play. I will just share with you some of my thinking around the impact of things we can need to do.

First of all we need to recognise how prevalent this is. And we need to ensure that older people are not excluded from the specialist domestic abuse support that is available. Now **the reality is that many older people do not associate themselves with being the victims of domestic abuse.** Because when it began years and years, decades ago, it wasn't called domestic abuse. It wasn't recognised as that at all. It was just what went on within families really. It was a private matter. A whole range of reasons for these older people not to associate themselves with domestic abuse. So they never think to come forward. They never think to raise it. Nor do they associate themselves with the support that could be available. And there is something very important about how we market the support we have.

Because I have seen for myself some of the fantastic domestic abuse support we have across Wales. But very rarely do I ever find older people there. Yet I should find older people there.

The second thing we need to do is, everyone who works with older people, who comes into contact with them through their job, needs to know what to look for. I mentioned earlier how difficult it can be. There can be no physical signs at all because many older people will be the victims of that coercive control. We need to know better what to look for. Those tiny little signs that might indicate that something is wrong. We need to know what to look for. **And if we as individuals are not best placed to help that person we need to know where to signpost them to. We need to know what to do. Who to tell. Who to talk to.**

Domestic abuse and sexual violence - one of the things I developed last year was a little booklet. It's called domestic abuse and sexual violence. It's only a small booklet. And it's because there was nothing out there in the market place that was for older people. This is for you, not for anyone else. Particularly written for you so that you can see that which might apply. And what was interesting was how many flew off the shelves. Now I am not a fan of bits of paper. There is a lot of paper in the world already. Within two weeks of announcing we had the booklet I think we had twenty-three thousand fly off the shelves. That tells us something about how devoid the current marketplace is in terms of information and literature. So we need to recognise how prevalent it is. We need to all get much better at recognising the signs.

Domestic abuse is nearly always hidden. But this is nearly always hidden again. And it is hidden deep for many people. One of the other things we need to do is also ensure we understand how many of the different categories of domestic abuse there are. I was talking to a colleague who works in support services for older people, who is in the know. And I said, "Do you see much domestic abuse of older people?" He said, "No, not really." I said, "Well do you see much financial abuse taking place within families?" He said, "Oh yes increasingly so." That is domestic abuse. Quite simply it is domestic abuse. He didn't see it as domestic abuse because he looked at it as financial abuse.

Risk assessment

We need to be careful with the language and the labels we put on. The way people present won't always neatly fit the boxes we use. We also need to get much better at our risk assessments. And one of the things I have been doing with my team is looking at the risk assessment methods that we have across Wales, to try and make sure they are appropriate for older people. That they ask the questions that are relevant.

Some questions are generically relevant to older people but some are not. I don't suppose many people in their eighties are going to answer the question about pregnancy, for example. There are better questions we should be asking them. We need a better standardised approach across Wales to risk assessment to help share our thinking.

A couple I will just touch on. **A better nuanced understanding of the nature of abuse faced by older people.** Because of course while there are those similarities I have spoken about in relation to domestic violence and abuse across all age groups, there are nuanced issues for older people.

For example, the grandmother being abused by her grandson. A boy she loves most in the world. I know of abuse cases where you have a grandmother who has been horrifically abused and will not pursue any prosecution at all. Because above everything else she loves her grandson. And it doesn't matter what her grandson does to her. Her love for him overrides everything else. And it's why it's so important that we focus more on the perpetrator in Wales. She does not want her grandson to be taken away from her. She just wants the abuse to stop. We are not doing enough to look at the whole issue of what drives perpetrator and how we can change perpetrator behaviour. And that is a very nuanced issue of domestic abuse amongst older people.

We just don't have enough response mechanisms to meet those needs of older people. So a whole range of issues in terms of having a better and more nuanced understanding of the issue of domestic abuse as it is experienced by older people.

We also need, and I touched on this earlier, to ensure that the way we talk about, describe, and promote support resonates with older people. Because **many older people simply fail to associate what is happening as domestic abuse.** One of the things that I strongly welcome is the domestic violence act in Wales. (Note – the 'Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015). A ground breaking piece of legislation in Wales, that drives, I think, potentially real change. A whole range of things going on. I am really glad to see it's going to target the PSE curriculum as well (note PSE is Personal & Social Education).

But one of the things I am really interested in, in terms of the way services are promoted, is imagery. Because until recently if you looked at nearly all the imagery in relation to domestic abuse service you will never have seen a picture of an older person. There is one poster in Wales that has a picture of an older person on it, and it's mine. And it shouldn't be. Why would you associate yourself with that? Because the whole paradigm, the whole wave of imagery that we have around domestic abuse, is really predicated on a thirty something year old woman with a partner and a couple of children. There are thirty thousand older people. And we need to make sure things as simple as our imagery reflect their lives. And much more besides.

And I touched on that point about the PSE curriculum. We need to widen our societal awareness of what is happening. Because it has to be a societal response. This has to be something that we decide as a society we have a zero tolerance to. We have changed our perception hugely over the last decade or so ... Maybe we should have thought about that a little bit earlier. Because actually whereas hindsight is a great thing for us as services, hindsight is not a great thing if you are an individual. We need to really think hard about what we think is acceptable and tolerable. Understand what it is and be very focused on our determination to stop that happening.

Criminal Law

I want now to talk a little bit about the criminal law. A large piece of my work is in relation to the criminal law. I have talked many times about insufficiencies in criminal law. **In fact what I called it is systematic institutionalised discrimination against older people that runs through the criminal law system. Strong statement.** And it is a strong statement. It is also an accurate statement. How can I say that? I can say that because again I am the only person who has looked at the numbers.

Again freedom of information is a wonderful thing when you are doing it and not receiving it.

But I looked at reported crime. Reported crime, all ages. **And I looked at successful prosecution rates in Wales. Nineteen percent (19%).** That feels about right to me, because there will be cautions within that. There will be some too difficult to prove. There will be some not guilty within that. It felt kind of a bit low perhaps, but probably about right.

Then I looked at recorded crime against older people, and successful prosecution rates. I thought, well I will benchmark against the nineteen percent. Within that you have those crimes of domestic abuse, those crimes of doorstep crimes, and much else. **And the figure wasn't nineteen percent, it was one percent (1%).** One percent. It is virtually impossible for older people to access justice.

The criminal law isn't the only option.

There is a hugely important role for restorative justice. And I don't neglect that role. All I want is equity, equality and parity for older people.

I ring colleagues in the police force, and the CPS. I am just interested. How was this not criminal? And there are a huge range of issues that underpin that one percent. And I am now starting to unpick what sits behind that one percent.

And there are sub categories. There is domestic abuse within that. There is abuse and neglect of people in places where they should be safest. But if that one percent is an average, that means something is above that and something is below it. And I dread to think what sits below the one percent.

And already we are getting an indication of what the issues are behind that. Huge issues in terms of people coming forward, yes. But also issues of how we investigate crime. Issues in terms of how we think about crime. And that is why language matters enormously. Issues in terms of the evidential bar that sits within the system at the moment. Issues within the criminal law itself. There might be insufficient in criminal law. Particularly the mens rea test. And also big issues around what we consider the public interest test to be when it comes to older people.

I will just share with you what I think reflects and sits behind some of this, despite many guidelines that are written. A magistrate told me how he saw written on the case notes in a prosecution file, 'have you seen the age of this one?' Completely unacceptable.

I just want equality and parity. The criminal justice route is not a route that all older people want to go down. The grandmother and the grandson, it's not appropriate for her.

But nor should older people be denied equality and parity of access to criminal justice. Because the reality is, and this was said by a senior police officer, it almost doesn't matter what you do to older people, you will get away with it. And I agree with him. The numbers sign that for themselves. The next time you open the paper and you read about horrendous care, assault or neglect, whether it be in a care home, or hospital, or a person's home, ask yourself a question, where is the criminal prosecution? I promise you, you will not find a prosecution. And that is why you have the one percent. Huge issues there. Not just in terms of recognising, preventing abuse taking place. Not just in terms of restoring people quickly to a place of safety but also confidence as well. But also ensuring older people have full access to criminal justice.

Social Services and Wellbeing (Wales) Act

And just to finish on a couple of things that are taking place today within Wales. I mentioned right at the beginning, because there is much that is taking place. I don't take away from that. But doing loads of stuff does not equate to pushing those numbers down. And pushing that one percent up.

So we have the social services and wellbeing act within Wales. Placing the safeguarding of older people on a statutory footing. Good, about time to. The definition is wrong. It is too narrow. It will exclude people. I have been very clear on that. And I will wait to see. But I will look to see what the impact of excluding people because of the narrow definition of safeguarding within the act. We have new safeguarding boards. And again I am not taking away from the role of those. And I will want to work closely with those. And if I need to I will use my legal powers to scrutinise how effectively they are working.

In all my travels, in all my work, nobody has never asked me for a new board. Nobody has ever asked me for a new strategy, or new policy, or new piece of legislation.

That is now what people ask about:

A little bit of help on a timely basis.

Services that talk to each other.

Basic information.

And a real nuanced understanding of what it is like to be them. And what it is like to be them is really important.

The one thing I have really learnt is, until you become an older person you don't know what it is like to be one. All of us in this room sit in relative position of power for all sorts of reason. I draw power in part because I am a commissioner. One day I won't be. One day I will be a little frail old lady. No one will want to know or be interested in whether I was a commissioner. No one will even know what I did. I will be as vulnerable as the next person.

Potentially I could be as voiceless as the next person as well. And when you become voiceless you are in real danger of losing your human rights. And we should all hold our human rights dear. I think human rights in this country have been devalued through narratives. And that has hi-jacked their fundamental importance to us all. We don't even really talk about rights.

There are probably about a dozen of us in this room who actually talk about human rights and the importance of a rights based approach. I am a rights based commissioner. I hold my rights dear. I don't want to be a victim of inhumane and degrading treatment.

I want my rights to be real. And actually I would suggest you should all hold our rights dear. And want our rights to be real. Because if we were really canny in Wales, and sometimes we can be really smart in Wales, we would recognise that one of the easiest ways to climb the mountain we have ahead of us, not just on behalf of older people now, but on behalf of those older people that we will become, were we to take a rights based approach.

We need a good moral compass and a practical lens to use within public service. And the more we claim our rights back, in a way that is real and tangible now, the more we will do service and justice and pay back the debt of gratitude we owe to older people across Wales.

Diolch yn fawr.