

IN THE UK COVID-19 PUBLIC INQUIRY

BEFORE BARONESS HEATHER HALLETT

IN THE MATTER OF:

THE PUBLIC INQUIRY TO EXAMINE THE COVID-19 PANDEMIC IN THE UK

**STATEMENT OF HELÉNA HERKLOTS CBE,
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1. **Introduction**

- 1.1 I am the Older People's Commissioner for Wales. This is an independent, statutory role with the remit to protect and promote the rights of older people in Wales. The role is established in the Commissioner for Older People (Wales) Act 2006 ("**the 2006 Act**") which provides that "*older person*" means "*a person aged 60 or over*". The 2006 Act also states that "*in considering, for the purposes of this Act, what constitutes the interests of older people in Wales, the Commissioner must have regard to the United Nations Principles for Older Persons*".
- 1.2 Although the 2006 Act refers to the Commissioner for Older People in Wales, the Commissioner is, in fact, known as the Older People's Commissioner for Wales.
- 1.3 The 2006 Act sets out the functions of the Older People's Commissioner for Wales ("**the Commissioner**") which are to:
 - 1.3.1 Promote awareness of the interests of older people in Wales and the need to safeguard those interests;
 - 1.3.2 Promote the provision of opportunities for, and the elimination of discrimination against, older people in Wales;
 - 1.3.3 Encourage best practice in the treatment of older people in Wales; and
 - 1.3.4 Keep under review the adequacy and effectiveness of law affecting the interests of older people in Wales.
- 1.4 The legal powers of the Commissioner are limited to the areas over which the Welsh Government has competency. The Commissioner is however able to consider and make representations to the Welsh Ministers, the First Minister, and the Counsel General on any matter relating to the interests of older people in Wales and this can include non-devolved, as well as devolved, matters.
- 1.5 In summary, the legal powers of the Commissioner are:
 - 1.5.1 Review of the discharge of functions of public bodies;
 - 1.5.2 Review of advocacy, whistle-blowing or complaints arrangements;
 - 1.5.3 Assisting an older person in making a complaint or representation to a public body;
 - 1.5.4 Examining the case of an older person in a matter that affects the interest of a wider group of older people;

- 1.5.5 Issuing guidance on best practice to public bodies; and
- 1.5.6 Undertaking or commissioning research and educational activities or giving assistance to another in order to do so.
- 1.6 The roles, duties and responsibilities of the Commissioner reflect the functions in the 2006 Act, as set out at paragraph 1.3 above, and include to:
 - 1.6.1 Provide national leadership that will make a difference to older people's lives by establishing strong partnerships and powerful relationships with people and organisations to drive improved outcomes and influence policy, legislation, decision-making and practice that affects older peoples' lives;
 - 1.6.2 Scrutinise Welsh Government, other public bodies or persons listed in Schedule 2 of the 2006 Act to ensure they deliver responsive services to older people; and
 - 1.6.3 Champion the voice of older people across Wales and ensure their views and concerns are taken into account by working with older people's groups and networks across Wales.
- 1.7 I was appointed Commissioner on 20 August 2018 and served as Commissioner throughout the Covid-19 pandemic ("**the pandemic**"). My term of office ends on 19 August 2024.
- 1.8 A requirement of the 2006 Act is that the Commissioner should appoint a Deputy Commissioner who "may discharge the functions of the Commissioner during a vacancy in the office of Commissioner or at any time when the Commissioner is for any reason unable to act". The current Deputy Commissioner also undertakes the role of Chief Operating Officer in my team, and she served throughout the pandemic. [HH/1 INQ000303296]

2. Overview of my work during this period

[HH/2 – INQ000185015]

2.1 Working with older people in Wales

- 2.1.1 My engagement included: direct contact such as conversations with older people, their families and friends, and professionals caring for/supporting older people ; setting up and facilitating online sessions to hear directly, and gather evidence, from older people across Wales; conducting a survey into people's experiences in care homes; frequent and regular contact with the older people

who chair the national older people's organisations; contact with older people's groups across Wales who we have worked with over the years.

2.2 Research and evidence

2.2.1 I undertook research and gathered evidence about the impacts of the pandemic on older people, including: the effects of decisions taken, or not taken, by the Welsh Government; the impacts of new legislation or suspended legislation; and the impacts of restrictions and lockdown.

2.2.2 I brought together evidence from older people and our expert analysis to set out what older people needed from, and could contribute to, the recovery from Covid-19.

2.3 Convening organisations and individuals, and setting up working groups

2.3.1 I brought together key individuals and organisations working with older people across the United Kingdom ("**the UK**") to enable us to: share information, expertise and understanding; generate ideas and solutions; and speak with a collective voice for older people when their rights were threatened.

2.3.2 I engaged with frontline voluntary, community and statutory organisations working with older people across Wales to hear their insights into the experiences of older people and good practice and ideas about what could improve the situation for older people.

2.3.3 I established advisory and action groups (further explained at Section 6 below) to bring together organisations and individuals across Wales to work with me: on key issues affecting older people, for example abuse; developments to improve older people's opportunity to age well, for example the development of age-friendly communities; and provide expertise on specific groups of older people, for example Black, Asian and Minority Ethnic older people.

2.4 Assessing the impact of the pandemic and the response

2.4.1 I undertook work to identify the risks to older people's health and wellbeing, and the impacts on older people, and on different groups – for example, people living in care homes, those who were digitally excluded, and those at risk of or experiencing abuse.

2.4.2 A key focus throughout my work was protecting and promoting the rights of older people.

2.4.3 I drew on evidence, expertise, knowledge and insights held by me and my team, and through ongoing contact and engagement with older people.

2.5 Scrutinising and influencing Welsh Government and other public bodies

2.5.1 I brought before the Welsh Government, experiences, concerns and ideas, from older people.

2.5.2 I held the Welsh Government to account through questioning and scrutinising their actions.

2.5.3 I responded to Welsh Government consultations to influence their policy and guidance.

2.5.4 I engaged with key officials in the Welsh Government, particularly those with responsibility for policy on older people, social care, health, safeguarding, violence against women, domestic abuse and sexual violence (VAWDASV), digital inclusion and poverty.

2.5.5 I attended and contributed to working groups established by the Welsh Government.

2.5.6 I also engaged regularly with key bodies including Public Health Wales, Care Inspectorate Wales, Health Inspectorate Wales, the Welsh Local Government Association, the Welsh NHS Confederation to raise issues about older people, share information and understanding, and propose courses of action.

2.6 Engaging with the members of the Senedd and its Committees

2.6.1 I prepared and gave evidence to Senedd Committees on the impact of the pandemic and decisions of the Welsh Government on older people, proposing actions and changes.

2.6.2 I provided briefings on the impacts of the pandemic and recommendations for action for Members of the Senedd.

2.6.3 I provided and signposted Members of the Senedd to information for their constituents and to assist in their surgeries.

2.6.4 I responded to issues and concerns raised by Members of the Senedd through my Advice and Assistance Service.

2.7 **Providing information, advice and assistance to older people, their families and friends, those that work with them and the wider public**

2.7.1 Through my Advice and Assistance Service, I helped individual older people, their families and friends drawing on their experiences and insights in the conduct of my work.

2.7.2 Identifying the areas of concern and where there was a lack of clarity, I developed 'Q and A' documents so that people could access trusted and clear information.

2.7.3 I helped to promote public health messaging and advised the Welsh Government on how their communications with older people could be improved.

2.7.4 I engaged with the media to amplify the experiences of older people, to ask questions, and to propose action to better support older people and uphold their rights.

2.7.5 I ran information campaigns to get key messages out to older people, their families and friends, and professionals working with older people.

3. **The beginning of the pandemic – January to early April 2020**

3.1 During January and February 2020, as the pandemic started, I began to monitor what was happening in relation to older people. News of the impact of the pandemic in Italy and, in particular, stories about older people being denied treatment showed starkly the potential risks to older people and the need to protect older people's rights and ensure that older people's voices were heard. Whilst I did not have specific engagement about the pandemic with the Welsh Government during this time, that changed from March 2020. During March 2020, I had frequent calls and meetings with Ministers and Officials of the Welsh Government, older people and older people's organisations, and increasing contact from the media.

3.2 Prior to March 2020, in carrying out my role as Commissioner I had a pattern of quarterly meetings with Julie Morgan MS, Deputy Minister for Health and Social Services ("**the Deputy Minister for HSS**") and regular meetings with Albert Heaney, Deputy Director General Health and Social Services ("**the Deputy Director General for HSS**") and his team.

3.3 The Welsh Government was proactive in keeping me informed about the pandemic and the Welsh Government's response to it and giving me opportunities to raise issues

with them during this time. On 10 March 2020, a telephone call was arranged by the Deputy Director General for HSS's office so that he could update me on what was happening, and we also discussed the information and messages that it would be important to get out to older people. I had been contacted earlier that day by the BBC and issued this written comment to them, which I subsequently shared with the Deputy Director General for HSS:

"Understandably, people are deeply concerned about the coronavirus and want to do all they can to prevent its spread, particularly to the groups most at risk.

"In determining the most effective ways to do this, it is crucial that people carefully consider the advice being provided by public health experts and officials and continue doing the simple, effective things – such as regular hand washing – that can reduce our risk of catching the virus or transmitting it to others."

- 3.4 On 11 March 2020, I emailed the Deputy Director General for HSS regarding contact from ITV requesting an interview which I was going to accept in order to get across key information for older people. The Deputy Director General for HSS responded by email on 12 March 2020 to say this would be helpful.
- 3.5 On 12 March 2020, the UK moved from the 'contain' phase to the 'delay' phase. I was contacted by the BBC and issued a press statement which covered: following government and public health advice; the worry and concern that older people would be feeling and the importance of supporting each other; and an outline of what I would be doing as Commissioner. [HH/3 – INQ000181731]
- 3.6 On 13 March 2020, I had a further telephone meeting with the Deputy Director General for HSS and highlighted that my team had heard from older people who could not access 111. The Deputy Director General for HSS said that he would feed it into the system to be looked at. During our telephone call, I was advised by the Deputy Director General for HSS that the Welsh Government would be issuing guidance early the following week to care home providers about access to care homes.
- 3.7 During this time there were some very worrying ageist narratives about older people, that received media coverage. For example, as reported on 13 March 2020 in the i newspaper, references to a suggestion that '*the virus could have minor economic benefits by "culling" elderly people*'.
- 3.8 On 14 March 2020, I received a telephone call from the Deputy Director General for HSS who told me the Deputy Minister for HSS wished to talk with me about the impact of the pandemic and its restrictions on older people particularly with regard to isolation

and loneliness, and what action could be taken. I welcomed this contact and following my subsequent conversation with the Deputy Minister for HSS, a telephone conference was held on 16 March 2020 which was attended by Victoria Lloyd, Chief Executive of Age Cymru ("**the Chief Executive of Age Cymru**"); Sally Rees of the Wales Council for Voluntary Action ("**WCVA**") and the Deputy Director General for HSS to discuss the actions that could be taken. A further telephone conference was arranged for 19 March 2020 attended by the Chief Executive of Age Cymru; Sally Rees, WCVA; the Deputy Director General for HSS and Penny Hall from the Welsh Government.

- 3.9 I had decided with Age Cymru to produce a joint 'Q and A' document to provide clear and trusted information to older people and we liaised with Welsh Government regarding its content. This was essential as there were: challenges for older people who needed access to information but were not online; and some confusion about the messaging being issued by the UK and Welsh Governments. This included messaging about restrictions on all those aged over 70. On 17 March 2020, I issued the following joint statement with Age Cymru:

"Over the past few days, older people have been given inconsistent advice and information on what action they should be taking and what they should be preparing for in relation to the Coronavirus outbreak.

This has led to understandable confusion and concern amongst older people and those that care for them.

It is vital that information is clear and consistent and provided in a way that people can understand in order to be able to make decisions about what action they need to take.

The UK and Welsh Governments must show leadership at this time and take responsibility for ensuring that older people are provided with timely information that is clear, accessible and provides enough detail to enable older people to take the appropriate action.

The Older People's Commissioner and Age Cymru are working together throughout this time to provide support and information to older people and will be engaging further with the Welsh Government to ensure that they are communicating effectively with older people."

- 3.10 On 20 March 2020, I issued a public statement on the emergency Coronavirus Bill which stated that should the proposed changes need to be implemented, I would closely monitor the impact they had on older people and would also expect the legislation to be repealed at the earliest opportunity. [HH/4 – INQ000181733]

- 3.11 On 23 March 2020, I issued a public statement following the UK Government's announcement that 70,000 people in Wales would be included as part of a 'shielding group' and stressed the importance of ensuring the people who would be included in this group, had the information and guidance that they would need, as well as access to supplies and support. [HH/5 – INQ000181734]
- 3.12 At this time, in my opinion, it was important to highlight publicly the importance of people coming together to help each other, and to counteract the ageist and potentially divisive commentary appearing in social media and elsewhere. I therefore instigated a press statement: 'Coronavirus - together we are stronger' with the Children's Commissioner for Wales and Future Generations Commissioner, setting out the need for solidarity between the generations. This was published on 24 March 2020. [HH/6 – INQ000181735]
- 3.13 On 20 March 2020, I participated in a telephone conference with the Deputy Director General for HSS, and Sally Holland, Children's Commissioner for Wales ("**the Children's Commissioner for Wales**"). These were established weekly to enable us to raise questions and concerns and for the Deputy Director General for HSS to keep us updated on Welsh Government plans and actions. My recollection is that issues discussed included care homes and residents' rights, testing, and the Coronavirus Act, specifically the easement of duties under the Social Services and Well-being (Wales) Act 2014. The meetings continued until 6 May 2020 when it was agreed to stop them as the social care issues facing older people and children were different and the Children's Commissioner for Wales already had regular meetings with the relevant officials and Deputy Minister for HSS where she was able to discuss issues concerning children. I continued to meet weekly with the Deputy Director General for HSS.
- 3.14 One of the major issues I was concerned about was the possibility of an increase in the abuse of older people as a result of the restrictions, as well as those who were already at risk of, or experiencing, abuse finding it more difficult to access the help they needed. On 27 March 2020, I had a teleconference with the lead Welsh Government official, Alistair Davey, Enabling People Director Social Services and Integration Directorate, together with Sally Rees, WCVA, to discuss these concerns.
- 3.15 On 31 March 2020, I met on Skype with the Deputy Minister for HSS and discussed the impact of lockdown and isolation and the potential abuse of older people. The Deputy Minister for HSS's office contacted the office of the (then) Deputy Minister and Chief Whip, Jane Hutt, who had responsibility for domestic abuse, which led to a meeting on 2 April 2020 to discuss these matters.

- 3.16 In March 2020, I set up meetings (initially teleconferences and then online) with the older people who chair the national older people's groups (further explained at Section 6 below) to find out more about how older people were feeling and what I could do as Commissioner to help. The first meeting was held by teleconference on 25 March 2020 and the feedback I received was that:
- 3.16.1 Older people were frightened; the public messaging was scaring them; and those living alone were experiencing loneliness and feeling shut off with no contact. This was exacerbated if people were not online.
 - 3.16.2 Some older people were experiencing difficulties with getting access to food and medications;
 - 3.16.3 There was worry and uncertainty about the cancellation of hospital appointments; and
 - 3.16.4 It was a challenge for older people to keep up with all the changing information and the chairs of the national older people's groups stressed the importance of consistent and trusted information.
- 3.17 This group met weekly until June 2020 and then fortnightly until May 2021, and it continues to meet monthly.
- 3.18 In addition to establishing regular contact with older people and their networks, I wanted to engage with organisations and individuals working with older people across the UK. I therefore established an informal UK Network of Older People's Organisations (further explained at Section 5 below). This was for those of us in the UK who were leading older people's organisations and who would have a public and evolving role over what, I then anticipated, would be the next few months. The aim was to support each other and share information and ideas. The membership of the group included colleagues from England, Scotland and Northern Ireland – including the Commissioner for Older People in Northern Ireland.
- 3.19 The first meeting of the UK Network of Older People's Organisations was held on 26 March 2020 via Zoom. We decided that we needed to speak out together, urgently, on the rights of older people, especially with regard to access to treatment. Consequently, we issued a joint public statement on 30 March 2020: 'The rights of older people to treatment during this pandemic'. [HH/7 – INQ000181736]
- 3.20 I emailed, for information, a copy of the press release to the Deputy Director General HSS and texted and emailed the Deputy Minister for HSS.

- 3.21 The UK Network of Older People's Organisations met weekly during 2020 and the first half of 2021 plus additional one-off meetings when needed, then fortnightly.
- 3.22 On 1 April 2020, I issued a public statement and gave a television interview following the shocking letter sent on 27 March 2020 by a surgery to some of its patients saying that they would like to complete a Do Not Attempt CPR form ("**a DNACPR form**") for them. [HH/8 – INQ000181737] The letter, sent to patients with serious health conditions, told them they were "*unlikely to be offered hospital admission*" if they became unwell with coronavirus and "*certainly will not be offered a ventilator bed*". The letter stated the completion of the DNACPR form "*will mean that in the event of a sudden deterioration in your condition because of a Covid-19 infection or disease progression the emergency services will not be called and resuscitation attempts to restart your heart or breathing will not be attempted*". The letter also listed benefits to the completion of a DNACPR form including that 'scarce ambulance resources can be targeted to the young and fit who have chance of surviving the infection'.
- 3.23 This letter caused significant alarm and distress to older people and led to older people and their families contacting us about DNACPR and hospital treatment and my team and I continued to have these concerns raised with us throughout the pandemic.
- 3.24 I discussed the issue of DNACPR with the UK Network of Older People's Organisations and we issued a joint statement on 6 April 2020 calling on the governments and health services to:
- "carefully consider the ways they can provide stronger leadership and guidance – to ensure that people's rights are upheld"*. [HH/9 – INQ000184934]
- 3.25 It was important that I acted quickly to draw attention to the rights of older people and I was pleased that the Welsh Government's Chief Medical Officer and Chief Nursing Officer issued a letter on 17 April 2020 to the Chief Executives, Medical Directors, Directors of Nursing and Directors of Therapies and Healthcare Sciences in all of the Health Boards in Wales referencing the concerns that I had raised regarding DNACPR and the joint statement issued on 6 April 2020, and setting out that:
- "age, disability or long term condition alone should never be a sole reason for issuing a DNACPR order against an individual's wishes"*. [HH/10 – INQ000184964]
- 3.26 At the same time as raising the issue of threats to older people's rights and speaking out publicly on this, I worked on the practical issues that older people were raising with me. On 27 March 2020, I wrote to the major supermarkets concerning: older people's access to home deliveries; problems experienced by some care homes in getting food

and supplies for care homes; and the fact that social care workers were not being recognised as key workers in the same way as NHS workers which precluded them from accessing dedicated shopping hours. [HH/11 – INQ000185052]

- 3.27 During these early months of the pandemic, my Advice and Assistance service was dealing with a lot of queries and issues on access to necessities, care homes, access to treatment, public health advice, and hospital discharge.

4. Engagement with the Welsh Government

4.1 Overview

- 4.1.1 As Commissioner, prior to the pandemic, I had a regular schedule of face-to-face meetings with the Deputy Minister for HSS (quarterly), and the First Minister (annually). I instigated meetings with other Ministers and Deputy Ministers and these included, for example, the Minister for Health and Social Services, the Minister for Economy and Transport, and the Deputy Minister for Culture, Sport and Tourism. The agenda for the regular meetings were generally agreed in advance, instigated by the Welsh Government. For other meetings these were held either in response to issues I raised by letter and requesting a meeting, or an introductory/general meeting to discuss issues affecting older people and how to make progress.
- 4.1.2 I also had regular meetings with Welsh Government officials, my key link being the Deputy Director General for HSS and members of his team. I also met Dr Andrew Goodall, Director General for Health and Social Services ("**the Director General for HSS**") generally every six months and had meetings with health officials. Members of my team engaged with officials and participated in a number of Welsh Government advisory groups and working groups across issues affecting older people including care, health, financial entitlements, transport, digital inclusion, as well as cross-cutting groups such as the Ministerial Advisory Forum on Ageing.
- 4.1.3 From March 2020, the pattern of my meetings changed at the instigation of the Welsh Government. There was a significant increase in the frequency of my meetings with the Deputy Minister for HSS and officials, and the frequency of these and the rapidly changing issues being dealt with meant that there was not always the formal agenda setting that had been experienced previously. These meetings provided me with an opportunity to: question the Welsh Government on its response in respect of older people; discuss the experiences and issues being faced by older people and the concerns they

were raising with me and my team; and propose changes in the policy and actions of the Welsh Government to better support older people and uphold their rights. The meetings were a forum for the Welsh Government to inform me of developments; discuss emerging issues with me; and also provide an opportunity for us to work constructively together on a number of issues affecting older people.

- 4.1.4 Where necessary, I emailed between meetings with the Deputy Minister for HSS to: follow up on issues that we had discussed; raise concerns; question Welsh Government policy and actions; or provide information to help the Welsh Government's decision making.
- 4.1.5 Some of my meetings with the Deputy Minister for HSS focused on reports or feedback from online events I had held, to discuss the evidence and views of older people and my recommendations for action.
- 4.1.6 I initiated other meetings with Ministers to: bring older people's issues to their attention; question them on their policy and actions regarding older people; and propose changes. These meetings were with Jeremy Miles MS, Counsel General and Minister for European Transition ("**the Counsel General and Minister for European Transition**"), concerning the Welsh Government's Covid recovery plan and Eluned Morgan MS, both in her role as Minister for Mental Health, Wellbeing and the Welsh Language and subsequently in her new role as Minister for Health and Social Services.
- 4.1.7 Following the Senedd Election in May 2021, I also met with Lynne Neagle MS, Deputy Minister for Mental Health and Wellbeing, and Dawn Bowden MS, Deputy Minister for Arts and Sport and Chief Whip. In my meeting with Lynne Neagle MS, Deputy Minister for Mental Health and Wellbeing on 18 October 2021, I discussed the proposals I had put forward previously to the Minister for Health and Social Services on action needed to support older people's physical and mental health which had deteriorated as a result of the pandemic, its restrictions on activity and access to services. I followed up this meeting in writing on 29 October 2021 providing further information and enclosing my paper 'The Health and Wellbeing of Older People, Recommendations and Action. August 2021'. [HH/12 – INQ000184999] [HH/12a – INQ000185000] [HH/12b – INQ000185001] [HH/12c – INQ000185002] [HH/12d – INQ000185003] [HH/12e – INQ000185004]

- 4.1.8 In my meeting with Dawn Bowden MS, Deputy Minister for Arts and Sport on 21 October 2021, we discussed issues of ageism and the impact of the need for Covid passes on older people as set out in my letter to her dated 9 August 2021. [HH/13 – INQ000184969]; [HH/14 – INQ000185035] [HH/14a – INQ000185036]
- 4.2 Concerns about the Covid recovery plan Covid 19 Reconstruction: Challenges and Priorities report**
- 4.2.1 I requested a meeting to discuss the Welsh Government's work on "Our Future Wales and the recovery from Covid-19" and the importance of including older people as an integral part of Wales's recovery from Covid-19. A meeting with the Counsel General and Minister for European Transition was held on 19 June 2020 on Microsoft Teams.
- 4.2.2 On 7 October 2020, I wrote to the Counsel General and Minister for European Transition, following the Welsh Government's publication of its report 'Covid 19 Reconstruction: Challenges and Priorities'. [HH/15 – INQ000184927] [HH/15a – INQ000253852] In my letter, I expressed my shock and disappointment: *"that older people were not explicitly recognised as a group that has been disproportionately impacted by the Covid-19 pandemic"*. I was very concerned at this omission as well as a lack of recognition in this key report of the important role older people could play in the recovery. I was concerned that older people were not featuring appropriately in this report and what that might indicate about how the Welsh Government was viewing older people at the time. I issued a public statement on 7 October 2020 concerning this report in which I confirmed I had requested a meeting. [HH/16 – INQ000181758]
- 4.2.3 The Chief Executive of Age Cymru and the Chairs of some of the Wales based Older People's Organisations wrote to the Counsel General and Minister for European Transition, with similar concerns.
- 4.2.4 On 15 October 2020, I wrote to John Griffiths MS, as Chair of the Equality, Local Government and Communities Committee, following the evidence session of the Equality, Local Government and Communities Committee that had taken place the previous week with the Deputy Minister and Chief Whip. In my letter, I expressed my concerns about the 'Covid 19 Reconstruction: Challenges and Priorities' report, linking to my public response. I sent a copy of this letter to: the Deputy Minister and Chief Whip; the Counsel General and

Minister for European Transition, and the Deputy Minister for HSS. [HH/17 – INQ000185037] [HH/17a - INQ000185038] [HH/17b – INQ000185039]

4.2.5 I received a letter in response from the Counsel General and Minister for European Transition on 14 October 2020, agreeing to meet with me but rejecting the criticism I had made and outlining action the Welsh Government was taking. [HH/18 – INQ000184958] [HH/18a – INQ000184959]

4.2.6 I met the Counsel General and Minister for European Transition on 20 October 2020 and we had a constructive meeting where we discussed the concerns I had raised in my letter of 7 October 2020. During our meeting, the Minister sought to assure me that older people were important to the Welsh Government.

4.3 Contact with Eluned Morgan, the Minister for Mental Health, Wellbeing and the Welsh Language, and then Minister for Health and Social Services

4.3.1 I wrote to Eluned Morgan MS, Minister for Mental Health, Wellbeing and the Welsh Language, on 29 October 2020: welcoming the Minister to her new role; highlighting the actions I called for in my report 'Leave No-One Behind' (as published in August 2020) that were relevant to the Minister's portfolio; and also highlighting the issue of ageism in mental health services. [HH/19 – INQ000184923] [HH/19a – INQ000184924] [HH/19b – INQ000184925]

4.3.2 I met the Minister on 4 February 2021 and sent her a follow up letter on 11 February 2021 reflecting our discussion on mental health and data held by the Welsh Government that might be helpful in the work I was intending to undertake at that time, on mental health and older people. [HH/20 – INQ000184974] [HH/20a – INQ000184975]

4.3.3 On 10 August 2021, I wrote to Eluned Morgan MS, now the Minister for Health and Social Services ("**the Minister for HSS**") with effect from 13 May 2021, with my proposals and recommendations for action to address the physical and mental health deterioration experienced by many older people as a result of the pandemic and its restrictions. My letter enclosed a copy of my paper 'The Health and Wellbeing of Older People, Recommendations for Action, August 2021'. [HH/21 – INQ000184990] [HH/21a - INQ000184991] [HH/21a – INQ000185000] [HH/12b – INQ000185001] [HH/12c – INQ000185002]

4.3.4 The proposals set out in my paper 'The Health and Wellbeing of Older People, Recommendations for Action, August 2021', had been developed through

working with Dr Sally Lewis, National Clinical Lead for Prudent and Value-based Healthcare, and the Chief Executive of Age Cymru. They followed a round table I held on 26 May 2021 with key organisations to discuss how to improve the health and wellbeing of older people. I had discussed the proposals with the Director General for HSS, who was supportive, and indicated that they aligned with Welsh Government policy.

- 4.3.4 In my letter of 10 August 2021, I requested a meeting with the Minister for HSS to discuss the proposals set out in my paper 'The Health and Wellbeing of Older People, Recommendations for Action, August 2021' and received an email response from the Minister's office on 18 August 2021 to say that given the Minister's existing commitments, it would not be possible for us to meet until our next scheduled meeting on 16 September 2021. [HH/22 – INQ000185050]
- 4.3.5 Following a constructive meeting with the Minister for HSS on 16 September 2021, I wrote to her on 22 September 2021 [HH/23 – INQ000184997] [HH/23a – INQ000184998] and subsequently met with Welsh Government officials to advance the proposals set out in my paper "The Health and Wellbeing of Older People, Recommendations for Action, August 2021". I received a written response from the Minister for HSS dated 12 October 2021. [HH/24 – INQ000184976] [HH/24a – INQ000184977]
- 4.3.6 On 19 November 2021, I wrote to the Minister for HSS raising concerns about the extension of the use of the NHS Covid Pass to theatres, cinemas and concert halls. I commented, however, that it was pleasing to see that an impact assessment considering the impact the policy change would be likely to have on older people, had been published alongside the extension announcement. I was concerned that this extension could exclude older people who did not have access to the internet or own a mobile phone (particularly a smartphone). I raised concerns regarding a further extension to restaurants, cafes and pubs, the time it took to get a paper pass, and suggested other ways of people being able to prove their vaccination status, such as using their vaccination cards. [HH/25 – INQ000184978] [HH/25a – INQ000184979]
- 4.3.7 I received a written response from the Minister for HSS on 7 December 2021 which noted my suggestion of the use of vaccination cards to prove vaccination status but did not support this. [HH/26 – INQ000185016]

4.4 Wider Engagement with the Welsh Government

4.4.1 The nature of my engagement with the Welsh Government meant that there was ongoing discussion (at my weekly meetings with the Deputy Minister for HSS and also with the Director General for HSS) about the changing levels of restrictions and their impact on older people.

4.4.2 Following the Senedd election in May 2021, I generally met three times a year with the Minister for Social Justice who has ministerial responsibility for the relationship with the Older People's Commissioner for Wales, Children's Commissioner for Wales, and Future Generations Commissioner for Wales. Meetings with Julie Morgan MS, now the Deputy Minister for Social Services ("**Deputy Minister for SS**") moved to monthly.

4.4.3 In addition to these meetings, members of my team attended, and contributed to, a number of working groups established by the Welsh Government. These included groups that were set up to: share information; develop policy and guidance; and consider responses to the issues being faced by people in need of care and support. Our involvement in these working groups provided us with the opportunity to feed in the experiences and issues being raised by older people. For some of these groups members of my team stated that they were attending in an observer capacity – the degree of our involvement and participation depended on the purpose and role of the particular working group.

4.4.4 The working groups were:

- Care home visiting guidance stakeholder group;
- Covid 19 Moral and Ethical Advisory Group;
- Shadow Social Partnership Council;
- Covid 19 Vaccination Programme Stakeholder Board and associated meetings;
- Social Care Planning and Response Sub-Group; and the
- Social Care Stabilisation and Reconstruction Board.

[HH/27 – INQ000184921] [HH/28 – INQ000185057]

4.5 Vaccination programme

4.5.1 A member of my team attended the Covid-19 Vaccination Programme Stakeholder Board which was very useful in keeping up-to-date with developments and issues and enabled me to raise questions and concerns from older people. In addition, I had some specific meetings with Dr Gill

Richardson, Deputy Chief Medical Officer for Vaccines in Wales ("**the Deputy Chief Medical Officer for Vaccines in Wales**") and her colleagues.

- 4.5.2 On 16 December 2020, I made a public statement welcoming the beginning of the vaccination of older people living in care homes. [HH/29 – INQ000181759]
- 4.5.3 As the Covid-19 vaccination programme got underway and during the Christmas period, I received numerous queries, issues and concerns from older people. On 4 January 2021, I sent an email to Vaughan Gething MS, Minister for HSS, and the Deputy Minister for HSS, copied to the Director General for HSS, setting out the issues and questions that were being raised by older people and offered the support of my office in sharing information and key messages. [HH/30 – INQ000185053] I received a letter in response from the Minister for HSS, on 10 February 2021. [HH/31 – INQ000184987]
- 4.5.4 I wrote to Dr Gill Richardson, Deputy Chief Medical Officer for Vaccines in Wales on 19 January 2021 ahead of my meeting with her the following day to provide an update on questions and issues that had been raised by older people relating to the vaccination programme. [HH/32 – INQ000184922] I copied this letter to the Minister for HSS, the Deputy Minister for HSS [HH/33 – INQ000184981], the Director General for HSS and the Deputy Director General for HSS. [HH/35 – INQ000184983] I had a positive response from Deputy Chief Medical Officer for Vaccines in Wales by email on 19 January 2021 [HH/34 – INQ000184980] ahead of a constructive meeting with her on 20 January 2021, following which I sent a letter dated 26 January 2021 summarising issues that had been raised by older people during the preceding week. [HH/36 – INQ000185006]
- 4.5.5 On 1 February 2021, I wrote to the Minister for HSS to question the speed of the roll-out of the vaccination programme for people living and working in care homes and requesting information and data, given the Welsh Government's targets for vaccinations had not been met. [HH/37 – INQ000184985] I was also raising these concerns in my regular meetings with the Deputy Minister for HSS and the extent to which there were problems with the available data.
- 4.5.6 I received a letter from the Minister for HSS dated 15 February responding to the specific questions that I had raised in my letter of 1 February 2021. [HH/38 – INQ000184988]

- 4.5.7 I had a further meeting with the Deputy Chief Medical Officer for Vaccines in Wales on 9 February 2021 to discuss care home vaccination rates and communication.
- 4.5.8 During 2021, my Health and Care Lead regularly attended the Wales Vaccination Stakeholder Board meetings.
- 4.5.9 On 2 September 2021, my Health and Care Lead and Head of Communications had a meeting with the Deputy Chief Medical Officer for Vaccines in Wales and colleagues to discuss the production and distribution of an information booklet for older people entitled 'Keeping Well This Winter: Ready to Go' and the opportunity to provide information and advice to older people when they were attending for their vaccinations. This was taking forward some of the recommendations in my paper 'The Health and Wellbeing of Older People, Recommendations and Action: August 2021'. [HH/12a – INQ000185000]

4.6 Covid-19 Moral and Ethical Advisory Group

- 4.6.1 I was invited to join the Covid-19 Moral and Ethical Advisory Group ("**CMEAG**") on 3 April 2020 by Dr Heather Payne, Senior Medical Officer and Emma Bennett, Head of Equality, Welsh Government, and attended the first meeting on 6 April 2020. I, or my Health and Care Lead, subsequently attended the regular meetings.
- 4.6.2 I provided comments to the draft values and principles document produced by CMEAG and then published. Thereafter, working with three other members of CMEAG, I produced a discussion paper for the CMEAG meeting on 14 May 2020 on the role of CMEAG over the coming weeks and months. [HH/39 – INQ000185043] [HH/39a – INQ000185044]
- 4.6.3 I sent a position paper entitled "Care Home Visiting in Wales: Position Statement" to Dr Heather Payne, Chair and Kevin Francis, Secretary of CMEAG on 30 September 2020. [HH/40 – INQ000185055] [HH/49 – INQ000184909]
- 4.6.4 For the CMEAG meeting on 23 October 2020, I produced a brief paper on Clinical Ethics Committees and older people. [HH/41 – INQ000185045] [HH/41a – INQ000185046]
- 4.6.5 Throughout the lifetime of CMEAG, I commented on draft papers and contributed to discussions in meetings. It was a very valuable group, bringing together different expertise and perspectives, and I was able to raise issues

concerning older people, and highlight relevant areas of my work. For example, in August 2020 my report, 'Leave No-one Behind' was circulated to CMEAG members and discussed at a subsequent meeting.

- 4.6.6 CMEAG provided me with an opportunity to comment by email on 10 December 2020 on the draft surge guidance about which I had significant concerns, and I raised a number of concerns and questions. [HH/42 – INQ000185011] [HH/42a – INQ000253848]

4.7 Format of Meetings

- 4.7.1 In meetings I held with the Deputy Minister for HSS (whose Ministerial title changed to the Deputy Minister for SS from 13 May 2021) or the Minister for HSS (both Vaughan Gething MS and Eluned Morgan MS), I was generally accompanied by a colleague who on most occasions took a note of the meeting for our purposes. These notes were not formal minutes and were not circulated outside of my team.
- 4.7.2 It was not always possible to have a colleague with me given staff capacity and the number of meetings being held. Following these meetings, I generally fed back verbally and/or by brief email to relevant members of my team.
- 4.7.3 All of my meetings with Welsh Government ministers, officials, and advisors were formal and noted in my electronic diary. I was not part of any WhatsApp messaging groups, nor did I have any private communications with Ministers or officials about significant decisions.

5. Engagement with the UK Government and UK organisations

- 5.1 Although my legal remit as Commissioner covers older people in Wales only, I represent the interests of older people in Wales to the UK Government on reserved matters, for example criminal justice. During the pandemic, I also engaged with other institutions, for example the Equality and Human Rights Commission, and the Domestic Abuse Commissioner for England and Wales. In order to maximise the impact of public statements and calls for action at a UK level, I worked in partnership with the UK Network of Older People's Organisations to bring together the strength of the collective voice of organisations representing older people, and those who care for them, across the UK.
- 5.2 The UK Network of Older People's Organisations raised issues through making joint public statements – for example on 6 April 2020 on treatment decisions and DNACPR. [HH/9 – INQ000184934]

- 5.3 I had limited direct contact with the UK Government during the pandemic as many of the decisions affecting older people in Wales were the responsibility of the Welsh Government. My focus was on the Welsh Government in terms of the impact of its decisions on older people in Wales.
- 5.4 As outlined at Section 3 above, I convened and facilitated a UK Network of Older People's Organisations which included the Commissioner for Older People in Northern Ireland. Most of the contact I had with the Commissioner for Older People in Northern Ireland, was through the UK Network of Older People's Organisations. He was a co-signatory to the letters and press statements which we agreed collectively.
- 5.5 The Commissioner for Older People in Northern Ireland accepted my invitation to participate in a roundtable on the rights of older people in care homes held on 23 April 2021. From this I established my Older People's Rights in Care Homes Group, which continues to meet regularly.
- 5.6 We both spoke at a British Geriatrics Society seminar on 30 April 2021 on addressing ageism.
- 5.7 The Commissioner for Older People in Northern Ireland and I had some calls to keep in touch with developments in our respective nations and the work we were both doing and kept in touch via emails and occasional WhatsApp messages. It was helpful to discuss the work we were doing and our approach, as the only two Commissioners for Older People in the UK.

6. Working groups established by the Commissioner

6.1 Listening to and responding to older people

6.1.1 In order to understand and communicate the impact of Non-Pharmaceutical Interventions ("NPIs") on older people, I met regularly with the older people who chair the national older people's groups in Wales (as referred to at paragraph 3.16 above) These were:

- 6.1.1.1 Active Wales;
- 6.1.1.2 Cymru Older People's Alliance;
- 6.1.1.3 National Pensioners Convention;
- 6.1.1.4 The Welsh Senate of Older People; and the
- 6.1.1.5 National Pensioners Forum.

- 6.1.2 During our meetings, the Chairs provided very helpful feedback, questions and ideas drawing on contact with their members.
- 6.1.3 Through my Advice and Assistance service, my team heard directly from older people, their families and friends, and people working with them. I received weekly reports from the Advice and Assistance service on the issues and queries being raised.
- 6.1.4 I undertook specific surveys and held online engagement events to hear from older people. I also used social media (Twitter and Facebook) to reach older people and engage with them. I took relevant opportunities to be on television and radio which encouraged older people to contact my office.
- 6.1.5 I held online sessions with older people living in two care homes as part of developing my 'Care Home Voices' report.
- 6.1.6 On 29 July 2020, I held an online session with organisations and individuals who work with and support older people from Black, Asian and Minority Ethnic communities to discuss the experiences and issues being faced by older people in these communities.
- 6.1.7 I held a total of 33 online sessions for older people and organisations across Wales to listen to people's experiences and insights, learn about and enable the sharing of good practice, and discuss ideas and proposals. These sessions included: consideration of mental health issues; what needed to happen to ensure older people were not left behind in the Covid-19 recovery; how to help older people re-engage after lockdowns; and discussions on digital inclusion and exclusion.
- 6.1.8 The information gathered through the above initiatives tended to be a mix of feedback on existing NPIs and views about possible changes to NPIs – both in the context of increasing NPIs and relaxing NPIs. Older people spoke to me about the effects of the restrictions on their day-to-day life but also raised concerns also about a lack of and/or relaxation of NPIs e.g., facemasks and risks of contracting coronavirus.
- 6.1.9 In July 2021, I published and distributed a briefing paper entitled 'Covid Restrictions and Regulations in Wales', particularly drawing on the views of the national older people's groups and their members, which was emailed to the Deputy Minister for SS on 12 July 2021. [HH/44 – INQ000184995] [HH/44a – INQ000184996] This paper followed the announcement by the UK

Government that from 19 July 2021, there would no longer be a requirement for people to wear facemasks indoors or maintain social distancing in England. I wanted to gather the views of older people on the possible lifting of these restrictions in Wales and feed this information into the decision-making process of the Welsh Government. A majority of the older people who responded shared their concerns about the potential impact that the changes in England could have if introduced in Wales.

6.1.10 I was pleased to see that on 14 July 2021, when the Welsh Government published an updated Coronavirus Control Plan announcing changes to some restrictions from 17 July 2021, there were no changes in respect of the wearing of facemasks at that time.

6.1.11 I also held a number of open webinars to reach and engage wider audiences. These included presentations by older people on their experiences and insights, as well as presentations from experts in the field, Welsh Government officials, the Deputy Minister for HSS, and local government. These webinars were as follows:

6.1.11.1 1 October 2020: "Leave No-One Behind";

6.1.11.2 4 November 2020: "Accommodation for older people experiencing abuse";

6.1.11.3 15 June 2021: "Transforming services and support for older people at risk of experiencing abuse"; and

6.1.11.4 1 October 2021: "State of the Nation".

6.2 Working Groups

6.2.1 During the pandemic, I established a number of working groups in addition to the Wales based Older People's Chairs Group and the UK Network of Older People's Organisation. These were:

6.2.1.1 The Abuse Action Group and Steering Group;

6.2.1.2 The Older People's Rights in Care Homes Group which included organisations from Scotland, Northern Ireland and England;

6.2.1.3 The Black, Asian and Minority Ethnic Advisory Group; and

6.2.1.4 The Age-friendly Partnership Group.

7. Commissioner's Reports

7.1 Older people are particularly at risk and vulnerable to Covid-19, and to the effects of the restrictions implemented by the UK and Welsh Governments during the pandemic. Within the older population, there are groups of people for whom these risks and vulnerabilities are heightened. This related not just to the health and medical status of older people, but also to, for example:

7.1.1. Where they lived and whether there were local services available to them;

7.1.2 Whether they lived in a care home;

7.1.3 Whether they were online and confident about using digital technology;

7.1.4 Whether they had family and friends to help them;

7.1.5 Whether they were at risk of or experiencing abuse – of all kinds including domestic violence and financial abuse;

7.1.6 Whether they were Black, Asian or Minority Ethnic; and

7.1.7 Their financial position.

7.2 I used a range of methods to gather information and evidence of the impact on older people of the UK and Welsh Government's response to the pandemic and make recommendations for action, and published the following reports, papers and briefings:

7.2.1 5 June 2020: 'Covid-19 Information Pack – abuse of older people';

7.2.2 21 June 2020: 'Care Home Voices' (as detailed in Section 11 below);

7.2.3 8 August 2020: 'Leave No-One Behind';

7.2.4 18 December 2020: 'Accommodation and support for older people experiencing abuse';

7.2.5 15 June 2021: 'Support Services for Older People Experiencing Abuse in Wales';

7.2.6 12 August 2021: 'Accessing Health Services in Wales – Transport Issues and Barriers';

7.2.7 1 October 2021: 'State of the Nation';

7.2.8 1 October 2021: 'Winter Stories'; and

7.2.9 18 November 2021: 'Ensuring access to information and services in a digital age: guidance for local authorities and health boards'.

7.3 I also established a Black, Asian and Minority Ethnic Advisory Group to advise me on how best to carry out research with older people from minority ethnic communities. The Group met from August 2021 and as a result of their advice I worked directly with organisations and individuals who work with and support older people from Black, Asian and Minority Ethnic communities to gather the lived experiences of older people from these communities. A report from this work is due to be published in summer 2023.

Significant findings

7.4 **'Leave No-One Behind' - 18 August 2020** [HH/7.4 – INQ000181753] [HH/7.4a – INQ000184908]

7.4.1 This report was based on information, experiences and ideas captured at 16 online engagement sessions I held with older people and those who work with, and support, them across Wales. I concluded that rapid action was still needed to ensure that older people who needed to be were protected and supported, as well as to enable older people to contribute their skills, energy and ideas to the recovery from the pandemic.

7.4.1.1 *"There can be no successful recovery without engaging and enabling older people to play their part in it ... older people's rights need to be better protected, and where they have been removed, reinstated. The exclusion that many older people have experienced and felt must not be allowed to continue."*

7.4.2 The report addressed five key areas: social care and health services; the economy and older people; stopping the abuse of older people; strengthening communities; and improving communication and inclusion.

7.4.3 Under each key area, I set out my recommendations for short-term actions for the following three months, as well as longer-term actions.

7.4.4 Social care and health services:

7.4.4.1 *"We are all feeling that if we do get ill, as older people, whether we will get the treatment that we deserve, or if we would be seen as 'dying soon', and if that would result in poorer treatment."*

7.4.4.2 I called for the following actions to be taken immediately:

- 7.4.4.2.1 Publish and implement an action plan for care homes ahead of the winter;
- 7.4.4.2.2 Repeal sections of the Coronavirus Act that risk limiting older people's rights;
- 7.4.4.2.3 Reinstate the social support that has been suspended during lockdown;
- 7.4.4.2.4 Prepare for the winter – support older people to access health services again; and Welsh Government to provide additional financial support to local government and the NHS for early preparation and planning for winter; and
- 7.4.4.2.5 Establish a rehabilitation programme for older people to help older people who have experienced physical and mental health deterioration as a result of the pandemic and its restrictions.

7.4.4.3 I also set out my recommendations for longer term actions, including establishing a major healthy ageing programme focused on supporting older people and helping people to age well; and appointing a Chief Social Care Officer in the Welsh Government to act as the head of the profession in Wales and to ensure that social care expertise is at the heart of decision making on a par with the NHS.

7.4.5 The economy and older people:

7.4.5.1 *"I believe that there will be a growth in unemployment in the older age and we need to ensure that services are in a position to help."*

7.4.5.2 I called for the following actions to be taken immediately:

- 7.4.5.2.1 Invest in a targeted campaign and assistance to increase the take-up of Pension Credit;
- 7.4.5.2.2 Establish an emergency grant fund to make improvements to older people's home

environments to support those most at risk of fuel poverty;

7.4.5.2.3 Establish a dedicated programme to support older workers to remain in work or retrain if they are facing redundancy; and

7.4.5.2.4 Promote the Wales TUC toolkit on tackling age discrimination in the workplace.

7.4.5.3 My recommendations for longer term actions included: investing in an ongoing programme to increase the take up of financial entitlements for older people and commit to eliminating age discrimination in the workplace.

7.4.6 Stopping the abuse of older people:

7.4.6.1 *“Where these individuals can go is an issue as refuges may not be the best environment for people with complex needs. There is a lot of training that needs to be done for professionals as understanding of older people experiencing domestic abuse is lacking.”*

7.4.6.2 I called for the following actions to be taken immediately:

7.4.6.2.1 Raise awareness of the risk of abuse and where to go for support through the media and via public bodies and networks;

7.4.6.2.2 Roll out and promote training to professionals and key workers so they can identify abuse and know what help and support is available; and

7.4.6.2.3 Assess the availability of suitable accommodation and support for older people needing to leave abusive relationships and put in place what is needed.

7.4.6.3 My recommendations for longer term actions included: the Welsh Government should develop and publish an All Wales Action Plan to stop the abuse of older people and ensure appropriate resources are available to support its delivery.

7.4.7 Strengthening our communities:

7.4.7.1 *“A lot of people are heavily reliant on their neighbours, friends and family to support them.”*

7.4.7.2 I called for the following actions to be taken immediately:

7.4.7.2.1 Ensure older people can access essential supplies, including establishing a register of people that may require support to access food and cash during emergencies; and

7.4.7.2.2 Provide financial support for community groups and local community venues to re-open safely.

7.4.7.3 My recommendations for longer term actions included: launch a programme to encourage physical activity amongst older people, and ensure that the new Wales transport strategy reflects the circumstances of the diversity of the older population.

7.4.8 Improving communication and inclusion:

7.4.8.1 *“So many feel disconnected, mainly because so many don’t use social media. As many times as my group have been shown even basic use of tablets, phones, they don’t feel confident to use them when alone. This of course makes many feel discriminated against as they don’t get vital information.”*

7.4.8.2 I called for the following actions to be taken immediately:

7.4.8.2.1 Public bodies should take action to ensure that public health messaging is communicated more effectively to older people.

7.4.8.2.2 Undertake community-level audits of older people who have been digitally excluded during the pandemic and provide user-friendly devices with access to the internet.

7.4.8.3 My recommendations for longer term actions included: placing a duty on public bodies in Wales to demonstrate how they will engage with and serve citizens that are not online; and health

boards and local authorities establishing outreach programmes to build digital confidence for older people to access digital public services.

7.5 Accommodation and support for older people experiencing abuse [HH/7.5.2 – INQ000184912]

7.5.1 The Abuse Action Group had discussed the difficulties for older people who needed to leave abusive relationships, and the lack of appropriate accommodation and support for them to move to. A member of this group initiated a survey of Directors of Social Services in Wales (19 out of 22 responded) and an online workshop was held on 4 November 2020 to provide an opportunity to share information and discuss the way forward. The Deputy Minister for HSS spoke at the online event and was very supportive of the work.

7.5.2 The report - based on the survey findings, the presentations, and discussions at the event - listed the immediate and longer-term changes needed: improve awareness; build the evidence; develop housing and support options; improve access to existing services and develop more specialist services for older people; and improve access to justice.

7.6 Support services for older people experiencing abuse in Wales [HH/7.6 – INQ000184915]

7.6.1 I commissioned research to: undertake a comprehensive mapping exercise of the services throughout Wales to support older people experiencing or at risk of abuse; identify the availability and type of services being delivered in Wales; and consider whether the support currently available is sufficient to ensure older people can access the help they need, when and where they need it.

7.6.2 The information was used to develop a new abuse support services directory, which can be used by older people and stakeholders to find the services available in their area.

7.6.3 Key recommendations covered: services and support; awareness and understanding of older people's experiences; data collection; training; and policy, strategy and legislation.

7.6.4 The above reports, combined with my work with the Abuse Action Group and Steering Group, helped to ensure the Welsh Government's commitment to produce a National Action Plan to prevent the abuse of older people, a draft of which was published for consultation on 8 August 2022. The Welsh

Government also responded positively to my advice on the need for specific communications to raise awareness of the abuse of older people and how to get help and support. There were Welsh Government communication campaigns run in March 2022.

7.7 **"Winter Stories" - 1 October 2021** [HH/7.7 – INQ000181728]

7.7.1 I wanted to hear more in-depth experiences of older people through the winter months and commissioned a researcher to work with older people from all areas of Wales between December 2020 and March 2021, to capture their experiences of winter and the effects of the pandemic on their lives.

"It has given me more time to think about things, and there is something about the winter months which makes it worse, it's when you close the curtains, you know you are alone then, leaving you with time to think about those you have loved and lost. I've got a picture of my family in my hallway, my late wife, children and grandchildren are in it, and I say goodnight to them all every night before I go to bed."

7.7.2 I did not make any recommendations to the Welsh Government or others in this report, but it was important to share it widely to increase understanding of the experiences of older people and the impacts of the pandemic and the response, as well as use it to inform my work and that of my team.

7.7.3 The report reinforced learning from earlier work and contact with older people in Wales, showing the detrimental impact the pandemic and its restrictions had on people's health and wellbeing; how older people felt a loss of sense of purpose during this time; the importance of being online; and the value of support from family and friends and the wider community.

7.8 **"State of the Nation 2021" – 1 October 2021** [HH/7.8 – INQ000184918]

7.8.1 My 'State of the Nation' report brought together a wide range of data, evidence and research to provide a detailed overview of people's experiences of growing older in Wales and assessed how things had changed since the publication of my previous 'State of the Nation' report in October 2019.

7.8.2 The following is a summary of the report's key findings:

7.8.2.1 Accessing community services, particularly health and care, was difficult for older people;

- 7.8.2.2 Unpaid care increased significantly as social care services have been withdrawn or handed back by service users;
- 7.8.2.3 There was a significant deterioration in the physical and mental health of older people as a result of pandemic restrictions and reduced physical and social activities;
- 7.8.2.4 Older people were impacted financially by the pandemic, and those who wished to remain in the workforce were at higher risk of redundancy or exclusion from developing work practices;
- 7.8.2.5 The lack of available data on older people's experiences of abuse made it difficult to assess the impact of the pandemic but it is clear that criminals have been targeting older people for financial crimes and fraud;
- 7.8.2.6 Opportunities to engage with communities and volunteer were limited for older people during the pandemic and many older people said they did not feel like valued members of society;
- 7.8.2.7 Many older people were at risk of exclusion as public and private services accelerated the introduction of digital services; and
- 7.8.2.8 Older people showed resilience and determination throughout the pandemic and were generally optimistic about the future.

7.9 **"Ensuring access to information and services in a digital age: Guidance for Local Authorities and Health Boards" - 18 November 2021 [HH/7.9 – INQ000184920]**

- 7.9.1 In light of the rapid shift by public bodies to the provision of information and services through digital means, and the feedback from older people about the difficulty of getting information and services if not online, I used my legal powers under Section 12 of the 2006 Act to issue guidance to local authorities and health boards on how to ensure access to information and services in a digital age, which they must have regard to in discharging their functions.
- 7.9.2 I required local authorities and health boards to provide details of the action they are taking to ensure older people can access information and services via non-digital means, and that older people who want to get online, are supported to do so.

7.9.3 At the same time, I issued an information booklet for older people 'Getting the information and services you need: Know Your Rights'.

7.9.4 The challenges of being able to get on with day-to-day life for older people who are not online, were highlighted by the introduction of Covid passports as outlined in Section 4 above and in my letter to the Minister for Health and Social Services, dated 19 November 2021. [HH/25 – INQ000184978] [HH/25a – INQ000184977]

7.10 Sharing the results of reports

7.10.1 The findings from this engagement, evidence gathering, reports and working groups were shared in a number of ways:

7.10.1.1 Reports were sent to the Welsh Government, and the findings and recommendations were discussed with relevant Ministers, Deputy Ministers and officials and followed up as needed;

7.10.1.2 Reports were sent to other policy and decision-makers and discussed with them, for example Care Inspectorate Wales and Health Inspectorate Wales;

7.10.1.3 Reports were published through the media, on my website and via social media;

7.10.1.4 Reports were sent to Members of the Senedd; and

7.10.1.5 Reports were sent to those who took part in the work, and all relevant stakeholders.

8. Representing older people to the Senedd and Senedd Committee Inquiries

8.1 I was invited to provide evidence (written and oral) to a number of Senedd Committee Inquiries, and I also identified consultations and inquiries to which I thought it important to respond in order to highlight older people's experiences during the pandemic and make recommendations for changes. [Appendix C.3]

8.2 The responses and evidence are listed below:

8.2.1 June 2020: Equality and Local Government Committee Inquiry into Covid-19 and its impact – I provided written and oral evidence;

8.2.2 November 2020: Equality and Local Government Committee Scrutiny of Covid-19 and its impact on the voluntary sector – I provided a written response;

- 8.2.3 September 2021: Economy, Trade and Rural Affairs Committee – I provided a written response to the consultation on Committee priorities;
 - 8.2.4 September 2021: Health and Social Care Committee – I provided a written response to the consultation on the priorities for the Sixth Senedd;
 - 8.2.5 September 2021: Local Government and Housing Committee consultation on priorities for the Sixth Senedd – I provided written evidence;
 - 8.2.6 November 2021: Finance Committee consultation on Welsh Government draft budget 2022-2023; I provided a written response;
 - 8.2.7 February 2022: Health and Social Care Committee Inquiry into mental health inequalities - I provided written and oral evidence;
 - 8.2.8 April 2022: Health and Social Care Committee Inquiry into the impact of the Covid-19 pandemic, and its management, on health and social care in Wales – I provided a written response; and
 - 8.2.9 May 2022: Public Accounts and Public Administration Committee Inquiry into Care Home Commissioning. – I provided written and oral evidence
- 8.3 In addition, I sent briefings on key issues during the pandemic to all Members of the Senedd.

9. Data Issues

- 9.1 The inadequacy of data on ageing and older people is a long-standing issue, which meant that some data sources were inadequate going into the pandemic. This inadequacy includes data that does not capture older people's experiences at all; and data that includes an 'older people' category but does not disaggregate according to age ranges within that category. This can render older people's experiences, or the impact of policy and decisions on older people, invisible. This hampers good policy development and decision making and could be an indication of ageism.
- 9.2 Initially, the data on deaths from Covid-19 did not include older people who died in care homes. This was a stark example of the inadequacy of data collection and raised questions about how older people in care homes were valued. The suspension of some data gathering during the pandemic, because of pressures on public services, was a concern. There were also issues with some specific data – for example early data on the vaccination roll-out into care homes – which made it difficult to get an accurate picture of what was happening, particularly in comparison to other nations in the UK. I

- outline my correspondence with the Welsh Government concerning data on vaccinations in Section 3 above.
- 9.3 The reports that I have summarised in Section 7 above (which were shared with the Welsh Government), provided information and data on the impact on older people of the Welsh Government's response to the pandemic.
- 9.4 There were some occasions on which I provided research data, and information from other organisations, to the Welsh Government. For example, on 30 April 2020, I emailed the Deputy Minister for HSS and the Special Adviser following a meeting with them earlier that day, with information which included an article by the British Geriatrics Society describing the different presentations of Covid-19 in older people. [HH/45 – INQ000185019] [HH/12.4 – INQ000184939]
- 9.5 During my regular meetings with Welsh Government officials and with the Deputy Minister for HSS, I asked for data on the impact of the pandemic and its response on older people, and on the effects of policies and decisions. For example, following my meeting with Welsh Government officials and the Deputy Minister for HSS on 28 May 2020, I emailed the Deputy Minister for HSS stating:

"I raised the issue of access to NHS services and support and specifically whether residents in care homes had been able to access hospital care and treatment if their condition warranted it. As discussed, I would welcome seeing the data on this". [HH/46 – INQ000185018]

10. Older people living in care homes

- 10.1 My work concerning care homes focused on the key areas of:
- 10.1.1 Providing advice and information to families and friends of older people living in care homes through my Advice and Assistance service;
- 10.1.2 Gathering and sharing the experiences of people living in care homes, working there, or with loved ones in care homes through my 'Care Home Voices' report and sharing this with policy and decision-makers;
- 10.1.3 Pressing Welsh Government on the availability and speed of testing for care homes; raising issues concerning hospital admissions and discharge, and access to health services; and
- 10.1.4 Working to improve visiting arrangements; and increasing awareness of older people's rights in care homes.

10.2 I identified the need for a published action plan for care homes, raising this in meetings and in writing with the Welsh Government, and issued a public statement on 15 April 2020. [HH/b – INQ000181739]

10.3 My serious concerns about what was happening to older people living in care homes led me to call on the Equality and Human Rights Commission to take action as further explained in Section 12 below.

10.4 I refer to my report entitled 'Care Home Voices: A snapshot of life in care homes in Wales during Covid-19':

10.4.1 I undertook rapid work to give voice to people living and working in care homes, their families and friends, during the first months of the pandemic. I issued a survey and responses were received via an online form; over the telephone; via email and by letter. [HH/e – INQ000181730] In May/June 2020, I also held two online engagement sessions with older people living in care homes in North Wales and South Wales to enable more detailed discussions about their experiences;

10.4.2 I published this report on 21 June 2020 and shared it with Welsh Government Ministers including the Deputy Minister for HSS and officials as well as other key organisations including Care Inspectorate Wales. [HH/f – INQ000181725]; and

10.4.3 The report highlighted the issues and challenges faced, changes that were needed, and good practice.

10.4.4 Below is a summary of the report's key findings:

10.4.4.1 **The response to the pandemic:**

10.4.4.1.1 Fear amongst staff:

"I'm scared every day that I'll bring that virus to my workplace or home";

10.4.4.1.2 Many care home staff were extremely dedicated in unprecedented circumstances, such as dealing with the challenges of the variations in the availability of Personal Protective Equipment ("PPE");

"In order to deal with the lack of PPE and testing in the early days of Covid-19, 39 of our staff agreed to 'lock down' in the home with our residents 24 hours a day for 12 days";

10.4.4.1.3 The impact of the experience on the physical and mental health of care home staff was significant:

"I have never felt so desperate, tired, stressed, frustrated as I have over the past nine weeks";

10.4.4.1.4 Staff wearing face masks impacted on their ability to communicate effectively with all residents;

10.4.4.1.5 The limited availability of testing was a source of anxiety; and

10.4.4.1.6 Rapidly changing information and guidance from different bodies:

"was often confusing or contradictory".

10.4.4.1.7 Care Home staff do not get the recognition they deserve and the crucial work they do is not sufficiently valued.

10.4.4.2 **Impact on older people's quality of life**

10.4.4.2.1 Restrictions on visits and difficulties staying connected seriously affected the health and wellbeing of older people:

"It is really difficult not being able to visit my mother and we can see a deterioration in her cognition and state of mind. She is often tearful and we think this is because she does not see her family";

10.4.4.2.2 Enforced separation meant that older people were concerned that they would not see their loved ones again;

10.4.4.2.3 Care home staff played a vital role in facilitating video calls, phone calls and passing on messages from loved ones to relatives;

10.4.4.2.4 Alongside safe visits, enabling older people to go out from care homes was also important:

"I want to see my family again and go for walks";

10.4.4.2.5 Access to health services was limited, with particular difficulties relating to visits from GPs;

10.4.4.2.6 There was a significant impact on the mental health and emotional wellbeing of residents, particularly those having to isolate in their rooms:

"Another impact it has had is on the emotional wellbeing of our residents. Many feel that they have been abandoned by their family and cannot understand why we need to keep them away at the moment"; and

10.4.5 The conclusions I drew in my report were that many felt that there was not a sufficient focus on protecting and supporting people living and working in care homes in Wales, and limited understanding amongst public bodies in Wales about the policies and support needed to keep older people safe and well.

10.4.6 I concluded that more action was needed to tackle the disconnect between what was being promised at a policy level and what was being delivered on the ground. I stated that:

"It also appears that many of the issues and challenges that have been shared with me could have potentially been avoided, through more effective planning and engagements with care homes at an earlier stage and the provision of clear, practical information and guidance".

10.4.7 I set out my short term and longer term calls for action which included:

10.4.7.1 Improved engagement with care home residents, their families and friends and staff;

10.4.7.2 Opportunities to share views and experiences with policy and decision makers;

10.4.7.3 Care home staff and managers to be consulted as policy and guidance for care homes is developed;

10.4.7.4 A Welsh Government Action Plan for Care Homes to be published to provide assurance to people living and working in care homes and allow constructive and responsible scrutiny of the decisions being made and the action being taken by the Welsh Government and other public bodies;

10.4.8 I used the findings of the report to continue to press the Welsh Government through my meetings with the Deputy Minister for HSS and her officials on the need to enable safe visiting in care homes and reiterated my call for a published action plan.

10.5 Visiting

10.5.1 I was particularly concerned about the impact of the restrictions on visiting, (both indoor visiting and outdoor visiting) and on older people being able to go out from care homes.

10.5.2 I raised these issues in my meetings with the Deputy Minister for HSS, with Welsh Government officials, and also with Dr Giri Shankar, Professional Lead Consultant for Public Health Wales ("**the Professional Lead Consultant for PHW**").

10.5.3 In my opinion, the initial decision making on visiting, under public health guidance, was based on the risks of Covid infection, but did not take account of the harm to health and wellbeing from older people being isolated within their home, and not being able to see loved ones. I also felt that it did not take adequate account of the human rights of older people, for example the right to respect for private and family life.

10.5.4 My role in the meetings I had at this time was to push for improvements in visiting, based on a better understanding of the impact of the restrictions on older people and their families.

10.5.5 A significant early problem appeared to be a lack of clarity about where accountability and responsibility lay for the imposition and withdrawal of restrictions in care homes. This was compounded by the rapidly changing guidance and apparent variations in how the guidance was interpreted locally.

- 10.5.6 In my opinion, there was a lack of understanding about care homes and the rights of older people living in them, amongst some key policy and decision makers which needed to be overcome in order to make progress.
- 10.5.7 I wrote to the Professional Lead Consultant for PHW on 21 September 2020 in advance of a meeting on 23 September 2020, about the suspension of outdoor visits in areas where outbreaks had occurred. I was concerned that this may have been a disproportionate response which would be very damaging to the health and wellbeing of older people living in care homes and their loved ones. [HH/47 – INQ000184951]
- 10.5.8 On 25 September 2020, I emailed the Professional Lead Consultant for PHW and Andrea Street, Welsh Government, following up from our meeting on 23 September 2020 and enclosed my paper entitled 'Care home Visiting in Wales – a Position Statement'. [HH/48 – INQ000185008] [HH/49 – INQ000184909]
- 10.5.9 I sent my paper entitled 'Care Home Visiting in Wales – a Position Statement' to the Deputy Minister for HSS and issued a public statement on 28 September 2020. [HH/50 – INQ000181756] The aim of this paper and public statement was to enable a review of the current position on visiting and how progress could be made collaboratively. I also emailed this paper to the Chair of CMEAG, welcoming her views on the statement and asking if this was an issue where CMEAG might have a role to play.
- 10.5.10 I wrote to the Professional Lead Consultant for PHW on 8 February 2021 following contact from a relative of an older person in a care home about indoor visits to care homes being permitted under "*exceptional circumstances*". I was concerned that the relative had been wrongly prevented from visiting their relative and the advice given to the care home by local public health professionals contravened the Welsh Government's guidance in relation to indoor visits for exceptional circumstances. [HH/51 – INQ000184986]
- 10.5.11 I received an email reply from the Professional Lead Consultant for PHW on 9 February 2021 and an invitation to meet.
- 10.5.12 On 19 February 2021, I issued a public statement welcoming the First Minister's announcement that the Welsh Government would be examining ways to enable more visits to care homes. I stated that the Welsh Government should work with key organisations to develop and publish a route-map so care homes, older people and their loved ones had time to plan and prepare. [HH/52 – INQ000181769]

- 10.5.13 I emailed the Deputy Minister for HSS on 2 March 2021 asking for an update on progress made by the Welsh Government towards enabling more routine indoor visits to care homes and urging an announcement from Welsh Government as soon as possible. [HH/53 – INQ000184989]
- 10.5.14 On 5 March 2021, I welcomed the statement from the Deputy Minister for HSS that indoor visits to care homes would begin again from 13 March 2021 [HH/54 – INQ000181770] and the First Minister's confirmation on 12 March 2021 that indoor visits would be allowed from the next day. [HH/55 – INQ000253847]
- 10.5.15 On 26 May 2021, I issued a public statement urging anyone facing difficulties with care home visits to contact me and share their experiences. [HH/56 – INQ000181784] This followed a change to the Welsh Government's Care Home Visiting Guidance to remove the "*two designated visitor*" rule.
- 10.5.16 Through my Advice and Assistance service, I continued to hear about problems being experienced by families and friends regarding visits to their loved ones in care homes and I had concerns about a gap between the issued guidance and the reality in practice on the ground.
- 10.5.17 On 20 December 2021, I issued a public statement following the Welsh Government's updated guidance concerning visits to care homes which was published in response to emergence of the Covid omicron variant, its transmissibility, and the increase in cases. [HH/57 – INQ000181779]
- 10.5.18 Much of the development of the national guidance was discussed at the Care Home Visiting Guidance Stakeholder Group which was set up by Care Inspectorate Wales. This was an important and useful way to bring together the different and competing perspectives and expertise as part of the policy development process. Staff from my office regularly attended meetings of this group where they: raised questions particularly concerning the rights of older people; proposed ways forward; and contributed to the discussions, drawing on the experiences of older people and their families that were being shared with us.
- 10.5.19 I discussed care home visiting at many of my meetings with the Deputy Minister for HSS who was understanding of the distress being experienced by older people and their loved ones, and the harms that this was causing. The Deputy Minister for HSS was keen to find ways for safe visits to be enabled, including providing Welsh Government funding for care home visiting 'pods' before indoor visiting was allowed.

10.6 Discharge of older people to care homes

10.6.1 The discharge of older people from hospitals to care homes without testing for Covid-19 infection was a key concern in the early weeks and months of the pandemic, which I recollect I discussed at my meetings with the Deputy Minister for HSS. Indeed, the issue of testing for older people in care homes was one of the factors in my call for the Equality and Human Rights Commission to take action (further explained in Section 11 below).

10.6.2 At a meeting with the Deputy Minister for HSS on 10 December 2020, the Deputy Minister for HSS and her officials outlined the Welsh Government's proposed changes to discharge guidance and duration of outbreaks in social care, giving me an opportunity to respond and raise any questions.

10.6.3 On 11 December 2020, I received a follow up letter from Anthony Jordan, Deputy Director, Inclusion and Business ("**Deputy Director for Inclusion and Business**") with an opportunity to provide my views on the two Consensus Statements: "testing criteria for discharge to care homes" and "defining the duration of outbreaks in closed settings" by 15 December 2020. [HH/58 – INQ000185021] [HH/58a – INQ000185022] [HH/58b- INQ000185023] [HH/58c – INQ000185024]

10.6.4 I responded to the Deputy Director for Inclusion and Business by email on 14 December 2020, raising a number of questions and concerns. [HH/59 – INQ000185048]

10.6.5 The Deputy Director for Inclusion and Business responded to my email on 14 December 2020 and specifically to the questions I had raised. However, I had some outstanding concerns and questions which I raised in an email to the Deputy Director for Inclusion and Business dated 16 December 2020, including a request for information on how the Welsh Government would closely monitor the impact of the changes and how my, and other stakeholders, views would be reflected in that monitoring. [HH/60 – INQ000185049]

11. Working with the Equality and Human Rights Commission

11.1 Throughout the pandemic, and particularly during its first year, I was extremely concerned that older people's rights were not being upheld, were being disregarded or were being breached, or were being removed disproportionately. These concerns related to what was happening in Wales but also across the UK which had implications for older people in Wales.

- 11.2 During this time, decisions taken by the Welsh Government gave rise to concerns for me about the rights of older people and their treatment. This was in a wider environment where there were developments with serious consequences for older people's rights, and where older people were not in a position to challenge or be heard in their own right. Fundamental to my role and responsibilities as Commissioner, is protecting the rights of older people and I could see they were under threat and potentially being breached.
- 11.3 My office was also being contacted by older people's families and people working in care homes in desperation at what was happening – including: the lack of testing; lack of PPE for care home workers; families unable to maintain contact with their loved ones in care homes, and concerns about hospital discharge.
- 11.4 On 13 March 2020, the Welsh Government announced that it was moving from 'contain' to 'delay' phase in its response to the pandemic, which included:
- 11.4.1 Expedite discharge of vulnerable patients from hospital;
 - 11.4.2 Fast-track placements to care homes by suspending the protocol which gives the right to a choice of care home; and
 - 11.4.3 Relax targets and monitoring arrangements.
- 11.5 This announcement was followed on 23 March 2020 by the Minister for HSS issuing guidance for visiting care homes and confirming that only "*essential visits*" should be allowed.
- 11.6 On 9 April 2020, I met the Deputy Minister for HSS and raised concerns about the situation for residents and staff in care homes. On 14 April 2020, I wrote to the Deputy Minister for HSS following this meeting reiterating my concerns and the anxieties being experienced and calling for action to be led personally by the Deputy Minister for HSS. [HH/a – INQ000184935]
- 11.7 On 15 April 2020, I published a public statement calling for Welsh Government action to protect older people and workers in care homes. [HH/b – INQ000181739]
- 11.8 On 21 April 2020, the Deputy Minister for HSS responded to my letter of 14 April 2020 [HH/c – INQ000184940] but this did not give me assurance that anything was going to change, and in my opinion, it indicated a lack of urgency and priority. In her letter, the Deputy Minister for HSS acknowledged the impact on older people living in care homes and their families but stated that:

"the Social Care Sub-Group chaired by the Deputy Director General is working to address the many issues which are arising across the social care sector – including those referred to in your letter – as a matter of urgency".

This letter invited me to join the Social Care Sub-Group and confirmed there would be a care home workstream as part of the Social Care Sub-Group. The Deputy Minister for HSS further stated in her letter that an additional plan of action over and above these arrangements will not "add value".

- 11.9 I was very troubled by this response by the Deputy Minister for HSS which, whilst saying that matters were being dealt with urgently, did not give me this assurance as the mechanisms appeared to be a weekly meeting and a workstream of a sub-group that had not yet been established. In my view, the response suggested that the Welsh Government did not appreciate the need to set out action publicly to help older people and their families know what was happening, and also to reassure them that the Welsh Government was aware of their situation and taking action. The Welsh Government did not, at this time, take my advice on the need for a published action plan.
- 11.10 I was particularly concerned about the delays to introducing testing for Covid-19 for residents and staff in care homes. I raised this in my meetings with the Deputy Minister for HSS, by letter to the Welsh Government, and in public statements.
- 11.11 On 28 April 2020, I made a further public statement providing an update on my calls for action to protect care homes. I welcomed the developments in testing for Covid - 19 but called for more action on data on levels of infections and deaths to inform decision-making and provide reassurance to the public on what was happening in care homes. [HH/d – INQ000184941]
- 11.12 On 2 May 2020, the Welsh Government issued a written statement on testing for Covid -19 for residents and staff in care homes, but this was still only symptomatic testing and the written statement asserted that the available evidence did not support the testing of asymptomatic residents and staff.
- 11.13 During this time, I was hearing about asymptomatic transfer of Covid-19 from people in care homes and also from colleagues in the UK Network of Older People's Organisations and elsewhere. I was concerned that this 'on the ground' evidence was being given due weight by the Welsh Government in its decision making on testing and I wondered if the decisions on testing were being influenced by the availability of tests. Consequently, I decided that I needed to carry out further work to hear directly from older people living in care homes, their families and friends, and also staff in care homes, about their experiences and the changes they wanted to see.

- 11.14 On 14 May 2020, I launched a request for people to share their experiences with me, via a survey entitled 'Share your experiences of life in care homes during the Covid-19 pandemic' [HH/e – INQ000181730]. The outcome of this survey informed my report entitled 'Care Home Voices, a snapshot of life in care homes in Wales during Covid-19' which was published on 21 June 2020. [HH/f– INQ000181725]
- 11.15 On 16 May 2020, the Welsh Government announced that they would extend the availability of testing for Covid-19 to all care homes in Wales stating this was due to a change in scientific advice.
- 11.16 I wrote to the Minister for HSS on the 20 May 2020 welcoming the extension of the availability of testing for Covid-19 to all care homes in Wales but raising concerns about the delay in its introduction and stating that I had:
- "concerns that the rights of older people living in care homes may not have been sufficiently protected, and it is crucial that older people's rights are at the heart of decisions and actions on what happens in care homes as we move forward".* [HH/g – INQ000184944]
- 11.17 During this time, I had also been working with members of the UK Network of Older People's Organisations to highlight the threats to older people's rights and secure action from the Equality and Human Rights Commission ("**the EHRC**") to protect the rights of older people. We had particular concerns about the use of DNACPR and issued a joint statement on 6 April 2020 'Treatment decisions and DNACPR – protecting people's rights'. [HH/9 - INQ000184934] I emailed a copy of this joint statement to the Deputy Minister for HSS and the Deputy Director General for HSS for their information.
- 11.18 As a UK Network of Older People's Organisations, on 16 April 2020, we wrote to Rebecca Hilsenrath, Chief Executive of the EHRC ("**the Chief Executive of the EHRC**"), setting out our serious concerns about the issues affecting older people and the infringements of their rights. These included issues about: blanket policies restricting access to treatment; DNACPR; and restriction of access to hospital treatment if living in a care home. We asked to meet as a matter of urgency and discuss how, together, we could take action to protect the rights of older people. [HH/i – INQ000184937]
- 11.19 On 15 April 2020, I emailed Ruth Coombs, Head of Wales, EHRC ("**the Head of the EHRC in Wales**") to let her know that the UK Network of Older People's Organisations was writing to the Chief Executive of the EHRC and offering to share our letter with

- her. The Head of the EHRC in Wales responded and I sent her a copy of our letter on 16 April 2020.
- 11.20 We were able to secure a meeting on 11 May 2020 with the Chief Executive of the EHRC. However, prior to this meeting the Head of the EHRC in Wales suggested we had a telephone conversation about my key concerns and this took place on 6 May 2020.
- 11.21 Following the meeting on 11 May 2020, the EHRC issued a welcome statement on 14 May 2020 on older people's rights indicating that it would consider using all its powers to protect those rights. [HH/j – INQ000184943]
- 11.22 At the end of April 2020, I also wrote to Members of the Senedd and Welsh Members of Parliament ("**MPs**") to highlight the work that I was carrying out and the need to protect older people's rights. [HH/2 – INQ000185015]
- 11.23 During this time, I was concerned whether the Welsh Government was properly considering older people in its decision-making and that if this did not change, future policy and decisions might not work well for older people in Wales and/or be detrimental to them.
- 11.24 I was in contact with the EHRC in Wales and we shared concerns about what was happening to the rights of older people during the pandemic. My assessment was that action by the EHRC, using their regulatory powers, was needed to investigate how decisions were being made by the Welsh Government with regard to older people. I also wanted to encourage the EHRC at national level to take action.
- 11.25 I therefore called for action by the EHRC publicly, both in Wales and across the UK, on the rights of older people, and worked closely with the EHRC in Wales on the next steps in Wales. I felt that by working together, drawing on our complementary statutory roles and legal powers, we could scrutinise the Welsh Government effectively and secure improvements in the protection of older people's rights. I also wanted older people and their families to see that they were being listened to and action was being taken.
- 11.26 I issued a public statement on 21 May 2020 stating that I believed the EHRC was best placed to:
- "examine and scrutinise the action taken by the Welsh Government, as part of a wider inquiry that looks at older people's experiences and the action that has been taken across the UK".* [HH/I – INQ000181746]

- 11.27 The EHRC in Wales issued its first letter to the Minister for HSS on 27 May 2020 asking for information on how the Welsh Government had considered the equality and human rights implications in its policies to protect people in care homes.
- 11.28 On 28 May 2020, I was invited to attend a meeting to discuss the issues I had raised, which was attended by the Deputy Minister for HSS and a number of officials including the Chief Medical Officer for Wales and Chief Nursing Officer for Wales.
- 11.29 The Welsh Government officials and the Deputy Minister for HSS outlined the measures that they had put in place for care homes and the actions that had been taken. They also updated me on the progress being made on testing and the work underway on visiting. I raised the issues that I was concerned about including GP support for care homes, visiting, and access to hospital care. I asked a specific question on whether those at the meeting thought that care homes were safe. The Chief Medical Officer responded to say that they were safer than they were and on an improving trajectory. However, he went on to say that if he was working at home, he would take a relative into his own home from a care home.
- 11.30 I updated the meeting on the work that I was doing to hear from residents, family and friends and staff working in care homes (which formed the basis of my Care Home Voices report).
- 11.31 The Deputy Minister for HSS invited me to send across any other questions and sought to reassure me that the Welsh Government was committed to making life as good as possible for people living in care homes. [HH/46a – INQ000253855]
- 11.32 On 3 June 2020, I emailed the Deputy Minister for HSS, copied to the Deputy Director General for HSS, to follow up on our discussions and questions I had raised, ahead of the next scheduled meeting the following day. [HH/m – INQ000253854]
- 11.33 On 17 June 2020, I emailed the Deputy Minister for HSS ahead of a meeting with her on 18 June 2020 highlighting concerns I had on the roll-out of testing for Covid-19 and asking for an update. [HH/n – INQ000185017]
- 11.34 I worked with the EHRC in Wales in the initial stages of their work, which they then carried forward as the regulator and in line with their statutory responsibilities and powers.
- 11.35 I continued to encourage the EHRC at UK level to take action, writing with members of the UK Network of Older People's Organisations on 11 June 2020. [HH/o – INQ000184946]. We welcomed the EHRC's suggestion of a further meeting to talk through the action the EHRC would take and stated that without formal action by the

- EHRC, we would be concerned that older people's rights will continue to be breached in the months ahead.
- 11.36 On 20 July 2020, I wrote to the Minister for HSS jointly with the Head of the EHRC in Wales, expressing concern about the rights of older people in care homes and requesting information on the Welsh Government's decision-making processes. [HH/p – INQ000185025] [HH/p1 – INQ000185026] [HH/p2 – INQ000185028] [HH/p3 – INQ000185030] [HH/p4 – INQ000185032]
- 11.37 Specific information was requested on:
- 11.37.1 Equality impact assessments and scientific evidence for all decision making linked to care homes;
 - 11.37.2 Evidence of how due regard was given to the three needs of the public sector equality duty in the decision-making process around protecting care homes by the Welsh Government; and
 - 11.37.3 Details of the arrangements in place to review and revise policies to ensure they comply with the public sector equality duty and specific duties.
- 11.38 On 21 July 2020, the Head of the EHRC in Wales and I issued a joint statement announcing our joint work to scrutinise Welsh Government decision-making. [HH/p3 – INQ000185030] [HH/p4 – INQ000185032]
- 11.39 On 30 July 2020, the Welsh Government announced its Care Home Action Plan. I was pleased that a public action plan had been announced, following my calls for this from 14 April 2020, but disappointed that it had taken this long to be developed and announced, and that the Welsh Government had initially rejected my advice stating that it would add "*no value*". [HH/61 – INQ000253851]
- 11.40 On 7 August 2020, we received a letter from the Minister for HSS confirming that a full response would be provided by the Deputy Director General for HSS and there was a joint meeting on 19 August 2020 with Welsh Government Ministers and officials. [HH/r – INQ000185054]
- 11.41 On 10 September 2020, the Head of the EHRC in Wales and I met with the Deputy Director General for HSS and members of his team. The meeting was held as the Welsh Government wanted to discuss and clarify the scope of the information that we had requested in our letter of 20 July 2020 to Ministers.

11.42 Following this meeting, on 14 September 2020, the Head of the EHRC in Wales and I received an email from the Deputy Director General for HSS stating that the Welsh Government was approaching its engagement with us in the spirit of co-operation and that:

"it was committed to learning from the initial phase of the pandemic to better tackle the challenges in the months ahead". [HH/s– INQ000185034]

This email set out what the Deputy Director General for HSS and his colleagues felt was a *"fair reflection of conclusions from the meeting"* and the three areas that we had highlighted and which the Welsh Government response would, therefore, prioritise. These were *"testing in care homes", "the provision of PPE to care homes" and "guidance related to visits to care homes"*.

11.43 A further joint meeting took place with the Deputy Minister for HSS on 16 September 2020.

11.44 On 17 September 2020, the EHRC in Wales and I wrote to the Deputy Director General for HSS in response to the meeting held on 10 September 2020 and his email of 14 September 2020. In this letter, we agreed and further clarified that

"the Welsh Government response would focus on care homes, specifically: decisions on testing (including decisions made to discharge people into care homes from hospital without testing); the provision of PPE; and visits to care homes."

We requested further evidence to demonstrate how decisions were made by the Welsh Government in relation to these three specific areas. We also stated that:

"overall we would like to see evidence of how the rights of older people living in care homes were considered from the beginning of the 'delay phase' 13 March 2020 to 18 June 2020 (the end date stated in the annex to our letter of 20 July 2020) in terms of the actions take to protect and support them across Welsh Government." [HH/t – INQ000184950]

11.45 On 28 September 2020, the Head of the EHRC in Wales and I met with the Deputy Minister for HSS and officials to discuss human rights during the pandemic and future planning. In the meeting, the Deputy Minister for HSS updated us on the Welsh Government's work to respond to our information request as set out in our letter of 20 July 2020. We were advised that the Welsh Government aimed to respond by the second week of October, but this could be delayed because the officials working on the response were also dealing with the increased spike in Covid-19. I stressed the importance of the work so that lessons could be learnt and shared. The Head of EHRC

- in Wales also stressed this and the importance of Welsh Government's leadership role. The Deputy Minister for HSS sought to assure us that older people were high on the Welsh Government's agenda and that it is important that older people's rights are at the heart of decision-making.
- 11.46 On 2nd November 2020 (received by email 4 November 2020) the Deputy Director General for HSS wrote to me and the Head of the EHRC in Wales, setting out the Welsh Government's approach to impact assessments during the pandemic. [HH/u – INQ000184961]
- 11.47 On 27 November 2020, the Head of the EHRC in Wales and I wrote jointly to the Minister for HSS to state that the evidence provided to us was not sufficient to address the concerns highlighted and the EHRC would write separately in the performance of its regulatory role. We also requested a meeting. [HH/v – INQ000185013] [HH/v1 – INQ000185014]
- 11.48 The EHRC in Wales wrote to the Minister for HSS on 30 November 2020 requesting further information and requiring a response by 8 December 2020. On 8 December 2020, the Head of the EHRC in Wales and I both received a letter from the Minister for HSS accepting the request to meet to discuss how lessons could be learned to ensure older people's rights are protected and promoted. [HH/w – INQ000184926]
- 11.49 I am aware that on 16 December 2020, the Minister for HSS wrote to the EHRC in response to concerns raised in relation to the evidence provided previously by the Welsh Government.
- 11.50 On 17 December 2020, the Head of the EHRC in Wales and I attended a further meeting with the Minister for HSS and the Deputy Minister for HSS and Welsh Government officials. This was following the letter from the Minister for HSS on 8 December 2020 and focused on lessons learnt and how they were being applied. The Minister for HSS said that lessons were being applied and impact assessments were now being carried out on a more regular basis. The Welsh Government officials updated me that internally there was recognition that there were gaps in the early stages of the pandemic, including the reporting of impact assessments. An exercise had been undertaken to ask policy leads to explain the thinking that they'd applied to the impact of policies they'd undertaken. Officials were now particularly trying to address the recording of impact assessments. A new group had been set up to raise staff awareness and training to share good practice.
- 11.51 I am aware that on 21 December 2020, the EHRC in Wales wrote to the Minister for HSS. On 22 December 2020, the Head of the EHRC in Wales and I wrote jointly to the

Minister for HSS welcoming the Welsh Government's recognition that it needed to improve its practice to ensure that older people's rights are upheld when decisions are being made. We both welcomed the steps being taken by the Welsh Government to do this and stated that the EHRC in Wales would continue to work with Welsh Government to review its processes and compliance with the Equality Act 2010. [HH/x – INQ000185005]

11.52 The EHRC in Wales also carried out work resulting in the publication of its report entitled "Equality and Human Rights in residential care in Wales during coronavirus" in October 2020. I participated in a roundtable held as part of developing this work. This report set out a series of recommendations to the Welsh Government. [HH/y – INQ000253853]

11.53 I met a number of times with the Head of the EHRC in Wales to discuss our work with the Welsh Government. At the conclusion of this work, we agreed an (unpublished) statement about the work we had carried out to scrutinise Welsh Government's equality and human rights record during the Covid-19 pandemic between April 2020 and December 2020 and to summarise what we found and what happened as a result.

11.54 Our summary was as follows:

11.54.1 There were shortcomings in the Welsh Government's decision-making processes with regards to equality and human rights considerations during the first months of the pandemic. This includes an absence of Equality Impact Assessments as legally required by the Public Sector Equality Duty;

11.54.2 There were shortcomings in the evidence that Welsh Government provided and they were not able to adequately evidence the appropriate consideration of older people and their rights;

11.54.3 Welsh Government was unable to evidence that its decisions were taken within a human rights legal framework; and

11.54.4 There was insufficient attention given to older people living in care homes and upholding their rights.

As to what has happened since and what action is being taken, our conclusions were as follows:

- 11.54.5 Welsh Government has improved its consideration of human rights following the scrutiny by the Commissioner and the EHRC including setting up an internal working group to help embed practice;
- 11.54.6 Welsh Government continues to engage constructively with the EHRC, including the provision of training to officials by the Equality and Human Rights Commission;
- 11.54.7 Welsh Government is undertaking Equality Impact Assessments as part of its policy and decision-making processes;
- 11.54.8 There is an explicit commitment to the rights of older people in the new Strategy for an Ageing Society and the Commissioner will be scrutinising the actions that flow from this; and
- 11.54.9 The Commissioner, working with the EHRC and other organisations in Wales and the UK, is leading work on how to improve the rights of older people living in care homes.
- 11.55 I continued to meet and work constructively with the EHRC in Wales throughout the pandemic and the Head of the EHRC in Wales is a member of my Older People's Rights in Care Homes Group.

12. The Coronavirus Act

- 12.1 On 20 March 2020, I issued a statement on the Coronavirus Bill, reflecting the concerns that older people had raised with me about the impact that it could have on them and how the changes could affect health and social care. [HH/4 – INQ000181733]
- 12.3 The Welsh Government conducted a 'rapid engagement' on the Coronavirus Act 2020 in respect of supporting people with social care needs which I discussed with the Welsh Government and submitted a response.
- 12.4 The 'Rapid Engagement on the 'Draft Guidance Consequent to the Coronavirus Act 2020' proposed changes to the Social Services and Wellbeing (Wales) Act 2014. In my covering letter of 17 April 2020 to the Deputy Director General for HSS, I raised a number of concerns about the impact on older people who were likely to be disproportionately impacted by the changes. I urged that any changes should be time-limited and used sparingly and that rights should be re-instated as quickly as possible to reduce the impact on the most vulnerable older people. I stressed that the duty in

the Act to have 'due regard' to the UN Principles for Older Persons' remained unchanged. [HH/12.4 – INQ000184939]. In this letter, I recommended:

"Any decision by a local authority to operate under the modified duties must be subject to continuous review, with robust scrutiny from Welsh Government and a report made to the Senedd. As Commissioner, I would also expect to be informed if a local authority has entered into Stage 3 or Stage 4 of implementing the modifications as this will impact upon my scrutiny role and the support I provide to individuals who contact my Casework Team.

Clear communication to the public will be essential to ensure that they are aware of any potential changes to their care and support, and how decisions can be challenged during this period. Local authorities should be compelled to record this information which should be used to inform the on-going review of the decision to operate under the modified duties."

12.5 In its response to my letter, the Welsh Government did not agree to require local authorities to inform me if they entered Stage 3 or Stage 4.

12.6 On 2 October 2020, the Welsh Government began its rapid engagement on the suspension or retention of part 15 and part 2 to Schedule 12 of the Coronavirus Act 2020. In my letter of 30 October 2020 to the Deputy Minister for HSS, I highlighted that:

"legislation to remove the rights of older and disabled people should have no place in Wales. It must be repealed to ensure that the rights of older and disabled people who need care and support are protected now, and in the months ahead".

I also highlighted my evidence to the Equality, Local Government and Communities Committee, and its subsequent report which highlighted the inequality felt by older people in relation to the response to the pandemic from across public bodies, including that the fulfilment of their care and support needs were seen as, and continue to be seen as, non-essential. [HH/12.6 – INQ000185007]

12.7 Although the Schedule 12 provisions were not formally implemented in Wales, I was concerned, from issues being raised with my Advice and Assistance service, that these provisions were having an effect on people's rights by their very existence.

12.8 On 22 January 2021, the Deputy Minister for HSS announced the outcome of the consultation was in favour of suspension and that the regulations to suspend would be laid in the first quarter of 2021.

13. Communications by the Welsh Government

- 13.1 I offered advice on communications with older people to Welsh Government; communicated key information through my communications channels; produced my own information materials for older people; and provided clarification and explanation of information through my Q and A documents and Advice and Assistance service. As an independent and trusted source of information for older people, it was important that I communicated and explained the public health messaging.
- 13.2 A key concern, throughout the pandemic, is that the generic communication to the public was not always effective for older people, and there needed to be more tailored communications, for example for older people living in care homes and their loved ones. I urged the Welsh Government on numerous occasions, and in recommendations in some of my reports, to undertake specific or tailored communications for older people. For example, I suggested that the daily televised press conferences would be an effective way of speaking directly to older people, particularly those not online who relied heavily on information from television and radio.
- 13.3 In my 'Leave No-one Behind' report published on 18 August 2020, I included a section on improving communication and inclusion. Older people had fed back to me that:
- "the messaging relating to Covid-19, has at times been unclear and confusing, particularly during the early stages when stricter advice was given for the over 70s and reports emerged that everyone in this age range may be told to stay at home. This confusion was further exacerbated when shielding arrangements were put in place for those most clinically vulnerable to Covid-19, as some older people thought they should be following that advice and remaining indoors entirely."*
- 13.4 I was particularly concerned about older people who were not online being able to get the information that they needed, and also having a way of checking that information and seeking clarification if required, especially as messaging changed. It was very disappointing that the Welsh Government did not take my advice about using the televised press conferences to talk specifically to older people and I believe this was a missed opportunity to improve the information older people were able to obtain and give them some reassurance that they were being considered by the Welsh Government.
- 13.5 I also identified opportunities for getting information and advice to older people through the vaccination programme and initiated the development of a leaflet ('Keeping Well This Winter: Ready to Go') for distribution at vaccination centres and other health settings.

13.6 Concerns and questions were raised with me and with Age Cymru relating to the communication of the vaccination programme, which I raised with Welsh Government Ministers and with the Deputy Chief Medical Officer for Vaccines in Wales in January 2021 (as set out in Section 4 above). Working with Age Cymru, my office produced a Q and A document specifically on the vaccination programme which we posted on our websites, shared on our social media channels, and used in providing information and advice to inquirers to our Advice and Assistance service.

14. Lessons Learned

14.1 Overview

14.1.1 It is my view that the pandemic and the response across the UK, revealed the ageism and age discrimination that exists in our society and the harms that this can, and does, cause. Research by the World Health Organisation states that one in two people hold ageist attitudes. It is imperative that there is more serious attention given to ageism and age discrimination throughout governments and public bodies – through awareness raising and training and embedding this in policy and decision-making processes.

14.1.2 Linked to this is the need to improve awareness and understanding of the rights of older people, under the Human Rights Act 1998 and the Equality Act 2010, as well as specific legislation relating to public services such as social care. Rights do not diminish with age, yet the experience of many older people is that they do. There needs to be improvements in the understanding and commitment to the rights of older people by governments and public bodies, particularly during times of crisis. It is positive that the Welsh Government's Strategy for an Ageing Society, published in October 2021, adopts a rights-based approach, which provides opportunities to protect and promote the rights of older people throughout Wales. I see no indication of any action from the UK Government.

14.2 Health and social care

14.2.1 As we get older, we are more likely to develop health conditions and be in need of care and support. It can be very difficult, particularly if you do not have close family or friends, to deal with health and care services, for example, at hospital discharge, unless there is someone to advocate for you. During the pandemic, we saw intense pressures on unpaid carers, as well as great difficulties being experienced by older people without loved ones to care or advocate for them.

The lessons are that there needs to be more support for unpaid carers, as well as access to advocacy for those without family or friends to support them.

14.2.2 One of the issues that caused great distress for older people and their families was the issue of DNACPR. There were concerns about blanket policies on DNACPR, a lack of consultation with the older person and/or their family, and instances where the older person and/or their family was unaware that a DNACPR decision was in place. There is a need to review how the DNACPR decision process works and where improvements can be made.

14.2.3 Social care is a vital service for many in society, but it tends to be viewed as a junior partner to the NHS and has suffered from many years of underinvestment. In my view, there needed to be changes in government structures to raise the status of social care, and that is one of the reasons why, during the pandemic, I called on the Welsh Government to create a new post of Chief Social Care Officer, to mirror the posts of Chief Medical Officer and Chief Nursing Officer. The Welsh Government introduced this post in June 2021.

14.2.4 There are important lessons that need to be learned, following the tragic loss of life in care homes, and the desperation and distress experienced by older people, their families and friends as a consequence of the restrictions on visiting. In my work on care homes, I was struck by the lack of knowledge and understanding of care homes and how they operate, amongst some senior policy- and decision-makers, outside of social care. For example, a lack of appreciation of the fact that care homes are people's homes, and that they are not healthcare institutions or clinical settings. This, in my view, was one of the reasons why it took considerable time to improve visiting arrangements.

14.2.5 The rights of older people in care homes need to be better understood and upheld. This is why I am undertaking work with key organisations in Wales and across the UK, through my Older People's Rights in Care Homes Group, to increase awareness and understanding of rights, as well as look at ways in which they can be strengthened.

14.2.6 Prior to the pandemic, there were problems with regards to the stability of the care 'market' and the availability of good quality care and support for people in their own homes, and in care homes, as well as support for unpaid carers. The Welsh Government recognised the need to provide financial support to the sector during the pandemic, and this was crucial. It is also positive that the

Welsh Government is looking to further reform and invest in social care, but it is limited in what it can do if the UK Government does not significantly increase funding for social care. In my view, a key lesson for the UK Government is that it needs to invest in social care but, to date, this lesson does not appear to have been learned. Part of this investment needs to be improving the terms and conditions of people working in social care. This has been recognised by the Welsh Government and some welcome steps forward have been taken, such as the introduction of the real living wage for social care workers, but there is much further to go.

14.3 Working collaboratively

14.3.1 One of the more positive aspects of the Welsh Government's approach during the pandemic was how it set up structures and working groups to bring people together to share information on what was happening, pool ideas and expertise, and work together to find ways forward. It was positive, for example, that the Covid-19 Moral and Ethical Advisory Group was established, but disappointing that there appears to have been no continuation of this sort of structure despite the continuing moral and ethical challenges and questions with the pressures on the NHS. Other positive examples of this collaborative approach are the Shadow Social Partnership Council and the Covid-19 Vaccination Programme Stakeholder Board.

14.3.2 There was also a welcome commitment from the Deputy Minister for HSS to engage regularly and to invite me to raise any issues I felt were important in respect of older people. It was not always clear to me, however, how these issues were taken forward, and whether they were raised within the Cabinet or Welsh Government more widely and how they fed into decision-making. There is not a 'Minister for Older People' in the Welsh Government, but the Deputy Minister for HSS leads in this area. In my view, a lesson from the pandemic is that this needs to be strengthened with a clear designation of older people in a minister's title, and this should be a Cabinet level responsibility, both in the Welsh Government and UK Government.

14.4 Evidence from older people and those working with them

14.4.1 One of the roles I played during the pandemic was to gather experiences, issues and evidence from older people, their families and friends, and those that worked with older people. This evidence was vital as it demonstrated the impact of the pandemic and the response to the pandemic on older people;

where there were gaps between what should be happening or in place and what people were experiencing on the ground; issues being experienced that decision-makers might not be aware of; and suggestions for improvements.

14.4.2 For example, a number of care home managers shared their experiences and concerns with me about asymptomatic transfer of Covid -19 and the desperate need for testing. I raised these concerns to the Welsh Government, primarily through discussion with the Deputy Minister for HSS and Welsh Government officials. However, in my view, the Welsh Government's decision-making on testing, particularly in the first few weeks and months of the pandemic, did not give the appropriate weight to this evidence. Had due weight been given to what managers and staff were reporting in care homes, it is my view that there may have been a quicker response on testing for Covid-19.

14.5 Communicating with older people

14.5.1 A common theme throughout the pandemic was the importance of good communication with the older population in all its diversity. There were, in my view, missed opportunities to use the Welsh Government's daily press conferences to directly address the concerns of older people and demonstrate that older people were being listened to, and I was disappointed that my advice to the Welsh Government on this was not followed.

14.5.2 It is my view that insufficient attention was given to people who could not access information online, or who could not communicate online – for example making appointments. This led to many older people struggling to get the information they needed and not having an easy means of checking the information they were receiving. The move to online meetings and services during the pandemic, although beneficial for many, excludes many older people – around a third of people over the age of 75 are not online. The lesson that should be learned is the need not just to encourage and support people to get online, but to ensure that people are not disadvantaged by not being online. However, developments following the pandemic indicate that the situation is getting worse for older people and others who are not online.

STATEMENT OF TRUTH:

This statement, consisting of 57 pages, is true and accurate to the best of my knowledge and belief.

SIGNED:

Personal Data

DATED:

12.9.23