

02 November 2011



**SUBMISSION TO THE SEANAD PUBLIC CONSULTATION COMMITTEE ON THE
RIGHTS OF OLDER PEOPLE**

NOVEMBER 9 2011

Dear Senator Denis O'Donovan,

Older & Bolder appreciates and values the Seanad Public Consultation Committee's decision to focus on the Rights of Older People. The Seanad has an important role to play in ensuring there is proper debate and appropriate legislation around issues that affect older Irish people. Older & Bolder welcomes the opportunity to make this written submission and, should the opportunity arise, would be more than happy to contribute to a public hearing on these important issues.

As an alliance of eight NGOs in the age sector, Older & Bolder champions the rights of older people. Our member organisations – Active Retirement Ireland, Age & Opportunity, Alzheimer's Society of Ireland, Carer's Association, Irish Hospice Foundation, Irish Senior Citizen's Parliament, Older Women's Network and the Senior Help Line – share a vision. This is a vision of an Ireland that affirms ageing and the rights of all older people, enabling everyone to live and die with confidence and dignity, as equal, respected and involved members of Irish society.

The Seanad Public Consultation Committee could lead the way in championing the rights of older people by addressing the issues listed overleaf.

Yours sincerely,

Patricia Conboy,

Director

Older & Bolder

Right to Health:

Ireland has ratified the UN Covenant on Economic, Social and Cultural Rights which recognises the right to health defined in association with availability, access to, acceptability and quality of health facilities, goods and services. The problem is that the right to health and personal social services is not defined in Irish legislation.

For example older people who need and receive community care (e.g. Home Help, respite, Home Care Packages, hospice home care services) value this support enormously. However, without legislation to underpin access to these services access is discretionary, unequal and problematic. It is extremely difficult for individuals, families and carers to get information and reliable access at critical points e.g. discharge from hospital, onset of disability, diagnosis of long-term or life-limiting illness.

Older & Bolder stands with the Ombudsman who observes that *“people do not know where they stand in terms of their entitlements and in terms of the HSE's obligations to provide services”*¹. Older & Bolder calls for the development of long-promised legislation to establish a clear right to community care. By leading out on this issue the Seanad could help to finally provide clarity and security to individuals and families who are experiencing unnecessary anxiety.

Right to Information

The right to information already exists in Ireland under the Freedom of Information (FOI) legislation, which obliges public bodies to publish: the rules, procedures, practices, guidelines and interpretations used by them and the precedents kept by them for the purposes of decisions, determinations or recommendations in relation to schemes administered by them; and information about the way such schemes are administered.

However, Older & Bolder sees it is a matter of serious concern that neither the Department of Health and Children nor the HSE have published details of how people qualify for services such as home helps. They give general information but do not publish information about the criterion or criteria used for establishing service prioritisation. This means that it is not possible to know whether or not an individual was treated correctly and, among other things, reduces the possibility of seeking a remedy. The Seanad could serve an important role in highlighting these issues that create considerable anxiety for older people and their families.

In addition to this the Seanad could call for the HSE's existing performance information system, HealthStat, to provide an audit of community care services for older people. This would allow us to map the services that are available, identify the deficits and plan effectively for the future of community care in Ireland.

¹ Health Policy – An Ombudsman Perspective, Address by Emily O'Reilly at Mater University Hospital Conference, 9.09.2011, www.ombudsman.ie

Universal Health Care

The current administration proposes to dismantle our unequal two-tier system and replace it with a universal system of health and social care. While this is a laudable goal, Older & Bolder believes that a discussion needs to take place as to what will be included in the 'basket of care' covered by a universal system.

A debate in the Seanad would serve the important function of identifying whether the narrow focus of the Government's early proposals, relating as they do to GP visits and hospital access alone, are sufficient in the future evolution of a universal health and social care system. Older & Bolder contends that social care supports like Home Help, respite and Home Care Packages should have a central, not peripheral, role in health service planning and delivery.

Home Care Services

Legislative quality standards combined with inspection by the Health Information and Quality Authority are a necessary safeguard in terms of the safety and welfare of older people in residential nursing home care. However, there is no comparable system in place regarding quality, regulation, inspection of providers of home care services to older people; this is despite the growth in the provision of commercial home care services. In the absence of safeguards, recipients of home care services – older people living in their own homes – are vulnerable to inhuman treatment and abuse.

The Seanad, by initiating appropriate legislation, could lead the way in securing much needed safeguards for older people who use home care services.

National Fuel Scheme:

The Seanad could recommend that the Government publishes and implements its Fuel Poverty Strategy as a matter of urgency.

Older and Bolder is concerned at the Government's decision, earlier this year, to cut fuel, electricity and phone allowances in the absence of the appropriate and promised planning framework, the Fuel Poverty Strategy. These cuts come into effect at a time when fuel prices are rising and we are experiencing colder winters which leaves older people much more vulnerable to illness and, for a small number, premature death. It is vital that the Government publishes and implements its Fuel Poverty Strategy to ensure that we are dealing with this issue in a considered rather than ad-hoc way.

Advocacy Service:

The Citizens Information Board, amongst other services, offers an advocacy service for those who may experience difficulty dealing with a public body due to literacy or a physical or mental disability.

The Seanad could recommend extending this advocacy service to older people in general, many of whom experience difficulty when seeking information from agencies in relation to health care and welfare supports. Extending the advocacy service to include all older people would be of great assistance to those trying to discern eligibility criteria and trying to access services they need (e.g. home care packages, home help) especially when such supports are provided on a discretionary basis.

Mobility Allowance:

The Mobility Allowance is payable to people who have a disability and are unable to walk or use public transport and who would benefit from a change in surroundings; for example, by financing the occasional taxi journey. However, unless you apply before age 66 you are not deemed eligible for this important support.

The Ombudsman, Emily O'Reilly, investigated this issue and found that “the Mobility Allowance Scheme discriminates on the ground of age as it includes an upper age limit, which is in breach of the Equal Status Act, 2000”; “the upper age limit in the Scheme has been illegal since the commencement of the Equal Status Act in 2000” and “the actions of the Department [of Health] do not suggest any urgency in seeking to bring the scheme into compliance with the Equal Status Act. This is despite having had the defects in the scheme brought to its attention by a number of bodies, including the Equality Authority”.

The issue is now with the Department of Health and the Seanad could play an important role in highlighting the impact this issue is having on individuals around the country and calling for a swift resolution of this discriminatory policy.

Further information: Too Old to be Equal? An Ombudsman investigation into the illegal refusal of Mobility Allowance to people over 66 years of age.

<http://www.ombudsman.gov.ie/en/Reports/InvestigationReports/April2011-TooOldtobeEqual/File,13952,en.pdf>

National Positive Ageing Strategy

Older & Bolder is heartened at the Seanad Public Consultation Committee’s decision to focus on the Rights of Older People. As the National Positive Ageing Strategy will determine the baseline for a blend of values, policies, laws and services that will maximise our independence as we age it will be important for the Seanad to track and contribute to its development.

Older & Bolder has held consultation forums around the country on this issue, as has the Office for Older People. Along with other stakeholders Older & Bolder has made constructive submissions to the

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strategy and the Office for Older People is now preparing a first draft of the National Positive Ageing Strategy. Recently, Older & Bolder ran a campaign highlighting the ten commitments the National Positive Ageing Strategy needs to uphold if Ireland is to be a better place to grow older. Strong support from the Seanad will add greatly to the development of a meaningful and effective strategy.

Right to Age Well at Home

The Public Consultation Committee's focus on the Rights of Older People comes at an opportune time as over the next twelve months Older & Bolder is running a campaign entitled MAKE HOME WORK – the right to age well at home. This campaign highlights the obstacles faced by people – older people, people with chronic illnesses, people with disabilities - who want to live well at home and who need support to do so. Our campaign highlights solutions and shows how we can MAKE HOME WORK by building on older people's insights and improving our system of community care.

Should the opportunity arise we would be more than happy to contribute to a public hearing on our campaign and address in further detail our goal of making the right to age well at home a reality.

Enquiries related to this submission may be directed to: Patricia Conboy, Older & Bolder, Tel. 01-8783623 and info@olderandbolder.ie