

A Commissioner for Older People in Northern Ireland

a strong independent voice for older people

Questionnaire

1. Do you agree with the need for a Commissioner for Older People?

(See Chapter 1, Paragraph 1.4 and Chapter 2)

Yes definitely

There is indeed pressing need for the strong independent voice of a Commissioner to help to secure adequate and effective support for older people.

2. The United Nations Principles for Older Persons are set out in full at Annex 1 of this document. They are: Independence, Participation, Care, Self-fulfilment, and Dignity. (See Chapter 3, Paragraph 3.2).

Do you think the Commissioner should take account of the UN Principles for Older Persons whenever he or she is deciding:

a. How to act?

b. What constitutes the interests of older people?

A. Yes absolutely

B. Yes absolutely

The UN Principles cover vital issues which are not covered by legal rights.

3. What age range do you think the Commissioner should mainly cover?

The Commissioner should mainly cover those people aged 60+ years.

4. Do you think that the Commissioner should be able to provide his or her services to people aged 50 years and over in certain circumstances? (see Chapter 6, Paragraph 6.6)

Yes

For Example

- Carers of older people
- Those who have no family members or close relatives
- People with certain acute needs whose problems are not being adequately dealt with.

5. Do you think that the age range of the people that the Commissioner caters for should be able to be changed? (see Chapter 6, Paragraph 6.8)

Yes

This should be reviewed regularly taking into consideration the ongoing day to day experience of the Commissioner.

6. Do you think that the Commissioner should have a Principal Aim to safeguard and promote the interests of older people? (see Chapter 7, Paragraph 7.1)

Yes

We agree with Chapter 7, Paragraph 7.1.

7. When dealing with the case of a particular older person, do you think that the Commissioner should have as a paramount consideration the interests of that older person? (see Chapter 7, Paragraph 7.1)

Yes

No consideration of other interests should interfere with the issue presented by that older person.

8. Do you have any other suggestions about what the Principal Aim and Paramount Consideration should be?

Achieving justice for the older person and clear communication between all the parties concerned.

9. Do you think the Commissioner's role and functions should be based on the interests of older people? (Chapter 7, Paragraph 7.4)

Yes

The points of views of all parties involved should be taken into consideration.

10. Do you agree that the duties proposed (listed in Chapter 8, Paragraph 8.5) are suitable for a Commissioner for Older People?

Yes

The duties proposed cover many vital areas.

11. Are there any other duties not included that you believe it would be essential for the Commissioner to carry out?

It would be essential for the Commissioner to have investigative powers as it would enable him/her to identify problems, take legal action, issue directions and follow up on outcomes.

12. Do you think the Commissioner should have memoranda of understanding or working protocols with other organisations? (see Chapter 9, Paragraph 9.4 – 9.6)

Yes

The Commissioner should work in partnership with other organisations but not be unduly influenced by them. Decisions should be independent and focused on the welfare of the older person.

13. Do you agree with the general powers proposed for the Commissioner? (see Chapter 10, Paragraph 10.2) If not, please explain.

Yes

14. Are there any other general powers that you think the Commissioner would need? That is, do you think that there is anything else the Commissioner would need to be able to do?

The Commissioner should have wide investigative powers.

For example with regard to nursing home care – one wonders how a full and accurate picture can be obtained without more brief but unannounced inspections. The Commissioner should be able to organise this if necessary.

15. Due to the potential for a conflict of interest (see Chapter 10, Paragraph 10.7) we are not currently proposing that the Commissioner should have powers of mediation or arbitration, however we are interested in your views on the following potential options:

- a) If it is possible, should the Commissioner be able to provide financial assistance towards the cost of mediation in a dispute involving an older person?
- b) Should the Commissioner hold a register of mediation/arbitration services and be able to direct older people to these services?
- c) Do you think the Commissioner should have the power to “make arrangements” with any other person to provide mediation/arbitration services in relation to disputes involving older people?

Finally, in what circumstances do you think that mediation or arbitration would be appropriate?

- A. Yes
- B. Yes
- C. Yes

Where an amicable and totally satisfactory conclusion cannot be reached then the Commissioner should make arrangements for arbitration or mediation by an independent body.

16. Do you agree that the Commissioner should have the specific powers to review in general and individual cases, the advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities? (See Chapter 11, Paragraph 11.5)

Yes

17. Do you agree that the Commissioner should be able to provide assistance (e.g. offer support, guidance and/or funds) to an older person with their complaint against a relevant authority? (See Chapter 11, Paragraph 11.8)

Yes

There should however be careful examination beforehand of all the issues involved.

18. In relation to relevant authorities, do you think there are any other formal or specific powers (in addition to those outlined in Chapter 11, Paragraphs 11.5 – 11.14) that the Commissioner would need?

We refer to whistle-blowing in Chapter 11, Paragraph 11.5. Can procedures be put in place fairly quickly and will the older person be properly protected from repercussions?

19. What do you think the Commissioner should be able to do if a relevant authority (see Annex 6) does not follow the Commissioner's recommendations? (See Chapter 11, Paragraphs 11.16 – 11.21)

We agree with the recommendations in paragraphs 11.16 – 11.21. We especially support the need to publish weaknesses and recommendations as this may have a widespread and beneficial effect.

20. In Chapter 11, Paragraph 11.23 we set out the reasons why the Commissioner should not act in any case where an existing organisation already has the power to act. What do you think about this?

If an existing organisation does not make full use of its power to act, then the Commissioner should be able to intervene.

22. Are there any other organisations that you believe should be included in Annex 6 as relevant authorities?

Voluntary sector groups such as Age NI and all other relevant groups from the age sector should be included in Annex 6.

23. If you answer yes to question 22, can you explain why they should be included?

They have ground knowledge and experience of the problems of older people and are aware of the full repercussions of seemingly beneficial decisions which maybe made.

24. Of the three potential options, outlined in Chapter 11, Paragraph 11.39, regarding the extent of the Commissioner's powers in relation to relevant authorities, which do you consider to be the most appropriate and why?

Option 3 is the only appropriate suggestion. Failure to protect any vulnerable older person would surely be wholly unacceptable.

25. Do you have any other suggestions in relation to question 24?

26. Do you agree that the Commissioner should be able to take or support legal cases? (support includes providing financial support) (See Chapter 12, Paragraph 12.1)

Yes absolutely.

27. As explained in Chapter 12, Paragraph 12.4, it is very unlikely that the Assembly will be able to give the Commissioner “victim standing” for Human Rights cases. What is your view of the Commissioner having “victim standing”, that is being able to take Human Rights cases in his or her own name?

We thoroughly support the idea of “victim standing” but we lack sufficient understanding of the intricacies involved.

28. Regarding Chapter 13, what are the main issues that you think the Commissioner should be able to speak out about?

- Poverty
- Isolation
- Ill treatment
- Lack of sufficient care e.g. in hospitals, nursing homes and residential homes
- Extremely inadequate domiciliary care (this leads to circumstances which cost the nation highly)

29. Do you agree that the Commissioner should be a full-time paid post?

Yes

Effective results could not be expected otherwise.

30. Who should be responsible for appointing a Commissioner for Older People? (See Chapter 14, Paragraph 14.6)

The appointment of a Commissioner should involve certain procedures;

1. Advice and information from such organisations as Age NI
2. Experiences, criticism and comments from older people
3. Consultation between designated ministers who will study the information available
4. The final appointment made by the First Minister and Deputy First Minister

31. Should older people have a role in the recruitment/selection process for a Commissioner?

(See Chapter 14, Paragraph 14.7 – 14.8)

Yes – if appropriately organised.

32. If you answered yes to question 31, how should it be done? (see Chapter 14, Paragraph 14.7

– 14.11)

This can be done through the circulation of a **simple** and clear questionnaire sent to senior citizen groups and individuals who are deeply involved in work for the age sector.

33. How long should the term of appointment for the Commissioner be? (See Chapter 14,

Paragraph 14.15)

Four years.

A shorter period would mean that there would not be time for the knowledge and expertise gained by the Commissioner to be effectively used.

34. Should the Commissioner be eligible for reappointment? (See Chapter 14, Paragraph 14.15)

Yes through reapplication and up to a maximum of three terms in office.

35. Do you agree with the proposal that the Older People's Commissioner should be an independent body sponsored (including funded) by OFMDFM? (See Chapter 14, Paragraph 14.16)

Yes

36. Do you agree that the Commissioner should be accountable to the Department /body that provides his or her funding (i.e. OFMDFM)? (By accountable we mean report on his or her actions and how the Commissioner's office allocates and spends his or her budget). (See Chapter 14, Paragraph 14.17 – 14.20)

Yes

This would be absolutely essential.

37. To achieve accountability of the Commissioner to older people, do you think that older people should be consulted (and informed) about the priorities of the Commissioner and what the Commissioner does? (See Chapter 14, Paragraph 14.21 – 14.22)

Yes

It is vital that this happens but it will require detailed organisation.

38. The Age Sector Report¹ recommended that the, “Commissioner should have an active relationship with, but be demonstrably independent from, stakeholder organisations.” Do you agree with this statement?

Yes

It is only through knowledge and understanding and good communication with others that important decisions should be made.

39. If you answered yes to question 38, how do you think this should be achieved?

A sustainable organised and comprehensive network of communication and consultation is highly important. However while forming strong relationships the Commissioner must demonstrate discreetly and clearly that any decisions he/she makes will be totally independent.

40. The Age Sector Report² recommended that there should be “an infrastructure of champions in government and across the public sector, with visible leadership demonstrated at Ministerial level, to work with” the Commissioner “in promoting and protecting older people”. Do you agree with this recommendation? (Chapter 14, Paragraph 14.23)

Yes

¹ *A Commissioner for Older People in Northern Ireland -: A Report and Recommendations from the Age Sector*, February 2009. Recommendation 9 (page 18).

² *A Commissioner for Older People in Northern Ireland -: A Report and Recommendations from the Age Sector*, February 2009. Recommendation 8 (page 18).

41. If you answered yes to question 40 – how do you think they will improve the lives of older people?

The champions and ministers involved should be able to spread awareness of the problems of older people to all the members of the Assembly and therefore gain support (especially financial support).

42. It is good practice for every organisation providing services to the public to have a complaints procedure. Do you think the Commissioner should have one? (See Chapter 14, Paragraph 14.24- 14.26)

Yes the Commissioner should have a complaints procedure so that anyone who is not satisfied has an opportunity to make a complaint and to have it satisfactorily dealt with.

43. Do you agree that the Commissioner should be able to recommend the legislation should be changed? (See Chapter, Paragraph 14.27)

Yes

It is therefore essential that the Commissioner has a legal background.

44. If you answered yes to Question 40, how often do you think the Commissioner should be required to examine the legislation? (See Chapter 14, Paragraph 14.28)

- A. Every 3 years.
- B. Every 4 years.
- C. Every 5 years.

Every 3 years

45. How can the Older People's Commissioner demonstrate value for money? (See Chapter 15, Paragraph 15.6 – 15.7)

The Commissioner should aim to achieve value for money through a clear and transparent audit which is open to public response. Additionally measurable and non-measurable data (quantitative and qualitative) which would reveal the value of the work the Commissioner has achieved should be collected.

46. Do you agree that, where possible, the Commissioner should share back office services (e.g. administrative costs or accommodation) with other Commissions to help to save public money? (See Chapter 15, Paragraph 15.8 – 15.10)

Yes

Impact Assessments

Finally, further to these proposals a Draft Integrated Impact Assessment has been completed. A summary is attached at Annex 2 and the full assessment is available on request or on our website at:

www.ofmdfmi.gov.uk/index/equality/age. We would be very grateful for your views on this material.