

RESPONSE TO CONSULTATION DOCUMENT ON THE APPOINTMENT OF A COMMISSIONER FOR OLDER PEOPLE IN NORTHERN IRELAND AND DRAFT BILL

Banbridge District Council welcomes the opportunity to comment on the policy proposals and draft Bill for the creation of a Commissioner for Older People in Northern Ireland. The Council supports the commitment to establish an older People's Commissioner for Northern Ireland and views the consultation and Draft Bill as a positive step towards fulfilling this commitment.

Banbridge District Council is aware that the age sector has been campaigning for an Older People's Commissioner for many years now and recognises that such a Commissioner needs to be tuned into the views and issues affecting older people and must have the essential tools at their disposal to tackle the problems that older people face.

Council is aware that the Age Sector Platform and Help the Aged NI initiated the "We Agree" campaign in tandem with Governments proposals for a Commissioner for Older People. The Council would take the opportunity to endorse this campaign, the aim of which is to inform the decision making process to ensure that ultimately the role and responsibilities of the Older People's Commissioner for Northern Ireland will be robust, effective and serve the needs and best interests of Older People.

Similar to the ethos of the "We Agree" Campaign, Council believes that an ideal Commissioner would be an independent body with a wide range of powers and duties, capable of making a real and positive impact on services for older people and tackling priority issues head on and with a sense of urgency. Council therefore endorses the need for a Commissioner to;

- Be empowered to act independently from all other government and public authorities
- Be endowed with the capacity to undertake casework and initiate litigation in strategic cases
- Have the power to mediate on issues of contention between service providers and older people
- Have an arbitration function exercisable where time is a critical factor
- Be empowered to conduct formal investigations, issue directives, conduct audits of compliance and reviews of performance
- Be endowed with "victim" status to enable cases to be taken without the requirement to name an individual
- Have the power to commission and publish research on issues affecting older people, provide information and stimulate debate on issues and models of good practice
- Have a duty to communicate widely, seek the opinions of older people and take their views into account.

Of particular importance is the recommendation that the Commissioner has the powers to conduct formal investigations, specifically the power to require evidence and to enter premises managed by a "relevant authority".

Banbridge District Council welcomes the reference made to the "United Nations Principles for Older People" ("The UN Principals") and the requirement that the Commissioner will have regard to the UN Principals in carrying out his or her functions.

The consultation document states that in order to establish a strong independent voice for older people, it is proposed that:

"The Older People's Commissioner may have formal agreements (Memoranda of Understanding) with other regulatory bodies so that there is a "joined up" approach to the interests of older people" and that it is being considered whether it is possible or appropriate to have "a statutory requirement for collaborative working" included in the Draft Bill, or whether the same result could be achieved on a purely voluntary basis by administrative arrangements.

Council endorses the proposed "joined up" approach with respect to working arrangements. However, the need for a "statutory requirement" for collaborative working requires due consideration. What would this look like in practice and how would it be monitored? How would this impact on the principal of "independence"?

The policy proposals indicate that the appointment of a Commissioner will be in accordance with the Code of Practice of Public Appointments with selection on the basis of merit, under fair and open competition and will also be subject to independent scrutiny, this is an wholly appropriate approach.

Consideration needs to be given to the classification of "older people", in order to inform and guide the work of the Commissioner. It may be useful to set a minimum age to be used as a guide for persons falling within this remit. If a minimum age is established, this should be decided in line with examples of best practice, with the discretion to move beyond this in individual cases.