

CAB Consultation Response



citizens
advice
bureau

A Commissioner For Older People

January 2010

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Citizens Advice is an operating name of
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Introduction

Citizens Advice is the largest advice charity in Northern Ireland working against poverty, meeting the information and advice needs of some 92,000 people per year and dealing with over 324,000 issues.

Citizens Advice Northern Ireland has formal links to National Citizens Advice in England and Wales and close working relationships with Citizens Advice Scotland (CAS). Together the three associations constitute the largest advice network in Europe, with over 60 year's experience of providing advice and information to the public. Citizens Advice also works in partnership with the Citizens Information Board in the Republic of Ireland to provide cross border advice and information.

The CAB network is very finely tuned to the targeting of social need and, with its regional spread, modern integrated IT infrastructure and skilled staff, represents an efficient and cost effective channel for the delivery of information and advice to the most socially vulnerable people in Northern Ireland.

Access, inclusiveness and principles

Advice is provided on a huge range of issues by trained, specialist advisers across both main communities and to minority groupings from 28 main offices and from some 120 other outlets within the framework of 4 principles. The advice given is:-

- free;
- impartial;
- confidential; and
- independent.

To ensure that advice and information are as accessible to as many people as possible the services of Citizens Advice are available through local CAB offices, online at www.adviceguide.org.uk, by e-mail, by telephone and in many community venues such as health centres, hospitals and community centres. In addition, the majority of CAB offices also provide home visits for those who are unable to access their local office due to health problems.

SSA Benefit Uptake

In June 2008 Citizens Advice was awarded a tender to increase the uptake of social security benefits for vulnerable people in Northern Ireland. Since 2005 an additional £27 million of annual benefits and arrears has been paid to Social Security Agency (SSA) customers through benefit uptake programmes.

The Benefit Uptake project aims to assist some of the more vulnerable client groups across Northern Ireland, a substantial number of whom required additional support to maximise their benefit entitlement. Many were at risk of, or already experiencing poverty and social exclusion. As older people are one of the most vulnerable groups in society, they are one of the primary beneficiaries of this project.

In 2008 Citizens Advice became the sole provider of the Benefit Uptake Programme. Upwards of 25,000 customers were contacted under the three categories as part of the project. This programme resulted in an additional 1,800 claims for benefit being identified which amounted to £5.7 million annually. People who benefited from the project were on average better off by £50 per week with average arrears of benefit of £822.

Case Study

An elderly couple were referred to Fermanagh CAB through the Rural Exercise of the 2008 Social Security Benefit Uptake Project. The couple were referred to the bureau as they were aged over 75, in receipt of State Retirement Pension, but not Pension Credit and they live in a rural area where at least 80% of houses are owner-occupied. They were of the opinion that because they had State Retirement Pensions and Work Pensions, they were not entitled to any Social Security benefits.

Fermanagh CAB undertook a home visit to carry out a benefit entitlement check for the clients in September 2008. Following this the bureau assisted the clients with making individual claims for Attendance Allowance, as well as with a joint claim for Pension Credit. By December 2008 both clients had received decisions on these claims receiving awards of low rate Attendance Allowance respectively, and they also became entitled to Pension Credit. This increased their weekly income by £227.

The clients said they never would have approached the SSA themselves about claiming benefits and they are delighted with the outcome.

Macmillan Cancer Support

Macmillan Cancer Support has been working with Citizens Advice to deliver a Welfare Rights Service in the Royal Victoria Hospital (RVH), the Belfast City Hospital (BCH) and the Mater Hospital. The service is delivered by Citizens Advice Belfast with the aim of providing dedicated advice to both patients with cancer and their families. Independent surveys have consistently identified that people with cancer list money worries as second only to pain as a source

of stress. This service therefore specialises in an area where greater needs have been identified.

Over the past two years the RVH and BCH have helped approximately 1,800 clients. The total additional benefits claimed and received by clients is over £2.5 million.

Case Study

A client of the Macmillan CAB is a 57 year old woman with terminal cancer. She is married and her husband is also ill with heart problems. They live in a NIHE house and have no dependent children. They are in receipt of Pension Credit and full Housing Benefit with access to the Social Fund and NHS costs.

The Macmillan CAB adviser applied for Disability Living Allowance for the client under the Special Rules and she was awarded High Rate Care and High Rate Mobility a total of £109.50 per week. The client leased a motability car and obtained free road tax, free insurance and a blue badge. The Macmillan CAB adviser also advised and assisted her husband to apply for Carer's Allowance as an underlying entitlement and this increased their income by the Carer's Premium of £27.15 per week.

Overall the Macmillan CAB increased the client's income by £136.65 per week.

Benefit Uptake Issues

Evidence received from CAB Managers and advisers suggested that there were a number of barriers to people making a claim for benefits, namely the complexity of the benefit system and clients confusion about benefits generally relating to privacy and stigma. This was particularly the case for older people.

In the words of the Manager of Newtownabbey District CAB:

"Older people find themselves quite isolated on the whole and the process of claiming benefits is too much for them so they continue to manage on very low incomes."

In submissions to a national inquiry¹ the following reasons for poor take-up amongst pensioners noted similar findings:

- Lack of knowledge. Many pensioners have no contact with the benefits system and no history of contact;
- Belief they are ineligible for benefits (particularly among owner occupiers and those with a private pension);
- Reluctance to claim a benefit;

¹ House of Commons Work and Pensions Committee 'Tackling Pensioner Poverty.' Fifth Report of Session 2008 – 09, Volume 1, 15th July 2009

- Reluctance to give out personal information;
- Difficulty or perceived difficulty in claiming; and
- Lack of support, particularly face-to face support.

Response

Citizens Advice Northern Ireland is pleased to take this opportunity to respond to the Office of the First Minister and Deputy First Minister's consultation on A Commissioner for Older People.

The consultation paper outlines the proposed role and powers of the Commissioner for Older People, as well as giving some detail about the administrative elements of the proposed new post.

There are currently over 296,000 people of pensionable age living in Northern Ireland. That figure represents over 16% of the total population. By any measure this is a sizeable proportion of the population and one which is only likely to increase, given decreasing mortality rates. Some estimates state that by 2050, almost 45% of the population in Northern Ireland will be aged over 50. Citizens Advice therefore believes it is vital that the needs and rights of older people are represented by a Commissioner.

Citizens Advice supports the consultation paper in its assertion that the needs of older people are many and varied. Many of the issues highlighted in the consultation document (including health and social care, access to social security benefits, housing, debt, in particular fuel debt, isolation and transport) are consistent with those presented to Citizens Advice by older people throughout Northern Ireland.

Whilst organisations within the voluntary sector aim to assist those seeking advice and information, it is clear that older people may be being underrepresented when it comes to policy making influence.

Assembly members have acknowledged that "older people are an important resource and one the Executive is committed to nurture."²

Despite this claim around 28% of pensioners in Northern Ireland still live in poverty and 64% of people agreed that older people are discriminated against as a result of their age.³ These figures highlight the urgent need for the establishment of a Commissioner with sufficient powers to protect the interests of older people, uphold their rights and act with urgency where appropriate.

It is however imperative that the development of local advice and information services must go hand in hand with any proposed changes to an established system. Without suitable advice and support for those who need it any new systems set up will not be able to effectively assist those it has set out to

² Nigel Dodds speaking at Belfast City Council's Senior Citizens' Convention, May 2009

³ Help the Aged Fact Sheet 2009

support. Citizens Advice feels strongly that links must be forged between the voluntary advice sector and the new Commissioner's Office to ensure that a joined up approach can be more easily accomplished. Citizens Advice would envisage that the Commissioner's Office would act as a source of assistance to the work of advisers in bureaux. Conversely we would hope that the Commissioner would feel able to contact Citizens Advice Regional Office or individual bureaux for assistance and/or specialist advice when required. This goal will not be achievable without established links and strong ties between the respective organisations.

Assembly Members who work closely with advice organisations recognise the value they bring to society, with one member saying recently: *"There is little doubt that the Voluntary and Community sector is often best placed to identify those who may be in need of help."*⁴ Whilst any future Commissioner's Office will undoubtedly be well placed to campaign and lobby on behalf of older people, it will require the assistance of established voluntary sector organisations, such as CAB, to identify issues, provide information and advice and bring forward individuals who require help and support.

While CAB strongly endorses the establishment of the Commissioner as well as supporting the proposed powers that have been outlined in the consultation document, it is important that funding is not diverted away from those organisations currently supporting older people in Northern Ireland, in order to establish and run the new Commissioner's Office.

Indeed the consultation document proposes that, due to potential conflicts of interest, the Commissioner will not have powers of mediation or arbitration. Citizens Advice believes that the power to mediate on issues of contention between service providers and older people is a must have for an effective Commissioner. If the new Commissioner's Office is to have no mediation and/or arbitration powers it could be viewed as being powerless to assist those who are most in need of help. The public may be reluctant to share their problems and seek advice from a body which it feels can ultimately be of no great assistance in solving their problem. If the Commissioner is truly to be an advocate for older people it must at the very least have the right to mediate on their behalf. Being able to respond to older peoples' concerns in a meaningful way is central to the credibility of the Office of the new Commissioner.

The question of arbitration is perhaps more difficult. Citizens Advice notes the views of organisations working specifically for older people that an arbitration function is central to the effectiveness of the new Commissioner, especially in cases of extreme urgency. However, we also note the high likelihood that this could create conflicts of interest and difficult working relationships with the providers of services for older people. These are problems that must be avoided if the Commissioner is to be able to successfully promote the needs and rights of older people. A good working relationship with service providers will be imperative if this is to be the case. This will be difficult to achieve if those same service providers feel that the Commissioner's Office is "against

⁴ Fred Cobain, UUP Chief Whip speaking in October 2008

them” on certain matters. Consequently while we feel strongly that mediation powers are a must for the Commissioner’s Office we accept that it may not currently be feasible to include powers of arbitration in this remit.

The consultation document’s suggestion that the Commissioner should be able to financially assist those seeking mediation or arbitration services is one which CAB would very much support, particularly in light of recent research to suggest that older people in Northern Ireland have limited access to information about legal advice.⁵

This issue about access to legal advice is also pertinent to the question of “Victim Standing” posed in the consultation document. The consultation document correctly asserts endowing the Commissioner with “Victim Standing” would mean that they could initiate Human Rights cases in her/his own right, without involving a specific older person (i.e. be able to take the case in its own name). Without victim standing the Commissioner could only become involved in such a case where s/he was assisting someone or making an intervention in a relevant case. Citizens Advice feels that it should be a function of the Commissioner to be able to bring cases in their own name. Older people are a particularly vulnerable group and as stated above have limited access to legal advice. They may also be unwilling or unable to present as a witness in court.

However we also recognise the current legislative obstacles to endowing the Commissioner with Victim Status, and that it may not be possible to overcome these obstacles at this time.

⁵ Subhajit Basu and Joe Duffy. "CAP research shows older people in Northern Ireland do not have appropriate access to legal advice" *NI Press* Jun. 2009. Research carried out on behalf of the Changing Ageing Partnership (CAP)

Conclusion

Citizens Advice supports the Consultation document's proposals regarding the establishment of the Commissioner for Older People in Northern Ireland. We feel that the new Commissioner must have wide ranging powers including but not limited to the power to:

1. Act independently from all other Government and public authorities;
2. Act on behalf of older people in ALL areas where older people's rights and lives are being affected;
3. Undertake casework and bring legal action where necessary;
4. Commission and publish research on issues affecting older people;
5. Liaise with other organisations currently acting on behalf of or giving advice to older people (indeed this should be a duty on the Commissioner);
6. Have jurisdiction to act for those aged 60 or over and also jurisdiction to act for those aged 50 or over, when age is an issue.