

Commissioner for Older People Legislation Team  
Equality, Rights and Social Need Division  
Office of the First Minister and Deputy First Minister  
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Belfast  
BT4 3BR

15<sup>th</sup> December 2009

Dear Sir/Madam

## **A Commissioner for Older People in Northern Ireland Consultation Document**

I am responding to the above consultation specifically on the points raised in questions 30 through to 35.

**30.**

**Who should be responsible for appointing a Commissioner for Older People?**

As described in section 14.6 In the Draft Bill the appointment should be made by the First and deputy First Minister and this should be done using an open transparent process following the principles laid out in my Code of Practice for Ministerial Appointments and subject to independent scrutiny by my Office.

The appointment arrangements for the Commissioner should include the authority to dismiss him/her, for example, on grounds of misconduct or incompetence. This is in keeping with the recommendations of the Assembly Public Accounts Committee in the report on appointments to the Hospitality Association. This can be accessed on:

[www.niassembly.gov.uk/public/2007mandate/reports/report36\\_07\\_08R](http://www.niassembly.gov.uk/public/2007mandate/reports/report36_07_08R).

**31.**

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

I do not agree that older people should be involved in the process of appointing an Older People's Commissioner for Northern Ireland. I also, as Commissioner for Public Appointments do not believe that the use of children in the selection of the Children's Commissioner necessarily enhanced or improved that selection process.

The person specification will contain the essential criteria for appointment. The criteria must be well thought through with the purpose of finding a strong and eligible pool of names from which the Ministers can choose. I do not believe it is

necessary for the older people to have a role in the process. Indeed this may complicate the process. For example how will the Department choose those older people for involvement? Are staff in the Department going to use their own parents or go to a specific group of people? A precedent of family involvement has already been set regarding the Children's Commissioner

I believe it is better to get the specification right and get on with the job of selection in the conventional manner, following my Code of Practice.

**32.**

**If you answered yes to question 31, how should it be done?**

The process should be carried out in line with my answer to question 30.

**33.**

**How long should the term of appointment for the Commissioner be?**

Having seen many different forms of appointment for regulators, ethical and otherwise I believe a one-off term of appointment of 5 years would be the most appropriate term. The Commissioner for Public Appointments for England and Wales is appointed for one term of five years only. The Police Ombudsman is appointed for one term of 7 years. This allows the appointee the opportunity to commit to a long term work plan without looking over his/her shoulder wondering whether a re-appointment will come.

**34.**

**Should the Commissioner be eligible for reappointment?**

See my response to 33 above. If a reappointment is chosen it should fall in line with the requirements of my Code of Practice for Ministerial Public Appointments.

**35.**

**Do you agree with the proposal that the Older People's Commissioner should be an independent body sponsored (including funded) by OFMDFM?**

The Older Peoples Commissioner should be fully independent and have the legal capacity to engage his/her own staff and should have a delegated budget.

Should the Department require any further advice from me on these sections of the consultation you can contact me at my office.