

**Response to the Consultation Document & Draft Bill on A Commissioner  
for Older People in Northern Ireland on behalf of the  
Community Foundation for Northern Ireland**

1. The Community Foundation for Northern Ireland is a charitable grantmaking Trust that has managed a number of independent funding programmes with a direct relevance to older, since the establishment of the Foundation in 1979. The main funds that are currently managed that relate to, and provide financial support, to older people's groups and work include The Turkington Fund and the Telecommunity Fund. Through the operation of these funding programmes, the Community Foundation for Northern Ireland is in direct contact with many hundreds of both locally and regionally based older peoples' organisations.
2. The Community Foundation is fully supportive of the establishment of a Commissioner for Older People in Northern Ireland in order to ensure that this growing section of our population has the benefit of a strong independent voice to represent their interests, in a participative and supportive manner. The Foundation is acutely conscious of the findings of the Age Challenge Survey (Help the Aged – 2008) that 73% of people surveyed believed that age discrimination is an everyday fact of life for older people. If this perception bears any relation to reality in our society then the situation must be addressed as a matter of urgency, in a proactive manner.
3. The Community Foundation for Northern Ireland is supportive of the United Nations Principles for Older People, and also the tenor of the UN Madrid International Plan of Action on Aging (2002). The Foundation further believes that cognizance must be taken of Art. 25 of the European Union Charter of Fundamental Rights – The Union recognizes and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life: We feel that this holistic approach, with an emphasis on participation, sets an important ethos for the role of Commissioner for Older People in Northern Ireland.
4. The Foundation is content with the suggested age range as outlined in the Consultation, but does feel that the provision should be included to allow the Commissioner to provide his/her services to people aged 50 years and over, in certain exceptional circumstances.
5. The Community Foundation for Northern Ireland would support the position suggested by Age Northern Ireland that the overall aim of the Older People's Commission should be to – Promote and safeguard the rights and dignity of older people; to advance equality for and challenge discrimination against older people, and to empower and enable the voice of older people in Northern Ireland. Within this broad remit, it is important

that the Commissioner should have as a paramount consideration the interests of the older person where specific cases are involved.

6. The duties as laid out under section 8.5 of the Consultation do seem to be appropriate to the role of the Commissioner for Older People, however the Community Foundation for Northern Ireland believes that the Commissioner's powers and duties should not be restricted to public authorities but should apply to public, private and voluntary sectors. Furthermore, mechanisms and procedures should be put in place that will enable the Older People's Commissioner to seek to influence policies and matters affecting older people in Northern Ireland which are decided at UK level.
7. The Community Foundation feels that the Commissioner should offer advice to the Northern Ireland Assembly, the Executive and individual Ministers and Departments as appropriate. There should be clearly identified officials within each department to act as a reference point. This is particularly important in departments, such as the Department of Agriculture & Rural Development, that might in the past have had a more tenuous link with issues relating to older people. Furthermore, we believe that with the suggested implementation of the Review of Public Administration, with increased powers being devolved to local authorities would require a dedicated reference point within the new authorities as well.
8. In terms of general powers, we feel that in addition to the collaboration between the Commissioner for Older People in Northern Ireland with colleagues in Wales, Scotland and England, provision should be made for collaboration between the Northern Ireland Commissioner and the Office for Older People in the Republic of Ireland – particularly with regard to cross-border issues of concern to older people.
9. The Community Foundation would support a memoranda of understanding or working protocols between the Commission for Older people and other appropriate Commissions in Northern Ireland. Where possible every effort should be made to identify and develop synergies in strategy, approaches and back office support provision. In addition to this however, the Commissioner for Older People should have an active relationship with, although being clearly independent from, other stakeholder organisations with a prime interest in the rights and welfare of older people. This secondary relationship would be voluntary rather than mandatory; whereas the linkages with other commissions should be mandatory in nature.
10. The Foundation does feel that the Commission should have the specific powers as set out in 11.5 of the Consultation, and should also be able to

provide assistance (financial or otherwise) to older people pursuing a grounded complaint against a relevant authority. The Commission should also be able to offer help in cases where mediation/arbitration services might be facilitative. In addition the Commissioner should have the power to bring legal proceedings in her/his right at the request of the court, through third party interventions and in the capacity of 'victim' representing older people.

11. With regard to the post of Commissioner – the Community Foundation does believe that this should be a paid post and advertised and appointed in line with best practice. The term of office should be for four years, renewable once. The office itself should be adequately funded through the Office of the First Minister/Deputy First Minister, and should certainly be commensurate and have parity of status, with other commissioners in Northern Ireland.
12. With regard to accountability the Community Foundation is content that this should flow through the Office of First Minister/Deputy First Minister, but re-iterates the call for the establishment of a clearly independent commission, that sees itself answerable to the older population of Northern Ireland. For this reason the Foundation supports the concept of the Commission working with an older people's reference group. The arrangements for the office of the Commissioner for Older People and the appointment process, should guarantee an appropriate degree of independence so that the office can operate without interference from government or public authorities.

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