

Draft



Office of the

**First Minister and
Deputy First Minister**

www.ofmdfmini.gov.uk

Commissioner For Older People

Integrated Impact Assessment

Consultative Document

Delivering a strong independent voice for older people

Please note that this document is available in alternative formats, for example Braille or large print. Please telephone 028 905 22975/28273 or mail olderpeoplescommissioner@ofmdfmni.gov.uk

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1. Introduction

1.1 The Office of the First Minister and deputy First Minister has a Programme for Government public service agreement target to create a strong, independent voice for older people. After examining all the options, and having received a commissioned independent report¹, we decided that the best way to fulfil this commitment was to have a full-time Commissioner For Older People. In order to ensure that the commissioner would have a sufficiently strong power-base, we decided that the office should be underpinned by new primary legislation.

1.2 This Integrated Impact Assessment accompanies the consultation on the Draft Bill and is designed to help consultees assess the impact of the policy.

1.3 Following a screening exercise, the Department does not consider that any proposal in the consultation document, if taken forward, would be likely to have an adverse impact on any of the nine section 75 equality groupings. However, within this Integrated Impact Assessment we have included some possible benefits across the section 75 groupings.

¹ Deloitte MCS Limited – Examining The Case For A Commissioner For Older People, Report May 2008 http://www.ofmdfmi.gov.uk/opc_report_may_pdf463kb.pdf

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1.4 The Integrated Impact Assessment has three main components;

a) Possible benefits for Section 75 groups which will arise from the work of a Commissioner For Older People;

b) A Regulatory Impact Assessment to provide an assessment of the potential costs, benefits and risks of the draft Bill on businesses, charities or the voluntary sector. This Regulatory Impact Assessment sets out and assesses options to achieve the objective of establishing a Commissioner For Older People; **and**

c) A Sustainable Development Assessment. The goal of Sustainable Development is to enable all people to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations. Consideration of a wide range of issues ensures that the Draft Bill complies with the Governments Sustainable Development requirements².

1.4 A summary of the impacts is included in Appendix B.

² <http://www.defra.gov.uk/sustainable/government/what/principles.htm>

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1.5 This screening exercise is a statutory requirement under Section 75 of the Northern Ireland Act 1998³ – using the processes laid down by the Equality Commission for Northern Ireland (ECNI)⁴

1.6. Comments on this document should be submitted by letter, fax or email to:

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³ Equality Commission For Northern Ireland – Section 75 of the Northern Ireland Act 1998.
<http://www.equalityni.org/archive/pdf/PracticalGuidanceEQIA0205.pdf>

⁴ <http://www.equalityni.org/site/default.asp?secid=home>

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2. Aims of the proposed legislation and implementation method.

2.2 After consideration of the findings of independent reports and research commissioned by the Office of the First Minister and deputy First Minister and by the voluntary sector itself^{5 6}
^{7 8} a Commissioner model was considered to be the best way to achieve the Programme for Government commitment to deliver “a strong independent voice for older people”. The measures contained within the Draft Bill seek to outline our formative thinking on the roles, remit and responsibilities of a Commissioner For Older People. Following public consultation on this Draft Bill, and a thorough analysis of the responses to it, Ministers will make decision on the final proposals for legislation to establish a Commissioner For Older People.

2.3 It is proposed that the draft legislation will provide a Commissioner For Older People:

⁵ The Possible Remit and Powers of the Independent Commissioner for Older People in Northern Ireland. Research conducted by Barry Fitzpatrick Consulting for Help the Aged in Northern Ireland March 2008. <http://policy.helptheaged.org.uk/NR/rdonlyres/09F9BE8B-6E0F-48CC-A593-ABC8505D4801/0/nicommissremit200608.pdf>

⁶ Deloitte MCS Limited – Examining The Case For A Commissioner For Older People, Report May 2008 http://www.ofmdfmi.gov.uk/opc_report_may_pdf463kb.pdf

⁷ Public Policy for Older People- The Age Agenda for Northern Ireland 2008, Age Concern Northern Ireland, 2008 <http://www.ageconcernni.org/pdf/Policy%20Booklet.pdf>

⁸ Spotlight report 2008, Help the Aged in Northern Ireland (Dr Avril Craig and Michelle Bagnall), 2008 <http://www.helptheaged.org.uk/NR/rdonlyres/A84CB587-1D93-4769-9897>

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- Power to undertake, commission or provide financial or other assistance for research and educational activities concerning the interests of older people;
- Power to conduct general investigations;
- Power to compile, provide and publish information concerning the interests of older people;
- Power to make representations and recommendations to any body or person about any matter concerning the interests of older people;
- Power to conduct a general review, or a review in an individual case of the advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities;
- Assistance with Complaints;
- Investigation of Complaints; and
- Power to review the functions of their office and to report to the Office of the First Minister and deputy First Minister on any changes that they think are necessary.

2.4 It is proposed that the commissioner will be able to use the powers to address issues common to older people e.g.

- Participation in civil life;
- Isolation;
- Poverty;
- Affordable housing;
- Access to health and Social Care services;
- Elder abuse;
- Insurance;
- Stigmatisation;
- Promoting the benefits of active, healthy living; and

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- Promoting positive activities for older people.

3. The Current Legislative Framework

3.1 The Northern Ireland Act 1998 established the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission⁹, these public bodies currently have powers that could potentially overlap with a Commissioner For Older People e.g. research, education, investigation, advocacy. In addition there are several other regulatory and scrutiny bodies in Northern Ireland who directly or indirectly act on behalf of older people, including;

- Office of the Northern Ireland Ombudsman;
- Regulatory Quality and Improvement Authority;
- Northern Ireland Social Care Council;
- The Commission for Victims and Survivors ;
- Police Ombudsman for Northern Ireland;
- Prisoner Ombudsman for Northern Ireland; and
- Criminal Justice Inspection Northern Ireland.

4. Working with other bodies

4.1 The Commissioner For Older People will not work in isolation from other regulatory, scrutiny and oversight bodies which are already undertaking duties in relation to older people. The Equality Commission for Northern Ireland for example, is

⁹ The Northern Ireland Act 1998 part VII -

http://www.opsi.gov.uk/Acts/acts1998/ukpga_19980047_en_7#pt7-pb1-1g68

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responsible for the promotion of age equality in the field of employment and vocational training. The police are responsible for investigating allegations of elder abuse and community safety. The Regulation and Quality Improvement Authority is the independent body responsible for monitoring and inspecting a range of health and social care services.

4.2 The Commissioner For Older People should not replace or duplicate the duties of existing public bodies. Indeed, in some cases this could cause confusion or even be damaging for the Commissioner For Older People to intervene in or investigate a case which another body might be better equipped to deal with.

4.3 We think that the Commissioner For Older People should work in partnership with other bodies to promote and safeguard the interests of older people and to ensure that they understand and coordinate their respective functions. The Commissioner For Older People, therefore, may be required or encouraged to draw up Memoranda of Understanding or Protocols with other organisations. We also think that there may be cases where the Commissioner For Older People should have power to review the arrangements such bodies have in place for advocacy, complaint, inspection and whistle-blowing.

4.4 The Commissioner For Older People will have a very wide range of powers at their disposal, including, for the purpose

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of formal investigation, powers of entry and interviewing and to call for persons and papers.

5. Equality Screening

5.1 An Equality screening exercise indicated that the policy to establish a Commissioner For Older People had no significant impact for equality of opportunity on one or more of the nine equality categories. Therefore there is no requirement for an Equality Impact Assessment. However the screening exercise also indicated possible benefits to the Section 75 groups from the work of a Commissioner For Older People (See Below).

6. Consideration of available data and research

6.1 Consultation on issues relevant to the policy proposals that have informed the Draft Bill has been carried out by Deloitte Consulting¹⁰ on behalf of the Office of the First Minister and deputy First Minister and informal engagement with the voluntary sector, the Advocate, Dame Joan Harbison and other interested stakeholders has been ongoing. Comparisons have been carried out with other representative models within the UK and further afield. See Appendix A.

¹⁰ Deloitte MCS Limited – Examining The Case For A Commissioner For Older People, Report May 2008 http://www.ofmdfmi.gov.uk/opc_report_may_pdf463kb.pdf

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Consultation on a Draft Bill

by

The Office of the First Minister and Deputy First Minister

Possible Benefits For Section 75 Groups From The Work of A Commissioner For Older People

7. Possible Benefits

7.1 Age

7.2 We intend to set the age limit that the Commissioner can represent at 60 and over. However, as the experience of older age can vary, we are proposing that the Commissioner For Older People has a discretion in the draft Bill to assist people between the ages of 50 and 60 (inclusive) possibly in defined circumstances or, an actual power to assist people between the ages of 50 and 60 plus, in defined circumstances. For example, if there was a general age-related concern with wider implications and/or cases of particular vulnerability.

7.3 The proposals contained within the Draft Bill should have a positive effect on the 60 plus age group and no effect on 0-59 age group. Any potential adverse impact for those aged 18-59 is mitigated by the fact that other routes of redress exist for any complainant within this age group.

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7.4 Race, Sexual Orientation, Religious Belief & Political Opinion

7.5 As the Draft Bill will focus equally on all older people, there is no significant impact in relation to race, sexual orientation, religious belief or political opinion.

7.6 We are not aware of any evidence which suggests that the Draft Bill would impact on these groups.

7.7 The Department welcomes comments from organisations and individuals representing the interests of these groups.

7.8 Disability

7.9 The evidence suggests that older people are more likely to suffer from age related disabilities¹¹. We believe the Commissioner would bring a positive benefit for this category, for example, it is conceivable that the Commissioner For Older People could support campaigns which encompass both age and disability issues.

¹¹ "There is a clear increase in disability with age, rising to 60% amongst those aged 75 and above. Indeed, amongst the very elderly, aged 85 and above, two-thirds are living with a disability or disabilities" First Report from the Northern Ireland Survey of People with Activity Limitations and Disability.

<http://www.csu.nisra.gov.uk/NISALD%20Household%20Prevalence%20Report.pdf>

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7.10 We anticipate there being a positive benefit from the creation of a Commissioner For Older People. We do not anticipate any adverse impact on this group.

7.11 The Department welcomes comments from organisations and individuals representing the interests of this group.

7.12 Marital Status

7.13 Marital status includes;

- Single, that is ,never married;
- Married and living with husband/wife;
- In a Civil Partnership;
- Married and Separated;
- Divorced; and
- Widowed.

7.14 There is potential for interaction between marital status and age. For example as people live longer there is a greater risk/likelihood that they could be living alone following the bereavement of their spouse or partner .

7.15 As these groups could be specifically assisted by the Commissioner For Older People on the basis of age we believe this would be a positive benefit or interaction. We do not anticipate any adverse impact on this group.

7.16 The Department welcomes comments from organisations representing the interests of this group.

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7.17 Men and Women Generally

7.18 The Commissioner For Older People might well assist those groups trying to alleviate loneliness and isolation among older people such as neighbourhood befriending projects. Statistics indicate that “Older women were twice as likely as men to live alone, in 2002, 60% of women aged 75 and over lived alone compared with 29% of men of the same age”¹² and may therefore require the services of an organisation like the Older People’s Commissioner to assist them.

7.19 We believe there would be a positive benefit or interaction in relation to gender. We do not anticipate any adverse impact on this group.

7.20 The Department welcomes comments from organisations representing the interests of this group.

7.21 Persons with Dependants

7.22 As this grouping also includes people with primary responsibility for the care of an older person, there could be an impact on carers, who are themselves older people. A

¹² Office of National Statistics, *Focus on Older People* (2005)

http://www.statistics.gov.uk/downloads/theme_compendia/foop05/Olderpeople2005.pdf

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Commissioner For Older People could well assist the 93,000 carers aged over 60 years old in Northern Ireland¹³.

7.23 There may well be benefits for the people who provide care in recognised establishments such as hospitals, care homes and nursing homes. The Commissioner For Older People could assist these establishments by joining the debate around sustainable approaches to funding long-term care.

7.24 We believe there would be a positive benefit or interaction in relation to dependants. We anticipate a positive impact on this group.

7.25 The Department welcomes comments from organisations representing the interests of this group.

8. Measures to mitigate significant impact and alternative policies which might better achieve equality of opportunity

8.1 We believe the appointment of a Commissioner For Older People is an extremely positive initiative designed to help improve the lives of those aged 60 plus (with discretion to assist those aged 50-59).

¹³ 2001 Census, Northern Ireland Statistics and Research Agency

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- 8.2 We do not anticipate any significant impacts on any of the Section 75 groups. The impact of the proposed Draft Bill should be a positive one for all concerned.
- 8.3 The Department welcomes comments from organisations representing the interests of any of the nine Section 75 categories

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Consultation on a Draft Bill

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DRAFT REGULATORY IMPACT ASSESSMENT

9. Options

9.1 There are 3 options for dealing with the establishment of a Commissioner For Older People at this stage.

a) Do nothing. Whilst there are numerous public bodies that can address older peoples issues. There is no single body which focuses exclusively on providing a holistic and strategic approach to those matters of concern to older people.

b) Strengthen the role of the Equality Commission for Northern Ireland or the Northern Ireland Human Rights Commission in relation to older people. Deloitte reports that this was considered by the Equality Commission for Northern Ireland but not taken forward at its commencement as stakeholders external to these bodies were concerned that the older people's agenda would get lost among the many other issues concerning these bodies¹⁴.

¹⁴ Deloitte MCS Limited – Examining The Case For A Commissioner For Older People, Report May 2008 Page 48 [http://www.ofmdfmi.gov.uk/opc_report_may_pdf463kb .pdf](http://www.ofmdfmi.gov.uk/opc_report_may_pdf463kb.pdf)

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c) Establish a new Commissioner tasked with specifically looking after the interests of older people. The Deloitte Report evaluated the need for a Commissioner For Older People. It was considered that there were gaps in existing provision in this area and concluded that there was a significant need and a strong case for establishing a Commissioner For Older People. Of those older people consulted by Deloitte¹⁵, 95% agreed with the intention to create a Commissioner For Older People.

10. Costs and benefits

10.1 Benefits

10.2 While it is not straightforward to quantify the likely benefits there are quantative benefits to society in terms of the quality of everyday life for many of our older citizens who make up a very substantial proportion of the total population; a proportion that is likely to increase in the future because of the ageing of the population¹⁶. By 2041:-

¹⁵ Deloitte MCS Limited – Examining The Case For A Commissioner For Older People, Report May 2008 http://www.ofmdfmi.gov.uk/opc_report_may_pdf463kb_.pdf

¹⁶ Deloitte MCS Limited – Examining The Case For A Commissioner For Older People, Report May 2008 http://www.ofmdfmi.gov.uk/opc_report_may_pdf463kb_.pdf Table 2.3. For UK and ROI see tables 2.5 to 2.8

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- The estimated population of persons aged 50 and over will increase by 64% - to 42% of the total population in 2041 compared to 30% in 2006;
- The working age population will increase from 62% to 67% of the total population, an increase of 5%;
- Persons of pensionable age will increase by 59% to represent 25% of the population; and
- The 75 and over population will more than double to 14% of the total population.

10.3 Costs

10.4 Implementation Costs

10.5 The Commissioner For Older People will receive funding as grant-in-aid from the Office of the First Minister and deputy First Minister. Set up costs are estimated to be £0.5m and running costs for the first year are estimated to be £1.5m. We will look at reducing running costs by sharing services with other Non Departmental Government Bodies such as the Commissioner for Children and Young People (as the Advocate is currently doing) or the Equality Commission for Northern Ireland. These set up and running costs are broadly in line with those incurred by the Welsh Assembly when it established their Commissioner For Older People.

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10.6 Costs to Service Providers

10.7 We do not anticipate any cost to service providers from the establishment of a Commissioner For Older People as the Commissioner For Older People will receive funding as grant-in-aid from the Office of the First Minister and deputy First Minister.

10.8 Costs to police/Public Prosecution Service

10.9 There should be no impact on costs to the police or the Public Prosecution Service as a result of the establishment of a Commissioner For Older People.

10.10 Cost to the Courts

10.11 There may be a cost associated with extra court cases as a result of the proposal. The Commissioner will be given powers to support cases and to bring cases in her own right. Most cases will be heard in county courts but a small number of cases may be heard in the High Court. Our view is that it is very unlikely that there will be many cases in any given year which require court action¹⁷.

10.12 How much will each case cost to the courts?

¹⁷ Certain acts of public authorities will be susceptible to judicial review; this will apply to the new OPC, as a public authority.

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10.13 Anyone taken to court by an alleged victim of discrimination will be expected to meet their own legal costs. However, it is open to a court to make a costs award against the plaintiff and in favour of the respondent if it rules that no discrimination took place. Equally, if the court rules that discrimination did take place, a person or service provider may be ordered to pay the costs of the victim. Insurance is available to organisations to cover the costs of legal action.

10.14 Costs to the Insurance Sector

10.15 We do not anticipate that any additional costs will be imposed on insurance and assurance companies as a result of this legislation, although we would welcome their comments on the proposal. Evidence from consultation with older peoples' groups suggests that older people have found difficulty in getting certain types of insurance; notably motor insurance and travel insurance. The Association of British Insurers (ABI) has indicated in a report "Insuring Older People"¹⁸ that it recognises the issues that older people face, and that it intends to develop a referral system to ensure that older people can get the cover they need.

11. Small Firms' Impact Test

¹⁸ <http://www.abi.org.uk/BookShop/ResearchReports/Insuring%20Older%20People.pdf>

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11.1 The Small Firms Impact Test becomes a mandatory part of the Impact Assessment process when a proposal imposes or reduces costs on business¹⁹.

11.2 We do not anticipate any impact on small or medium sized enterprises as a result of the proposed legislation.

12. Equity and Fairness

12.1 The measures contained in the Draft Bill should impact upon older people only. Such steps should greatly promote policies and practices that can be developed or adapted to take account of older people's issues and needs.

12.2 We therefore expect the policy to have a very positive impact for those people over 60 years of age.

13. Competition Assessment

13.1 Due to the minimal effect on the private sector, there will be no effect on competition. A competition filter has been performed that indicated a competition assessment is unnecessary.

14. Enforcement and Sanctions

¹⁹ <http://www.berr.gov.uk/whatwedo/enterprise/enterprisesmes/regulation-and-tax/info-officials/small-firms-ia/page38021.html>

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14.1 Enforcement will normally be by a victim of unlawful discrimination bringing proceedings through the courts (i.e. county court). The Commissioner For Older People will be able to support some victims to pursue strategic cases.

15. Consultation

15.1 The consultation document is asking for views on the Draft Bill. The responses will be collated and analysed before the Bill is finalised. If required a full Regulatory Impact Assessment will be drawn up at that stage before the final Bill is laid before the Assembly.

16 Monitoring and Review

16.1 The Commissioner For Older People will have responsibility to keep the working of the proposed legislation under review. The Commissioner For Older People will need to consider the effectiveness and adequacy of the statute and, if necessary, make recommendations or proposals to the Department for changes. Ministers will then decide whether or not to accept any such proposals for change.

17. Summary and recommendation

17.1 The Department believes that the nature of the protection envisaged from the new Commissioner For Older People will have a minimal impact upon costs for the business, public and voluntary sectors.

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Consultation on a Draft Bill

by

The Office of the First Minister and Deputy First Minister

DRAFT SUSTAINABLE DEVELOPMENT ASSESSMENT

18. Health Impact Assessment

18.1 The Draft Bill itself is not expected to have an impact, significant or otherwise, on the general health of the population. The outworking of the policy and the actions taken by a Commissioner For Older People could bring positive health benefits to older people. In considering better health for older people the Commissioner For Older People might consider issues raised by organisations working in the health sector²⁰:-

- Integration and co-ordination of services;
- Staff recruitment, retention and motivation;
- Care must be person-centred;
- Communication is vital;
- Models of care must meet an individual's need;
- Carers must be supported, and their contribution recognised;
- Social inclusion is essential;
- Nutritional care is important; and

²⁰ Improving the Care of Older People in Northern Ireland, British Medical Association, 2008

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- Mental health issues must be addressed.

18.2 The Department welcomes comments from organisations and individuals concerned with the health of older people.

19. Rural Impact Assessment

19.1 The Draft Bill itself is not expected to have significant impact on the rural and urban communities. Outworking of the policy, i.e. the actions that the Commissioner For Older People might take on behalf of people in rural communities could have a positive and beneficial effect. The Commissioner For Older People should ensure that the services of the office are accessible on a fair basis to the rural community. An example could be the Commissioner For Older People supporting or working with groups to alleviate the problems of older people living in rural areas e.g.

- Transportation;
- Social isolation;
- Housing;
- Accessibility and community safety;
- Health Care Policy;
- Community Services; and
- Training and Relationship Building.

19.2 Many of the problems facing older people in rural areas are shared by those in urban communities which have had an inhibiting effect on the lives of large numbers of older people.

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19.3 The Department welcomes comments from organisations representing the interests of older people in rural and urban communities.

20. Crime Impact Assessment

20.1 The Draft Bill is not expected to have a significant impact on Crime however the outworking of the policy, i.e. the actions that the Commissioner For Older People might take on behalf of older people against crime would have a positive impact. For example a crime that particularly concerns older people is distraction burglaries. The Commissioner For Older People might wish to support those groups promoting awareness and prevention of this type of crime²¹ through, for example, joint media campaigns or promotional literature.

20.2 The Department welcomes comments from organisations representing the interests of those groups or individuals concerned with older people and crime.

21. Community Safety Impact Assessment

21.1 The Draft Bill itself is not expected to have a significant impact on Community Safety. Outworking of the policy, i.e. the actions that a Commissioner For Older People might take

²¹ Senior Citizens Convention 2008
<http://www.belfastcity.gov.uk/seniors/Docs/SeniorsSummaryReport.doc>

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on behalf of Community Safety could have a positive and beneficial effect. Agenda for the Age – The Road Ahead for Older People in Northern Ireland, Age Concern Northern Ireland, 2000²² highlighted the sorts of issues that concern older people. These include:-

- Befriending schemes;
- Safety Information Seminars;
- Identifying individuals who would benefit from regular checks/calls by police and arranging these;
- Establishing partnerships between older people and the emergency services;
- Promoting the availability of grants for safety items;
- Encouraging people to be aware and vigilant; and
- Establishing a neighbourhood watch type scheme.

21.2 The Commissioner For Older People might consider ways to work with organisations to address issues such as these.

21.3 The Department welcomes comments from organisations concerned with Community Safety issues regarding older people.

22. Human Rights Impact Assessment

22.1 The Draft Bill is expected to have a positive impact on Human Rights. The Commissioner For Older People will be

²² <http://www.ageconcernni.org/pdf/polpospapers-communitysafety-03.pdf>

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able to address issues affecting older people across the board and this should have a positive effect on protecting their interests. Additionally, whilst considering the Welsh Older Person's Commissioner Bill the Joint Committee On Human Rights of the Westminster Parliament reported that there was no risk to incompatibility with the European Convention of Human Rights. Indeed the committee welcomed the legislation as having a positive effect on the human rights of older people.²³

23. Victims Impact Assessment

23.1 The Draft Bill itself is not expected to have any impact on Victims. A Commission for Victims and Survivors²⁴ exists to look after the rights and best interests of Victims irrespective of age.

24. New Targeting Social Need (TSN)

24.1 TSN is about the way the Government, its Departments and public bodies approach some of the most important problems in society, including some which are special to Northern Ireland²⁵.

²³ www.publications.parliament.uk/pa/jtselect/jtrights/96/9605.htm

²⁴ <http://www.mygroupni.com/victimscmission/>

²⁵ „Some groups have additional needs, which, if not catered for, could place their most vulnerable members at risk of social exclusion. Examples of such groups might include those most affected by the Troubles, Travellers and members of other ethnic minorities, older people on low incomes, and young people with limited skills” http://www.ofmdfni.gov.uk/new_tsn_document.pdf

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24.1 In establishing a Commissioner For Older People the Draft Bill could only have a positive impact in that vulnerable older people can be specifically represented by a strong independent voice to address all areas of social need.

25. Social Inclusion

25.1 The Draft Bill itself is not expected to have any adverse impact on Social Inclusion but again there could be positive action taken by the Commissioner For Older People to prevent this issue. The Older People strategy document, 'Ageing in an Inclusive Society' highlights five areas of exclusion for older people²⁶:-

- Insufficient Income;
- Where a person lives;
- Discrimination;
- Ill-health and disability; and
- Lack of access to transport.

25.2 The office of a Commissioner For Older People could seek to promote solutions to these issues such as those illustrated in a recent report *Excluded Older People: New Policy Approaches* for the Office of the Deputy Prime Minister²⁷;

- Early Intervention;

²⁶ <http://www.ofmdfmi.gov.uk/age-ageing-in-an-inclusive-society.htm>

²⁷ <http://www.lga.gov.uk/lga/aio/36569>

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- Promoting user involvement, choice and control; and
- Joined up and co-ordinated services.

25.3 The Department welcomes comments from organisations concerned with Social Inclusion issues regarding older people.

26. Regional Development Strategy

26.1 Shaping Our Future is a Regional Development Strategy which offers a strategic and long-term perspective on the future development of Northern Ireland up to the year 2025. There is no anticipated impact from the Draft Bill on the Government's Regional Development Strategy²⁸. However with the growth in the number of older people, the Commissioner For Older People could review the impact and adherence to the aims and outcomes of long term Government strategies. This could include provision of "public walkways, increased accessibility through the network, with construction and surfacing such as dropped kerbs, tactile paving, good quality surfaces, clear widths, streetscape improvements and removal of obstacles that accommodates all age groups and levels of mobility, with focus on the particular needs of older people and people with disabilities²⁹".

²⁸ http://www.drdni.gov.uk/index/regional_planning.htm

²⁹ Issue 9459: BMTP STRATEGY: PEDESTRIAN ACCESS
http://www.pacni.gov.uk/bmapstage1/submissions/BMAP_BMTPAPPROACH_0014.doc

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26.2 The Draft Bill would have no adverse impact on The Strategic Planning (Northern Ireland) Order 1999³⁰.

27. State Aid Compliance

27.1 State aid rules apply to organisations involved in economic activity ('undertakings'). The organisation does not have to be profit-making if the activity carried out is one which has commercial competitors. In some instances, public and voluntary sector organisations, such as universities and charities, could be classified as undertakings, as can the State itself³¹.

27.2 The office of the Commissioner For Older People would be state aid compliant. In accordance with the European Commission, Treaty of Rome, Article 87³².

³⁰ <http://www.opsi.gov.uk/si/si1999/19990660.htm>

³¹ <http://www.ofmdfni.gov.uk/stateaid.pdf>

³² http://ec.europa.eu/competition/state_aid/legislation/provisions.html

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28. Consultation

28.1 The Department recognises the need for meaningful consultation and is committed to consulting in an open and inclusive manner. Consultation on the draft Bill and the Integrated Impact Assessment are being carried out at the same time.

28.2 The Department is keen to ensure that all barriers to effective consultation are removed. In these circumstances the Department will welcome requests for meetings and consider meeting with any organisations which have a particular interest in relation to the Section 75 dimensions or who represent groups within Section 75, or are individuals directly affected by the Draft Bill in question. We will also consider providing translations or other facilities necessary to enable participation in this consultation.

29. Questions

1. Are you aware of any other data which you wish to draw to our attention?
2. Has the Department correctly identified and assessed the possible impacts of the proposals?
3. Has the Department correctly identified and assessed the potential mitigations and alternatives to those impacts?
4. Is there anything else you wish to add in relation to the integrated impact assessment?

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30. Decision by Public Authority and Publication of Report on Results of an Integrated Impact Assessment

30.1 A final decision on the content of the Bill and any residual clauses will be taken once the consultation period is concluded and a full analysis of the consultation responses has been undertaken.

30.2 The Department will also publish consultation responses except those in relation to which confidentiality can be guaranteed under the Freedom of Information Act 2000. It will publish a full response, as soon as possible to issues raised in the public consultation and will notify consultees when this is done and publish it on our website

31. Monitoring for Adverse Impact in the Future and Publication of the Results of such Monitoring

31.1 The Department is committed to ensuring that its policies do not have an adverse impact on any section of society and will work to ensure that where there are any outstanding potential adverse impacts that these are monitored in accordance with Equality Commission for Northern Ireland guidance.

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Appendix A – INTERNATIONAL COMPARISONS.

JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY
WALES	Devolved Administration.	2,980,700	Commissioner
ANY POLICY INFO			
<p>The Commissioner is appointed as an independent statutory officer for a term of 4 years, renewable once only. Older people are defined as a person aged 60 and over. The Commissioner is to act as a watchdog charged with promotion, consultation, review, advocacy, education and investigative functions. In this last capacity, it can be compared with the role of an Ombudsman, although its actual involvement in investigating particular cases of maladministration is more restricted. Effectively, as with the Children’s Commissioner for Wales, upon which it is modelled, the Commissioner for Older People is empowered to examine the case of a particular older person or persons if it involves an issue that has general application to the lives of older people in Wales. The new Commissioner’s review functions are broadly based, covering the Welsh Assembly itself and, more generally, those organizations charged with the delivery of services to older people in Wales. This review function also extends to the mechanisms available for advocacy, the making of complaints and whistle-blowing.</p>			
JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY
IRELAND	Nation	4.1m	Government Minister for Older People
ANY POLICY INFO			
<p>The Minister for Older People and Health Promotion has cross-cutting powers across several Departments. The development of Services for older people is a priority on the Government agenda. The cornerstone of policy is supporting older people to live in their own community for as long as possible. The Minister for Older People has responsibility for the Office for Older People. This Office reinforces the commitment of the Government to enhancing many aspects of the lives of senior citizens, particularly through promoting improved co-operation at all levels of both the statutory and voluntary sectors. The Government’s objective of continued development of community-based services for older persons is reflected in the levels of funding given to the sector in recent times - over €400 million.</p>			

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JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY
ENGLAND	Nation	61m	Government Minister for Ageing Society and an Independent champion of older people
<p>The Minister for Pensions and the Ageing Society has cross-cutting powers across several Departments and chairs a cabinet committee on ageing which to was established to coordinate policies across government departments that include the Department of Work and Pensions, Jobcentre Plus, the National Health Service (NHS) and the Department for Education and Skills. The Government have recently appointed a champion of the older people Dame Joan Bakewell, to act as an "independent and informed advocate" on older people's issues, Her role includes raising the profile of age equality issues and encouraging public debate around age discrimination laws. Dame Joan Bakewell's post is voluntary and she does not have any powers.</p>			
JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY
SCOTLAND	Nation.	5,120,000	A Private Member's Bill was proposed to establish a Commissioner for Older People in Scotland. The Bill lapsed at dissolution on 2 April 2007 and has not been reintroduced.
ANY POLICY INFO			
<p>The background issues and concerns behind the case for a Scottish Commissioner for Older People were broadly similar to those found in the March 2004 Report of the Welsh Advisory Group. The ageing population was discussed, including the estimation 'that by 2040 around 40% of the Scottish population will be aged 65 or older'. Also noted were high profile media stories about the abuse of older people at a number of care homes. It was argued that 'As older people make up an ever larger share of our population it is absolutely vital that their rights and interests are safeguarded'. In March 2007, the Scottish Executive launched " All our Futures , Planning for a Scotland with an Ageing Population" which included several high level commitments including setting up the Scottish Centre for Intergenerational Practice , setting up the National Forum on Ageing and launching a campaign to combat ageism and promote positive images of older people.</p>			
JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY

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STOCKHOLM	City.	1.5m	Ombudsman
ANY POLICY INFO			
<p>The Ombudsman for the Elderly is independent and impartial but is not a legal body or authority. Provides support and guidance for elderly people and their relatives, next-of-kin and other representatives. Informs elderly people of the administration or authority they should approach and, if necessary, help them to get in touch. The Ombudsman can consider and follow up viewpoints, wishes and grievances and pass them on to the appropriate elderly services officers so that any shortcomings can be noted and rectified. Propagate good examples so that the elderly services provided by the City of Stockholm can be developed and improved.</p>			
JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY
DENMARK	98 Municipalities.	55,000 per municipalities.	Senior citizens councils established at local Government level.
ANY POLICY INFO			
<p>Activation, co-responsibility, and the use of older people's own resources are key words in ageing policy in Denmark. The view that older people automatically are regarded as ill or weak shall never dominate.</p>			
JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY
USA	Each State	515,000 – 36.5m	Each state has a Long Term Care Ombudsman. Some states also have Commissioners for Older. People. There are also Commissioners at state and sub-state level who represent Older people.
ANY POLICY INFO			
<p>The Long Term Care Ombudsman Program resolves the problems of individual residents in long-term care facilities, assists resident councils, family</p>			

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councils and citizen organisations, and represents the needs and interests of long term care residents to public officials. The national programs administered federally by the Administration on Ageing, US Department of Health and Human Services. **Some jurisdictions have in addition a Commission on the Aging**, as in Idaho where a total of six local areas have their own commissioners. Their duties and responsibilities include: advocating within State government for older people; advising on State legislative issues affecting older people; making rules related to programs and services administered by the Commission; and conduct public hearings about the health and social needs of the elderly. **At the sub-State level**, New York City has a Department of Aging headed by a Commissioner whose role is to provide a range for health care and social services to people 60 years and over. Similarly, in the city of Boston there is a Commission on Affairs of the Elderly, which seeks to enhance the quality of life for Boston's senior citizens through planning, coordinating, and monitoring the delivery of services to the elderly in an efficient and effective manner. Its work includes a program, providing door-to-door transportation to eligible people who cannot use general public transportation all or some of the time, because of a physical, cognitive or mental disability. The Commission also provides information on heating assistance and other social and financial issues facing the elderly. **At the State level**, there is in addition a Massachusetts Commission on End of Life Care. The Commission collaborates with organizations and programs to raise awareness and provide education around end-of-life issues as well as to develop public policy recommendations.

JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY
AUSTRALIA - NEW SOUTH WALES	State	6.77m	The New South Wales Government is currently considering need for a Commissioner for Older People.

ANY POLICY INFO

Key policy issues in considering a Commissioner for Older People in NSW centre on the following. There is no shortage of government and non-government organizations working on behalf of older people in NSW, which begs the question whether a new watchdog and/or advocacy body is needed at all. Would such a body only duplicate the work of existing organizations? Is there a genuine and identifiable gap to be filled, a compelling social and/or legal need that has to be addressed by a Commissioner for Older People? Another consideration is that, as nursing homes are regulated by the Commonwealth Department of Health and Ageing, some of the work such a Commissioner might be expected to undertake would be found more under federal than State jurisdiction. On the other hand, the scope of NSW involvement in the delivery of services to older people and the making of relevant laws remain very considerable. It may be that a NSW Commissioner for Older People could operate as a one-stop shop, providing advice and direction on the availability of services at all levels of

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government.			
JURISDICTION	AREA COVERED	POPULATION COVERED	TYPE OF AUTHORITY
NEW ZEALAND	Nation	4.10m	Government Department/Minister
ANY POLICY INFO			
<p>The Office for Senior Citizens is part of the Ministry of Social Development and provides the Minister for Senior Citizens with advice on issues relating to older people. The office promotes and monitors the New Zealand Positive Ageing Strategy and advocates for policies that have a positive effect on the lives of older New Zealanders. The office also develops legislation that protects the rights and interests of older people in New Zealand.</p>			

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Appendix B – IMPACT TABLE.

IMPACT ON	SIGNIFICANT IMPACT(S)	COMMENTARY
AGE	No	18 – 59 age group might consider themselves to be differentially mitigated upon as they are not specifically represented. However Any potential adverse impact is mitigated by the fact that other routes of redress exist for any complainant within this age group.
RACE/SEXUAL ORIENTATION/RELIGIOUS AND POLITICAL BELIEF	No	No adverse impact as the OPC is intended to act for all older people irrespective of race, sexual orientation, religious belief or political belief.
DISABILITY	No	No adverse impact as the OPC is intended to act for all older people including older disabled people.
MARITAL STATUS	No	No adverse impact as the OPC is intended to act for older people irrespective of marital status.
MEN & WOMEN GENERALLY	No	No adverse impact as the OPC is intended to act for all older people irrespective of gender.
PERSONS WITH DEPENDENTS	No	There may be a small positive impact on carers who are themselves older people. Also

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		there could be a small positive on those who provide residential care for older people.
REGULATORY IMPACT	No	The legislation would have no adverse impact on small/ medium sized enterprises.
HEALTH	No	The Draft Bill should have no impact on the general health of the population.
RURAL IMPACT	No	The Draft Bill should have no adverse impact on the rural community.
COMMUNITY SAFETY	No	The Draft Bill should have no impact on Community Safety.
HUMAN RIGHTS	No	The Draft Bill should have no adverse impact on Human Rights.
VICTIMS	No	The Draft Bill should have no impact on Victims as they are specifically represented by Victims Commissioners.
TARGETING SOCIAL NEED	No	The Draft Bill could have a positive impact as vulnerable older people could be specifically represented by a strong independent voice to address all areas of social need.
PUBLIC EXPENDITURE/SERVICE	No	The Draft Bill should have no impact as costs will not fall to any businesses.
REGIONAL DEVELOPMENT	No	The Draft Bill would have no adverse impact on The Strategic Planning. (Northern

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		Ireland) Order 1999.
STATE AID COMPLIANCE	No	No impact as the office of the OPC would be state aid compliant.